

No Color
Documents
In File

Identification No. 11 4031

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Marshall Bateman
post office address R # 1, Montpelier Idaho

2. The point of diversion is in Fr. NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 10 Township 13 S
Range 44 E B.M. located on Ground water (name of source) if
tributary to underground in Bear Lake County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

March 1934 amount: 1.11 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 1.11 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use culinary period of use from year ¹⁻¹ to Round ¹²⁻³¹ (both dates inclusive)
use irrigation period of use from May 1st to November 1st (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped pumped; depth of well is 42 feet; diameter of well is 6 inches; type of pump is McGraw
capacity of pump is 500 g.p.m.; name and address of well driller is Drilled own well

If so, give dates and explain Not known

ing date and dimensions if possible

is reservoir on or off stream _____ explain _____

describe

Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

FOR IT

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch Montpelier Irrigation Co. The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served 1
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities this well in Aug 20 ft then 8 more 22 ft it has been used for culinary water the year round since March 1934 - and irrigation on 1 acre from May 1st to November 1st

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of _____

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this

3

day of

March

1972

Marshall Bateman

Claimant

Montpelier, Idaho

Notary Public

Residing at

Montpelier, Idaho

My commission expires

11/27/72

For Department Use Only

Received by By Date 3/6/72

Exception filed by:

Forwarded to

Date

Prelim. check by NCY Date 3/6/72

Fee received by By Date 3/6/72 Fee \$10.00 # 2262

Approved for publication by NCY

Published in NEWS-EXAMINER Dates 3-18-23-72

11 4031

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.

2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.

3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:		May 18, 1871	amount: 0.8 c.f.s. or	acre feet
		June 1, 1901	amount: 0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. or	acre feet	

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

THE NEWS-EXAMINER
MONTPELIER, IDAHO

RECEIVED

APR 10 1972

Department of Water Administration
See and Do No. 11-4031

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says he is
Publisher and Foreman of the News-
Examiner; that the said News-Examiner is a
weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of
general circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two
successive weeks, commencing with the issue
dated March 16, 1972
and ending with the issue

dated March 23, 1972

W. Jerome Taylor
Publisher and Foreman

Subscribed and sworn to before me this 5th day of April, 1972

Joe Buzon
Notary Public.

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 11-4031**

Notice is hereby given that Marshall Bateman, Route No. 1, Montpelier, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.11 cubic feet per second of water from a ground-water source with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 13S, R. 44E, B. M., Bear Lake County.

The water is claimed to be used from January 1 to December 31 for domestic purposes for one family and from May 1 to November 1 for the irrigation of 1 acre with a priority of March, 1934.

The place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 10, T. 13S, R. 44E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The News-Examiner, Montpelier, Idaho on March 16 and March 23, 1972.

(m-16(21))

11 4031

WRR100
11-4031

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
18-MAR-1986 23:47:01

01 WATER RIGHT NUMBER - 11-4031 02 OLD (D) NUMBER -

03001 - BATEMAN LAST NAME FIRST NAME
04001 - MARSHALL ORIG. OWNER
05001 - C

06 ADD LINE 1 - RT. 1

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - MONTPELIER

10 STATE - ID 11 ZIP - 832540000

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - GROUNDWATER 15001 - TRIBUTARY OF

16 DIVERSION MEANS -

17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 1.110

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT RFLG S T R E A M I N D E X F I E L D S

22001 - NENW 23001 - 10 24001 - 13S 25001 - 44E 26001 - 27001 - 0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

29 NON-IRRIGATION USE -

USE CODE / USE PLACE OF USE TRACT ACRES LOT

30001 - 01 IRRIGATION 31001 - 13S 32001 - 44E 33001 - 10 34001 - NENW 35001 - 01 36001 -
30002 - 01 IRRIGATION 31002 - 13S 32002 - 44E 33002 - 10 34002 - NENW 35002 - 01 36002 -

