

RECEIVED

APR 14 1961

Department of Reclamation

NEW
POINT
DIVERSION

SEC
16

SEC
15

SEC
14

SEC
21

SEC
22

SEC
23

SEC
28

SEC
27

SEC
33

SEC
34

SEC
35

DEGREE
POINT OF
DIVERSION

CHINA CREEK

DITCH

HIGH RIDGE

SPRING CREEK

WATER FROM SPRING CREEK
CANNOT BE DIVERTED
BY PUMPING
PROTECT
UNLESS

MICROFILMED



ROBERT E. SMYLER
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE

May 25, 1961

RECEIVED

JUN 2 1961

Department of Reclamation



Re: Change in Point of Diversion
Harold Siddoway

Mr. H. R. Harn,
Box 7,
Dubois, Idaho.

Dear Mr. Harn:

In your letter of May 16, 1961, you stated that you were enclosing Proof of Publication in the change of point of diversion by Harold Siddoway.

Evidently you failed to enclose the Proof of Publication; hence this letter.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

June 1, 1961

Roy:

You are so right and I am sorry that you had to call this to my attention.

Attached is Proof of Publication.

H. R. Harn

MICROFILMED

31-0064

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Harold Siddoway

of

Teton City, Idaho

For a Change of Point of Diversion
from Spring Creek, in Water District
No. 66, Clark County

ORDER GRANTING CHANGE
OF POINT OF DIVERSION
NO. 251

WHEREAS, on the 2nd day of May, 1961, the application of Harold Siddoway of Teton City, Idaho, for a change of point of diversion from Spring Creek, came on regularly for hearing at the Department of Reclamation of the State of Idaho, at Boise, Idaho, pursuant to the 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 the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

WHEREAS, Transfer merely corrects error in decree as the waters of Ching Creek have always been used to irrigate said lands;

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.

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 23rd day of June, 1961.

GEO. N. CARTER
State Reclamation Engineer

RECEIVED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE FOR CHANGE OF POINT OF DIVERSION
OF DECREED WATER RIGHT NO. 251

THIS IS TO CERTIFY That Harold Siddoway, of Teton City, Idaho, is the owner of and using certain water right of 3.2 cubic feet per second of the waters of Spring Creek with priority of August 21, 1903, said water being decreed to Sidney A. Hanks by Judge Charles C. Cavanah of the United States District Court, Eastern Division, in the County of Clark, State of Idaho, in the case of

ERNEST SAUVE,
Plaintiff

vs.

W. H. ABBOTT, et al
Defendants

said decree bearing date of November 1, 1930, and being appurtenant to the following described lands, to-wit:

E $\frac{1}{2}$ E $\frac{1}{2}$, Section 33, Township 13 N.,
Range 39 E. B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume No. 5, of Decrees, at Page 535 thereof;

And that now, upon the application of Harold Siddoway of Teton City, Idaho, made before the State Reclamation Engineer of the State of Idaho, for a Certificate of Change of Point of Diversion, and the said application having been granted, the right to change the point of diversion of 3.2 cubic feet per second of the waters of Spring Creek 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, and shall not exceed the following amount, to-wit:

3.2 cubic feet per second of the
waters of Spring Creek with priority of
August 21, 1903;

That the water right hereby transferred has heretofore been conducted from Spring Creek to the above described lands with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 13 North, Range 39 E. B. M.,

That the water right hereby transferred will hereafter be conducted to said lands with point of diversion in the NW¹/₄SW¹/₄, Section 16, Township 13 North, Range 39 E. B. M., from the waters of Ching Creek;

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 23rd day of June, 1961.

GEO. N. CARTER
State Reclamation Engineer

RECEIVED
JUN 27 1961

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Harold Siddoway

of

Teton City, Idaho

For a Change of Point of Diversion
from Spring Creek, in Water District
No. 66, Clark County

ORDER GRANTING CHANGE
OF POINT OF DIVERSION
NO. 251

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WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

WHEREAS, Transfer merely corrects error in decree as the waters of Ching Creek have always been used to irrigate said lands;

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.

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 23rd day of June, 1961.

GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE FOR CHANGE OF POINT OF DIVERSION
OF DECREED WATER RIGHT NO. 251

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ERNEST SAUVE,

Plaintiff

vs.

W. H. ABBOTT, et al

Defendants

said decree bearing date of November 1, 1930, and being appurtenant to the following described lands, to-wit:

E $\frac{1}{2}$ E $\frac{1}{2}$, Section 33, Township 13 N.,
Range 39 E. B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume No. 5, of Decrees, at Page 535 thereof;

And that now, upon the application of Harold Siddoway of Teton City, Idaho, made before the State Reclamation Engineer of the State of Idaho, for a Certificate of Change of Point of Diversion, and the said application having been granted, the right to change the point of diversion of 3.2 cubic feet per second of the waters of Spring Creek 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, and shall not exceed the following amount, to-wit:

3.2 cubic feet per second of the
waters of Spring Creek with priority of
August 21, 1903;

That the water right hereby transferred has heretofore been conducted from Spring Creek to the above described lands with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 13 North, Range 39 E. B. M.,

That the water right hereby transferred will hereafter be conducted to said lands with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 13 North, Range 39 E. B. M., from the waters of Ching Creek;

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 23rd day of June, 1961.

GEO. N. CARTER
State Reclamation Engineer

Proof Of Publication

RECEIVED

JUN 2 1961

Department of Reclamation

STATE OF IDAHO }
County of Clark } ss:

M. L. Phippen being
first duly sworn, deposes and says that he is the

co-owner of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That

the Transfer of Water Right
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE

2
for consecutive weeks, first publication

having been made on the 20th day of

April 1961 and the last

publication having been made on the 27th

day of April 1961

That said paper has been continuously and un-
interruptedly published in said county during a
period of seventy-eight consecutive weeks prior
to the first publication of said notice or advertise-
ment, and is a newspaper within the meaning of
the laws of Idaho.

M. L. Phippen

SUBSCRIBED AND SWORN TO before me
this 2nd day of May, A. D., 1961

A. Thomas
Notary Public
CLERK OF DISTRICT COURT
CLARK COUNTY, IDAHO, 1961
My commission expires

LEGAL NOTICE

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that
Harold Siddoway of Teton City,
Idaho has applied to the State
Reclamation Engineer of the
State of Idaho for a certificate
authorizing him to change the
point of diversion of use of
the waters of Spring Creek as
follows: Amount: 3.2 cubic
feet per second. Priority: Aug-
ust 21, 1903. Point of diversion:
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township
13 N., Range 39 E., B. M. Place
of Use: E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 33, Twp.
13 N., Range 39 E. B. M.

To Be Transferred To

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 16, Township 13 N., Range
39 E. B. M. Place of Use: E $\frac{1}{2}$ E $\frac{1}{2}$,
Sec. 33, Twp. 13 N., Range 39
E., from the waters of Ching
Creek.

And that on the 2nd day of
May, 1961, at 10:00 o'clock A.M.,
at Room 107, Statehouse, Boise,
Idaho before the State Reclama-
tion Engineer, or his authorized
agent, the opportunity will be
given to any and all persons to
appear and present, for his con-
sideration any reason or reasons
why a certificate should not be
issued authorizing such transfer.

GEO. N. CARTER

State Reclamation Engineer

Pub. Apr. 20, 27, 1961.

37 lines

MICROFILMED

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATER RIGHT

Federal Court Decree No. 635, dated Nov. 1, 1930

Water Right No. 34, issued to Sidney A. Hanks

STATE OF IDAHO,)
 : ss.
County of Clark,)

RECEIVED
APR 1 1931
Department of Reclamation

Harold Siddoway, being first duly sworn, deposes and says: That his postoffice address is Teton City, Idaho. That he is the owner of and using a certain water right, for 3.2 cubic feet per second of the water of Spring Creek, according to the Decree, County of Clark, State of Idaho, obtained by virtue of Federal Court Decree to appropriate the public waters of the State of Idaho, Federal Decree No. 635, issued by the United States District Court, dated Nov. 1, 1930, bearing date of priority of Aug. 21, 1903 for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 66, in the County of Clark and State of Idaho, to-wit:

E $\frac{1}{2}$ E $\frac{1}{2}$, Section 33, Township 13 North, Range 39 EBM, and is the person (or representative of the person or persons) to whom such right was so issued, (or has become the owner thereof in the following manner:) By Warranty Deed, including all water rights, to Ernest Siddoway and Harold Siddoway.

