

north

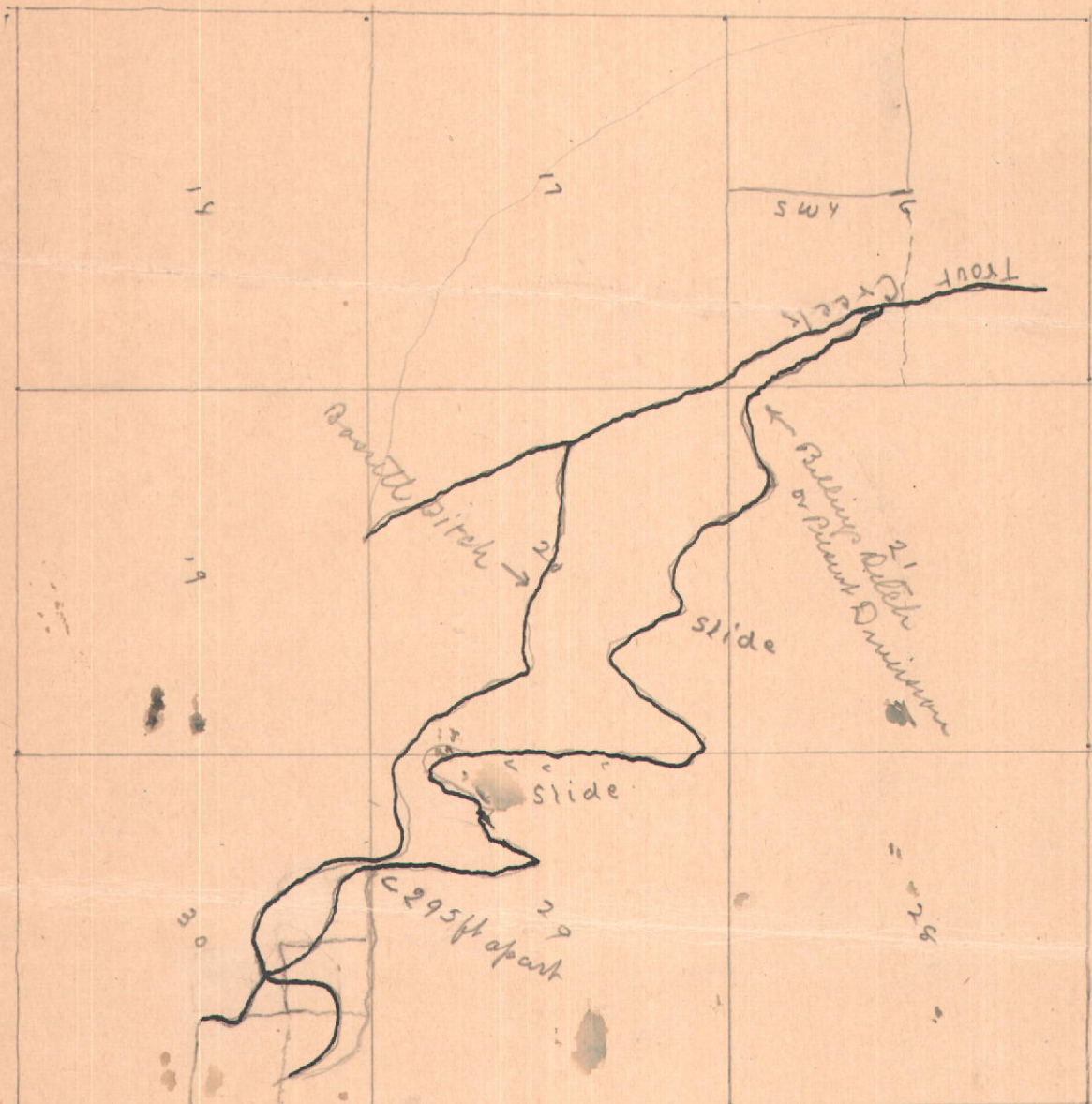
W. Bennett

Sec. 16-17-18-19-20-21-28-29-30-Twp 11-R 41E

Water District C-5

Trout Creek

Lago. Idaho



W Bennett Land

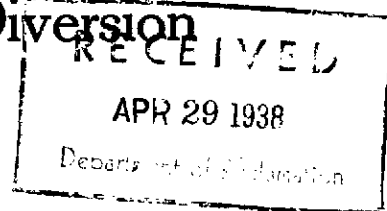
Water District 65 - Lagoon Idaho Apr. 18. 1938

