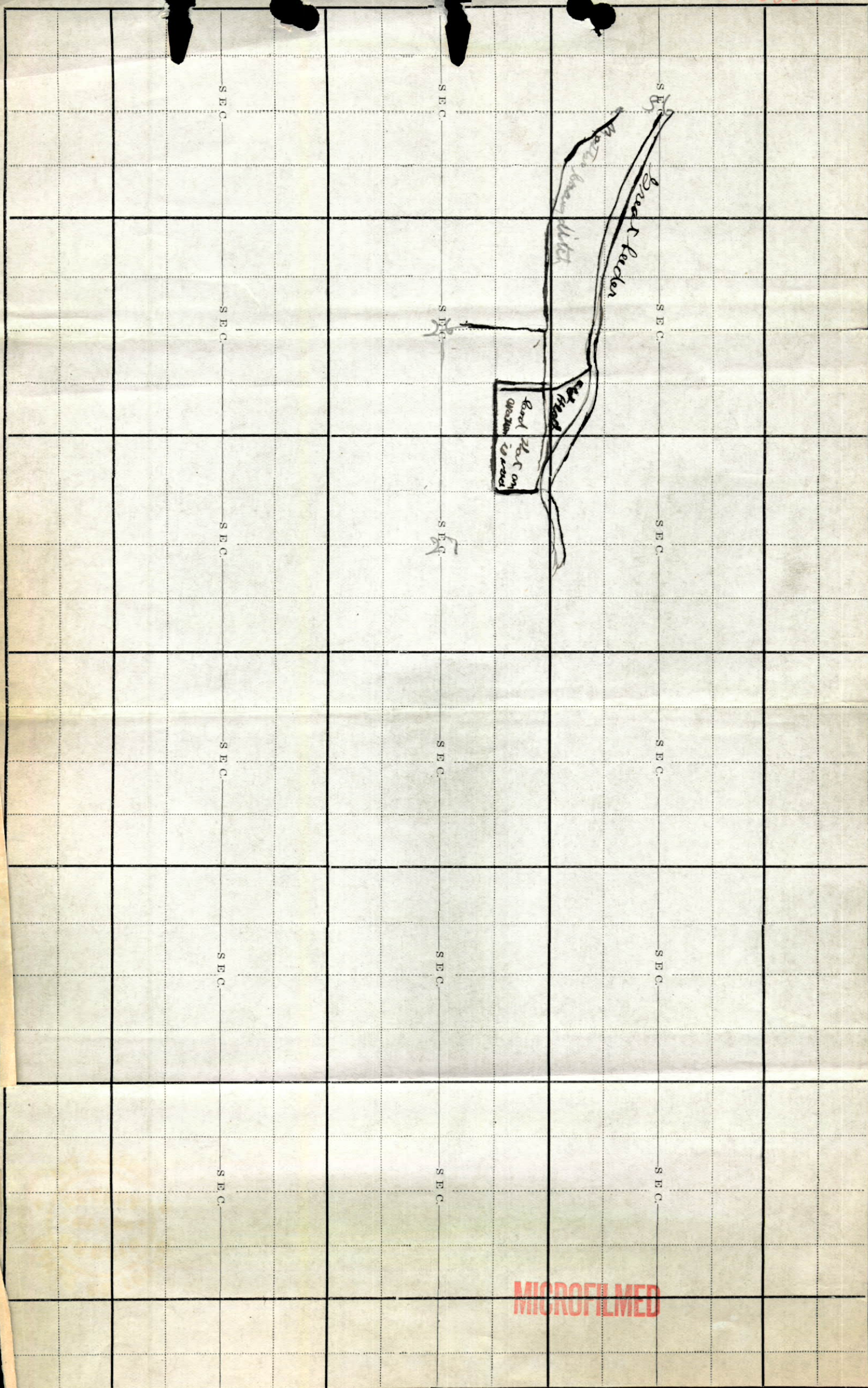


NAME OF APPLICANT

R. Gensbergers

01-0225



MICROFILMED

March 23, 1926

Trans. No. 82
(PHE)

Re: Water District 36

MR. G. CLYDE BALDWIN
Idaho Falls, Idaho

Dear Sir:

This will acknowledge receipt of your letter of March 20 enclosing affidavit of intention to change point of diversion of an adjudicated water right, Jacob R. Arnsberger, affiant.

