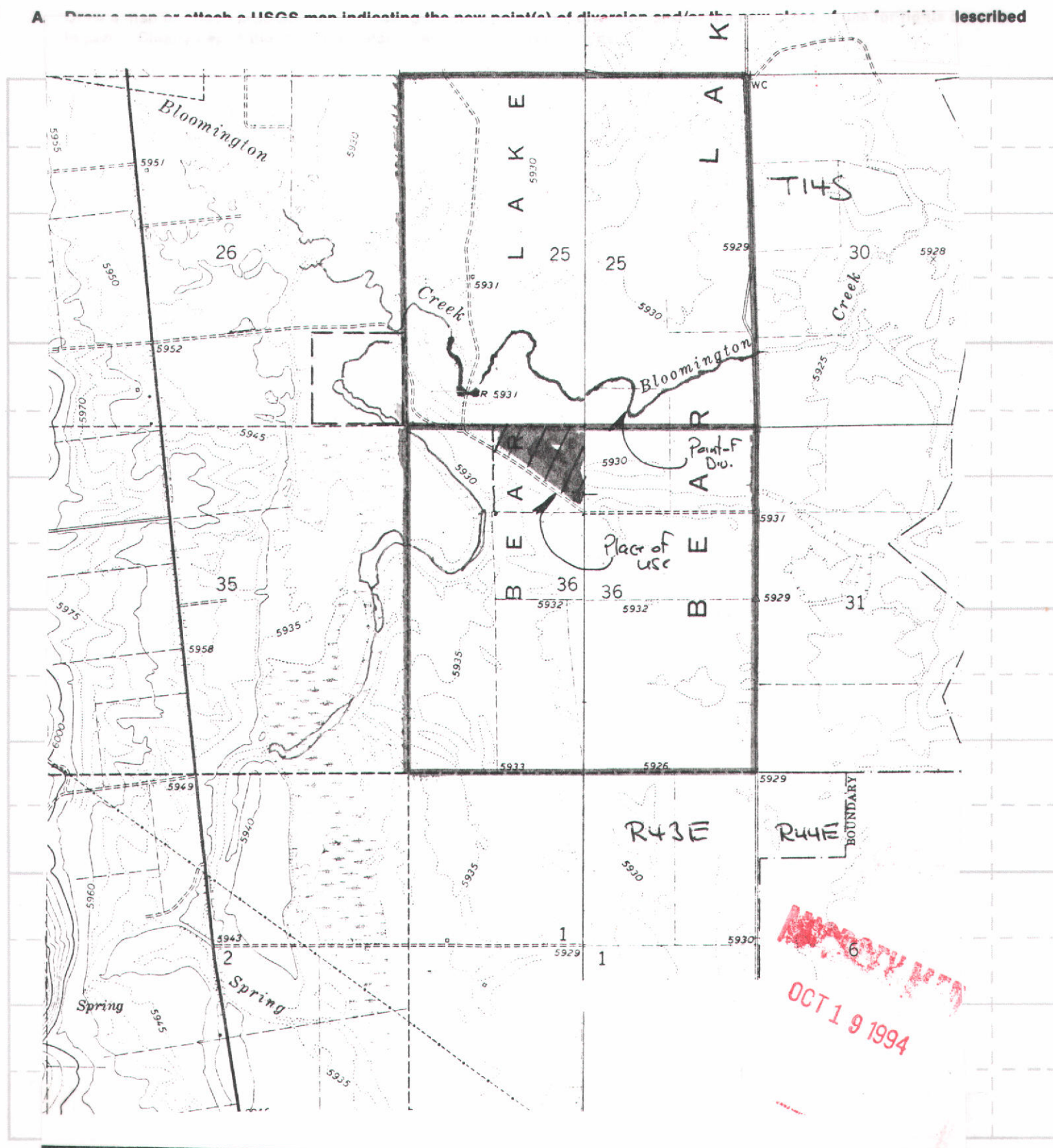


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

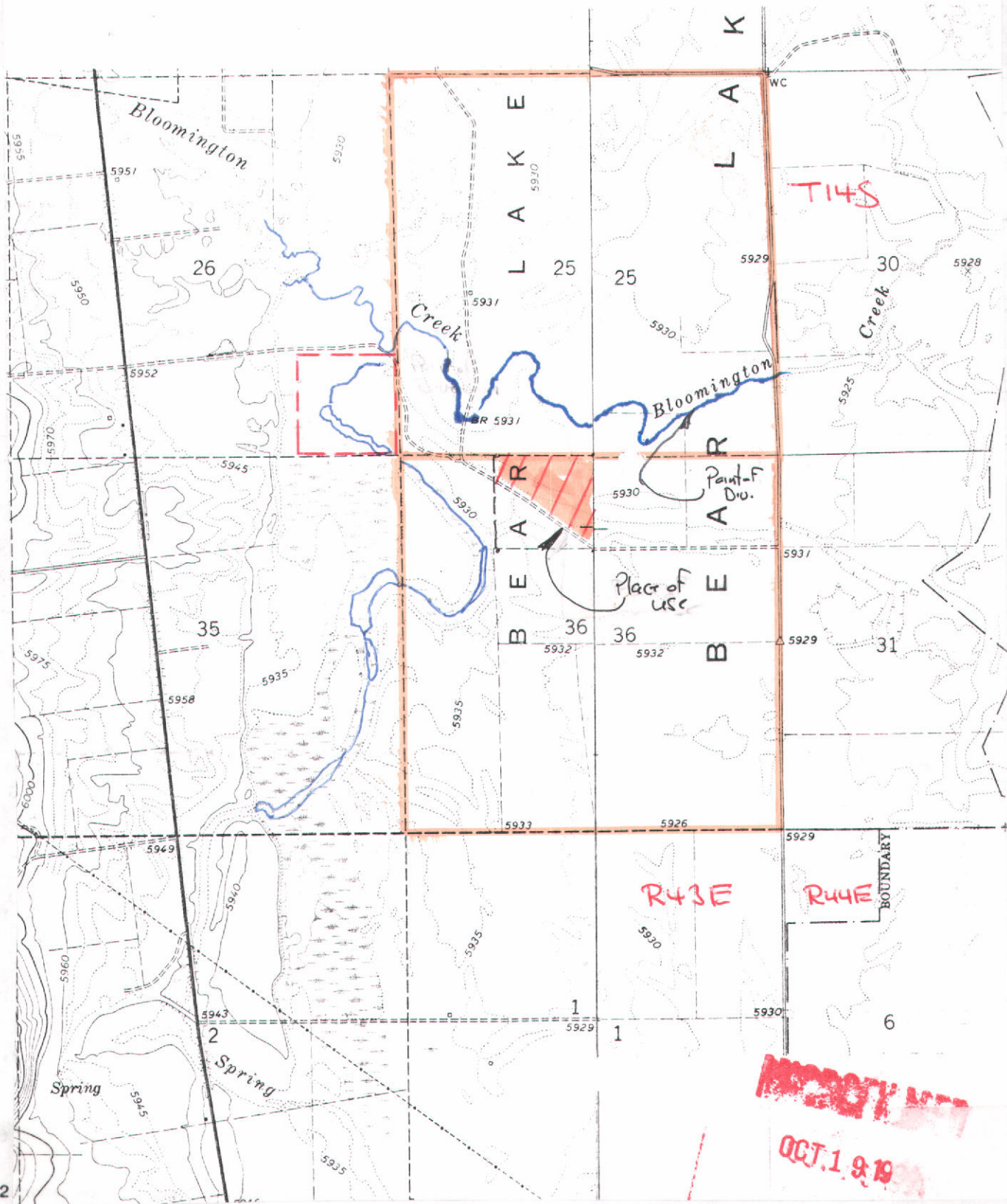
A Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place(s) described

