

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 15 2016

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Eastern Region

Name of Applicant(s) George L. Bates Phone (208)399-2158
Mailing address 2495 S 5415 W Driggs ID 83422 Email batesfarm@silverstar.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

George Bates
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

June 15, 2016
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.

Correct the place of use to show current irrigation.

Create a permissible place of use where water can be moved not to exceed 50 acres for the benefit of production

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Department of Water Resources
Eastern Region

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	22-162B	0.70	Irrigation	04/15 to 10/31	Mahogany Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.7 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed .014 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	44E	13	19	10			35	11										75	

Total Acres (for irrigation use) 75

C. Bates

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Headgate in mahogany creek to two pipelines to sprinkle irrigation

- b. Who owns the property at the point(s) of diversion? USFS

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Historical easement

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

None this only corrects the place of the use for the water right

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 22-162B

Current Owner: STEVEN L BATES

Priority Date: 5/3/1889

Origin: Water Right

Status: Active

Basis: Decreed

Source

MAHOGANY CREEK

Tributary

TETON RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversión Rate

0.7 CFS

Annual Volume

Total Diversión

0.7 CFS

Location of Point(s) of Diversión

MAHOGANY CREEK

L2(SE1/4NW1/4NE1/4)

Sec. 14, Twp 04N, Rge 44E B.M.

TETON County

Place of Use

IRRIGATION Within TETON County

T04N R44E S13

NENE

20.00

T04N R44E S13

NWNE

11.00

T04N R44E S13

NENW

19.00

Total Acres: 50

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. B09 This right is subject to regulation by the watermaster of Water District No 01.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 8/19/2009



2017 Proposed Irrigation and POD

117884

OCT 17 1994

QUITCLAIM DEED

TETON Co. Id.
Clerk Recorder

For Value Received, Steven L. Bates and Mary V. Bates, the Grantors, do hereby remise, release and forever quitclaim, IN TRUST, unto Steven L. Bates, Mary V. Bates and George L. Bates, as Trustees for The Bates Family Trust, Grantee, of 544 West 255 South, Driggs, Idaho, the following described real estate situated in Teton County, State of Idaho:

The SW 1/4 of the NE 1/4; and the NE 1/4 of the SW 1/4 of Section 12, Township 4 North, Range 44, E.B.M.; and, Beginning 660 feet East of the NW corner of Section 13, Township 4 North, Range 44, E.B.M., and running thence South 330 feet, thence East 660 feet, thence North 330 feet, thence West 660 feet to the point of beginning (reference Instrument No. 107691, as corrected Instrument No. 117717, Teton County, Idaho); and

Beginning at the SW corner of the NW 1/4 of Section 13, Township 4 North, Range 44, E.B.M., East 2,640 feet, thence North 1,237.5 feet, thence East 874.5 feet, thence North 742.5 feet, thence East 1,765 feet, thence North 660 feet, thence West 1,975 feet, thence South 260 feet, thence West 100 feet, thence North 260 feet, thence West 1,885 feet, thence South 330 feet, thence West 660 feet, thence North 330 feet, thence West 60 feet, thence South 826 feet, thence West 600 feet, thence South 1,814 feet to the point of beginning, less that portion from the NE corner of Section 13, Township 4 North, Range 44, E.B.M., S 69°20'35" W, 1894.00 feet to the point of beginning, thence S 89°50'11" W, 164.59 feet to a point, thence

S 11°19'40" W, 727.99 feet to a point, thence N 89°50'11" E, 309.91 feet to a point, thence N 0°11'14" W, 713.40 feet to the point of beginning (reference Instrument No. 107692, Teton County, Idaho).

Containing approximately 263 acres more or less.

Together with all water rights appurtenant to the land.

Subject to all roadways, easements, rights of way, and reservations of record.

Dated: October 14th, 1994.

Grantors:

Steven L. Bates
Steven L. Bates

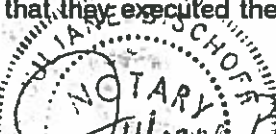
Mary V. Bates
Mary V. Bates

STATE OF IDAHO)

) ss.

County of Madison)

On this 14th day of October, 1994, before me, a Notary Public in and for said State, personally appeared Steven L. Bates and Mary V. Bates, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Notary Public for Idaho

Residing At: Driggs, IdahoMy Commission Expires: 9-22-95

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FILED

AT THE REQUEST OF

Mary Bates

AT 55 MINUTES PAST 4 MDATE Oct. 17, 1994

Gisa J. Drake

CLERK OF RECORDER

BY Nora Rigby

DEPUTY

Filed _____
Indexed _____
Printed _____

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STA THIS DECLARATION OF TRUST was signed by the Grantors, and accepted by the
Trustees, on this 14th day of October, 1994, at Madison County, Idaho.

Steven L. Bates
Steven L. Bates, Grantor

Mary V. Bates
Mary V. Bates, Grantor

Steven L. Bates
Steven L. Bates, Individual Trustee

Mary V. Bates
Mary V. Bates, Individual Trustee

George L. Bates
George L. Bates, Individual Trustee

ACKNOWLEDGEMENTS

STATE OF IDAHO)
) ss.
County of Madison)

On this 14th day of October, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Steven L. Bates, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal, the day and year in this certificate first above written.

Juliane Bischoff Baer
Notary Public
Residing at: Ruxburg, Idaho
My commission expires: 9-22-95

SLB
SLB

M.V.B.
MVB

THE BATES FAMILY TRUST

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CLERK OF RECORDER
BY Nora Rigby

Filed _____
Indexed _____
Placed _____