

63-0257

63-0257

STATE OF IDAHO,

County of Ada }

ss.

Jacob Bingman and Arissa C. Bingman, each being first duly sworn, upon his

oath deposes and says:

they are

That ~~he is~~ the owners of a decreed water right appurtenant to the following described land to-wit:
 that part of the northwest quarter of the southeast quarter of section
 20, T. 4 N., R. 1 E. B. M., in Ada county, Idaho, lying under the hill
 or bluff and extending northward therefrom,

as evidenced by the decree dated _____ day of December, 1919,in the cause entitled Jacob Bingman and Arissa C. Bingman, Hus. & wife Plaintiffsvs. A. V. Tallman, as Watermaster having charge of the dis- Defendant, brought
tribution of the waters of Boise River,in the District Court of the seventh 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 follow-
 ing described point:

the headgate of the main canal of the Settlers Irrigation District,
situated in section nine, township 3 north, range 2 east B. M., in
Ada county, Idaho:

That such change will be made for the following reasons, to-wit: that such water may
be combined with other water now being carried by said irrigation
district for these parties for use upon lands adjoining the above
described land in order to give these parties a better head of
water such as will enable them to more efficiently irrigate their
said lands and to diminish seepage and evaporation losses now suf-
fered in the use of a small head of water

That both of said canal companies consent to such change:

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.

..... Jacob Bingman ✓Arissa C. Bingman ✓

Subscribed and sworn to before me this

17th

day of

March, 1925

My commission expires

Aug 12-1928

(Over)

Res. Eagle Lake

Notary Public.

RECEIVED
 MAR 17 1925
 DEPARTMENT OF AGRICULTURE

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.

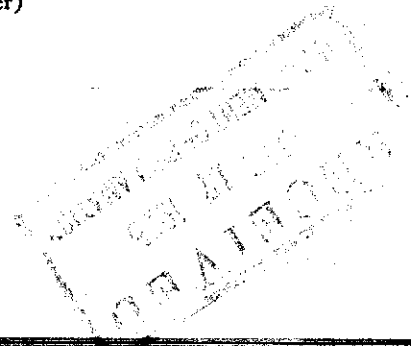
Engineer.

P. O.

Date 191.....

(Over)

10330 A. 1
Mar. 17
M. J. Henderson



44
Recorded

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR CANYON COUNTY.

Jacob Bingman and Arissa C. Bingman,
husband and wife,

Plaintiffs,

vs.

JUDGMENT AND DECREE.

A. V. Tallman, as Watermaster having
charge of the Distribution of the
Waters of Boise River,

Defendant.

This cause came on for hearing in open court on the 13th day of December, 1919, Martin & Cameron appearing for the plaintiffs and neither the defendant nor any one else appeared either in person or by attorney in opposition to the plaintiffs; the Court having heard all the evidence and proof adduced herein, and having examined the files, and duly considered the same, and being fully advised in the premises, and it appearing therefrom to the satisfaction of the Court;

1. That the summons in this action together with a copy of the complaint herein was duly and personally served upon the defendant in this action, and that said defendant has been duly and regularly summoned to answer the plaintiffs complaint in this action; that the time within which the said defendant may appear herein has expired, and that the defendant has made default in that behalf, and that the default of said defendant for not appearing and answering under plaintiffs complaint has been duly and regularly entered herein; that the plaintiffs have caused to be published for four weeks a notice of the pendency and purpose of this action in a newspaper, to wit, the Caldwell

That the pleadings herein be and the same hereby are amended to conform to the facts as found by the Court herein.

That the predecessors in interest of the plaintiffs did appropriate and divert from the waters of Boise River the quantity of water on the date hereinafter stated, such water being estimated and measured under a four inch pressure and did appropriate and divert such water for a beneficial use, and that ever since the date of such appropriation such water has been by the plaintiffs and their predecessors in interest so diverted and used.

That the plaintiffs are entitled to the use of the waters of Boise River upon the lands mentioned and described in their complaint, and they are hereby awarded the use of the waters of Boise River diverted at a point on the South side of said River in the Southeast Quarter of the Northeast Quarter of Section Five, Township Three North, Range Two East Boise Meridian, through the Thurman Mill Slough or Ditch for use upon lands lying under the hill or bluff and extending Northward therefrom in the Northwest Quarter of the Southeast Quarter of Section Twenty, Township 4 North, Range 1 East of Boise Meridian, in Ada County, Idaho, in the following amount from the following date:

63 0257

T. P. D. 76

RWH 50

inches from April 1st 1883.

That the plaintiffs shall pay all costs arising under this action.

That the said waters shall be distributed to the plaintiffs in the same manner as though they had had their rights included in that decree adjudicating the waters of Boise River, dated January 18, 1906, in that action in the District Court of the Third Judicial District of the State of Idaho in and for Canyon County, entitled "Farmers Co-operative Ditch Company (a corporation), Plaintiff, vs. Riverside Irrigation District, Limited, a corporation, et als.,

Defendants."

Dated December 13th, 1919.

Ed L. Bryan
District Judge,

Filed and entered at 1:30 P. M. Dec. 13, 1919.

L. C. Knowlton, Clerk
B. L. Newell, Deputy.

I hereby Certify that the foregoing is a full, true and
correct copy of the original decree filed in the above entitled
action. B. 7- P. 294 .

compared.

L. C. Knowlton Clerk.

STATE OF IDAHO,)

County of Canyon,) ss.

L. C. Knowlton
L. C. Knowlton, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of
Idaho, do hereby certify that the foregoing copy of Judgment and Decree
has been compared by me with the original, and that
it is a correct transcript therefrom, and of the whole of such original.

Judgment and Decree as the same appears
(Book 7 Page 294) on file in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 18th
day of May 1920.

Rose Edwards
Clerk of the District Court and Ex-Officio Recorder.
By *Evelina Hollich* Deputy.