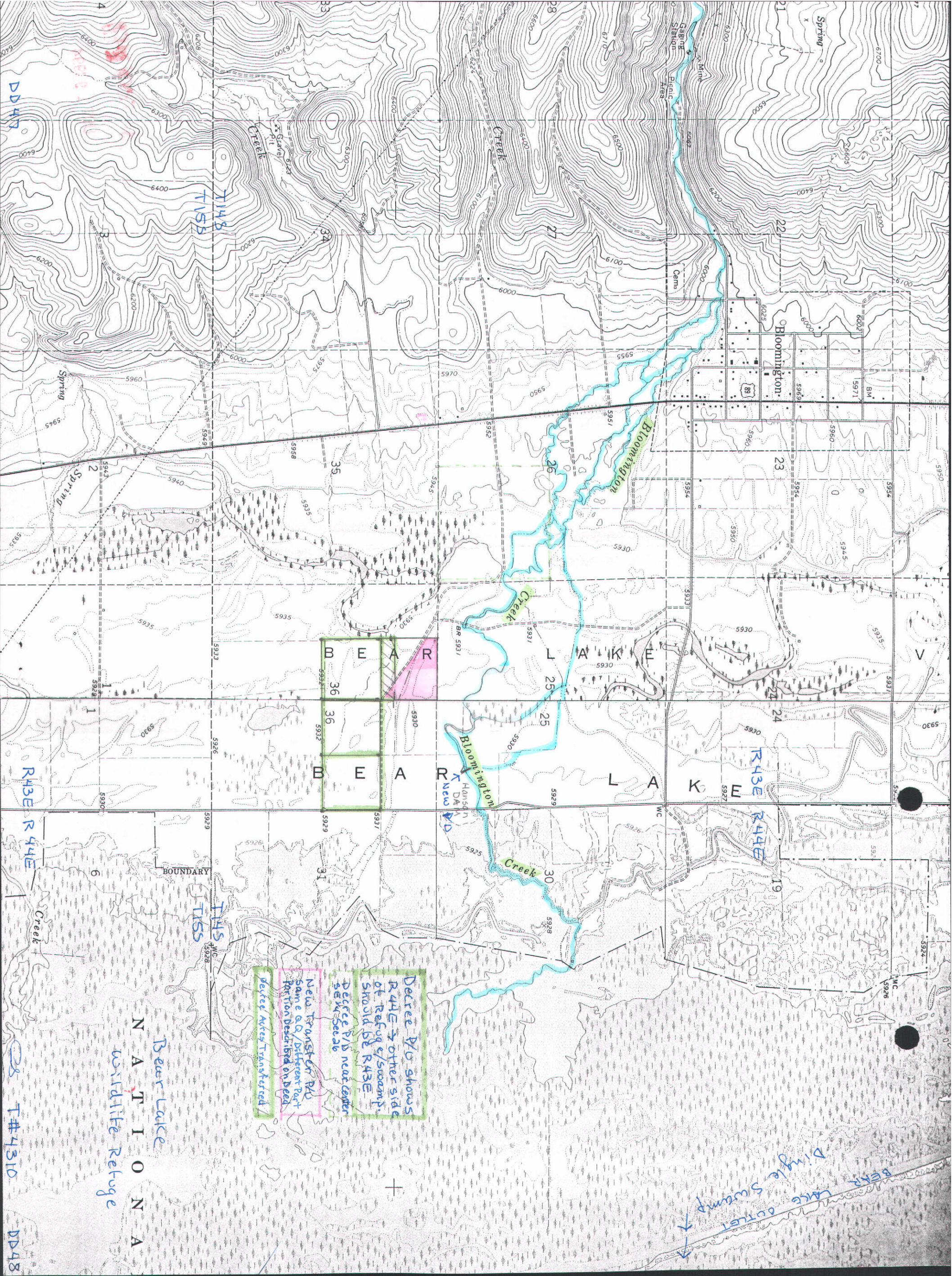


SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.





DD47

R43E R44E

DD48

Bear Lake
Wildlife Refuge

N A T I O N A

T14S
T15S

T14S
T15S

Decree P/O shows
R44E → other side
of Refuge/suam.
should be R43E
Decree P/O near center
set by Secale
New Transfer P/O
same as Different Part
Partition described on deed
Decree A/Ces Transferred

R43E
R44E

Wildlife Swamp
Bear Lake outlet

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Decree	11-00218	George T. Thornock	1.54

SPLIT INTO PARTS A & B BY TRANSFER #4310

Partial Assignment	11-00218A	George T. Thornock	1.42
Partial Assignment	11-00218B	William Bee Merla Bee	0.12

RECEIVED

OCT 19 1994

PART B

Part B - left side

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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.

RECEIVED

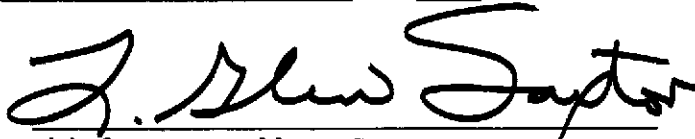
OCT 19 1994

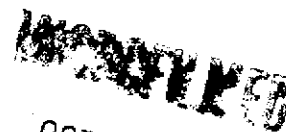
TRANSFER NO. 4310
WATER RIGHT NO(S). 11-00218B/11-00219B

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


OCT 19 1994

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

1. ☒ 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.
2. 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

2. Total amount of water being transferred 0.15 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Bloomington Creek tributary to Bear 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	Bear Lake	Hanson 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					15												15

OCT 19 1994

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 ☒ 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:

Dryer 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. _____, subject to the following limitations and conditions:
And said application is hereby _____

Witness my hand this _____ day of _____

19 _____

OCT 19 1994

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00218

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 06/25	1.54 CFS

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

Priority: 05/01/1880

LOCATION OF POINT(S) OF DIVERSION:SE , Sec. 26, Township 14S, Range 43E
BEAR LAKE CountyPLACE 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	44E	36	SWNE	SENE	NENW	
	43		SENE			

CONDITIONS/REMARKS:

1. P/D LONG AND BATEMAN DITCH.
2. P/U AC. IRR. = 77.
3. SOURCE - ALSO KNOWN AS CENTER CREEK.

RECORDED

OCT 19 1994

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 G-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 G-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

OCT 19 1994

Total acres 62

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00219

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.46 CFS

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

Priority: ~~07/25/1923~~ 5-1-1890LOCATION OF POINT(S) OF DIVERSION:SE , Sec. 26, Township 14S, Range ~~44E~~
BEAR LAKE County 43EPLACE 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	~~44E~~	36	SWNE	SENE	NENW	
	43E		SENE			

CONDITIONS/REMARKS:

1. P/D LONG AND BATEMAN DITCH.
2. P/U AC. IRR. = ~~77.23~~ within place of use described on 11-00218
3. SOURCE: ALSO KNOWN AS CENTER CREEK. (per decree)

RECORDED
OCT 19 1994

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									

OCT 19 1994

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

11-00218

Total acres 77
(should be 23 acres)

PART 2

Transfer No. 4310

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

2. Point(s) of Diversion: amount (cfs/ac-ft) for purposes from to

Lot	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
			26	44S	44E	DeKalb	Long-Bottoman Ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE %	NW %	SW %	SE %	NW %	NW %	SW %	SE %	NE %	NE %	SW %	SE %	Totals
44S	44E	26													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

2. Point(s) of Diversion: amount (cfs/ac-ft) for purposes from to

Lot	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
			26	44S	44E	DeKalb	Long-Bottoman Ditch

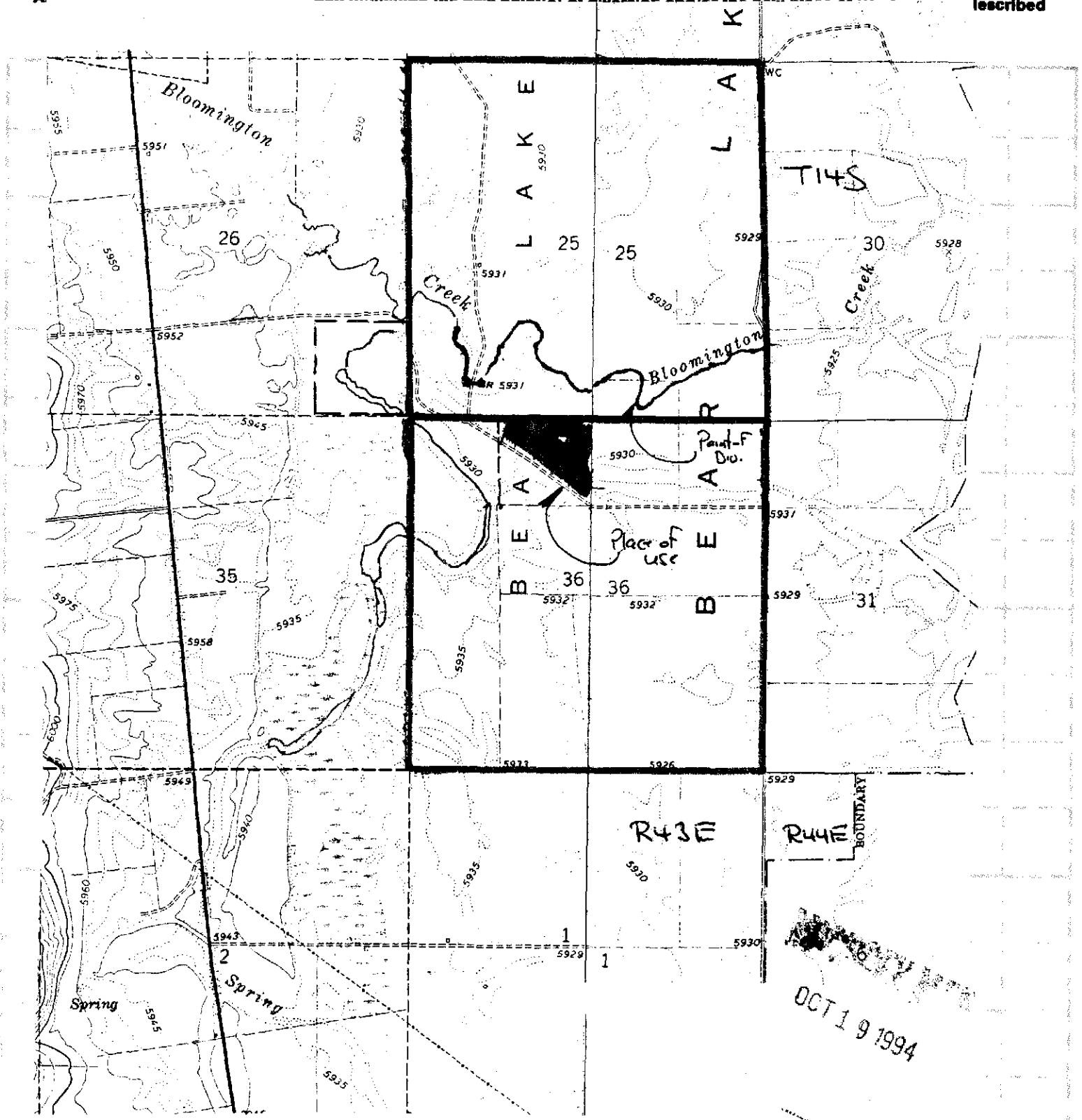
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE %	NW %	SW %	SE %	NW %	NW %	SW %	SE %	NE %	NE %	SW %	SE %	Totals
44S	44E	26													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 point(s) described



PART 3

B. CHANGES IN NATURE OF USE

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

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)

Subscribed and sworn to before me this

(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____

Prelim. check by _____

Received by _____

Published in _____

Pub. dates _____

Watermaster recommendation requested on _____

rec'd. _____

Copy of transfer sent to lien holder _____

OCT 19 1994

RECEIVED
MAR 21 1964

Page 1 of 1

STATE OF IDAHO

MAR 2 1994

Transfer No. 4310

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant William G. Bee Phone (208) 945-2089

Post Office address Box 164 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 Make correction in legal description
2. 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.

