

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

4317
RECEIVED

OCT 13 1994

Department of Water Resources
Eastern District Office

TRANSFER OF WATER RIGHT

TRANSFER NO. 4314
WATER RIGHT NO(S). 11-00220/11-00221/11-00222/11-00223

This is to certify that: LARK BATEMAN
PO BOX 244
BLOOMINGTON ID 83223

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00220 :			
IRRIGATION	05/01 to 06/25	3.50 CFS	381.8 AF
Priority: 05/01/1880			
Right No. 11-00221 :			
IRRIGATION	04/15 to 10/15	0.80 CFS	140.0 AF
Priority: 05/01/1890			
Right No. 11-00222 :			
IRRIGATION	05/01 to 06/25	1.96 CFS	213.8 AF
Priority: 05/01/1880			
Right No. 11-00223 :			
IRRIGATION	04/15 to 10/15	0.44 CFS	77.0 AF
Priority: 05/01/1890			
TOTAL:		6.70 CFS	812.6 AF

SOURCE

TRIBUTARY OF

BLOOMINGTON CREEK

BEAR LAKE

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 25, Township 14S, Range 43E
BEAR LAKE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	43E	36	NENE 40			40
	44E	30	Lot 5 (SESW) 40			40
		31	Lot 8 (NENW) 40	Lot 1 (NWNW) 40	Lot 2 (SWNW) 40	
			Lot 7 (SENW) 40	Lot 6 (NESW) 40	Lot 3 (NWSW) 40	240
				Total number of acres irrigated:		* 320

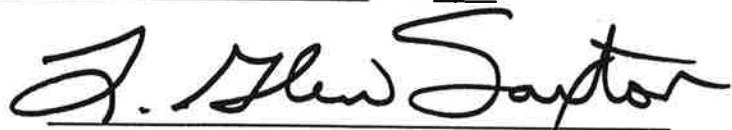
TRANSFER NO. 4314
WATER RIGHT NO(S). 11-00220/11-00221/11-00222/11-00223

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11J.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Right No. 11-00220 is limited to the irrigation of 175 acres from May 1 to June 25 in the place of use described above in a single irrigation season.
- * 9. Right No. 11-00221 is limited to the irrigation of 40 acres from April 15 to October 15 in the place of use described above in a single irrigation season.
- * 10. Right No. 11-00222 is limited to the irrigation of 98 acres from May 1 to June 25 in the place of use described above in a single irrigation season.
- * 11. Right No. 11-00223 is limited to the irrigation of 22 acres from April 15 to October 15 in the place of use described above in a single irrigation season.
- * 12. Combined Right Nos. 11-00220, 11-00221, 11-00222 and 11-00223 are limited to 320 total acres irrigation until June 25th and then 62 total acres irrigation for the remaining season thru October 15.

Dated this 5th day of

October, 1994



Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 11-00220/221/222/223

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4314

DATE: September 30, 1994

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Transfer No. 4314 was filed to consolidate Right Nos. 11-00220/221/222 & 223 for more efficient use, changing the point of diversion from a deteriorating dam to Hansen Dam and describing a more specific place of use.

Review of these rights found several database errors which were corrected to reflect the decree. These rights were decreed in pairs to separate individuals with different priority dates, rates and number of acres within the same place of use description. Review of the original rights as decreed found a maximum total of 335 acres available from 05-01 to 06-25, then limited to a total of 62 acres for the remainder of the irrigation season. The transfer place of use reduces the combined acres to a maximum of 320 acres.

Recommended conditions include individual permissible place of use limits, combined place of use limits, watermaster control, measuring device, irrigation overlap, right-of-way and standard transfer conditions.