TOTAL ACRES: 2

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 0501 38001 - 1101 39001 - 01 IRRIGATION 40001 - 1.110 41001 - 0.00
37002 - 0101 38002 - 1231 39002 - 43 DOMESTIC 40002 - 0.000 41002 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS
44001 - AC. IRR. = 1.0.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - D A T E S - 1-MAR-1934
48 PROOF DUE -
49 PROOF MADE -
50 APPROVE/DENIED -
51 PROTESTED -
52 HEARING -
55 LICENSE - D A T E S -
56 APPL RECEIVED -
57 FIELD EXAM MADE -
58 DECREE -
59 START WORK -
60 ORDER SHOW CAUSE -
63 TRANSFER/AMENDED - F L A G S -
64 DUE/CAREY ACT -
65 FLAG_1 -
66 FLAG_2 -
67 FLAG_3 -

WRR100
11-4031

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
18-MAR-1986 23:47:01

53 VERIFIED
54 LAST UPDATE - 18-MAR-1986

61 DATE-1
62 DATE-2

D A T E S

D A T E S

F L A G S

VERIFIED KN

98/02/86

IDENT. NO. 11-4031

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____

Old No. _____

New No. _____

11-4031

Record

1. Original Owner: Marshall Bateman

Present Owner: _____

2. Address: Rt. 13. City: MontpelierState: Id

Zip: _____

4. A. Source of Water: Gr

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): I

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 3-1-1934D. County: 07E. Total Diversion Rate: 1.11

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NENW 10</u>	<u>13</u>	<u>44E</u>			

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 11-1 for A purposes. Amount 1.11
(cfs or AC-Ft/yr)from 1-1 to 12-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use code: ✓

9. A. Decree Name:
B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

April 17, 1972

Re: Claim to a Water Right No. 11-4031

Marshall Bateman
Route 1
Montpelier, Idaho 83254

Dear Mr. Bateman:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:bb
Enclosure: Copy of Claim

cc: Department of Water Administration
Idaho Falls, Idaho

11 4031

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

240 So. Holmes
Idaho Falls, Idaho 83401
(208) 523-7186



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 7, 1972

Re: Claim No. 11-4031 - Marshall Bateman

The News-Examiner
P.O. Box 278
Montpelier, ID 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

NCY:BJ
Enc: Legal notice

Bill submitted 4-10-72

11 4031

THE NEWS+EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

Statement: Account of ~~Department of Water Administration~~

Date

No. 11-4031 - Marshall Bateman

April, 1972

March
16

32 Line Notice of Claim
published 2 issues

\$12.48

I hereby certify that the foregoing
account is just and correct, that the
amount claimed is legally due, after
allowing all just credits, and that
no part of the same has been paid.

Ruth Taylor

11 4031

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4031

Notice is hereby given that Marshall Bateman, Rt. #1, Montpelier, Idaho

has filed a claim to a water right established by diversion and application to
beneficial use of 1.11 cubic feet per second ~~acre feet per annum~~
of water from a ground-water source

with point of diversion in the NE 1/4, Sec. 10, T. 13S, R. 44E, B.M., Bear Lake
County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes
for one family and from May 1 to Nov. 1 for the irrigation of 1 acre
with a priority of March, 1934

The place of use is within the NE 1/4, Sec. 10, T. 13S, R. 44E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the The News-Examiner, Montpelier, Idaho
on March 16 and 23, 1972

11-4031

March 6, 1972

Re: Claim No. 11-4031 - Marshall Bateman

Mr. Marshall Bateman
Rt. #1
Montpelier, ID 83254

Dear Mr. Bateman:

Attached herewith is departmental receipt No. 7262 in the amount of \$10.00 for your claim to a Water Right No. 11-4031 which was received in this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BJ

Attachment

11 4031

February 28, 1972

Mr. Marshall Bateman
Star Route #1
Montpelier, ID 83254

Dear Mr. Bateman:

We are returning you Claim to a Water Right and accompanying check #92-286, because there are several items that need clarification before we can begin processing.

1. The point of diversion listed in Item 2 must be shown to the nearest 40-acre subdivision. In your previous letter, it appears that the point of diversion is either in the NE~~1~~NE~~1~~ or the NW~~1~~NE~~1~~ of Section 10.
2. The priority date in Item 3a should be listed to the nearest month. Also, the units of measurement should be in c.f.s.; 500 g.p.m. is 1.11 c.f.s.
3. Item 5a should be used to indicate the place of use, even though the water is not used for irrigation.

Enclosed is a blank application form for your use in making these corrections. Please return the completed form along with your check to us for processing.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:bj

Enc: Claim
Check #92-286

11 4031