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 |
|--|-----------|-----------------------|------------------|---------------|
| 11-00218B | 5-01-1880 | 0.30 | Irrigation | 5-01 to 6-25 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>0.30</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Bloomington Creek</u> tributary to <u>Bear Lake</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 15

OCT 19 1994

RECEIVED

19

day of

Witness my hand this

And said application is hereby

This is to certify that I have examined Application for Transfer of Water Rights No.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

d. Remarks:

Deed has incorrectly described P.O.U. as in R44E which is
across lower lake of the east side. The Long-Bottom ditch & our
property is in R44E on the west side of the lake.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N.A.

trust, mortgage or contract agreeing to the proposed changes.

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

6. General Information:

a. Description of diversion system

Hanson Dam to ditch & flood irrigation

PART 1

Transfer No.

4310

of

Page

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

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 | for | Investment | purposes from | to | C-28 |
| | (cfs/ac-ft) | | | | | |
| | amount | for | | purposes from | to | S-GI |
| | (cfs/ac-ft) | | | | | |
| | amount | for | | purposes from | to | |
| | (cfs/ac-ft) | | | | | |
| 2. | Point(s) of Diversion: | | | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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

- | | | | | | | | |
|----|------------------------|-----|-----------------|--------------------|---------------|----|-------------|
| 1. | amount | for | <u>1.94 cfs</u> | <u>Dry ght - "</u> | purposes from | to | <u>6-28</u> |
| | (cfs/ac-ft) | | | | | | |
| | amount | for | | | purposes from | to | |
| | (cfs/ac-ft) | | | | | | |
| | amount | for | | | purposes from | to | |
| | (cfs/ac-ft) | | | | | | |
| 2. | Point(s) of Diversion: | | | | | | |

[illegible]

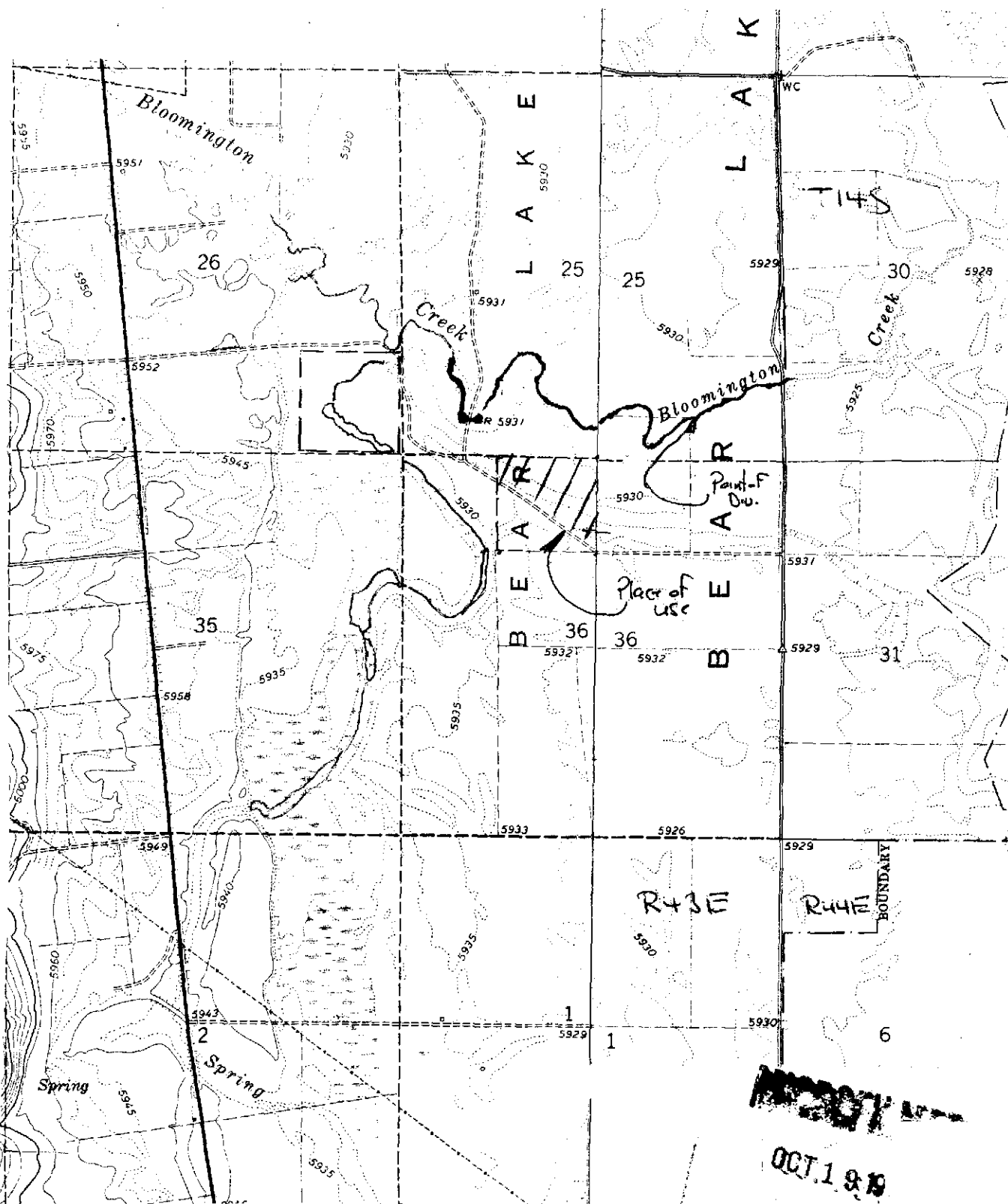
3. Lands irrigated or place of use:

[illegible]

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.



B. CHANGES IN NATURE OF USE

1 New Nature of Use

Amount (cfs/ac-ft)

Hours/days/year

Period of Use

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)

day of February, 1994

Subscribed and sworn to before me this

(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLY

Transfer contains

pages and

attachments

Received by

Date

3/2/94

Prelim. check by

Fee

\$50

Received by

Date

3/2/94

Published in

Pub. dates

Watermaster recommendation requested on

rec'd.

by

Copy of transfer sent to lien holder

OCT 19 1994

11-22-94

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant William G. Bee Phone 945-2089
Post Office address Box 164 Bloomington Idaho 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 This water when combined with water already diverted at Hanson Dam will irrigate ground previously irrigated by both outlets to better advantage.

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 |
|-----------------|----------|--------------------|---------------|-------------------|
| | 1880 | .12 | irrigation | Apr 20 to Sept 30 |
| | 1890 | .03 | irrigation | Apr 20 to Sept 30 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred .15 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Bloomington Creek tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE			26	14	43	Bear Lake	Hanson 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	
14	43	25											40				6		46
14	43	36			60														60
14	43	38			15														15

Total acres 121

OCT 19 1994

RECEIVED

19

day of

Witness my hand this

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

d. Remarks:

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer. This ground will still be irrigated from the different diversion point.

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.

6. General Information:
a. Description of diversion system

Hanson Dam on the ...

PART 1

Transfer No.

Page _____ of _____

**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. _____ Decreed to George T. Thornock

* in case of George P. Thornock, Herbert Bateman vs. Bloomington Irrigation Co.
Stafford Cleveland
dated 7-25-23 in Bear Lake county of Idaho

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 _____

4. Date or priority 1880-1890

5. Water is used for the following purpose:

amount .12 for irrigation purposes from Apr 20 to Sept 30
(cfs/ac-ft)
amount .03 for irrigation purposes from Apr. 20 to Sept 30
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .15 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	14	43	Bear Lake	Long-Bateman Ditch
			SE	26	14	43	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	
14	43	36					15												15

Total acres 15

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

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

FD-302 (Rev. 11-27-70)

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 _____

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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

1. amount _____ for _____ purposes from _____ to _____ (date)

2. Point(s) of Diversion:

[illegible]

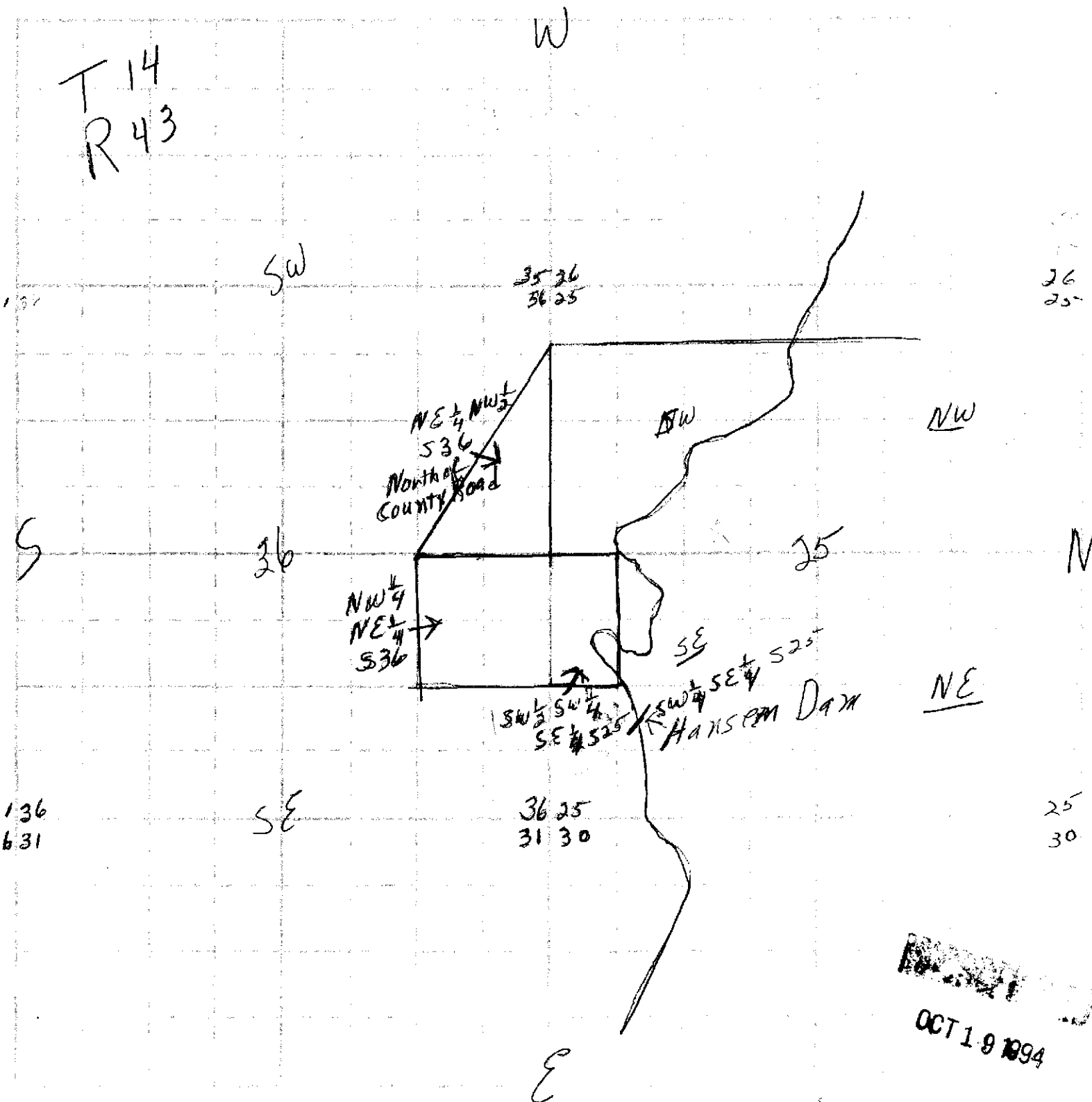
3. Lands irrigated or place of use:

[illegible]

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.



OCT 19 1994

Copy of transfer sent to lien holder

rec'd.

by

Watermaster recommendation requested on

Recommended for

☐ approval ☐ denial

Pub. dates

Hearing held by

Date

Copies of protest forwarded by

Published in

Received by

WJM

Date

2-2-94

Prelim. check by

WJM

Fee

CE# 1088 30.00

Received by

WJM

Date

2/2/94 11:00

Protest filed by

Transfer contains pages and attachments

FOR DEPARTMENT USE ONLY

My commission expires

2-6-1999

(Notary Public)

Donald J. Elmer

Subscribed and sworn to before me this

day of

February

19

(Signature of Applicant)

William G. Boer

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

of the original right. The information contained in this application is true to the best of my knowledge.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use

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

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

to

to

Period of Use

Hours/days/year

Amount
(cfs/ac-ft)

New Nature of Use

B. CHANGES IN NATURE OF USE

PART 3

Transfer No.

Page of

PART A



Warranty Deed

THIS INDENTURE, made the 9th day of September, in the year of our Lord one thousand nine hundred and Fifty-Four between William R. Bee and Alta Bee, husband and wife

of Bloomington, County of Bear Lake, State of Idaho, parties of the first part, and William George Bee and Merla Bee, husband and wife of Bloomington County of Bear Lake State of Idaho the parties of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Four Thousand DOLLARS lawful money of the United States of America to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM unto the said parties of the second part, and to their heirs and assigns forever, all that certain piece or parcel of land, situated in the County of Bear Lake, State of Idaho, and known and described as follows, to-wit:

Commencing at the Northwest corner of the Northeast quarter of Section 36, Township 14 South of Range 43 East of the Boise Meridian, and running thence North 40 rods, more or less to center of Bloomington Creek; Thence East following channel of said creek for a distance of approximately 80 rods; Thence South 110 rods, more or less, to the Southeast corner of the Northwest quarter of the Northeast quarter of said Section 36; Thence West 80 rods; Thence North 80 rods to the place of beginning, and containing 60 acres, more or less.

Together with a one-third interest in and to the dam and ditch and water rights used upon said premises.

Also Lot 17 as platted in Bear Lake County Plat Book "B" on page 82 and further described as follows, to-wit: Commencing at a point 9 chains and 13 links North 1° 37' West from the South East corner of the South West quarter of Section 25, Township 14 South of Range 43 East of Boise Meridian, in Idaho, and running thence South 1° 37' East 9 chains and 13 links; Thence North 88° 23' West 4 chains and 9 links; Thence North 4° West 15 chains and 11 links to center of Bloomington Creek; Thence down the center of the channel of said creek to place of beginning and containing 5 acres and 104 square rods of ground be the same more or less.

Also, Commencing at a point 4 chains and 9 links North 88° 23' West from the South East corner of the South West quarter of Section 25, of Township 14 South of range 43 East of Boise Meridian, and running thence North 4° West 15 chains and 11 links to center of Bloomington Creek; Thence up center of said creek to a point on 40 acre line 9.98 chains North 88° 25' West from the North East corner of the South East quarter of the South West quarter of Section 25; Thence North 88° 25' West 9 chains and 45 links to center of Bloomington Creek; Thence up center of said creek to the East side of road leading to Bloomington South bottoms; Thence South 8° 35' West along east side of said road 9 chains to section line; Thence South 88° 23' East 21 chains and 73 links to place of beginning and containing 35 acres and 48 square rods of land be there more or less.

Also, Lot 14 as platted in Bear Lake County Plat Book "B" on page 94 and further described as follows to-wit: Commencing at a point 19 chains and 45 links South and 21 chains and 63 links South 29° 30' East from the North West corner of the South West quarter of Section 25, Township 14 South of Range 43 East of Boise Meridian and running thence South 88° 30' East 9 chains and 70 links; Thence up the center of Bloomington Creek following its windings to place of beginning and containing 4 acres and 94 square rods of land be there more or less.

Also beginning at the NE Corner of the NW quarter of the NW 1/4 of Section 36, Township 14 South, Range 43 East of Boise Meridian, run thence West 22 rods to Center of County road; Thence South said road 7 rods 11 1/2 feet, to turn in road; Thence Southeasterly along said road 33 rods to forty line; Thence North on said line 23 rods 6 1/2 feet to place of beginning, and containing 2 1/2 acres, more or less.

Also, the North East quarter of the North West quarter of Section 36, in Township 14 South of Range 43 East of the Boise Meridian, save and except that portion thereof lying South of the County Road and here-
to deeded to Ray and Ben Bateman, leaving a net acreage in said tract of 1/5 acres, more or less.

1954 SEP 9 1954

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said part 1.12.22 of the second part, and to their heirs and assigns forever, and said part 1.12.22 of the first part, and their heirs, the said premises, in the quiet and peaceable possession of the said part 1.12.22 of the second part, their heirs and assigns against the said part 1.12.22 of the first part, and their heirs and assigns against any and all persons whosoever, lawfully claiming or to claim the same, shall and will warrant any by these present forever defend.

IN WITNESS WHEREOF, The said part 1.12.22 of the first part has hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

11-22 N. 13 (SEAL)

(SEAL)

United States of America

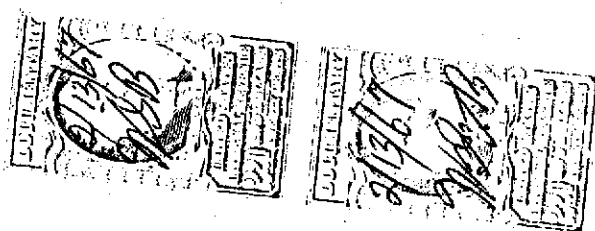
STATE OF IDAHO }
County of Bear Lake } ss.

On this 9th day of September in the year of our Lord one thousand nine hundred and Eighty-Four before me, Fred J. Price a Notary Public within and for said County and State personally appeared William R. Bee and Alta Bee, husband and wife personally known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

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

My Commission Expires Oct. 1, 1954

Fred J. Price
Notary Public for Idaho
Residing at 11-22 N. 13



8

NO. _____
Warranty Deed
TO
William R. Bee
Alta Bee
Dated Sept. 9, 1954

Office of County Recorder
STATE OF IDAHO }
County of Bear Lake } ss.

I hereby certify that this instrument was filed for record at the request of William R. Bee and Alta Bee at 2:55 minutes past 4 o'clock P. M. this 13th day of September, A. D., 1954, in my office, and duly recorded in Book 51 Deeds at page 23

Conceal to Helen
County Recorder
Deputy
Fee - \$2.00

Presented to and plotted by me this 19 day of 19

ASSESSOR
OCT 19 1954

Copy From
original
Drove

A. O. CHRISTENSEN:

- 11 0216 1868---1/10 of a cubic foot per second, to be diverted through said Bateman-Kroque-Thomas Ditch, for the irrigation of the following described lands: Commencing at a point 17 chains and 94 links South 72°30' West and 20 chains and 40 links North 23° West from the Southeast corner of the Northwest Quarter, Section 26, Township 14 South of Range 43 East of Boise Meridian, U. S. Survey, and running thence North 23° West 5 chains; thence North 66° East 11 chains; thence South 23° East 5 chains; thence South 66° West 11 chains to place of beginning and containing 5 acres of land more or less.

ALFRED A. HART:

- 11 0217 1868---21/50 of a cubic foot per second, to be diverted through said Bateman-Kroque-Thomas Ditch, for the irrigation of the following described lands: Commencing at a point 5 chains and 72 links North 89° West and 5 chains and 52 links South 2° 35' West from the Northeast corner of Southeast Quarter of Section 26 in Township 14 South of Range 43 East of Boise Meridian in Idaho, and running thence South 2° 35' West 66 links; thence South 88° 35' West 10 chains and 72 links; thence South 2° West 10 chains and 42 links; thence North 89° 30' East 17 chains to center of Bloomington Creek; thence up said creek following the center of the channel to the place of beginning, containing 16 acres more or less; Commencing at a point 1 chain and 90 links North 17° 45' West along the East side of Quarter Section; thence 7 chains South 66° 45' West from the Southeast corner of the Northwest Quarter, Section 26, Township 14 South, Range 43 East of Boise Meridian, U. S. Survey; and running thence South 66° 45' West 10 chains; thence North 23° West 5 chains and 25 links; thence North 66° 45' East 10 chains; thence South 23° East 5 chains and 25 links to place of beginning, and containing five and one-quarter acres of land, more or less.

