

EFFECTIVE APRIL 10, 1911

STATE ENGINEER'S OFFICE

Regulations as to Change of Point of Diversion.

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section:

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the land to be irrigated.
 - (f) Lands to be irrigated to be shown by cross-hatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me 191....., and correctly shows position of points indicated thereon.

.....
Engineer.

P. O.

Date 191.....
(Over)

Dec 11 1910
22-6756

STATE OF IDAHO,

County of Fremont

} ss.

Conrad A. Bauer

being first duly sworn, upon his

oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

SW 1/4 of Sec. 25, T. 7 N. R. 40 E. B. M., containing 160 acres.as evidenced by the decree dated 16th day of December 1910.in the cause entitled Rexburg Irrigation Company et al., Plaintiffsvs. Teton Irrigation Canal Company et al Defendants broughtin the District Court of the Sixth Judicial District of the State of Idaho; or,That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. _____

That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

He desires to change point of diversion from Pioneer
Ditch to the Stewart Ditch.

That such change will be made for the following reasons, to-wit:

Unable to irrigate from the Pioneer; land too high.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Conrad A. BauerSubscribed and sworn to before me this 21st day ofJune - 1924[Signature]

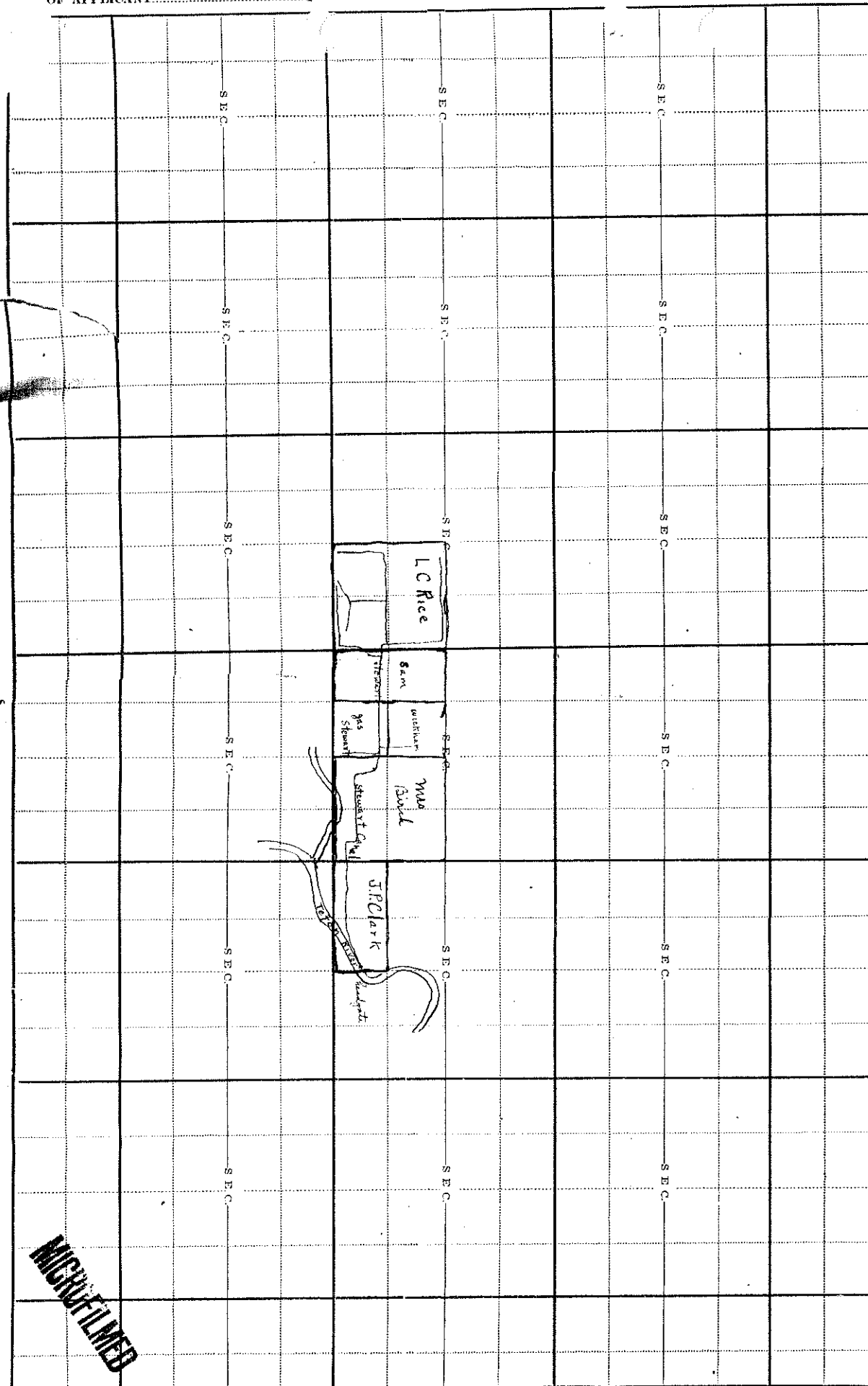
Notary Public.

My commission expires 4-1-1927

(Over)

MICROFILMED

Township 7 North Range 40 East



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