Page 1 of 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Lark Bateman Phone (208) 945-2098

Post Office address Box 244 Bloomington, ID 83223

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Ditch & dam have deteriorated. Other
diversion will give better coverage

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|--------------------|--------------------|-------------------|----------------------|
| <u>11-00220</u> | <u>May 1, 1880</u> | <u>3.50</u> | <u>Irrigation</u> | <u>5-01 to 6-25</u> |
| <u>11-00221</u> | <u>May 1, 1890</u> | <u>0.80</u> | <u>Irrigation</u> | <u>5-01 to 10-01</u> |
| <u>11-00222</u> | <u>May 1, 1880</u> | <u>0.96</u> | <u>Irrigation</u> | <u>5-01 to 6-25</u> |
| <u>11-00223</u> | <u>May 1, 1890</u> | <u>0.44</u> | <u>Irrigation</u> | <u>5-01 to 10-01</u> |
2. Total amount of water being transferred 5.70 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Bloomington Creek tributary to Brar Lake
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	25	14S	43E	Brar Lake	Hansen Dam

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	43E	36	40																40
14S	44E	30											40						40
													L-5						
		31					40	40	40	40	40	40							240
							L-8	L-1	L-2	L-7	L-6	L-3							

Total acres 320

PART 1**6. General Information:**

- a. Description of diversion system Earthdam with concrete abutments and
removable boards.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Better utilization of the water due to increased head available
at our location.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 11-00220 Decreed to Herbert Bateman
in case of George Thornock, et al vs. Bloomington Irrig. Co, et al
dated 7-25-1923 in District Court (5th) county of Bear Lake
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Bloomington Creek tributary to Bear Lake4. Date or priority May 1, 1880

5. Water is used for the following purpose:

amount 3.50 cfs for Irrigation purposes from 5-01 to 6-25
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.50 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SE	26	14S	43E	Bear Lake	Long + Bateman Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	43E	26																	10
		36	A																
14S	44E	30												L-5 A		L-6 A			
		31					L-8 A	L-1 A											

Total acres 1759. Describe any other water rights used for the same purpose as described above 11-00221

_____ If yes, describe _____

(If the entire right is to be changed by the applicant, omit part B and C.)

- 2. Point(s) of Diversion:**

[illegible][illegible]

Total acres _____

2. Point(s) of Diversion:

[illegible][illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 11-00221 Decreed to Herbert Bateman
in case of George Thornock, et al vs. Bloomington Irrig. Co., et al
dated 7-25-1923 in District Court (5th) county of Bear Lake
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Bloomington Creek tributary to Bear Lake4. Date or priority 5-01-1890

5. Water is used for the following purpose:

amount 0.80 cfs for Irrigation purposes from 5-01 to 10-01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.80 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SE	26	14S	43E	Bear Lake	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	43E	26																	10
		36	A																
14S	44E	30												L-5 A		L-6 A			
		31					L-8 A	L-7 A											

Total acres 409. Describe any other water rights used for the same purpose as described above 11-00220

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 11-00222 Decreed to Stafford Cleveland
in case of George Thovneck et al vs. Bloomington Irrig. Co., et al
dated 7-25-1923 in District Court (5th) county of Bear Lake
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Bloomington Creek tributary to Bear Lake4. Date or priority 5-01-1880

5. Water is used for the following purpose:

amount 0.96 cfs for Irrigation purposes from 5-01 to 6-25
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.96 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SE	26	14S	43E	Bear Lake	Long & Bateman ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	44E	31							A	A	A	A							98

Total acres 989. Describe any other water rights used for the same purpose as described above 11-00223

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 11-00223 Decreed to Stafford Cleveland
in case of George Thernock, et al vs. Bloomington Irrig. Co., et al
dated 7-25-1923 in District Court (5th) county of Bear Lake
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Bloomington Creek tributary to Bear Lake4. Date or priority 5-01-1890

5. Water is used for the following purpose:

amount 0.44 cfs for Irrigation purposes from 5-01 to 10-01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.44 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SE	26	14S	43E	Bear Lake	