GEORGE T. THORNOCK:

- 11 0218 1890---1-27/50 cu. ft. per second, up to and including June 25th of each and every year, to be diverted through what is known as the "Long and Bateman Ditch" having its intake near center of Southeast Quarter of Section 26, Township 14 South, Range 43 East, Boise Meridian, for the irrigation of 77 acres within the South Half of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, and the South Half of the South Half of the Northeast Quarter of the Northwest Quarter of Section 36, Township 14 South, Range 44 East, Boise Meridian.

OCT 19 1994

SENE
SLONE
SE NW
S6S6NENW

- 11 0219 1890---23/50 of a cubic foot per second, to be diverted

PART B

Part B-right side



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 6, 1994

WILLIAM BEE
MERLA BEE
PO BOX 164
BLOOMINGTON ID 83223

RE: Transfer of Water Right Nos. 11-00218B and 11-00219B

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 4310). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

OCT 19 1994

MEMORANDUM

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

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4310

DATE: September 19, 1994

=====

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.

SEP 19 1994

TRANSFER REVIEW SHEET

Transfer # 4310

Date Reviewed 9-30-94 28

Right(s) 11-00218 _____
11-00219 _____

B: Change P/D **C:** Add P/D **D:** Change P/U **E:** Change Nature of Use
F: Change Period of Use **G:** Other **H:** Change P/D & Add P/D
I: Change P/D & P/U **J:** Add P/D & Change P/U

Proof of Ownership ^{WR Agreement/Release} Deed reflecting ownership of NENW, sec 36 except 15 Acres South of County Road. Bear Lake Assessor confirms 2 owners - Bee & Bateman (15 Acres) Same as deed 9-16-94 28

Transfer _____ All of Right ✓ Portion of Right (Part B ✓)

Resulting Split(s) A + B

218 A) 1.42 cfs 71 Acres	—	219 A) .43 cfs 21.5 Acres	—
B) .12 cfs 6 Acres 13.1 afa	—	B) .03 cfs 1.5 Acres 5.3 afa	—
1.54 cfs 77 Acres	—	.46 cfs 23.0 Acres	—

Check Transfer Against Right

(1) ✓ Priority (2) ✓ Use (3) _____ Season (4) ✓ Rate ^{.02 cfs/acre} (5) _____ Volume ^{B/3.5}
 (6) ✓ Source (7) _____ P/D (8) _____ P/U (9) _____ Proof/Owner (10) _____ Map
 (11) _____ Water District (12) _____ Pertinent Conditions (13) _____ Expansion

(3+5) 218) .12 x 55 x 1.9835 = 13.1 afa 6 x 3.5 = 21.0 afa 5-1 to 6-25
219) .03 x 153 x 1.9835 = 9.1 afa 1.5 x 3.5 = 5.3 afa 4-15 to 10-15

⑦ Change P/D to Hansen Dam

⑧ Decrease P/U description of NENW < 10 Acres maximum - .15 cfs / 7.5 Acres = .02 cfs/acre

Per Water right agreement rate under each rt. is fixed & agreed upon as current & historical use. P/U being transferred described as portion of QQ owned by Bateman, but Bateman agrees to Bees described share of rts. New location will be in the portion of the QQ owned by Bee North of the Co. road.

Transfer Remarks P P/U 7.5 Acres/15 Acers P/U

Conditions R04, R01, R30, T04, T07, T08, T09

Database/Processing Notes T files A+B both rts. ✓

Edit to single remarks ✓

Database updated 10-6-94 28

218) 5-1 ← ———— 55 ———— → 6-25

219) 5-1 ← ———— 153 ———— → 10-1

STANDARD 4-15 ← ———— 183 ———— → 10-15

-BEE-1153

WR0749NP
No. 11-00218B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/30/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM BEE	05/01/1880	IRRIGATION	05-01 06-25	0.12 CFS	13.10 AFA
C	MERLA BEE					
	PO BOX 164			TOTAL DIVERSION:	0.12 CFS	13.10 AFA
	BLOOMINGTON ID 83223					
	(208) 945-2089					

Water Source: BLOOMINGTON CREEK

Tributary to: BEAR LAKE

Stage: DECREED

Point(s) of Diversion: T14S R43E S25 SESE

BEAR LAKE County

Point of Diversion Name(s):

	Name	Rate	Number
T14S R43E S25 SE SE	HANSEN DAM		

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
14S	43E	36	:					:	15					:					:						:	15.0
																							TOTAL ACRES	15.0		

Pou County: BEAR LAKE

Other Rights: RT. 11-0219.

Other Water Rights with Same Point(s) of Diversion and Source:
T11-00219B T11-00220 T11-00221 T11-00222 T11-00223

Other Water Rights Listing Overlapping Place(s) of use:
11-00218 11-00219 T11-00218A T11-00219A T11-00219B

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 11J.
- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R30 - 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.
- T04 - 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.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.

WR0749NP
No. T11-002188

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/30/94
PAGE: 2

Remarks: Right No. 11-002188 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.
~~Right No. 11-002198 is limited to the irrigation of 1.5 acres in
the place of use described above in a single irrigation season.~~

Dates: App. Received: Priority Date: 05/01/1880
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 11J Field Exam Fee:

Comments: Date: 08/11/1994 User-ID: PSKAGGS Subject: TRANSFER NO. 4310
Transfer No. 4310 was filed to change the point of diversion to
irrigate more effectively and correct a mistake in the place of
use description, from range 44E to actual location in 43E. A
portion of both Right Nos. 11-00218 and 11-00219 will be changed,
splitting the rights into parts A and B.

Audit: 08/11/94 PSKAGGS 09/16/94 PSKAGGS 09/30/94 PSKAGGS



ACTION REQUIRED

5-5-94

FROM: HW. Jones

TO: Tr. 4310 / 11-002180, -002190

- 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.

OCT 19 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

~~2-2-93~~
~~2-2-94~~
2-4-94
3-4-94

INITIAL REVIEW BY: HWT

1. Right number 11-00218 Applicant William E. Bee

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Other Correct P.O.U. Legal Description

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use. Wragg Range

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments _____

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 11-00219 on adjacent ground

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By ADL Date 5/12/94

No 4736

RECEIVED

APR 8 1994

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa S. Massman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 16, 1994, and ending

with the issue of March 23, 1994

Rosa S. Massman

Fees, 56.40

Subscribed and sworn to before me this 29th day

of March, 1994

Sherry Brown

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4310

Notice is hereby given that William G. Bee, Bloomington, ID, has applied to the Department of Water Resources to change point of diversion of the waters of Bloomington Creek tributary to Bear Lake. The right sought to be changed is evidenced by a Decree and recorded as follows:

Decree No. 11-00218 Decree to George Thornack in case of George Thornack, et al vs. Bloomington Irrigation Co., et al dated 7/25/1923 in the 5th District Court county of Bear Lake.

AMOUNT: 1.54 cfs

PRIORITY: 5/01/1880

POINT(S) OF DIVERSION: SE SEC 26 T14S R43E, Bear Lake County (Long & Bateman ditch)

The water is used from May 1 to June 25 to irrigate 77 acres within the S1/2NE E1/2NW SEC 26 T14S R43E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 30 cfs of water will be diverted from the SESE SEC 25 T14S R43E, B.M. Bear Lake County (Hanson Dam) and used to irrigate 15 acres within the NENW SEC 36 T14S R43E, B.M.

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before April 4, 1994.

R. Keith Thompson
Director

Legal No. 4736 — Published
March 16 and 23, 1994.

NOTARY PUBLIC

OCT 19 1994

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4310

Notice is hereby given that William G. Bee, Bloomington, ID, has applied to the Department of Water Resources to change point of diversion of the waters of Bloomington Creek tributary to Bear Lake. The right sought to be changed is evidenced by a Decree and recorded as follows:

Decree No. 11-00218 Decreed to George Thornack in case of George Thornack, et al vs. Bloomington Irrigation Co., et al dated 7/25/1923 in the 5TH District Court county of Bear Lake.

AMOUNT: 1.54 cfs PRIORITY: 5/01/1880

POINT(S) OF DIVERSION: SE SEC 26 T14S R43E, Bear Lake County (Long & Bateman ditch)

The water is used from May 1 to June 25 to irrigate 77 acres within the S1/2NE E1/2NW SEC 36 T14S R44E, B.M.

TO BE CHANGED AS FOLLOWS:

Only .30 cfs of water will be diverted from the SESE SEC 25 T14S R43E, B.M. Bear Lake County (Hanson Dam) and used to irrigate 15 acres within the NENW SEC 36 T14S R43E, B.M.

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before April 4, 1994.

R. Keith Higginson
Director

Published in the News Examiner on March 17 & 24, 1994.


OCT 19 1994

LAW OFFICES OF

RACINE, OLSON, NYE, COOPER & BUDGE

CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR

TELEPHONE
AREA CODE 208
232-6101

April 26, 1994

RECEIVED
FAX
208-232-8109
APR 28 1994

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Attention: H. W. Jones
900 N. Skyline Drive
Idaho Falls, Idaho 83402

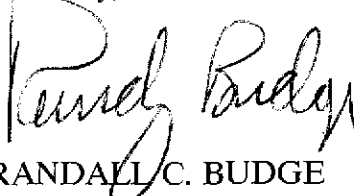
Re: Proposed Change of Water Right No. 4310 - William G. Bee

Dear Mr. Jones:

Based on our phone conversation this morning and the Amended Transfer Application of Mr. Bee which you faxed to me and appears to conform with the Water Right Agreement between the parties, the protest which we filed on behalf of Robert G. Warner on April 4, 1994, is hereby withdrawn.

Thank you for your assistance.