That said waters, according to the Decree, are to be diverted from Spring Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33, Twp. 13 North, Range 39 EBM, and conducted to the above described lands through a private ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters to Ching Creek from the point above described to a point located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, Twp. 13 North, Range 39 EBM, and thereafter conduct same to the above described land through a private ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: The Decree is in error in that the diversion point shown in the Decree would be below 75% of the land to be irrigated in that the water would

RECORDED

have to run up grade and that it is impossible to divert water from Spring Creek to said land. Affiant and predecessors since the Decree of 1930 have used the water described herein on the lands described herein, and have paid annual water assessments without interference or protest from any water users, and with the full cooperation of all Watermasters since 1930.

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

Harold Siddoway
Affiant.

Subscribed and sworn to before me this 11th day of April, 1961.

Don W. Shenton

STATE OF IDAHO,)
) ss.
County of Clark,)

I, Don W. Shenton, Watermaster of Water District No. 66, Counties of Clark and Jefferson, State of Idaho, whose postoffice address is Dubois, Idaho, have read the foregoing affidavit and petition of Harold Siddoway, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned for the following reasons:

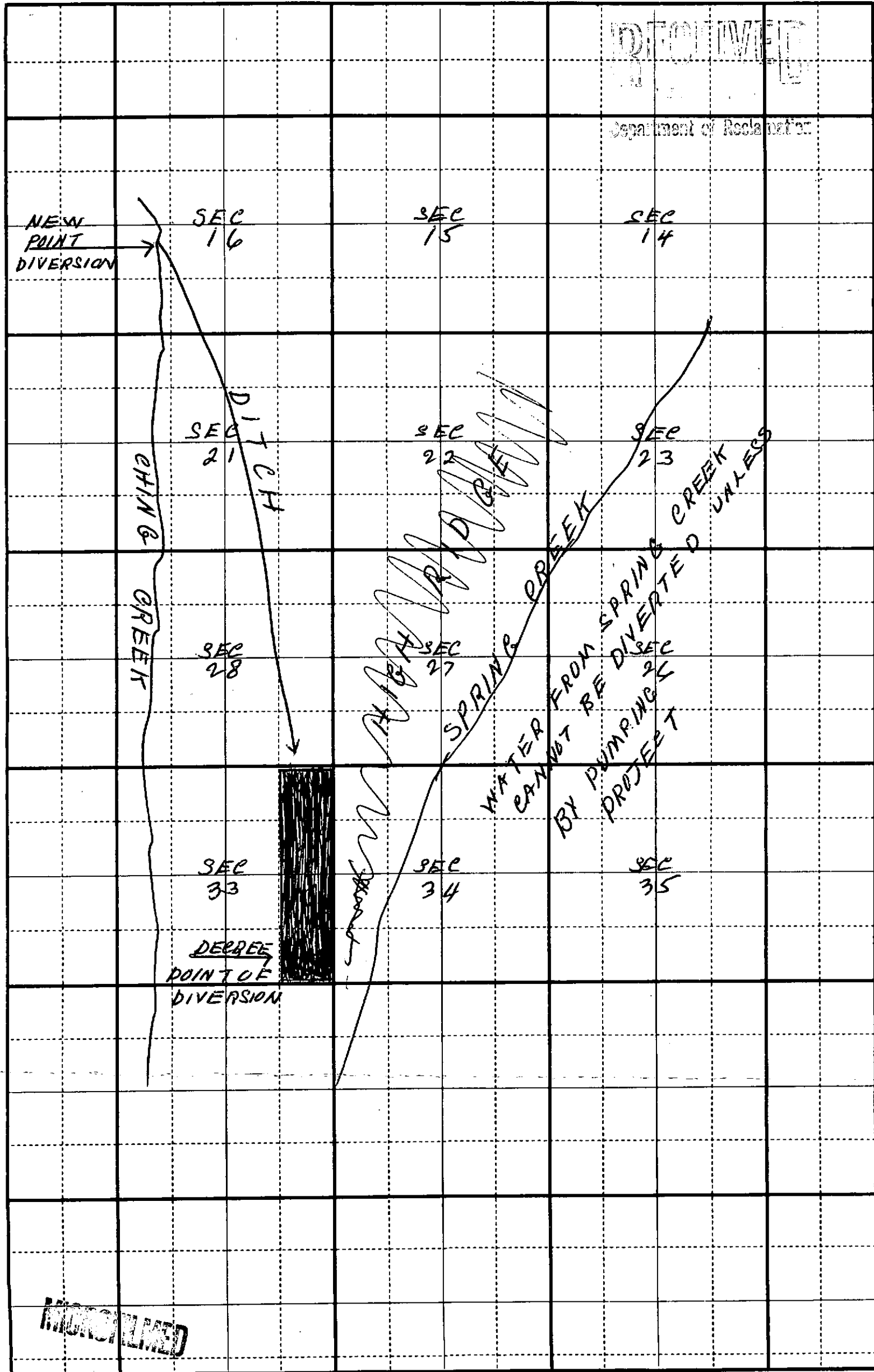
It is impossible to divert water from Spring Creek on the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 33, Township 13 North, Range 39 E.B.M., Clark County, State of Idaho, unless by a pumping project. According to my records, water has been delivered to the land described herein from the point of diversion set forth in the Affidavit of Harold Siddoway at the point he is requesting the transfer to be made.

