

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

G. Albert Spencer
of Paris, Idaho

For a Change of Point of Diversion on Paris
Creek in Water District No. 5, Bear Lake
County.

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

No. 203

WHEREAS, On the 16th day of January, 1950, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of G. Albert Spencer for a change of point of diversion on Paris Creek, came on regularly for hearing, pursuant to 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 more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

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, as provided by the laws of the State of Idaho.

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 13th day of March, 1950.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

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

D E P A R T M E N T O F R E C L A M A T I O N

C E R T I F I C A T E O F C H A N G E O F P O I N T O F D I V E R S I O N O F D E C R E E D W A T E R R I G H T S

No. 203.

THIS IS TO CERTIFY THAT G. ALBERT SPENCER, of Paris, Idaho, is the owner of and using a certain water right for sixteen (16) cubic feet per second of the waters of Paris Creek with priority of May 1, 1864, said water being decreed to Paris Milling Company by Judge J. L. Downing of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of

PIONEER IRRIGATION COMPANY,
Plaintiff,

vs.

SOUTHFIELD DITCH AND CANAL COMPANY, et al
Defendants.

said decree bearing date of July 3, 1932, for developing power for milling purposes.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5, of Decrees, beginning at Page 658.

And that now, upon the application of G. Albert Spencer, of Paris, Idaho, for a Certificate of Change of Point of Diversion for 16 cubic feet per second of the waters of Paris Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion 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 for such purposes, and shall not exceed the following amount, to-wit:

16 cubic feet per second with Priority of May 1, 1864.

That the water right above described has heretofore been diverted from Paris Creek with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, Township 14 South, Range 43 East, B.M.

That the water right above described will hereafter be diverted from Paris Creek with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Township 14 South, Range 43 East, B.M.

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 13th day of March, 1950.

Mark R. Kulp
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

G. Albert Spencer)
of Paris, Idaho)

For a Change of Point of Diversion on Paris)
Creek in Water District No. 5, Bear Lake)
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ORDER GRANTING CHANGE
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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 more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

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, as provided by the laws of the State of Idaho.

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 13th day of March, 1950.

MARK R. KULP
State Reclamation Engineer

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

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHTS

No. 203.

THIS IS TO CERTIFY THAT G. ALBERT SPENCER, of Paris, Idaho, is the owner of and using a certain water right for sixteen (16) cubic feet per second of the waters of Paris Creek with priority of May 1, 1864, said water being decreed to Paris Milling Company by Judge J. L. Downing of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of

PIONEER IRRIGATION COMPANY,
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said decree bearing date of July 3, 1932, for developing power for milling purposes.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5, of Decrees, beginning at Page 658.

And that now, upon the application of G. Albert Spencer, of Paris, Idaho, for a Certificate of Change of Point of Diversion for 16 cubic feet per second of the waters of Paris Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion 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 for such purposes, and shall not exceed the following amount, to-wit:

16 cubic feet per second with Priority of May 1, 1864.

That the water right above described has heretofore been diverted from Paris Creek with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, Township 14 South, Range 43 East, B.M.

That the water right above described will hereafter be diverted from Paris Creek with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Township 14 South, Range 43 East, B.M.

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 13th day of March, 1950.

MARK R. KULP
State Reclamation Engineer

**NOTICE OF PROPOSED CHANGE
OF POINT OF DIVERSION**

Notice is hereby given that G. Albert Spencer of Paris, 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 16 cubic feet per second of the waters of Paris Creek from his present point of diversion located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 14 South, Range 43 East, B.M., to a proposed point of diversion located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 14 South, Range 43 East, B.M.

And that on the 6th day of January, 1950, at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, opportunity will be given any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such change in point of diversion.

MARK R. KULP,
State Reclamation Engineer.

THE PARIS POST

PARIS, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Bear Lake }

I, Keith F. Varney, publisher and manager of THE PARIS POST, a weekly newspaper, published weekly at Paris, Bear Lake County, State of Idaho, do solemnly swear that a copy of the attached notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated, Dec. 22, 1949, and ending with the issue dated, Dec 29, 1949.

Keith F. Varney
Publisher.

Subscribed and sworn to and before me this 8th
day of March, 1950.

Thomas H. Hogg
Notary Public.

(Seal)

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO, }
County of Bear Lake } ss.

G. Albert Spencer, being first duly sworn, deposes and says: That his postoffice address is Paris, Idaho; That he is the owner of and using a certain water right, bearing date of priority of May 1, 1864, for 16 cubic feet per second of the waters of Paris Creek, County of Bear Lake, State of Idaho, decreed to Paris Milling Co., by decree of Judge J. L. Downing, of the 5th Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Pioneer Irrigation Co. vs. Southfield Ditch & Canal Co. et al said decree bearing date of July 3, 1932, for the purpose of ~~irrigating the following described lands situated in~~ developing power for mill operation and ~~being in Water Dist. No. 5M~~, in the County of Bear Lake, and State of Idaho, to-wit: Developing Power for Mill operation

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 S.E. 1/4 N.W. 1/4 of Sec. 10, Twp. 14 S., Range 43 E., and conducted to the above described lands through the Mill 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 S.E. 1/4 N.E. 1/4, Sec. 10, Twp. 14 S., Range 43 E., and thereafter conduct same to the above described land through ~~the~~ a pipe line ditch, as per map above referred to: Water will be returned to Paris Creek at the present point of return, and no other diversions between point of diversion and return.

