

4310

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4310
WATER RIGHT NO(S). 11-00218B/11-00219B

RECEIVED
OCT 13 1994
Department of Water Resources
Eastern District Office

This is to certify that: **WILLIAM BEE**
MERLA BEE
PO BOX 164
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. 11-00218B :			
IRRIGATION	05/01 to 06/25	0.12 CFS	13.1 AF
Priority: 05/01/1880			
Right No. 11-00219B :			
IRRIGATION	04/15 to 10/15	0.03 CFS	5.3 AF
Priority: 05/01/1890			
	TOTAL:	0.15 CFS	18.4 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
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	NENW	15		15

Total number of acres irrigated: * 15

CONDITIONS/REMARKS:

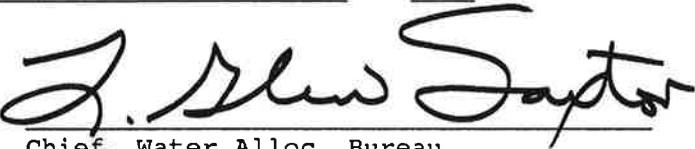
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11J.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

TRANSFER NO. 4310
WATER RIGHT NO(S). 11-00218B/11-00219B

CONDITIONS/REMARKS:

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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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. 11-00218B is limited to the irrigation of 6.0 acres from May 1 to June 25 in the place of use described above in a single irrigation season.
- * 9. Right No. 11-00219B is limited to the irrigation of 1.5 acres from April 15 to October 15 in the place of use described above in a single irrigation season.
- * 10. Combined Right Nos. 11-00218B and 11-00219B are limited to 7.5 acres irrigation until June 25th and then 1.5 acres irrigation for the remaining season thru October 15.

Dated this 5th day of October, 1994.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 11-00218 & 11-00219

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4310

DATE: September 19, 1994

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Transfer No. 4310 was filed to change the point of diversion, and identify a specific place of use under a portion of Right Nos. 11-00218 and 11-00219, splitting the rights into parts A and B. The transfer will consolidate these water rights with other rights diverted from Hansen Dam.

The decree description of these rights was unique and the database had several errors including the priority dates, acres, point of diversion and place of use descriptions. The decree identifies a point of diversion in R43E, and a place of use in R44E. The source is located in R43E which is on the west side of Bear Lake National Wildlife Refuge, while the decree description places the use on the east side. This would appear to be an error in the decree and the current and historical use is located in S36, T14S, R43E. (SEE ATTACHED MAP)

The new place of use for the applicant, Bee, is located in the same QQ, but not the same location. The decree is specific in this QQ, describing the S1/2 S1/2 NENW or 10 acres in the bottom, southerly portion of the QQ, land that currently belongs to Bateman per the attached deed and county assessor's office. But this is the portion of these rights that has been agreed upon as owned by Bee in the attached water right agreement signed by Bateman and will now be used on the described 15 acres in the northern portion of this QQ.

The rate of diversion has been fixed according to the water right agreement and the transfer has been amended/reduced to the agreement limits. These rates have been used as the confining factor in evaluation of volumes and period of use.

Recommended conditions include permissible place of use, watermaster control, measuring device, irrigation overlap and standard transfer conditions.

S.O. 5-17-94
Protest Withdrawn

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4310

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED
PART 1

Name of applicant William or Merle Bee Phone (208) 945-2089
Post Office address Box 164 Bloomington, ID 83223

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Make Correction in legal description.
- Describe the reason for the proposed changes This water when combined with water already diverted at Hanson Dam will irrigate ground previously irrigated by both outlets to better advantage. See water right agreement between Warner, Bateman & applicant.

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>11-00218 B</u>	<u>5-01-1880</u>	<u>0.12 cfs</u>	<u>Irrigation</u>	<u>5-01</u> to <u>6-25</u>
<u>11-00219 B</u>	<u>5-01-1890</u>	<u>0.03 cfs</u>	<u>Irrigation</u>	<u>5-01</u> to <u>10-01</u>
				to
				to

- Total amount of water being transferred 0.15 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Bloomington Creek tributary to Bear Lake
- Point(s) of Diversion:

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

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
14S	43E	36					15												15

Total acres 15

PART 1

6. General Information:

a. Description of diversion system Hanson Dam to ditch + flood irrigation.b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

N.A.

d. Remarks:

Deerz has incorrectly described P.O.U as in R44E which is across Bear Lake on the East side. The Long-Bateman ditch + our property is in R43E on the west side of lake.**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. 4310

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. 11-00218 Decreed to George Thornock
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 5-01-1880

5. Water is used for the following purpose:

amount 1.54 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 1.54 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	36			A	A	A			A									77

Total acres 779. Describe any other water rights used for the same purpose as described above 11-00219

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO 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 0.12 cfs for Irrigation purposes from S-01 to C-25
 (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
			SE	26	14S	43E	Bea. Lake	Long & Bateman Ditch

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	
14S	44E	36					15												15

Total acres 15

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

1. amount 1.42 cfs for Irrigation purposes from S-01 to C-25
 (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
			SE	26	14S	43E	Bea. Lake	Long & Bateman Ditch

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	
14S	44E	36			A	A	A			A									62

62

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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. 11-00219 Decreed to George T. Thorneck
 in case of George Thorneck, ETAL vs. Bloomington Irrig. Co.
 dated _____ in _____ county of _____

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 Lake

4. Date or priority 7-25-1923 (should be 5-01-1890)

5. Water is used for the following purpose:

(should be 5-01 to 10-01)

amount 0.46 cfs for Irrigation purposes from _____ to _____
 (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 0.46 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	44E	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	36			A	A	A			A									