WATERMASTER, DISTRICT NO. 66

Don W. Shenton

Dated at Dubois, Idaho, this 13th day of April, 1961.

RECORDED



June 26, 1961

Re: Change of Point of Diversion
No. 251
Harold Siddoway

Mr. H. R. Harn, President,
Idaho Mortgage Loan Corporation,
Box 297,
Dubois, Idaho.

Dear Mr. Harn:

We are enclosing Departmental Receipt No. 30629
which was issued covering payment in the amount of \$1.00
for the recording fee of the above mentioned Change of
Point of Diversion.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

Re: Change of Point of Diversion
Harold Siddoway

RECEIVED

JUN 26 1961

Department of Reclamation

Mr. H. R. Harn,
P. O. Box 7,
Dubois, Idaho.

Dear Mr. Harn:

We are enclosing Order Granting Change of Point of Diversion and Certificate for Change of Point of Diversion of Deeded Water Right No. 251 in connection with the above captioned matter.

There will be a \$1.00 fee for this Certificate which you may remit to the Department of Reclamation.

RECEIVED

251

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

June 23, 1961

Re: Change of Point of Diversion
Harold Siddoway

Mr. H. R. Harn,
P. O. Box 7,
Dubois, Idaho.

Dear Mr. Harn:

We are enclosing Order Granting Change of Point of Diversion and Certificate for Change of Point of Diversion of Decreed Water Right No. 251 in connection with the above captioned matter.

There will be a \$1.00 fee for this Certificate which you may remit to the Department of Reclamation.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
EFR:pak

cc: Donald W. Shenton, Watermaster
Water District No. 66
Star Route,
Dubois, Idaho

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JUN 27 1961
FBI - BOISE



ROBERT E. SMYLER
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE

May 25, 1961

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JUN 2 1961



Department of Reclamation

Re: Change in Point of Diversion
Harold Siddoway

Mr. H. R. Harn,
Box 7,
Dubois, Idaho.

Dear Mr. Harn:

In your letter of May 16, 1961, you stated that you were enclosing Proof of Publication in the change of point of diversion by Harold Siddoway.

Evidently you failed to enclose the Proof of Publication; hence this letter.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

June 1, 1961

Sy:

on this receipt and I am going to call you to my attention.
enclosed is proof of Publication.

[Handwritten signature]

RECORDED

May 25, 1961

Re: Change in Point of Diversion
Harold Siddoway

Mr. H. R. Harn,
Box 7,
Dubois, Idaho.