That his reasons for desiring to make such change are as follows: Development of additional power.

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

G. Albert Spencer
Affiant.

Subscribed and sworn to before me this 12 day of December, 1949.

Sanctus
AUDITOR-RECORDED

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.

I, E. J. Baird, Watermaster of District 5, Idaho, have inspected the premises for the above proposed change of point of diversion, and approve of same, as it will not effect other rights in any manner to my knowledge.

E. J. Baird
Watermaster Dist. 5

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of Bear Lake

} ss.

G. Albert Spencer, being first duly sworn, deposes and says: That his postoffice address is Paris, Idaho; That he is the owner of and using a certain water right, bearing date of priority of May 1, 1864, for 16 cubic feet per second of the waters of Paris Creek, County of Bear Lake, State of Idaho, decreed to Paris Milling Co., by decree of Judge J. L. Downing, of the 5th Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Pioneer Irrigation Co. vs. Southfield Ditch & Canal Co. et al said decree bearing date of July 3, 1932, for the purpose of ~~irrigating the following described lands situated in~~ and being in Water Dist. No. 51, in the County of Bear Lake, and State of Idaho, to-wit: Developing Power for Mill operation

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 S.E. 1/4 N.W. 1/4 of Sec. 10, Twp. 14 S., Range 43 E. and conducted to the above described lands through the Mill 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 S.E. 1/4 of N.E. 1/4, Sec. 10, Twp. 14 S., Range 43 E., and thereafter conduct same to the above described land through the for a pipe line ditch, as per map above referred to: Water will be returned to Paris Creek at the present point of return, and no other diversions between point of diversion and return.

That his reasons for desiring to make such change are as follows: Development of additional power.

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

G. Albert Spencer

Affiant.

Subscribed and sworn to before me this 12 day of December, 19 49.

Sam C. Kewick

AUDITOR-RECORDER

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.

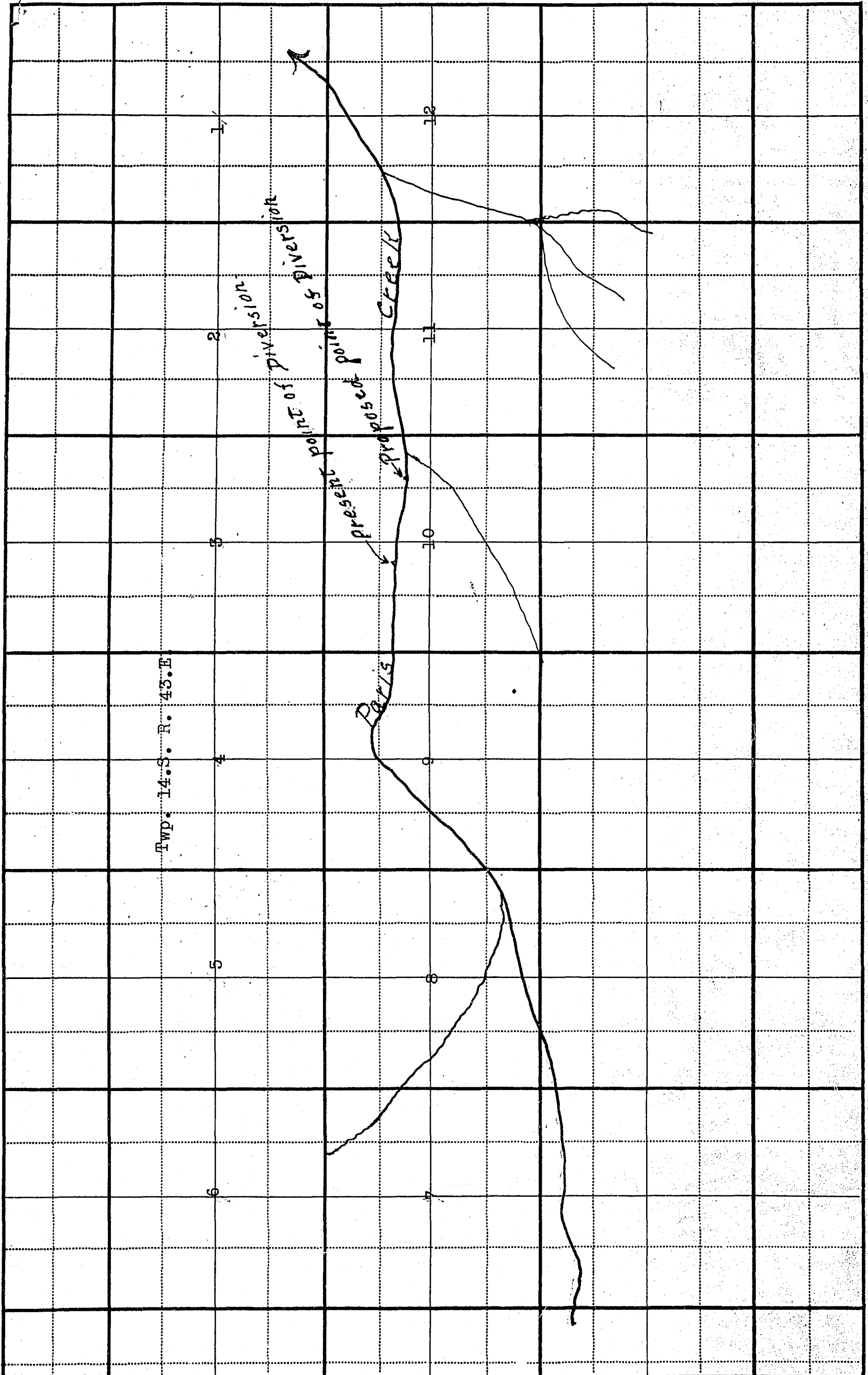
I, E. J. Baird, Watermaster of District 5, Idaho, have inspected the premises for the above proposed change of point of diversion, and approve of same, as it will not effect other rights in any manner, to my knowledge.