Record will be made of this affidavit in the files of our office.

Relative to the other cases similar to this, it might be well, as a matter of record, to have applicants file their affidavits. In that way the record is clear here as well as in your office.

So far as actual change is concerned, it does not appear to be particularly essential that these affidavits be made, provided you as watermaster are willing to act favorably upon the request. The law covering change of point of diversion is somewhat vague and in any event does not seem to give the Commissioner of Reclamation any jurisdiction in the matter.

Several blank forms for this purpose are enclosed.

Very truly yours,

Assistant Commissioner
of Reclamation

CNC:E
Enclosures

MICROFILMED



C. C. MOORE, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER
G. CLYDE BALDWIN, DEPUTY

WATER DISTRICT NO. 36

IDAHO FALLS, IDAHO
March 20, 1926

61-
82
Trans. p/d

Mr. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Swendsen:

Inclosed herewith please find application for change of point of diversion, as submitted today by Jacob R. Arnsberger. This is the same application which was originally made in his letter to you dated May 29, 1923, to which Mr. Carter replied on June 8, of the same year. The water was actually changed to the Mattson-Craig Canal at that time, but heretofore Mr. Arnsberger has neglected to complete the notice on the form furnished from your office.

I think there have been one or two other similar cases where we have allowed such changes at point of diversion simply upon receipt of a request in form of a letter. If you wish these completed through the execution of the specific forms such as the one inclosed herewith, it might be well for you to send me a small supply of this form 13.

Sincerely yours,

G. Clyde Baldwin
Deputy.

Encl.

RECORDED
INDEXED

1-225

Trans. 82
p/8

STATE OF IDAHO,

County of Jefferson } ss.

Jacob R. Crumbarger 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:

S. 1/2, S. W. 1/4, S. W. 1/4 Sec 26, and S. E. 1/4, S. E. 1/4 Sec 27, T. 4, N, R. 40 E, B.M.

as evidenced by the decree dated Jan 22, 1921 day of

in the cause entitled Albert H. Panda Plaintiff,

vs. John Gump, as watermaster Daniel Defendant, brought 18035, 1100 of
in the District Court of the Primum Judicial District of the State of Idaho; or, Bois

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 described point:

To The Mattson Craig Ditch

That such change will be made for the following reasons, to-wit: cleaning,

and up keep of ditch and getting water in ditch at low water for season of the year.

The water is to be used upon the same land as heretofore.

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 20th day of March, 1926

Jacob R. Crumbarger

Jay A. Bird

Notary Public.

My commission expires Sept 10, 1928

(Over)

Received and filed for record in the Department of Reclamation at Boise, Idaho, on

Feb 22, 1926

W. H. Mendenhall

Commissioner of Reclamation

RECORDED

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 land to be irrigated.
 - (f) Lands to be irrigated to be shown by cross-hatching, 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:

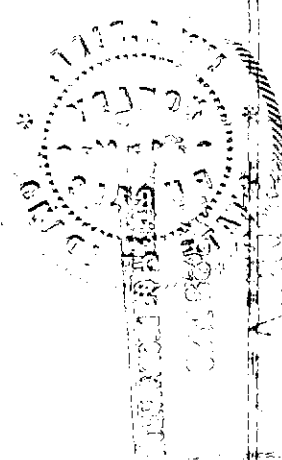
I hereby certify that this map was prepared from an actual survey made by me 191....., and correctly shows position of points indicated thereon.

