

4150

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4150
WATER RIGHT NO. 11-00245

RECEIVED
SEP 17 1993

Department of Water Resources
Eastern District Office

This is to certify that: **CONRAD NEBEKER**
2554 MONROE
OGDEN UT 84401

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>
IRRIGATION	04/15 to 10/15	1.36 CFS	238.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
INDIAN CREEK	BEAR LAKE

Priority: 04/01/1898

LOCATION OF POINT(S) OF DIVERSION:

Rediversion	Lot 1(NENE), Sec. 25, Township 15S, Range 44E
	Lot 3(SENW), Sec. 25, Township 15S, Range 44E 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>
15S	44E	24	Lot 7(SESW) 6			6
		25	NWNE 4	SWNE 7	Lot 2(NENW) 19	
			Lot 3(SENW) 22	Lot 6(NESW) 10		62
				Total number of acres irrigated:		68

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. 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.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. 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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

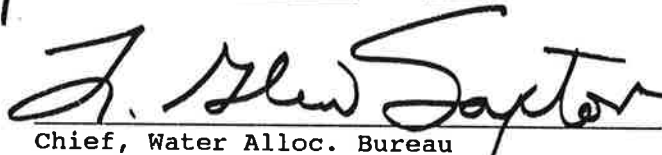
TRANSFER NO. 4150
WATER RIGHT NO. 11-00245

CONDITIONS/REMARKS:

5. Prior to diversion of water under this approval, the right holder shall install and permanently maintain measuring devices of a type approved by the Department at three (3) locations; (1) the point of diversion on Indian Creek located within Lot 1, NENE, S25, T15S, R44E, (2) across the stream channel of Indian Creek below the point of diversion, and (3) at the point of redirection from Bear Lake located within Lot 3, SENW, S25, T15S, R44E.
6. Rediversion of water from Bear Lake under this right shall not exceed the measured flow in Indian Creek below the point of diversion located within Lot 1, NENE, S25, T15S, R44E or a total maximum diversion of 1.36 cfs from Indian Creek.

Dated this 10 day of

September, 1993.


Chief, Water Alloc. Bureau

MEMORANDUM FOR THE RECORD
SUBJECT: [Illegible]

1. [Illegible text]

2. [Illegible text]

3. [Illegible text]

4. [Illegible text]

5. [Illegible text]

6. [Illegible text]

7. [Illegible text]

8. [Illegible text]

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10. [Illegible text]

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Page 1
RECEIVED

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

Transfer No. 4150

APPLICATION FOR TRANSFER OF WATER RIGHT

MAY 06 1993

PART 1

Department of Water Resources

Name of Applicant Conrad H. Nebeker Phone (801) 399-9241
 Post Office address 2554 Monroe Ogden, Utah 84401

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 Change source to Bear Lake
 2. Describe the reason for the proposed changes to utilize ^{a)} the present pumping system + water distribution system and ^{b)} the agreement with Utah Power + Light to use Bear Lake on a restricted basis

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

1. Right Number 11-00245 Priority April 1, 1898 Amount (cfs/ac-ft) 2.35 cfs Nature of Use Irrigation Period of Use 4-15 to 10-15
 2. Total amount of water being transferred 2.35 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water Bear Lake tributary to Bear River
 4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3		SE	NW	25	15S	44E	Bear Lake	Bear Lake

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	
15S	44E	24												10					46
		25	5	20	25		5			16	6								77
							42			43	46								
15S	44E	24												6					6
														1-7					
		25		7			19			22	10								62
							1-2			1-3	1-6								

* Change as per tele-con with Mr. Nebeker 5-13-93

HWT

Total acres 117 68 *

PART 1

6. General Information:

a. Description of diversion system Pump in Bear Lake with intake placed
in a sump on ID Dept. of Lands ground.

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:

No change - This land has been irrigated from this location intermittently
since the 1920's. The understanding with Utah Power & Light (PacifiCorp)
was recently reconfirmed - see attached letter.