Sincerely,


RANDALL C. BUDGE

RCB:rr

cc: Kelly Kumm
Robert G. Warner

RECEIVED

OCT 19 1994

03-May-1994

WILLIAM OR MERLA BEE
PO BOX 164
BLOOMINGTON ID 83223

RE: App. for Transfer of Water Right No. 4310

Dear Applicant:

This letter is to advise you that the protest filed by Randall C. Budge on behalf of Robert G. Warner against approval of the above referenced transfer has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones _{rb}
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

OCT 19 1994

03-May-1994

RANDALL BUDGE
RACINE OLSON NYE COOPER & BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

RE: App. for Transfer of Water Right No. 4310 WILLIAM G. BEE

Dear Mr. Budge:

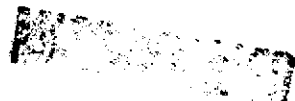
This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


HAROLD W. JONES
Water Right Supervisor

HWJ/rb


OCT 19 1994

06-Apr-1994

RANDALL C BUDGE
RACINE OLSON NYE COOPER & BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

RE: Application for Transfer No. 4310 - WILLIAM G. BEE

Dear Mr. Budge:

This letter acknowledges receipt of the protest filed by you on behalf of your client Robert G. Warner, against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

WILLIAM G. BEE
PO BOX 164
BLOOMINGTON ID 83223

If we may be of further assistance, please contact us.

Respectfully submitted,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office


OCT 19 1994

06-Apr-1994

WILLIAM G BEE
PO BOX 164
BLOOMINGTON ID 83223

RE: Application for Transfer No. 4310

Dear Mr. Bee:

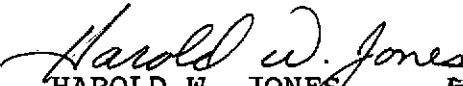
Enclosed please find a copy of the protest filed against the above referenced application for transfer. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office-212


OCT 19 1994

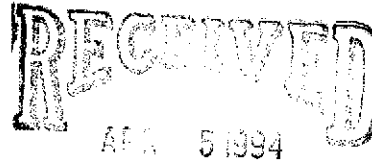
LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101
—
FAX
208-232-6109

April 4, 1994



Department of Water Resources
Eastern District Office

TRANSMITTED VIA FAX AND MAIL:
208-525-7177

Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: Proposed Change of Water Right No. 4310 - William G. Bee

To Whom It May Concern:

I am writing as attorney for Robert G. Warner, whose address is 1055 S. 700 W., Salt Lake City, Utah 84104, to protest the proposed Change of Water Right No. 4310 filed by William G. Bee, recently published as Legal No. 4736 on March 16 and 23, 1994, in the News Examiner, Montpelier, Idaho, a copy of which I am enclosing.

The water rights of Protestant Robert G. Warner, Applicant William G. Bee, and also Applicant Lark Bateman, who also filed a Change of Water Right No. 4314 similarly published, are identified specifically in a Water Rights Agreement entered into between the parties dated February 8, 1994, and recorded as Bear Lake County Instrument No. 158574, copy of which is enclosed. **You will note the Bee water rights which are the subject matter of the Change Application are described in paragraph 2 of the Agreement and consists of a total of .15 cfs. The Change Application seeks to change .30 cfs which appears to be double the amount of the right of Bee at this point of diversion and place of use.**

It is understood that the Change Application has been filed by Bee and Bateman in accordance with paragraph 5.3 of the Agreement. Accordingly, Warner believes that the Change Application either is in error or contrary to the described Water Right Agreement between the parties. This protest is submitted accordingly and for the further reason that the proposed change would be injurious to the rights of Warner.

RECEIVED
OCT 19 1994

Idaho Department of Water Resources

Page 2

April 4, 1994

Warner is in the process of contacting counsel for Bee in order to clarify and address what appears to be a mistake in the quantity of the change, but nonetheless is filing this protest to meet the April 4 protest deadline to protect his interests.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randy Budge".

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Kelly Kumm
Bob Warner


OCT 19 1994

age that they are, or are not, pres-
tly responsible for this obligation
DATED This 17th day of January
94.

**FIRST IDAHO TITLE
COMPANY**

by: Jay A. Kohler, President

ATE OF IDAHO)

) ss.

JUNTY OF BEAR LAKE)

On the 20th day of January 1994,
sonally appeared before me, a
ary public for the State of Idaho,
Y A. KOHLER, who being duly
orn did say that he is the Presi-
nt of First Idaho Title Company,
t executed the foregoing instrum-
nt and acknowledged to me that
h corporation executed the same.
n Witness Whereof, I have
eunto set my hand and affixed
official seal the day and year first
ve written.

/s/ Marla P. Johnson
Notary Public for State of Idaho
Residing at Ovid
Commission Expires: 7-7-98
Legal No. 4732 — Published
ch 16, 23, 30, April 6, 1994.

NOTICE OF TRUSTEE'S SALE

On Wednesday, the 25th day of
y 1994, at the hour of 11:00 A.M.
said day, in the lobby of First
ho Title Company at 469 Wash-
ton Street, in Montpelier, County
Bear Lake, State of Idaho, FIRST
HO TITLE COMPANY, will sell
ublic auction, to the highest bid-
for cash, in lawful money of the
ted States, all payable at the time
ale, the following described real
erty, situated in the County of
r Lake, State of Idaho, to-wit:
eginning at a point 115.5 feet
th of the original Northeast Cor-
of Block 27, MONTPELIER
VNSITE, and running thence
th 51.5 feet; thence West 100 feet;
ice South 68 feet; thence West 80
thence North 119.5 feet; thence
180 feet to the Point of Begin-

UBJECT to right of way along
outh side of said property.
aid sale will be made without
nant or warranty regarding title,
ession or encumbrances to sat-
the obligation secured by and
uant to the power of sale con-
d in the Deed of Trust executed
AUL GASPERINI, as Grantor,
RST IDAHO TITLE COMPANY,
ustee, for the benefit and secu-
of HERVIN HEMMERT, dated
ily 1993 and recorded 09 July
as M- Instrument No.
29, records of Bear Lake County,
O.
e default for which this sale is
made is:
ilure to make principal and in-

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. 4310**

Notice is hereby given that Wil-
liam G. Bee, Bloomington, ID, has
applied to the Department of Water
Resources to change point of diver-
sion of the waters of Bloomington
Creek tributary to Bear Lake. The
right sought to be changed is evi-
denced by a Decree and recorded as
follows:

Decree No. 11-00218 Decreed to
George Thornack in case of George
Thornack, et al vs. Bloomington Irri-
gation Co., et al dated 7/25/1923 in
the 5th District Court county of Bear
Lake.

AMOUNT: 1.54 cfs

PRIORITY: 5/01/1880

POINT(S) OF DIVERSION: SE
SEC 26 T14S R43E, Bear Lake County
(Long & Bateman ditch)

The water is used from May 1 to
June 25 to irrigate 77 acres within the
S1/2NE E1/2NW SEC 36 T14S R44E,
B.M.

TO BE CHANGED AS FOLLOWS:

Only .30 cfs of water will be di-
verted from the SESE SEC 25 T14S
R43E, B.M. Bear Lake County
(Hanson Dam) and used to irrigate
15 acres within the NENW SEC 36
T14S R43E, B.M.

Any protests against the proposed
change must be filed with the appli-
cant and with the Idaho Department
of Water Resources, 900 N. Skyline
Dr., Idaho Falls, ID, 83402, on or
before April 4, 1994.

R. Keith Higginson
Director

Legal No. 4736 — Published
March 16 and 23, 1994.

NOTICE OF PUBLIC HEARING

PURPOSE: TO OBTAIN PUBLIC
COMMENTS AND RELEVANT
INFORMATION ON A SPECIAL
USE APPLICATION BY NORTH-
WEST PIPELINE CORPORATION
FOR A TWO-WAY COMMUNICA-
TIONS FACILITY IN THE SHEEP
CREEK HILLS. GENERALLY DE-
SCRIBED AS IN THE SOUTHEAST
QUARTER OF SECTION 10 TOWN-
SHIP 13 SOUTH, RANGE 45 EAST.
B.M.

HEARING SPONSORED BY:
BEAR LAKE COUNTY PLANNING
& ZONING COMMISSION

DATE: THURSDAY, MARCH 31,
1994

TIME: 7:30 P.M.

LOCATION: COURTHOUSE
ANNEX, PARIS, IDAHO

SUMMARY: Northwest Pipeline
Corporation is seeking a Special Use
Permit to construct a two-way com-
munications facility on approxi-

USE APPLICATION BY IDAHO 6-
CLARK LIMITED PARTNERSHIP,
DBA COMMNET CELLULAR, FOR
THE CONSTRUCTION AND OP-
ERATION OF A CELLULAR TELE-
PHONE FACILITY AND TOWER
NORTH OF BERN, IDAHO, UP RED
PINE HOLLOW, GENERALLY DE-
SCRIBED AS IN THE SOUTHEAST
QUARTER OF THE NORTHEAST
QUARTER OF SECTION 15,
TOWNSHIP 12 SOUTH, RANGE 43
EAST B.M.

HEARING BY: Bear Lake County
Planning & Zoning Commission

DATE: Thursday, March 31, 1994

TIME: 7:30 p.m.

LOCATION: Courthouse Annex,
Paris, Idaho

SUMMARY: Idaho 6-Clark Lim-
ited Partnership, doing business as
CommNet Cellular is seeking a
Special Use Permit to construct a
cellular facility and tower on a 500'
square area to provide cellular tele-
phone service to the Montpelier/
Bear Lake area. This proposed facil-
ity will include a 300 foot tower
equipment building and electric
power. The location is up Red Pine
Hollow as described above.

The application is on file and open
to the public at the Bear Lake Re-
gional Commission at 2661 U.S.
Highway 89, Fish Haven, Idaho.

Public comments can be made at
the public hearing or in writing re-
ceived on or before March 31, 1994,
by 4:30 p.m.

Please submit written comments
to:

Bear Lake County Planning and
Zoning Commission

P.O. Box 26

Fish Haven, ID 83287

/s/ Craig H. Thomas, Staff

Bear Lake County Planning &
Zoning Commission

Legal No. 4737 — Publish March
16, 23, 1994.

