

T5155 BENNINGTON WATER SYSTEM

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

NOV 24 1997

Department of Water Resources
Eastern Region

TRANSFER NO. 5155
WATER RIGHT NO. 11-07377

This is to certify that: **BENNINGTON WATER SYSTEM INC**
C/O ROBERT HOLJESON
38 N 2ND E
MONTPELIER ID 83254

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>
DOMESTIC	01/01 to 12/31	0.40 CFS	84.0 AF

SOURCE

GROUNDWATER

Priority: 05/22/1997

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 9, Township 12S, Range 44E
SESW , Sec. 9, Township 12S, Range 44E
BEAR LAKE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

12S 44E 9	SWNE	SWNW	SENW
	NESW	NWSW	SWSW
	SESW	NWSE	

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. The total instantaneous diversion of water from all points of diversion under Transfer 5155 shall not exceed 0.40 cfs, nor total combined annual volume of 84.0 af.

TRANSFER NO. 5155
WATER RIGHT NO. 11-07377

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of Transfer 5155 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Domestic use is for 70 homes.
7. Rights 11-07317 and 11-07377 when combined shall not exceed a total annual diversion volume of 84.0 af and shall not provide a domestic water supply for more than 70 homes.

Dated this 19th day of November, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 11-07377

FROM: PAM SKAGGS/²⁸STATE OFFICE

SUBJECT: TRANSFER 5155

DATE: November 19, 1997

OK for

=====

Transfer 5155 adds a second point of diversion under Right 11-07377 as required by DEQ for public water supply. The new point of diversion has been identified as an existing irrigation well.

Recommended conditions include multiple points of diversion/measuring devices, right-of-way, licensing combined limits and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5155

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

OCT 03 1997

PART 1

Department of Water Resources
Eastern RegionName of applicant BENNINGTON WATER SYSTEM INC Phone (208) 847-2843Post Office address c/o ROBERT HOLJESON 38 N 2ND E BENNINGTON, MONTPELIER ID 83254

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 ADDITIONAL WELL IS REQUIRED BY DEQ FOR PUBLIC WATER SUPPLY.

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>11-07377</u>	<u>5-22-1997</u>	<u>0.40 CFS</u>	<u>DOMESTIC</u>	<u>1-1</u> to <u>12-31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.40 cubic feet per second and/or _____ acre-feet per annum.3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	9	12S	44E	BEAR LAKE	EXISTING POINT OF DIVERSION
		NW	NW	9	12S	44E	BEAR LAKE	ADDITIONAL POINT OF DIVERSION

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	
12S	44E	9			D				D	D	D	D	D		D				

Total acres _____

PART 1

6. General Information:

a. Description of diversion system TWO WELLS TO PIPELINE TO 50,000 GALLON STORAGE TANK TO
PUBLIC WATER SUPPLY TO SUPPLY 70 SINGLE FAMILY DOMESTIC HOMES WITHIN TOWNSITE
OF BENNINGTON.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes N/A 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:

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 _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-07377

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.40 CFS	84.0 AF

SOURCE

GROUNDWATER

Priority: 05/22/1997

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 9, Township 12S, Range 44E
BEAR LAKE CountyPLACE OF USE: DOMESTICTWN RGE SEC