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 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. 11-00245 Decreed to Edwin A. Austin
in case of Austin vs. Curless
dated 4-05-1927 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 Indian Creek tributary to Bear Lake

4. Date or priority 4-01-1898

5. Water is used for the following purpose:

amount 2.35 cfs for Irrigation purposes from Not Specified in Decree 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 2.35 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not Specified in Decree

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

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	
15S	44E	24												A					
		25	A	A	A														
			L-6	L-2	L-3														

Total acres 117.7

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

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

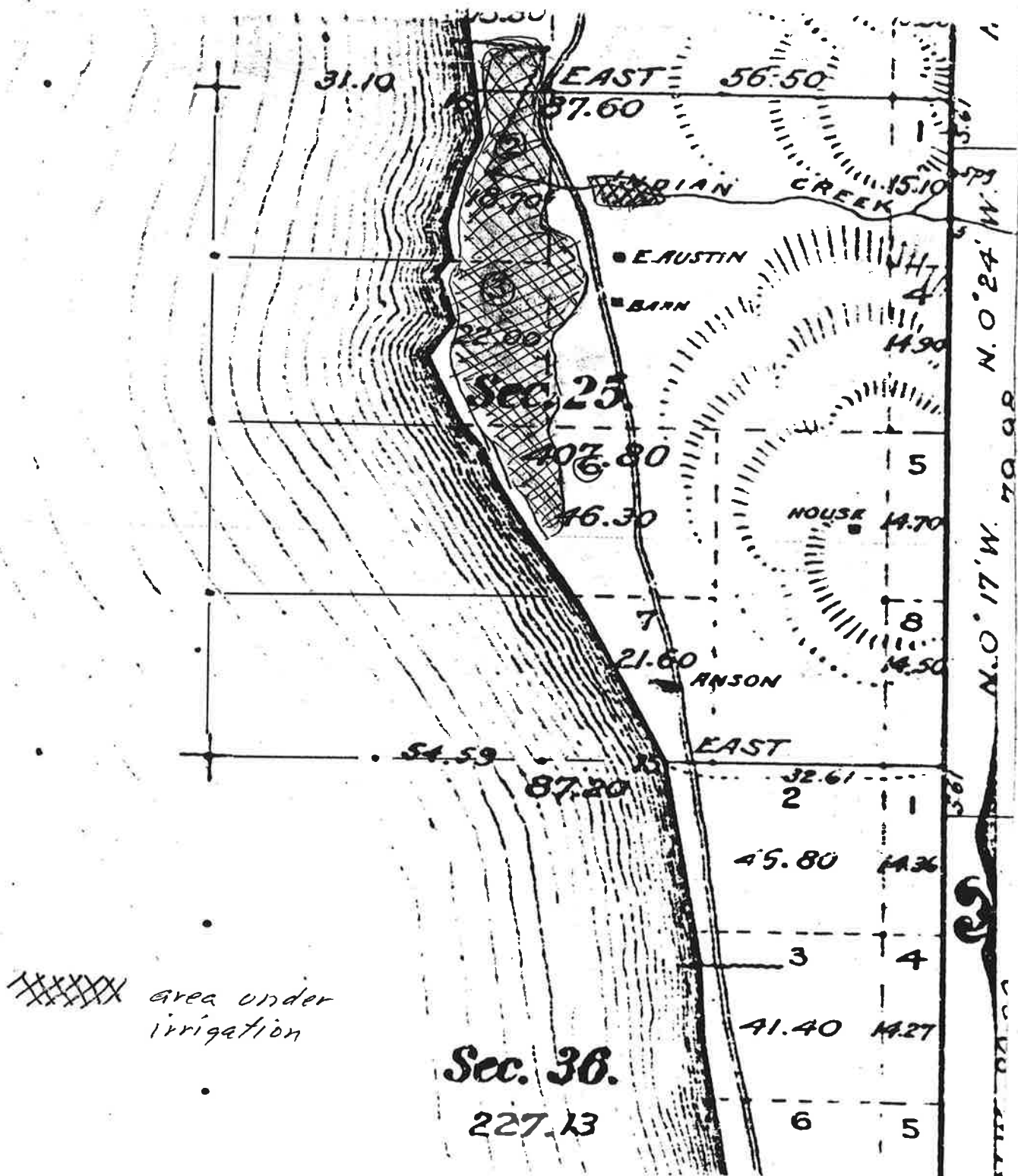
3. Lands irrigated or place of use:

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	

Total acres _____

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**

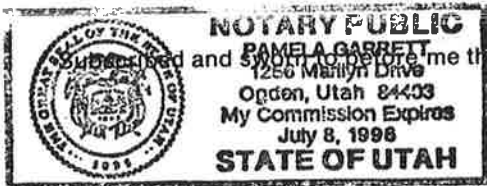
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>None</u>			to _____
				to _____

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.