Letter of Consent to the Department of Rectan-
ation of Idaho. wherein C. W. Bennett is asking
permission to change place of diversion of Right
No. 370. for so much of water from May 1. 1884's time
priority, down the creek from what is known
as the Billingsley Ditch to the Bassett ditch
headuig in Section 20. Twp 11 - R 41 E. and we
the undersigned parties effected by such
change hereby give our consent for C. W. Bennett
to make such change as set forth in attached
affidavit.
Signed:

Dorthea Hansen
Willie L. Bassett
Melvin T. Mickelson
Don H. Bassett
Clark A. Mickelson
Willard Britton

MICROFILMED

Affidavit for Change of Point of Diversion of Decreed Water Right



STATE OF IDAHO,

County of Bannock } ss.

C.W. Bennett, being first duly sworn, deposes and says: That his postoffice address is Thatcher, Idaho.; That he is the owner of and using a certain water right, bearing date of priority of May 1, 1985, for 1.6 cubic feet per second of the waters of Middle Fork of Trout Creek, County of Bannock, State of Idaho, decreed to Calvin W Bennett, by decree of Judge Dietrich, of the _____ Judicial District of the State of Idaho, in and for the County of Bannock, in the case of Utah Power and Light Co. vs. All streams tributary to Bear River said decree bearing date of Filed July 14 1920, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. G-5, in the County of Bannock, and State of Idaho, to-wit: North 1/2 South East 1/4 and the South East 1/4 - North East 1/4 Section 30. TWP 11 - R 41 E.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By Purchase

That said waters are now diverted from said stream in the SW 1/4 of Sec. 16, Twp. 11 S, Range 41 E, and conducted to the above described lands through the Billingsley ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in NW 1/4 of 1/4, Sec. 20, Twp. 11 S, Range 41 E, and thereafter conduct same to the above described land through the Bassett ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows: On account of obstruction such as slides, cut distance one-half.

That no one will be injured by such change and that such change will be made at affiant's own risk.

C.W. Bennett
Affiant.

Subscribed and sworn to before me this 20 day of April, 19 38

[Signature]
Notary Public.

