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In File

STATE OF IDAHO.

County of Bear Lake.

} ss.

J. R. Pugmire,

being first duly sworn, upon his

oath deposes and says: That he is vice-president of the "Pugmire Livestock and Land Company", a corporation, and makes this application as such for and on said corporation's behalf: that said corporation

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

Commencing at the Northwest corner of Section 34 and running thence North 60 rods, more or less, to Bear River; thence following up the channel of said Bear River in a Southeasterly direction to its intersection with the North Boundary line of said Section 34, thence east 40 rods more or less, to the Northeast corner of the Northwest quarter of said section 34; thence South 80 rods; thence East 80 rods; thence South 80 rods; thence West 80 rods; thence South 13 rods; more or less to center of Slough; thence Westerly along center of said Slough 80 rods more or less, to intersection of West boundary line of the Northeast quarter of the Southwest quarter of Section 34; thence North 10 rods; more or less to the halfsection line; thence West 35 rods; more or less, to center of Slough; thence following the meanderings of said slough in a Northwesterly direction to its intersection with the west boundary line of said Section 34; thence North 12 rods; more or less, to a point which is 44 rods South from the Northwest corner of said Section 34; thence East 10.4 rods; thence North 44 rods; thence West 10.4 rods to the place of beginning, and containing 210 acres, more or less, all of which said land is in Township 13 South of Range 44 East of Boise Meridian, in Bear Lake County, Idaho:

Also; Commencing at a point 156 feet South from the Northwest corner of the Southeast quarter of Section 34, Township 13 South Range 44 East Boise Meridian, and running thence North 156 feet; thence East 575 feet, more or less, to East bank of Slough; thence Southwesterly down said Slough to the place of beginning containing $3/4$ acres of land, more or less, and also; Commencing at the Northeast corner of the Southwest quarter of Section 34 Township 13 South of Range 44 East of Boise Meridian, and running thence South 13 rods to center of slough; thence Westerly along the center of the channel of said slough 158 rods; thence North 3 rods to quarter section line; thence East along the said quarter section line 105 rods to place of beginning, containing 18 acres of land, more or less.

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.

Subscribed and sworn to before me this 6th day of March

1928.

My commission expires 11-22-31

Notary Public.

(Over)

MICROFILMED

[illegible]

The following is a list of the names of the persons who have been appointed to the various positions in the Department of the Interior, for the year 1892:

as evidenced by the decree dated the 7th day of March ~~May 1924~~ 1924.

in the cause entitled Preston-Montpelier Irrigation Company, Plaintiff,

vs. Bingle Irrigation Company, et al:....., Defendant, brought

in the district court of the Fifth 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.

said corporation.

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

point: 40 rods North of corner common to Lots 6, 7, & 8 of Sec. 33
Twp. 13 South, Range 44 East B. M., which said corner is center of
SE $\frac{1}{4}$ of said Sec. 33, Twp. and Range above.

That such change will be made for the following reasons, to-wit: In order to facilitate the diversion of the amount of water allotted to said Company, for said land, and also for the purpose of avoiding extensive and expensive building and repairs to dam in river, where said point of diversion now is.

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.

Subscribed and sworn to before me this 6th day of March

1928.

My-commission expires... 11-22-31

Notary Public.

(Over)

MICROFILMED

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.)

11-072-2
May 12, 1928

Re: Water District No. 5

MR. E. J. BAIRD
Watermaster, District No. 5
Soda Springs, Idaho

Dear Sir:

You are advised that J. R. Pugmire, Vice-President of the Pugmire Livestock and Land Company, has filed notice of change of point of diversion of the water decreed to this company in the Preston-Montpelier Irrigation Company versus Dingle Irrigation Company case, the new point of diversion being described as follows:

"40 rods North of corner common to Lots 6, 7 and 8 of Sec. 33, Twp. 13 South, Range 44 East, B. M., which said corner is center of SE $\frac{1}{4}$ of said Section 33, Twp. and Range above."

Yours very truly,

Assistant Commissioner
of Reclamation

MS/eq

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D. E. HADDOCK
ATTORNEY-AT-LAW
BROWNING BLDG.
PARIS, IDAHO

March 6th 1928.

Department of Reclamation
Boise, Idaho,

Gentlemen:

Enclosed please find application for change of point of
diversion, to be filed on behalf of Pugmire Livesrock and Land
Company, a corporation.

Very Truly Yours,

D E Haddock

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