(Signature of Applicant)

4 day of May, 19 93

(Notary Public)

My commission expires

8 July 1996**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MEMORANDUM

To: Harold Jones
From: Paul Meyer
Date: 20 May 1993

RE: Measurement of Indian Creek for Transfer of 11-00245

As per your request, on 12 May 1993, I conducted a transfer examination on water right 11-00245 from Indian Creek in Bear Lake County held by Conrad Nebeker.

Mr. Nebeker's diversion system consists of two pipelines which divert from Indian Creek. The uppermost pipeline lies in the natural creekbed for some distance and then follows an old ditch to farmland on a bench above and east of the road along Bear Lake. At the time of the examination, the pipeline was in serious need of repair. The diversion leaked badly. As the pipeline left the creek channel, it had frozen and broken allowing all flow to fall back into the creek.

The second diversion is located a little ways downstream at an old dam which appeared to have historically held water in a small reservoir for irrigation of the farm's lower fields and pastures. It was apparent the reservoir had not been used for several years. All water in the creek is diverted into a pipeline from the old headgate in the dam that controlled outflow from the reservoir. The pipeline carries the water to a old ditch that flows down into a piece of pastureland just east of the road. The natural creek channel is dry below the dam and pipeline.

Since there is a significant drop from the pipeline to the ditch and all creekflow has been diverted into the pipeline, I chose this location for the stream measurement. There was no need to use the current meter. Flow was low enough that I could easily use a five-gallon bucket and stopwatch.

Three measurements were conducted:

Measurement #		Seconds	GPM	CFS
1	5 gallons in...	3.1	96.8	0.215
2	"	3.5	85.7	0.190
3	"	3.4	88.2	0.196

The most liberal measurement indicates total creekflow at 0.215 cfs; less than 1/10 of the 2.35 cfs recorded in 11-00245.



FROM: H.W. JONES
TO: TR. #4150/11-00245
CONRAD NEBEKER

THIS TRANSFER SEEKS THROUGH TRANSFER TO ADD A PD AND SOURCE FROM BEAR LAKE. APPLICANT HAS A STORAGE WATER CONTRACT WITH UTAH POWER AND LIGHT (SEE IN FILE) TO PUMP WATER FROM BEAR LAKE WITH CONDITIONS. SOME OF THE QUESTIONS ARE;

- 1/ DOES APPROVAL OF THIS TRANSFER ALLOW AN IMPROVEMENT IN THE WATER RIGHT BY ALLOWING THE USE OF A MUCH MORE DEPENDABLE SOURCE.
- 2/ SINCE THE APPLICANT AGREED THAT THE IRRIGATED ACRES COVER AN AREA OF 68 ACRES RATHER THAN 117 ACRES, SHOULD NOT THE CFS BE REDUCED ACCORDINGLY TO 1.36 CFS.

PAUL MEYER DID AN ORIGINAL INSPECTION ON MAY 12, 1993 TO SEE IF THE FLOWS OF INDIAN CREEK REACHED BEAR LAKE IN SUFFICIENT QUANTITY TO ALLOW AN EXCHANGE/TRANSFER OF AN AMOUNT FROM BEAR LAKE OF 1.36 CFS - 2.35 CFS. PAUL ONLY FOUND 0.21 CFS REACHING BEAR LAKE. HOWEVER A LATER INSPECTION ON JUNE 15, 1993 BY DAVE WALRATH FOUND THAT SEVERAL DIVERSIONS WERE BEING MADE UPSTREAM BY MR. NEBEKER FOR IRRIGATION. I FEEL THIS AMOUNT WAS MISSED IN PAUL'S INSPECTION AND IF THE DIVERSIONS ON INDIAN CREEK WERE ABANDONED IN FAVOR OF THE BEAR LAKE PUMP THEN A MUCH GREATER FLOW WOULD REACH THE LAKE FROM INDIAN CREEK.

IF THIS TRANSFER WERE TO BE APPROVED THEN THE FOLLOWING CONDITIONS SHOULD BE PART OF THE CONDITION PACKAGE.

- A/ MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPT. SHALL BE MAINTAINED AT THE POINTS OF DIVERSION.
- B/ USE OF WATER UNDER THIS RIGHT IS SUBJECT TO CONTROL BY THE WATER MASTER OF WATER DISTRICT 11, BEAR RIVER.
- C/ AT TIMES WHEN THE PUMP IN BEAR LAKE IS BEING USED, ONLY STORAGE WATER FROM THE UP&L CONTRACT SHOULD BE ASSESSED TO THAT DIVERSION. INDIAN CREEK WATER WILL ONLY BE TAKEN FROM THE P.D. IN L-1, NENE SECT. 25 T15S 44E.