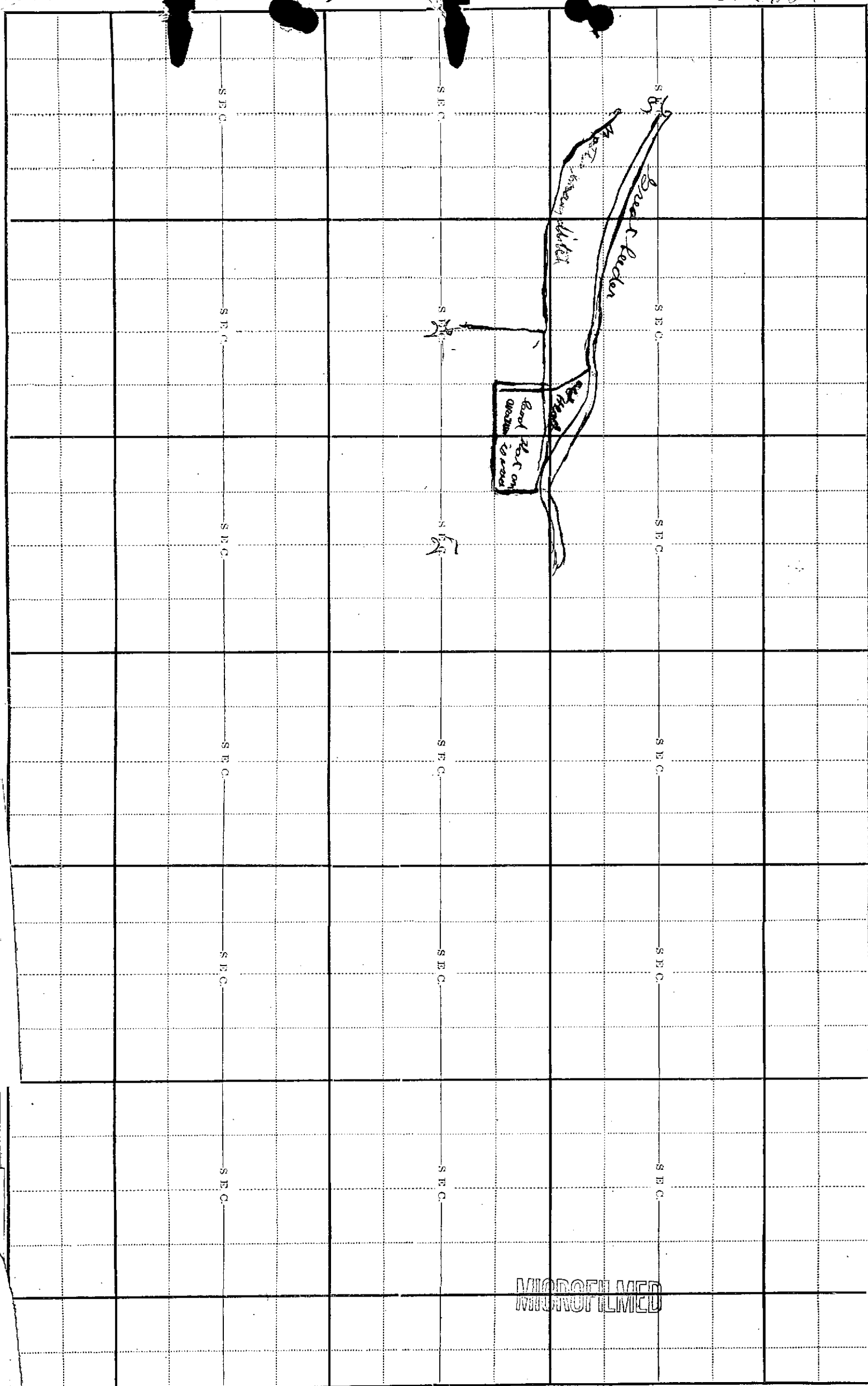
Engineer.

P. O.

Date.....191.....

(Over)





MICROFILMED