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

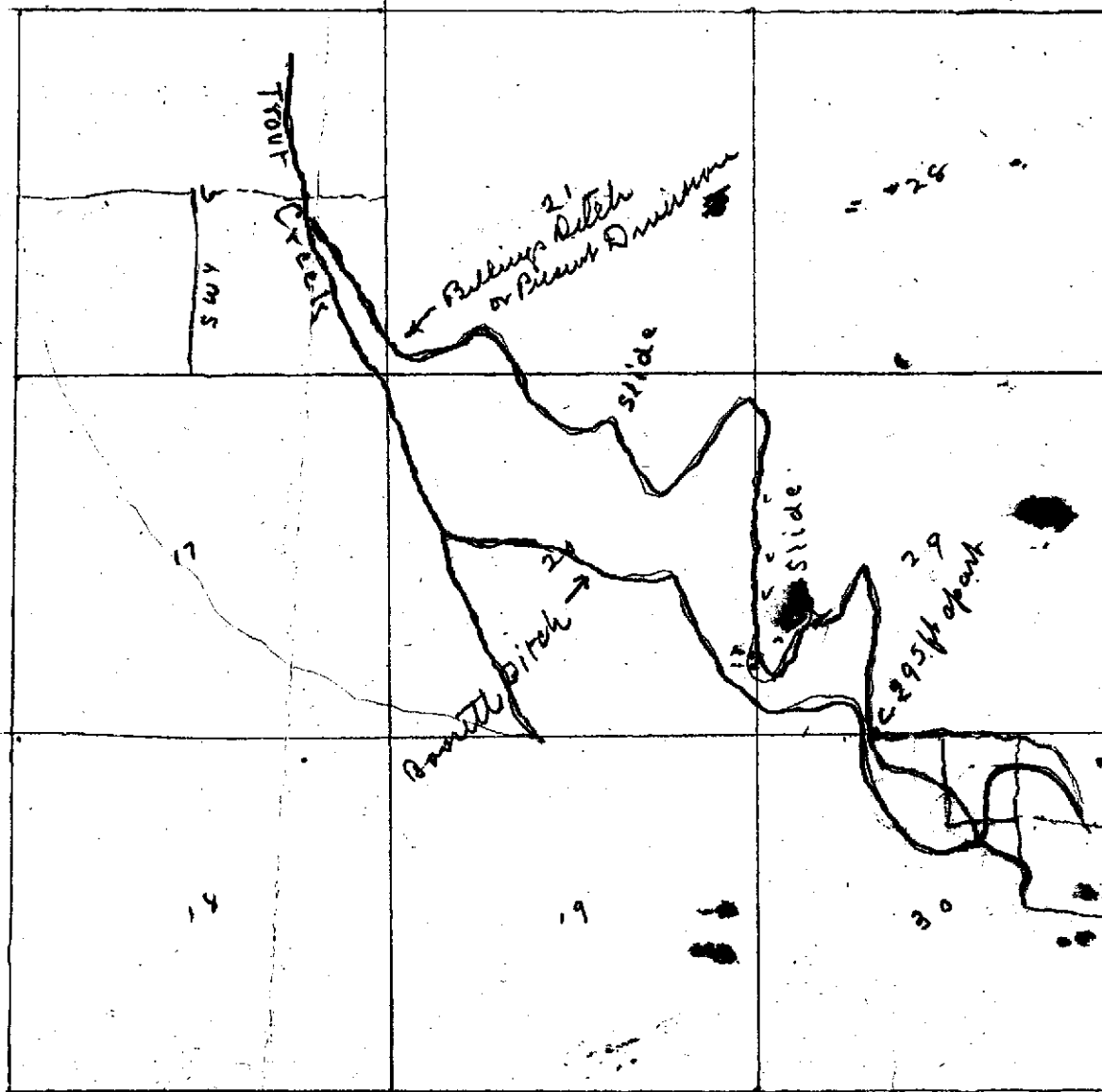
MICROFILMED

Sec. 16-17-18-19-20-21-28-29-30-TWP 11-R 4 E

Water District C 5.

Trout Creek.

Lago, Idaho.

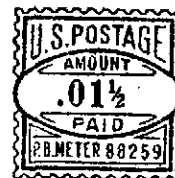


← CWA Settlement Land

MICROFILMED

North

SALT LAKE STAMP CO.
43 WEST BROADWAY
SALT LAKE CITY, UTAH



Leo Bennett
Thatcher 2da

RETURN POSTAGE GUARANTEED

Postmaster will not fail to comply
with postal regulations in this case

HERD BULLS
DAINTY DOMINO
MAX DOMINO
CHOICE GEM
MOSSY LAD

Meadow Vale

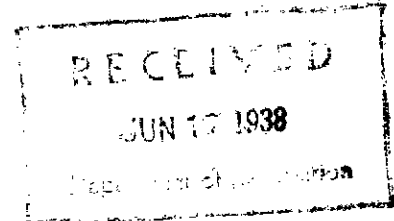
STOCK FARMS

Polled Herefords

RANGE BULLS
HERD BULLS
AND
BREEDING STOCK

THATCHER, IDAHO
June 18, 1938.

Mr. O. D. Becker
Dept. of Reclamation,
Boise, Idaho.



Dear Sir:

I am in receipt of your letter of June 10 and will say that until the eight of June, I did not know that any protest was being made against my change of diversion of water in the middle fork of Trout Creek.

My instructions from Mr. Berg and the papers sent to me stated that I must get the signature of all those affected by this change. I did so, so far as I can see that any water used will be affected by this change. I was merely asking that my water be left in the main channel of the creek for approximately a mile instead of diverting where I now do. I cannot see how this could affect the water users farther up the creek or in any other way. Therefore, I did not think it necessary for them to sign. Furthermore, I cannot think of thirteen bona fide water users who would make any protest and of course, they never showed me the protest letter and I do not know who signed it nor what their ground for protest is. I will add, if I might have a copy of the protest and the names of those who signed it and instructions as to whether I must get the consent of all the water users on the middle fork of Trout Creek, regardless of their dates of right, or how I am to know who will be affected. I assure you I was not trying to put anything over on anyone and if I cannot make this change without injury to my neighbors, I do not expect to make it.