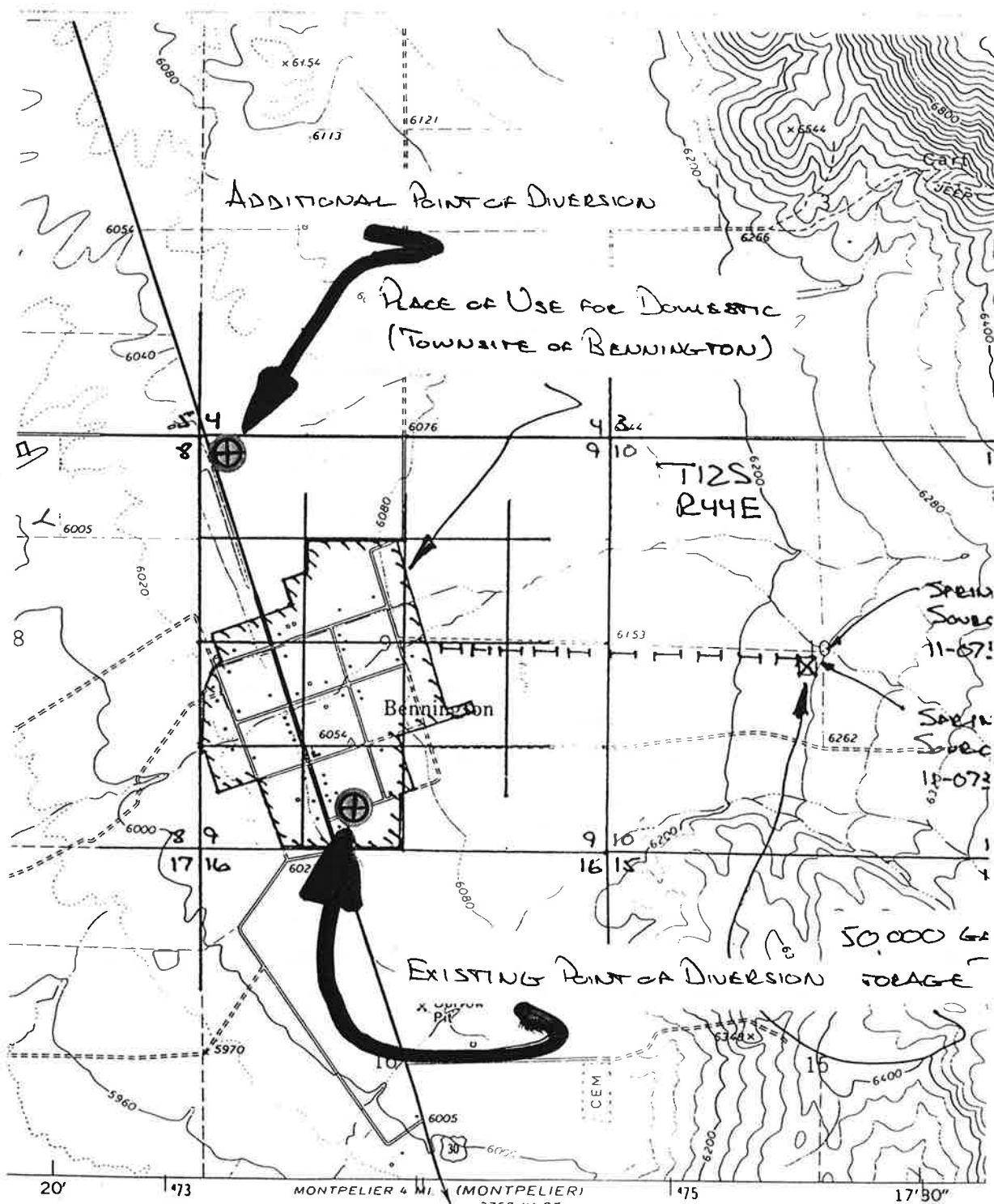
12S 44E 9	SWNE	SWNW	SENE
	NESW	NWSW	SWSW
	SESW	NWSE	

CONDITIONS/REMARKS:

1. Domestic use is for 70 homes.
2. Rights 11-07317 and 11-07377 when combined shall not exceed a total annual diversion volume of 84.0 af and shall not provide a domestic water supply for more than 70 homes.

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.

Robert Halger

(Signature of Applicant)

Subscribed and sworn to before me this 29 day of September, 19 97.Delroy M. Beckman

(Notary Public)

My commission expires Feb. 28, 2000**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by DEM/KS (S.O.) Date 9-18-97

Protest filed by _____

Prelim. check by HWT Fee \$100Receipted by K. STANLEY #C040177 Date 9-18-97Published in News Examiner

Copies of protest forwarded by _____

Pub. dates Oct. 23 & 30 '97

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

October 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NEWS EXAMINER
CLASSIFIED ADS
PO BOX 278
MONTPELIER ID 83254

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before November 10, 1997.

Yours truly,

Rita Bodell
Secretary

Enc.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 5155

Notice is hereby given that BENNINGTON WATER SYSTEM, c/o Robert Holjeson, 38 N. 2ND E. Bennington, Montpelier, ID 83254 has applied to the Department of Water Resources to add a diversion point. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 11-07377 Source: groundwater
Amount: .40 cfs Priority: 05/22/1997
Point(s) of Diversion: SESW SEC 9 T12S R44E, Bear Lake County
The water is used for domestic purposes from 01/01 to 12/31
within the SWNE S1/2NW1/4 SW1/4 NWSE SEC 9 T12S R44E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add an additional point of diversion (well) in the NWNW SEC 9 T12S R44E. This second well is required by the Division of Environmental Quality to meet public water supply requirements.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before November 10, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the News Examiner on October 23 & 30, 1997.