**NOTICE OF MEETING TO
NOMINATE A GROWER MEMBER
OF THE IDAHO POTATO
COMMISSION**

Notice is hereby given that on
Monday, March 21, 1994, at 7:30 p.m.
in the Idaho Falls Room at the Shilo
Inn, 780 Lindsay Boulevard, Idaho
Falls, Idaho, nominations for one
grower member of the Idaho Potato
Commission may be made by quali-
fied potato growers residing in Dis-
trict 1, which consists of Oneida,
Franklin, Bear Lake, Caribou,
Bannock, Power, Bingham, Bon-
ville, Teton, Madison, Jefferson, Fre-
mont, Clark, Butte, Custer, and
Lemhi counties. Each grower may
nominate three or more qualified
growers for the vacancy from whom
one will be appointed to the Com-
mission.

OCT 19 1994

158574

BEAR LAKE COUNTY RECORDER
JOAN P. EBORN

94 MAR 4 AM 10 20

Cindy S. S. #36.00
DEPUTY FEE**WATER RIGHTS AGREEMENT****Bloomington Creek
Bear Lake County, Idaho**

This Agreement is made and entered into this 8th day of February, 1994, by and between ROBERT G. WARNER and LANA P. WARNER, husband and wife (hereinafter "Warner"), WILLIAM BEE and MERLA N. BEE, husband and wife (hereinafter "Bee"), and LARK BATEMAN, a widow, and TODD BATEMAN and CATHY BATEMAN, husband and wife (hereinafter "Bateman").

RECITALS:

A. The parties each own certain real property in Bear Lake County, Idaho, together with certain water rights in Bloomington Creek appurtenant thereto decreed by District Judge O.R. Baum by Decree dated July 25, 1973, and recorded in Book 4 at Page 643 in the Office of the County Recorder of Bear Lake County (hereinafter "Baum Decree").

B. Disputes have arisen between the parties concerning the use of their respective water rights, including the points of diversion, places of use, quantity of water and use, repair and maintenance of what is commonly known as the "Long-Bateman Ditch" and other ditches, dams and facilities pertaining thereto.

C. The parties enter into this Agreement to fully compromise and settle all issues and disputed claims upon the terms and conditions set forth below.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Warner Water Rights:** Warner has and owns a lawful and vested water right in Bloomington Creek as follows:

1.1 **Quantity and Priority:**

1.42 cfs --	1880
.43 cfs --	1890

1.2 **Period of Use:** April 20 through September 30.

RECORDED
OCT 19 1994

WR Agreement

1.3 Point of Diversion: SE1/4 SE1/4, Sec. 26, T. 14 S., R. 43 E., B.M., Bear Lake County, Idaho.

1.4 Place of Use: A total of 120 acres described as follows: S1/2 NE1/4, S1/2 NW1/4, Sec. 36, T. 14 S., R. 44 E., B.M., Bear Lake County, Idaho.

The Warner water rights, as above described, have been continuously diverted and applied to beneficial use since the Baum Decree by Warner and their predecessors in interest, without abandonment or forfeiture, being transported from the point of diversion to the place of use via the Long and Bateman ditch and/or via other ditches, sloughs, or means. These Warner water rights were originally decreed to George T. Thornock.

2. Bee Water Rights: Bee has and owns a lawful and vested water right in Bloomington Creek as follows:

2.1 Quantity and Priority:

.12 cfs --	1880
.03 cfs --	1890

2.2 Period of Use: April 20 through September 30.

2.3 Point of Diversion: SE1/4 SE1/4, Sec. 26, T. 14 S., R. 43 E., B.M., Bear Lake County, Idaho.

2.4 Place of Use: S1/2 S1/2 NE1/4 NW1/4, Sec. 36, T. 14 S., R. 44 E., B.M., Bear Lake County, Idaho.

The Bee water rights, as above described, have been continuously diverted and applied to beneficial use since the Baum Decree by Bee and their predecessors in interest, without abandonment or forfeiture, being transported from the point of diversion to the place of use via the Long and Bateman ditch and/or via other ditches, sloughs, or means. These water rights were originally decreed to George T. Thornock.

3. Bateman Water Rights: Bateman has and owns a lawful and vested water right in Bloomington Creek as follows:

RECORDED
OCT 19 1981

3.1 Quantity and Priority:

3.5 cfs --	1880
1.96 cfs --	1880
0.80 cfs --	1890
0.44 cfs --	1890

3.2 Period of Use: April 20 through September 30.

3.3 Point of Diversion: SE1/4 SE1/4, Sec. 26, T. 14 S., R. 43 E., B.M., Bear Lake County, Idaho.

3.4 Place of Use: NE1/4 NE1/4, Sec. 36; 10 acres Sec. 26, T. 14 S., R. 43 E., B.M.; N1/2 NW1/4, Lots 1, 8, S1/2 NW1/4, N1/2 SW1/4, Sec. 31, and SE1/4 SW1/4 Lots 5, 6, Sec. 30, T. 14 S., R. 44 E., B.M., Bear Lake County, Idaho.

The Bateman water rights, as above described, have been continuously diverted and applied to beneficial use since the Baum Decree by Bateman and their predecessors in interest, without abandonment or forfeiture, being transported from the point of diversion to the place of use via the Long and Bateman ditch and/or via other ditches, sloughs, or means. These water rights were originally decreed to Herbert Bateman and Stafford Cleveland.

4. Allocation During Shortage. During periods of sufficient flow in Bloomington Creek, the parties' respective water rights described above shall be distributed based upon priority by the watermaster and/or ditch rider in the same manner in which other decreed water rights are delivered in accordance with Idaho law. In times of shortage, later priority water rights may be curtailed or shut off as may be necessary to satisfy prior decreed rights according to law. If in times of shortage there is inadequate water available to supply a decreed water right of the parties having the same priority date in such a quantity to permit reasonable irrigation practices and application of the water to beneficial use, the water shall be rotated between the parties on a pro-rata basis as follows:

OCT 19 1994

Bateman: 59% = 17 days per month
Warner: 39% = 12 days per month
Bee: 2% = 1 day per month

During times of the above-described rotation during shortage, the days of use shall be alternated between the parties on such equitable basis as the parties may agree, i.e., the order of watering turns will be varied from week to week, month to month, etc.

5. **Long and Bateman Ditch:** Bee and Bateman hereby grant Warner a perpetual easement, right of way and access to use, operate, maintain and repair the so-called Long and Bateman Ditch from the point of diversion on Bloomington Creek to their respective places of use above described.

5.1 **Initial Repair:** Warner shall be solely responsible for initial trash and debris removal on the Bee property, together with initial repair, cleaning and improvement of said ditch to permit water to be transported from the point of diversion to his place of use prior to the commencement of the 1994 irrigation season. The initial trash and debris removal shall be subject to Bee's inspection and approval.

5.2 **Ongoing Maintenance:** Except as provided in 5.3 below, the expense of ongoing maintenance and repairs on the Long and Bateman Ditch from the point of diversion to Warner's place of use shall be at his sole expense.

5.3 **Change Application:** As soon as possible, and no later than 90 days from the date of this Agreement, Bee and Bateman shall file applications with the Idaho Department of Water Resources seeking approval of a change in their decreed point of diversion downstream to a new point of diversion they wish to establish. These applications may contain any changes in the place of use as may be deemed appropriate. Warner agrees not to protest said transfer applications, provided that the same do not cause any injury to his water rights.

In the event that Bee and/or Bateman do not obtain approval to move their point of diversion and it becomes necessary or desirable for them to resume use of the Long and Bateman ditch in order to transport their water rights, upon notice to Warner they shall have a right to use the Long and Bateman ditch for such purposes. In such event, the expense of ongoing maintenance and repairs on the Long and Bateman ditch shall be

RECEIVED

OCT 10 1994

shared between the parties on a pro-rata basis based upon actual use, i.e., each party shall pay their share of those expenses on the ditch from the place of use upstream to the point of diversion.

5.4 Notice. Prior to commencing any maintenance or repair work on the ditch within the property of another party, reasonable advance notice shall be given.

6. Release. Warner, Bee and Bateman, for themselves, their administrators, executives, successors, representatives and assigns, do hereby release, acquit and forever discharge each other and their respective agents, employees, successors, affiliates, indemnitors, insurers, representatives, agents, attorneys, assigns and any of them, of and from any and all claims, actions, causes of action, demands, damages, costs, and expense whatsoever now existing or of which may hereafter accrue directly or indirectly as a result of their respective diversions and use of water from Bloomington Creek prior to the date of this Agreement.

7. Additional Agreements: The parties further agree to the following additional terms and conditions:

7.1 This Agreement is the compromise of disputed claims between the parties. Each party understands and agrees that this Agreement is a result of reliance upon their own experience, resources, legal counsel, judgment, belief and knowledge, upon the advisability of this settlement, and the nature, extent, effect, and duration of their respective claims, and that this Agreement is made without reliance upon any statement or representation of the opposing party or counsel, except as set forth specifically herein.

7.2 The parties declare and represent that no promise, inducement or agreement not herein expressed has been made and that this Agreement contains the entire agreement between the parties hereto and that the terms hereof are contractual and not mere recital.

7.3 The parties acknowledge careful reading and understanding of this Agreement and all of its terms prior to signing and delivering the same, after having consulted with their own counsel about the legal effect of the same.

RECEIVED

OCT 19 1994

7.4 Each party and their respective agents, employees, successors in interest and assigns are hereby permanently restrained and enjoined from interfering with the diversion, delivery, use and enjoyment of their respective water rights and easements as described above.

7.5 This Agreement does not limit, modify or in any way affect the duty, if any, of the Idaho Department of Water Resources to administer pursuant to Chapter 6, Title 42, Idaho Code, the water rights of the parties and others in Bloomington Creek.

7.6 This Agreement shall be recorded in the Bear Lake County Recorder's Office, following which a copy thereof shall be filed with the State of Idaho Department of Water Resources to give notice hereof.