This said Billingsley ditch only carries seventy-five inches of water under the name of Tayah Hansen who signed my permission, other than my right, and I am alone in this ditch for nearly three miles and for several years slides and obstructions at points set forth in my map, have made it almost impossible for me to derive any benefit from my water right and when this ditch is clogged by slides, until they are removed, this said Tayah Hansen property receives the benefit and uses this eighty inches of water and it was this party, after signing for me, who circulated this protest.

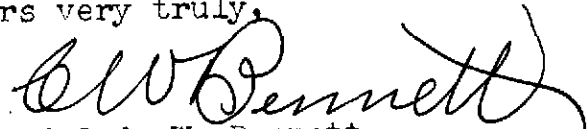
RECEIVED

I would like to ask your department whether or not, in case I cannot procure the consent of all these parties, if through a hearing or in some other way, I cannot air or prove the facts in this case. Until I know what this protest is and who signed it, I have not much more to say regarding the matter.

I wish to say that there has been an abundance of water and up to this date, the water master has not been ordered out to measure water into the ditches. I have gone to considerable expense in enlarging the said Bassett ditch and have been using water through it for some time. Conditions at this late date would make it impossible for me to put the Billingsley ditch in shape to get any water through it this year. It seems that I should have a right to try to prove whether or not these parties protesting are injured by this change. When I find who signed this protest, I shall visit them, however, and see how many will give their permission and what their grounds of protests are.

I donot care to inconvenience your office, but would be grateful for your cooperation in seeing what I can do, because I feel that I am being done out of the use of my water right. I thank you very much and shall be glad to hear from you as soon as possible.

Yours very truly,


Calvin W. Bennett

RECORDED

*Change in point of diversion
7-5-38*

June 21, 1938

C. W. Bennett
Thatcher, Idaho

Dear Mr. Bennett:

Enclosed you will find a copy of the protest entered by some of the water users of the Middle Fork of Trout Creek.

We are sending this protest at the request of Leo Bennett, whom I contacted last Saturday, in regard to the change of point of diversion. I was sorry that I did not contact you on my visit to Thatcher.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By Supervisor of Water Distribution

ODB:nh
Inc.

MICROFILMED

P R O T E S T

R. W. Faris
Commissioner of Reclamation
Boise, Idaho,

Greetings;-

Affidavit of C. W. Bennett having been filed before you for permission to change his point of diversion from the south west quarter section 16 Billingsly ditch to the north west quarter of section 20 township 11 south, range forty one east through the Bassett ditch

We the undersigned water users of said middle Fork of Trout Creek hereby protest the granting of this change for the following reasons to-wit;

It will require about double the amount of water down the channel to deliver him his adjudicated right, at the expense of other users. This contemplated change would affect every other user on the creek and will be unfair to those whose rights are subsequent to his unless his priority dating begins when the change is made.

Therefore we pray that his application be denied.

SIGNED:

Glen Rudd
Emil Hansen
R. H. Swensen
Norman Rund
Elvin Meacham
Willard Bitton
Alfred P. Hansen
Leon J. Swensen
Guy Harris
Thomas G. Harris
Harry M. Steele
Wm Prescott

Dorthea Hansen I signe the affidavit I did not relize what it meant

UNRECORDED

*Change Reclamation
155*

June 10, 1938

Mr. C. W. Bennett
Thatcher, Idaho

Dear Mr. Bennett:

The Department of Reclamation is in receipt of a protest signed by thirteen (13) water users of Middle Fork of Trout Creek, to change the point of diversion requested by you for 1.6 cubic feet per second from the Southwest Quarter (SW $\frac{1}{4}$), Section 16, Township 11 South, Range 41 East, Boise Meridian to the Northwest Quarter (NW $\frac{1}{4}$), Section 20, Township 11 South, Range 41 East, Boise Meridian.

On May 10, 1938, this department wrote you allowing the change to be made, we, however, were led to believe that all of the water users, affected by such a change, had signed the letter of consent. Unless you acquire the consent of all of those now protesting, this change in point of diversion stands revoked.

We are today instructing the watermaster of District 5-C to discontinue delivery of water at the new point of diversion until consent has been given by protestants.

