

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Edgar Berney)

of St. Anthony, Idaho)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

For a Change of Point of Diversion from Fall)
River and Black Spring Creek in Water District)
No. 36, Fremont County, Idaho)

No. 204

WHEREAS, On the 5th day of January, 1950, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Edgar Berney of St. Anthony, Idaho, for a change of point of diversion on Fall River and Black Spring Creek, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is hereby granted, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 14th day of April, 1950.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

RECEIVED
APR 17 1950

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

C E R T I F I C A T E O F C H A N G E O F P O I N T O F D I V E R S I O N O F D E C R E E D W A T E R R I G H T S

No. 204

THIS IS TO CERTIFY THAT EDGAR BARNEY, of St. Anthony, Idaho, is the owner of and using a certain water right for four (4) cubic feet per second of the waters of Fall River with priority of June 1, 1890 and for one and two tenths (1.2) cubic feet per second of the waters of Black Spring Creek with priority of June 1, 1894, said water being decreed to Z. Sundberg by Judge J. M. Stevens of the District Court of the 6th Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY, et al
Plaintiffs,

vs.

TETON IRRIGATION CANAL COMPANY, et al
Defendants.

said decree bearing date of December 16, 1910 and being appurtenant to the following described lands, to-wit:

Lots 1, 2, 3, and 4, Section 7,
Township 8 North, Range 42 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, beginning at Page 450.

And that now, upon the application of Edgar Barney, of St. Anthony, Idaho, for a Certificate of Change of Point of Diversion for 5.2 cubic feet per second of the waters of Fall River and Black Spring Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water right, or place of use. Said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

4 cubic feet per second from Fall River with Priority
of June 1, 1890.

1.2 cubic feet per second from Black Spring Creek with
priority of June 1, 1894.

That the water rights above described have heretofore been diverted from Fall River and Black Spring Creek with point of diversion in the SW $\frac{1}{4}$ Section 18, Township 8 North, Range 42 East, B.M.

That the water rights above described will hereafter be diverted from said streams with point of diversion in the SE $\frac{1}{4}$ Section 35, Township 9 North, Range 43 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 14th day of April, 1950.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer