

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 74657APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant Keith Bitton Phone 208-427-6661Post Office address 397 Fish Hatchery Rd. Grace, Id. 83241

## 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 for better use of the water

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

1. Right Number 13-686    Priority 5-1-1886    Amount (cfs/ac-ft) 0.30    Nature of Use Irrigation    Period of Use 4/20 to 9/30  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_

2. Total amount of water being transferred 0.30 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water Whiskey Crk tributary to Bear River

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County  | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|---------|--------------------------|
|     | SW  | SW  | SW  | 8   | 11S | 41E | Caribou |                          |
|     |     |     |     |     |     |     |         |                          |
|     |     |     |     |     |     |     |         |                          |
|     |     |     |     |     |     |     |         |                          |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 11S | 41E | 17  |        |    |    |    |        | 5  | 9  |    |        | 1  |    |    |        |    |    |    | 15     |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
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|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres 15

RECEIVED

MAR 20 2008

74657

11-623

## PART 1

## 6. General Information:

- a. Description of diversion system there will be a head box installed  
and the water will be piped to the existing Ditch
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
the land that was irrigated will not be irrigated  
any longer
- d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

And the said application is hereby \_\_\_\_\_, subject to the following conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

### For the Director

7 4 6 5 7

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | L K BITTEN<br>ZZ        |

**Status:** Active

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/20 to 9/30            | 0.300 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.300 CFS             |                      |

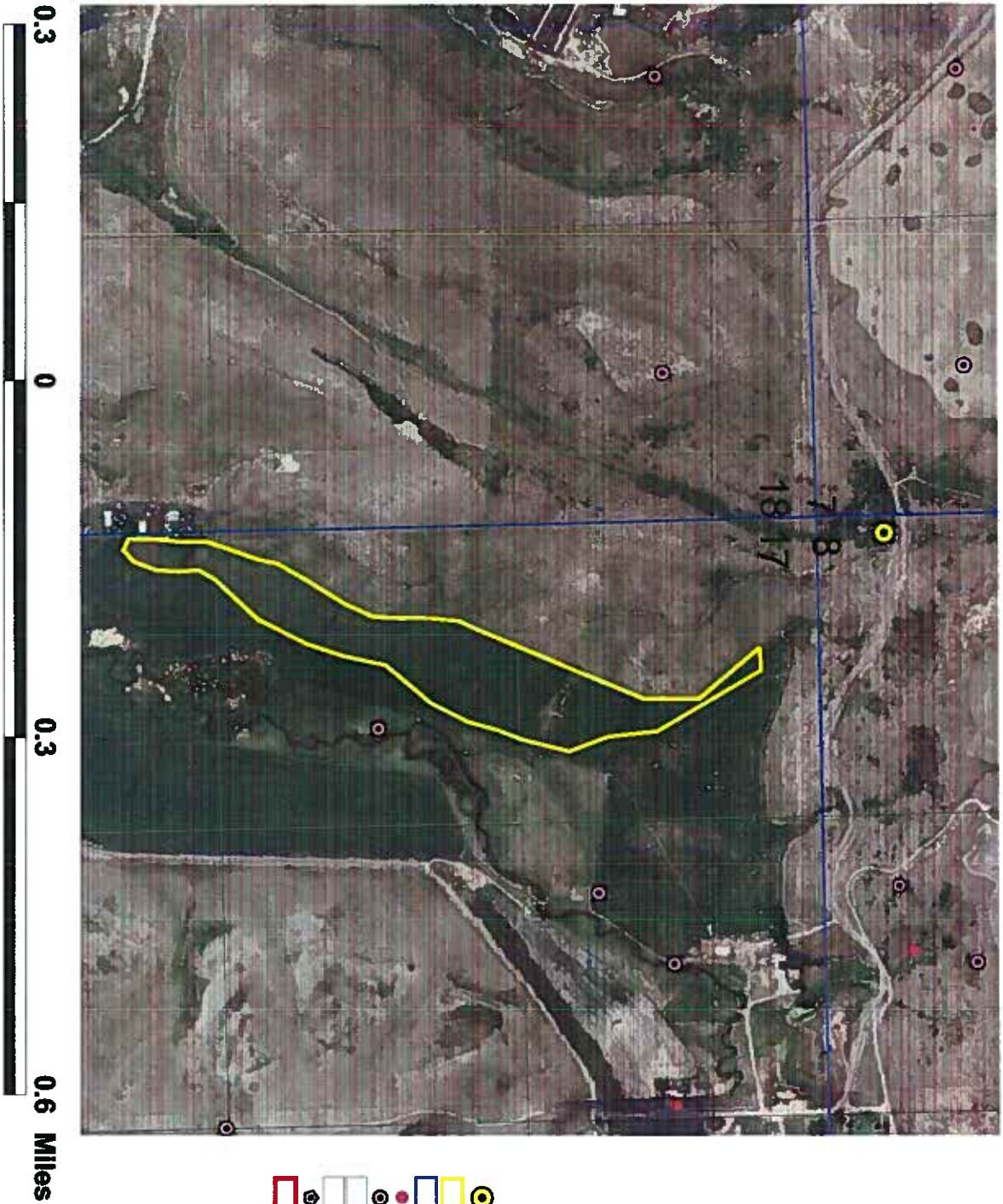
|                                 |            |                                 |
|---------------------------------|------------|---------------------------------|
| WHISKEY CREEK<br>CARIBOU County | NW1/4NE1/4 | Sec. 18, Twp 11S, Rge 41E, B.M. |
| WHISKEY CREEK<br>CARIBOU County | NE1/4NE1/4 | Sec. 18, Twp 11S, Rge 41E, B.M. |

[illegible]

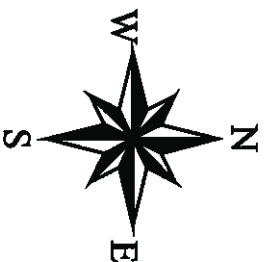
1. P/D BITTEN-OLERNESHAU DITCH, SWENSON-OLERENSHAW DITCH P/U AC IRR = 15

Comments:

# KEITH BITTON 13-6886



- 13-6886rs.pod.shp
- 13-6886rs.shp
- Sections
- Gpsfssummer07.shp
- Right POD
- Caribou taxlots
- GCDB11S41E GCDB
- Permit POD
- Administrative BasinsAdminlbases.shp



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

- | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| _____                    | _____                    | _____                  | _____ to _____       |
| _____                    | _____                    | _____                  | _____ to _____       |
- Quantity and quality of return flows and location of discharge: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 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.



Subscribed and sworn to before me this

Keith Bittor

(Signature of Applicant)

19th

day of

March

, 20 08

Cindy E. Bird

(Notary Public)

My Commission expires

6-19-2013

**FOR DEPARTMENT USE ONLY**

Transfer contains 5 pages and 2 attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. Check by \_\_\_\_\_ Fee \$250.00

Received by CB Date 3/19/08 B000047

Published in Caribou County Sur Copies of protest forwarded by \_\_\_\_\_

Pub. Dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

# Warranty Deed

THIS INDENTURE, Made this 11th day of March  
in the year of our Lord One Thousand Nine Hundred and Sixty one, between  
Louis B. Bitton and Eva Bitton, husband and wife,  
of Lago, County of Caribou, State of Idaho,  
the parties of the first part, and  
Lorin Keith Bitton, a single man,  
of Lago, County of Caribou, State of Idaho,  
the party of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of  
TWENTY SEVEN THOUSAND FIVE HUNDRED AND NO/100 - - - - - DOLLARS,  
lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt  
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party  
of the second part, and to his heirs and assigns forever: All those certain lots  
piece or parcel of land situate, lying and being in the County of Caribou State of Idaho, bounded  
and more particularly described as follows, to-wit:

Township 11 South, Range 41 East of the Boise Meridian:

Section 17: N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , EXCEPT THEREFROM the following three described tracts:

1. The North 88 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ .
2. Beginning at the North 1/16th corner, and running thence North along the meridional center line 401 feet; thence South 86°12' West along the center line of a county road, 189 feet; thence South 56°11' West along the center line of said road, 697 feet, more or less, to an intersection with the North 1/16th line; thence East along the said North 1/16th line, 768 feet, more or less, to the point of beginning.
3. Beginning at the Southwest 1/16th corner, and running thence North 0°34' East along the West 1/16th line, 686 feet to the center of a county road; thence South 33°50' West along the center line of said road, 825 feet, more or less, to an intersection with the South 1/16th line; thence East along said South 1/16th line, 453 feet, more or less, to the point of beginning.

Also including the following described tract: Beginning at the Northwest 1/16th corner, and running thence South 0°34' West along the West 1/16th line, 1934 feet; thence North 36° East, 109 feet; thence North 4°30' East, 450 feet; thence North 1°50' East, 1031 feet; thence Northeast 506 feet to an intersection with the North 1/16th line; thence West along said North 1/16th line, 516 feet to the point of beginning.

Section 18: N $\frac{1}{2}$ NE $\frac{1}{4}$ , EXCEPT THEREFROM, the following described tract: Beginning at a point 580 feet West of the East 1/16th corner on the North line, and running thence West 740 feet; thence South 1296 feet; thence East 420 feet; thence North 15° East 1,402 feet to the point of beginning.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs and assigns against the said premises in the quiet and peaceable possession and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written  
Signed, Sealed and Delivered in the Presence of

STATE OF IDAHO,  
County of Caribou

On this 11th day of March in the year 1961, before me  
Leonard O. Kingsford, Notary Public in and for said County and State, personally appeared

Louis B. Bitton and Eva Bitton, husband and wife, ----- known to me to  
be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

*Leonard O. Kingsford*  
Notary Public.

Residence and P. O. Address Soda Springs, Idaho

My commission expires: August 14, 1961.

103815

## WARRANTY DEED

Louis B. Bitton and

Eva Bitton,

husband and wife,

70

Lorin Keith Bitton,

a single man.

Dated

March 11, 1961.

STATE OF IDAHO,

County of Caribou

I hereby certify that this instrument was duly  
recorded at the request of

*Frank Bitton*

at 20 minutes past 1

o'clock P. M. this 11

of Feb. 1961, A. D. 1961.

in my office and duly recorded in Book

of Deeds at page

**Elmer S. Johnson**

By *Elmer S. Johnson*

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Buy 536

*Caribou, Idaho*