Very truly yours,

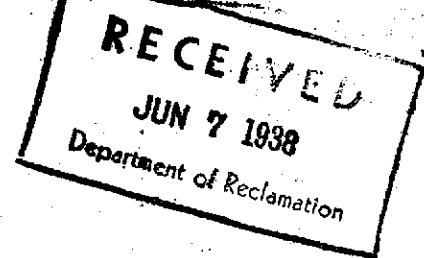
R. W. FARIS,
Commissioner of Reclamation

By Supervisor of Water Distribution

ODS:mk

MICROFILMED

155
P R O T E S T .



R. W. Faris
Commissioner of Reclamation
Boise Idaho.

Greeting:-

Affidavit of C. W. Bennett having been filed before you for permission to change his point of diversion from the south west quarter section 36 Billingsly ditch to the north west quarter of section 20 township 11 south, range forty one east through the Bassett ditch We the undersigned water users of said middle Fork of Trout Creek hereby protest the granting of this change for the following reasons to-wit;

It will require about double the amount of water down the channel to deliver him his adjudicated right, at the expense of other users. This contemplated change would affect every other user on the creek and will be unfair to those whose rights are subsequent to his unless his priority dating begins when the change is made. Therefore we pray that his application be denied.

Charles Lund
Emil Hansen
R. H. Swensen
Herman Reed
Chris Meadrum
Willard Britton
Alfred P. Hansen
Leon J. Swensen
Guy Harris
Thomas G. Harris
Harry M. Steele
Wm Prescott
Nothea Hansen

MICROFILMED

I signed the Affidavit I did not realize what it meant

*Change in point of
diversion
155*

June 9, 1938

C. W. Bennett
Thatcher, Idaho

Dear Mr. Bennett:

On May 10, 1938, this department wrote to you regarding change of point of diversion of the decreed water right which you requested. We also received a letter of permission from the users of Middle Fork of Trout Creek who might be affected by the change. The change was allowed.

On June 7, we received a protest from thirteen (13) water users on the Middle Fork of Trout Creek requesting that this change be denied. The reason for protest is that it requires about double the amount of water to deliver the adjudicated right at the expense of others. Unless you can come to some understanding or agreement with all other water users affected, or unless you are willing to bear the loss between the original and the new point of diversion, the requested change must be denied.

Very truly yours,

R. W. PARIS,
Commissioner of Reclamation

By Supervisor of Water Distribution

ODS:sh

MICROFILMED



BARZILLA W. CLARK, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
R. W. FARIS, COMMISSIONER

BOISE

PAUL L. HENRY
DEPUTY COMMISSIONER

RECEIVED

APR 29 1938

February 21, 1938

Mr. C. W. Bennett
Thatcher, Idaho

Dear Mr. Bennett:

I have your letter of February 18, in which you ask for the procedure to follow in making a change in point of diversion of your decreed water right.

I am inclosing an Affidavit for Change of Point of Diversion of Decreed Water Right, which you may fill out and sign before a Notary Public, also you shall attach a letter, signed by the users concerned, stating that you have their permission to make such a change in point of diversion.

Very truly yours,

Paul H. Berg

Deputy Commissioner of Reclamation

*Dear Mr. Berg: I have signatures of all Parties in and between
Three points of Diversion. The James C. Elliott Right No 363
1899 & 1901 and Right 366 - 1891 & 1901 and 365. Lars P Hansen
are all under Jaych Hansen ownership now. Please
complete the change and notify me if all is O.K.*

PHB:mh
Inc.

Yours truly

C. W. Bennett

INDEXED

Water District 85 - ~~Lago~~ Idaho Apr. 18. 1938

Letter of Consent to the Department of Reclamation of Idaho. wherein C. W. Bassett is asking permission to change place of diversion of Right No. 370. for so much of water from May 1. 1884 time priority, down the creek from what is known as the Billingsley Ditch to the Bassett ditch headgauge in Section 20. Twp 11 - R 1 E. and we the undersigned parties affected by such change hereby give our consent for C. W. Bassett to make such change as set forth in attached affidavit.

Signed:

Dorthea Hansen
Willis L. Bassett
Melvin T. Mickelson
Don H. Bassett
Charles T. Mickelson
Willard Britton