

STATE OF IDAHO.

County of Ada

ss.

ROSS J. COMSTOCK, Agent for Deseret Savings Bank of Salt Lake, 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:
SE 1/4 Sec. 16, Township 6 North, Range 40 East of Boise Meridian

as evidenced by the decree dated 16th day of December, 1910
in the cause entitled REXBURG IRRIGATION COMPANY, et al. Plaintiff,
vs. TETON IRRIGATION CANAL COMPANY, et al. Defendant, brought
in 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
point: (two points of diversion)

50 miners inches will be diverted at the heading of the Woodmansee-Johnson ditch in
NE 1/4 NW 1/4, Section 1, Township 6 North, Range 40 East of Boise Meridian, and
30-miners inches will be diverted at the heading of the Teton Island Feeder Canal in
NW 1/4, Section 36, Township 7 North, Range 40 East of Boise Meridian

That such change will be made for the following reasons, to-wit: That the Rexburg City Canal
thru which the water is now conveyed to said land
is not convenient for the purpose of irrigating the lands while the Woodmansee-John-
son Rexburg Mill Ditch Company has a ditch which lies immediately south of the prop-
erty described through which 50 acres of said land may be irrigated and the Teton
Island Canal Company has a ditch with its feeders which conveys water to the north-
west corner of the property described and through those two systems the lands can
be more economically irrigated than through the present Rexburg City Ditch System.

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.

Deseret Savings Bank of Salt Lake
by Ross J. Comstock agent

Subscribed and sworn to before me this 8th day of February, 1928.

My commission expires Apr. 11 - 1929

Clara M. Brown
Notary Public.

(Over)

RECORDED

22-0003

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 lands to be irrigated.
- (f) Lands to be irrigated to be shown by crosshatching, 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.)