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

Total acres 77
 (should be 23 acres)

11-00218

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

NO

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 0.03 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) amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SE	26	14S	44E	Bear Lake	Long-Bateman Ditch

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	
14S	44E	36					15												15

Total acres 15

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

1. amount 0.43 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) amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SE	26	14S	44E	Bear Lake	Long-Bateman Ditch

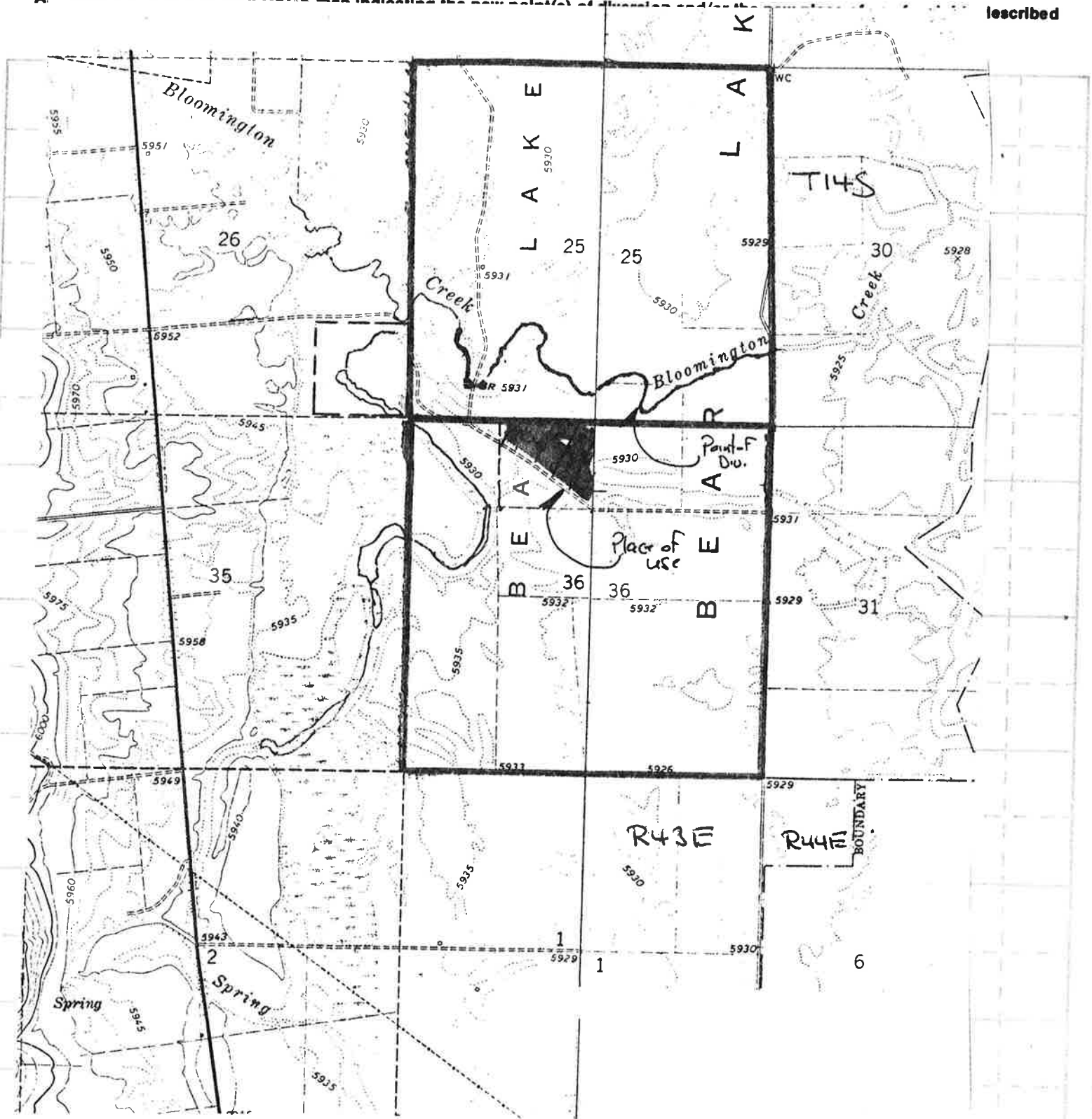
3. Lands irrigated or place of use:

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	
14S	44E	36			A	A	A			A									8

Total acres 8

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 place of use as described



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				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.

Mark Lee
(Signature of Applicant)

Subscribed and sworn to before me this 20th day of April, 19 94.

Dean J. Egan
(Notary Public)

My commission expires 2-6-97

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by WM Date 4/22/94 @ 10:37 Protest filed by _____

Prelim. check by HWT Fee 50.00 Excess 2019474

Receipted by HWT Date _____

Published in News Examiner Copies of protest forwarded by _____

Pub. dates 3-16-23-94 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ACTION REQUIRED

5-5-94

FROM: HW. Jones

TO: Tr. 4310 / 11-002180, -002198

- 1/ The total acres under these rights is open to interpretation. A reading of the decree tempts you to imply that 100 acres (77 + 23) are irrigated. However some reviewers think that the original 77 acres can only be watered until June 25th of each year then 23 acres of the original 77 can only be watered till Oct 1. This interpretation leaves only a maximum of 77 acres under the two rights.
- 2/ The data entry is in error in several places. Please compare decree to data entry.