8. Lands irrigated or place of use:

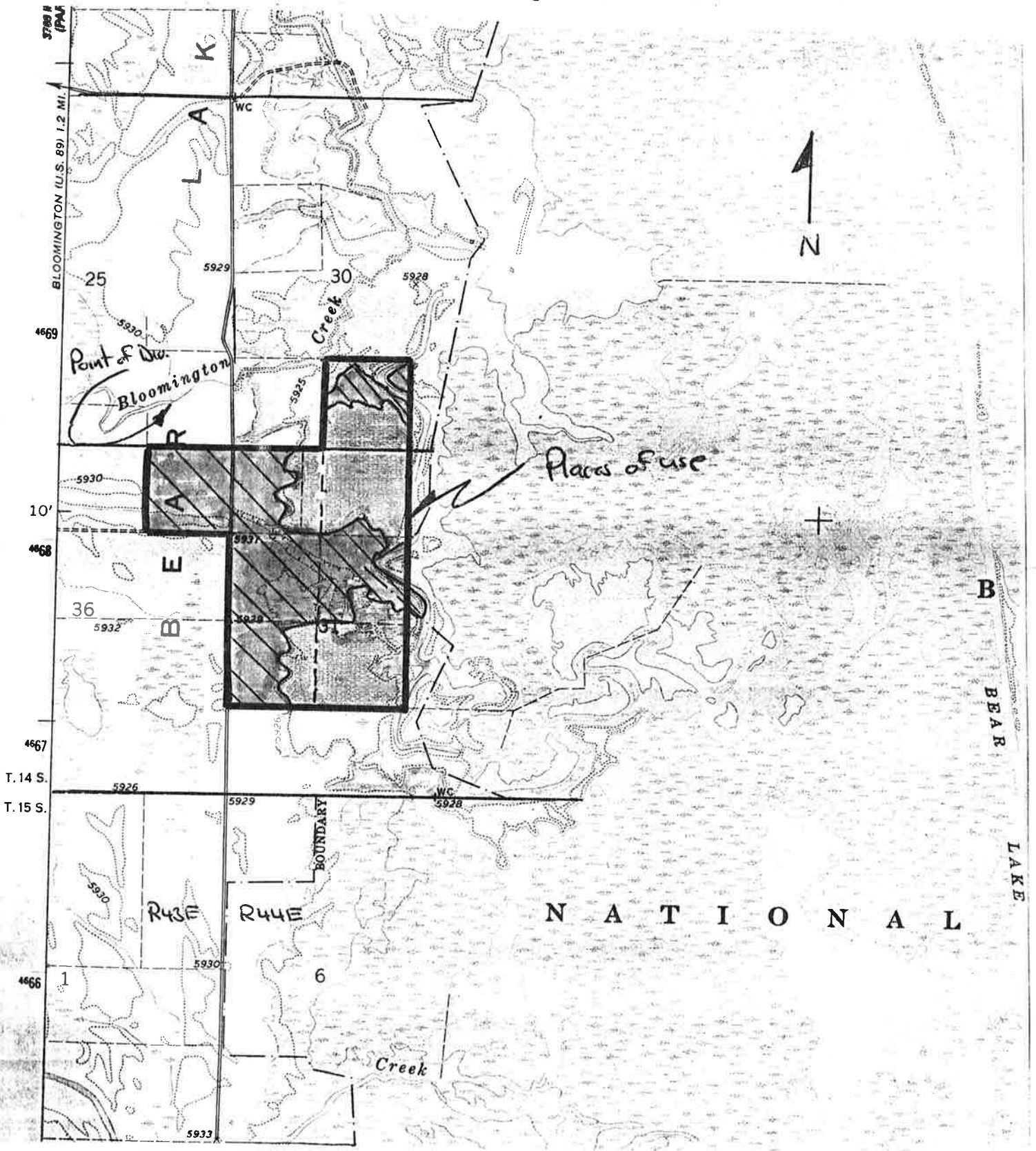
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	44E	31							A	A	A	A							22

Total acres 22

9. Describe any other water rights used for the same purpose as described above _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Lark Bateman

(Signature of Applicant)

Subscribed and sworn to before me this 28th day of February, 19 94.Joan J. Egan

(Notary Public)

My commission expires 2-6-1999

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by RB Date 3-1-94 + 2-2-94

Protest filed by _____

Prelim. check by _____ Fee \$50.00Receipted by HWT Date 2-2-94 EO19473Published in News Examiner

Copies of protest forwarded by _____

Pub. dates 3-17 & 24-94

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ACTION REQUIRED

FROM: H.W. JONES - Eastern

TO: Tr. 4314 - Lark Bateman

- 1/ Data entry for 11-00221 is incorrect listing R43E for Section 31. This should be R44E.
- 2/ The interpretation of Rt 11-00220 & 11-00221 could be that 175 acres are irrigated until June 25 of each year, then only 40 acres can be irrigated under 11-00221 until Oct 1. This means only 175 acres total are covered not $175 + 40$ as the Bateman trans. contends. Reviewer should read original decree for inference.