Dear Mr. Harn:

In your letter of May 16, 1961, you stated that you were enclosing Proof of Publication in the change of point of diversion by Harold Siddoway.

Evidently you failed to enclose the Proof of Publication, hence this letter.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

MICROFILMED



DEPENDABLE SERVICE

H. R. Harn

"For All Your Insurance Needs"

P. O. Box 7

Dubois, Idaho

May 16, 1961

RECEIVED
MAY 17 1961

Department of Reclamation

Tel. Frontier 4-5115

no aff. of pub. enclosure.

Department of Reclamation
State Capitol Building
Boise, Idaho

Re: Harold Siddoway - Change in Point of Diversion

Attn: Roy W. Thompson,
Supervisor of Water Distribution

Dear Roy:

I am enclosing Proof of Publication covering
the above matter.

It is assumed that no protest was made or Mr.
Siddoway would have been advised, and therefore I
presume you will now proceed with the necessary Order.

Please send the Order direct to me, and advise
me your fee for same.

Yours very truly,

H. R. Harn
H. R. Harn
HR

HRH/pl

RECEIVED

April 14, 1961

Re: Transfer of Water Right
Harold Siddoway
Water District No. 66

Mr. H. R. Harn,
P. O. Box 7,
Dubois, Idaho.

Dear Mr. Harn:

We are enclosing herewith Notice of Publication upon your request in regard to the Harold Siddoway Transfer of Water Right addressed to Clark County Enterprise of Dubois, Idaho.

Upon verifying to its correctness, deliver to said paper in time to have the first publication start in next week's paper, as it requires two weekly publications before the 2nd day of May, the time set for hearing.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

RECORDED
INDEXED

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 14, 1961

Re: Transfer of Water Right
Harold Siddoway
Water District No. 66

Clark County Enterprise,
Dubois, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **May 2, 1961** the date set for hearing; the expense of the publication is to be paid by the applicant **Harold Siddoway** of **Teton City, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

**If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

RECEIVED

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Harold Siddoway of
Teton City, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the point of diversion
~~and place~~ of use of the waters of Spring Creek as follows:
Amount: 3.2 cubic feet per second. Priority: August 21, 1903
Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 13 N., Range 39 E., B. M.
Place of Use: E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 33, Twp. 13 N., Range 39 E. B. M.

To Be Transferred To

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 13 N., Range 39 E., B. M.
Place of Use: E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 33, Twp. 13 N., Range 39 E., from the waters of
Ching Creek

And that on the 2nd day of May, 1961, at 10:00 o'clock A. M.,
at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or
his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

GEO. N. CARTER
State Reclamation Engineer

RECORDED

H. R. HARN
"FOR ALL YOUR INSURANCE NEEDS"
P. O. Box 7 • Tel. FRontier 4-5115
DUBOIS, IDAHO

April 13, 1961

RECEIVED

APR 14 1961

Department of Reclamation

Department of Reclamation
State Capitol Building
Boise, Idaho

Re: Harold Siddoway and Ernest Siddoway
Transfer of Water Right.

Gentlemen:

At the request of Mr. Harold Siddoway, I am enclosing
Application for Transfer of Water Right.

Mr. Siddoway is anxious to secure this transfer at
the earliest possible date, and Donald W. Shenton, Watermaster,
is also very interested for the reasons he stated at the end
of the Affidavit. The Watermaster cannot legally, under the
present Decree, deliver any water to this land.

Assuming that you will approve this Application for
Transfer, I would very much appreciate your sending the Order
for Publication direct to me to take to the Clark County
Enterprise, this being for the reason that for several months
past considerable difficulty has been experienced in securing
accurate legal publications.

If you find that you need any additional information that
I could give you over the telephone on this matter, then please
feel free to call me collect, for as stated above, this is a
matter of urgency.

Yours very truly,

H. R. Harn

HRH/pl

cc: Harold Siddoway
Teton City, Idaho

REPRESENTING

Snake River Mutual
FIRE INSURANCE COMPANY

AN IDAHO COMPANY
ORGANIZED 1900

MICROFILMED

"FOR ALL YOUR LOAN AND INSURANCE NEEDS"