8. **Default.** In the event any party fails to perform any of the terms, conditions or provisions of this Agreement and fails to cure any such default within thirty (30) days of receipt of notice of default, the non-defaulting party may, at their option, and without further notice, require the defaulting party specifically perform this Agreement and pursue any and all other remedies allowed by Idaho law.

9. **Notice.** Any notice or other communications required or permitted under this Agreement shall be sufficiently given if sent by certified mail, return receipt requested, postage prepaid, addressed as follows:

Robert G. Warner
1055 South 700 West
Salt Lake City, Utah 84104

William and Merla N. Bee
Box 164
Bloomington, Idaho 83223

Lark Bateman
Bloomington, Idaho 83225

Todd Bateman and Cathy Bateman
120 Paradise Park Road
Sheridan, Wyoming 82801

10. **Attorney Fees:** In the event any party is required to retain the

RECORDED

OCT 19 1984

services of an attorney in order to enforce the terms or provisions of this Agreement, the prevailing party in any litigation arising therefrom shall be entitled to recover reasonable attorney fees and costs incurred.

11. **Binding Effect:** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their legal representatives, successors, heirs and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.



OCT 19 1994

entitled to recover reasonable attorney fees and costs incurred.

11. **Binding Effect:** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their legal representatives, successors, heirs and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.


ROBERT G. WARNER


LANA P. WARNER

WILLIAM BEE

~~WILMA BEE~~
Merla N.

LARK BATEMAN

TODD B. BATEMAN

ZATHY B. BATEMAN

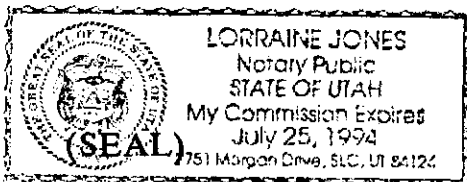


OCT 19 1994

STATE OF UTAH)
 : ss.
 County of)

On this 24th day of January, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT G. WARNER and LANA P. WARNER, husband and wife,, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Lorraine Jones
 NOTARY PUBLIC FOR ~~IDAHO~~ UTAH
 Residing at:
 My Commission Expires:
July 25, 1994

STATE OF IDAHO)
 : ss.
 County of)

On this ____ day of _____, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared LARK BATEMAN, a widow, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

 NOTARY PUBLIC FOR IDAHO
 Residing at:
 My Commission Expires:

OCT 1 1994

2-1-94
DATE

William Bee
WILLIAM BEE

Merla N. Bee
MERLA N. BEE

STATE OF IDAHO)
 : ss.
County of BEAR LAKE)

On this 1st day of FEBRUARY, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM BEE and MERLA N. BEE, husband and wife, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

David D. Egan
NOTARY PUBLIC FOR IDAHO
Residing at: PARIS
My Commission Expires: 2-6-1999

NOTARY

OCT 19 1994

January 31st 1994
DATE

Lark Bateman
LARK BATEMAN

STATE OF IDAHO)
 : ss.
County of)

On this 31st day of January, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared LARK BATEMAN, a widow, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

David J. Egan
NOTARY PUBLIC FOR IDAHO
Residing at:
My Commission Expires:

OCT 19 1994

February 8, 1994
DATE

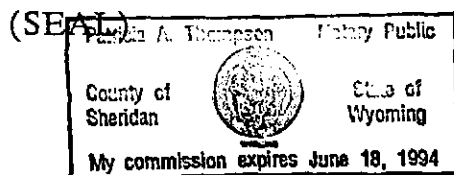
Todd Bateman
TODD BATEMAN

Cathy Bateman
CATHY BATEMAN

STATE OF WYOMING)
)
County of) : ss.

On this 8th day of February, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD BATEMAN and CATHY BATEMAN, husband and wife,, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Paula A. Thompson
NOTARY PUBLIC FOR ~~IDAHO~~ WYOMING
Residing at: Sheridan, Wyoming
My Commission Expires: June 18, 1994

RECEIVED

OCT 10 1994

RECEIVED
MAR 21 1994

Department of Water Resources
Eastern District Office

February 20, 1994

To: Idaho Water Resources Board

This letter is in response to your request of proof that it is acceptable to use the Hansen dam for a new point of diversion.

The Hansen dam was decreed to and owned by Archie Bee, William Bee, and Herbert Bateman in 1890. The Hansen dam is now owned by Todd Bateman, William G. Bee, and Lark Bateman.

It is acceptable to all of the present owners that the water rights be diverted from the Bateman Long ditch to the Hansen dam.

Sincerely,

William G. Bee

William G. Bee

Lark Bateman

Lark Bateman

Todd Bateman

Todd Bateman

RECEIVED
OCT 19 1994

RECEIVED
FEB 17 1994

Department of Water Resources
Eastern District Office

DISCLAIMER

I, Lloyd H. Ferguson, DISCLAIM ANY RIGHT, TITLE OR INTEREST IN THOSE PORTIONS OF WATER RIGHT 11-00218 WHICH MAY BE APPURTENANT TO 15 ACRES IN THE NENW SECTION 36, T14S R44E, BEAR LAKE CO.. I ALSO HAVE NO OBJECTION TO WILLIAM BEE FILING A TRANSFER TO CONCENTRATE THIS RIGHT ON HIS GROUND.


SIGNATURE

BLM.

OCT 19 1994

10-Mar-1994

WILLIAM G BEE
PO BOX 164
BLOOMINGTON ID 83223

RE: Application for Transfer of a Water Right No. 4310

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your permit for a water right transfer. This office is currently in the process of advertising the application in the News Examiner on 3-17 & 24-94. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

00 10 00

PART A



WR0749NP
No. T11-00218A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/16/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE T THORNOCK	05/01/1880	IRRIGATION	05-01 06-25	1.42 CFS	
TOTAL DIVERSION:					1.42 CFS	

Water Source: BLOOMINGTON CREEK

Tributary to: BEAR LAKE

Stage: DECREED

Point(s) of Diversion: T14S R43E S26 SE BEAR LAKE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
14S	43E	36	:			I		I												:	

Pou County: BEAR LAKE

Other Rights: RT. 11-0219.

Other Water Rights with Same Point(s) of Diversion and Source:

11-00218 11-00220 11-00221 11-00222 11-00223 T11-00218B T11-00220

Other Water Rights Listing Overlapping Place(s) of use:

11-00218 11-00219 11-01043

Remarks: P/D LONG AND BATEMAN DITCH.
P/U AC. IRR. = 71.
SOURCE - ALSO KNOWN AS CENTER CREEK.

Dates: App. Received: Priority Date: 05/01/1880
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 11J Field Exam Fee:

Comments: Date: 08/11/1994 User-ID: PSKAGGS Subject: TRANSFER NO. 4310
Transfer No. 4310 was filed to change the point of diversion to
irrigate more effectively and correct a mistake in the place of
use description, from range 44E to actual location in 43E. A
portion of both Right Nos. 11-00218 and 11-00219 will be changed,
splitting the rights into parts A and B.

Audit: 08/11/94 PSKAGGS 09/16/94 PSKAGGS

ORIGINAL



(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
T14S R43E S36																		
NO MATCHES FOR THIS POU IN AJ-POU																		
1100220	BLOOMINGTO	:	I			:				:				:				:
T1100220	BLOOMINGTO	:	I			:				:				:				:
1100221	BLOOMINGTO	:	I			:				:				:				:
1100229	BLOOMINGTO	:		I		:				:				:				:
1100237	BLOOMINGTO	:				:				:				:	I	I	I	:
1101043	SPRING CRE	:			21	21	:			11	:			:				53
1104002	ST. CHARLE	:				:				:			10	:				10
1104006	ST. CHARLE	:				:				:	11			06	:	35	32	145
1107165	SPRINGS	:				:				:			30	40	:			70
NO MAPPING INFO AVAILABLE																		

R43
T14S R44E S36

NO MATCHES FOR THIS POU IN AJ-POU																		
* 1100218	BLOOMINGTO	:	I	I	:	I	:			:				:				:
~~T1100218A~~	~~BLOOMINGTO~~	~~:~~	~~I~~	~~I~~	~~:~~	~~I~~	~~:~~			~~:~~				~~:~~				~~:~~
~~T1100218B~~	~~BLOOMINGTO~~	~~:~~	~~I~~	~~I~~	~~:~~	~~I~~	~~:~~			~~:~~				~~:~~				~~:~~
* 1100219	BLOOMINGTO	:	I	I	:	I	:			:				:				:
~~T1100219A~~	~~BLOOMINGTO~~	~~:~~	~~I~~	~~I~~	~~:~~	~~I~~	~~:~~			~~:~~				~~:~~				~~:~~
~~T1100219B~~	~~BLOOMINGTO~~	~~:~~	~~I~~	~~I~~	~~:~~	~~I~~	~~:~~			~~:~~				~~:~~				~~:~~
NO MAPPING INFO AVAILABLE																		

Original + Transfer 7/0 - same 22 different location
7/0 other overlaps 11-00218 + 11-00219 in NENW

Water Right Number - 11-00218

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
THORNOCK

GEORGE T.

1 -

2 -

3 -

City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1890 15 EASTERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BLOOMINGTON CREEK BEAR LAKE

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
14S 43E 26 SE (7) BEAR LAKE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 06/25 1.540

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.540

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
14S 44E 36 SW NE 01 IRRIGATION (7) BEAR LAKE
14S 44E 36 SE NE 01 IRRIGATION (7) BEAR LAKE
14S 44E 36 NE NW 01 IRRIGATION (7) BEAR LAKE
14S 44E 36 SE NW 01 IRRIGATION (7) BEAR LAKE

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - RT. 11-0219.

+ - - - - Remarks - - - - - +
P/D LONG AND BATEMAN DITCH.
P/U AC. IRR. = 77.
SOURCE - ALSO KNOWN AS CENTER CREEK.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

Prefix Translation: WATER RIGHT

+ - Decree Date - +
07/25/1923

+ Water Rights Dates and Flags Area +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 01/04/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 11J
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 07/25/1923	Presumption Flag	-		