E. J. Baird

Watermaster Dist 5

Change in point of Diversion,
NAME OF APPLICANT G.A. Bert Spencer, Paris, Ida.

FORM No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

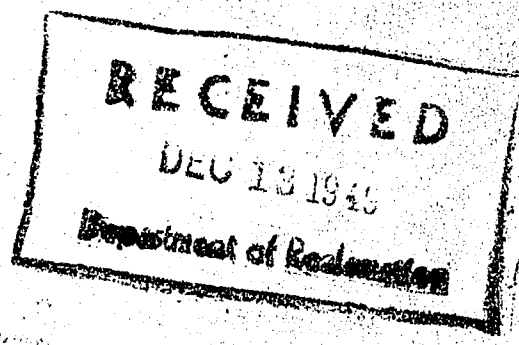
Complete Line of
Feeds & Mill Products

G. Albert Spencer
Proprietor

PARIS FLOUR MILLS

HIGHEST QUALITY FLOUR

PARIS, IDAHO



Dec. 12, 1949

State of Idaho
Department of Reclamation
Boise, Idaho

Dear Sirs:

Reference your letter of Jan. 7, 1948, I am inclosing the request forms for change of point of diversion of my water right. Also enclosed please find check for \$1.00 for recording fee.

Mr. Baird feels that a sketch map is not necessary as there are no other diversions between my present diversion point and the new diversion point requested.

Yours Respectfully

G. Albert Spencer

Form No. 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date December 14, 1949

The Paris Post.
Paris, Idaho.

Gentlemen:

Enclosed you will find notice for publication once a week
for two consecutive weeks prior to **January 6, 1950 (1950)**
the date set for the hearing, the expense of the publication to be
paid by the applicant, **G. Albert Spencer, Paris, Idaho.**

to whom you should furnish proof of publication on or prior to the
date set for the hearing.

Please acknowledge receipt of this notice, and furnish this
department with a copy of the first publication, in order that we may
check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By **Roy W. Thompson,**
Supervisor of Water Distribution,

NOTICE OF PROPOSED CHANGE OF POINT OF DIVERSION

Notice is hereby given that G. Albert Spencer of Paris, 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 16 cubic feet per second of the waters of Paris Creek, from his present point of diversion located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 14 South, Range 43 East, B.M. to a proposed point of diversion located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 10, Township 14 South, Range 43 East, B.M.

And that on the 6th day of January, 1950, at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, opportunity will be given any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such change in point of diversion.

MARK R. KULP

State Reclamation Engineer.

December 15, 1949

Mr. G. Albert Spencer
Paris, Idaho

Dear Mr. Spencer:

We wish to acknowledge receipt of your Affidavit for Change of Point of Diversion of Decree Water Right on the waters of Paris Creek.

We have notified the Paris Post to publish a notice of said proposed change of point of diversion once a week for two consecutive weeks and to send you the Affidavit of Publication, together with statement of costs. Upon receipt of the Affidavit of Publication from you, a Certificate of Change in Point of Diversion will be mailed to you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

Complete Line of
Feeds & Mill Products

G. Albert Spencer
Proprietor

PARIS FLOUR MILLS

HIGHEST QUALITY FLOUR

PARIS, IDAHO

Mar. 8, 1950

State of Idaho
Department of Reclamation
Boise Idaho

RECEIVED
MAR 10 1950
Department of Reclamation

Dear Sirs:

Reference your letter of Dec. 15,
1949.

Enclosed please find Affidavit
of Publication of proposed change of
Point of Diversion of Decree Water Right
on the waters of Paris creek.

Yours Respectfully
G. Albert Spencer

March 13, 1950

Mr. G. Albert Spencer
Paris, Idaho

Dear Mr. Spencer:

We enclose Certificate of Change of Point
of Diversion of your decreed water right in Paris
Creek together with Departmental Receipt No. 21982
for the \$1.00 recording fee.

A copy of this Certificate is being sent
to Mr. E. J. Baird, Watermaster of Water District
No. 5, for his information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh
Enc.

CC: Mr. E. J. Baird.

