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Documents
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Identification No. 11-4019
Claim No. 42216
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Ben Bateman
post office address Bloomington Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 7 Township 15S
Range 44E B.M. located on St. Charles Big Creek
(name of source)
tributary to Big Creek 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 30, 1894 amount: 30 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
refer to remarks Total claimed 3000 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 March 30 period of use from _____ to _____ (both dates inclusive)
use irrigation period of use from March 30 to Oct. 1 (both dates inclusive)
use Water Linch period of use from Jan 1 to Dec 31 (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 Earth, Rock
and Concrete Dam; length is 435 feet; height is 9.4 feet;
width at bottom is 28 feet; width at top is 19 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 _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____;

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attach well logs if available; has there been any change in pump or motor since well was first completed

if so, give dates and explain

c. Conveying works: length of ditch to place of use is feet; width of ditch at top is feet;

width of bottom of ditch is feet; depth of water is feet; grade of ditch per 1000

feet is feet; material through which ditch passes is

maximum length of pipe line to first place of use is feet; diameter of pipe line is inches;

type of pipe feet; grade of pipe per 1000 feet is

Please explain any changes or increase in size of conveying system since water was first appropriated, giving

ing date and dimensions if possible

d. If water is stored: name of reservoir

total capacity of reservoir is acre feet; active capacity of reservoir is acre feet;

year construction commenced year completed; date first used

period of storage is from to; is reservoir drained each year

is reservoir on or off stream explain

if feeder canal is used give maximum carrying capacity c.f.s.; if reservoir is off stream, describe

location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built; if so, give dates and

describe

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

TWP.	RANGE	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	31	SW 1/4				NW 1/4												38 ac. area
14S	44E	31																	28 ac. area
14S	44E	31	NE 1/4																39 ac. area
14S	44E	31																	39 ac. area

Total number of acres to be irrigated

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

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____
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 _____
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 _____

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

*In claiming the c.f.s. we are not sure
just how much water will be diverted from the
Dunsmuir Dam. It was agreed when Mr. Dunford
and I were in your office on Nov. 28 1967
discussing the acreage and amount of water used,
that there would be about 30 c.f.s. stream
diverted to our meadows and that percentage
to our irrigation system; all water of the
water from this Big Creek Dam would
use same amount as it floods each
owner's lands. As the water floods for the period
of time we use for each irrigation we feel we
use at least 3000 c.f.s. for each flooding & irrigation
period.*

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

12-5th 1967
(Date)

Ben Bateman
(Signature of Claimant)

State of Idaho }
County of Ben Lake } ss.

On this 5th day of December 1967, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

P. Leigh Shepherd
Notary Public residing at Paris Idaho

My commission expires Oct 10th 1970

For Department Use Only

Received by uj Date 12-7-67

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by uj Date 12-27-67

Fee received by uj Date 12-29-67 Fee \$ 10.00

Approved for publication by SP 1-4-68

Published in Paris Post Dates 1-14/15/68

11-4019

RECEIVED

DEC 29 1967

Department of Reclamation

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 if 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 Paris Post

SERVING SOUTHEAST IDAHO SINCE 1880

PARIS, IDAHO 83261

Thomas E. and Mary A. Preston, Publishers

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
Bear Lake County } ss.

I, Mary A. Preston, publisher and manager of THE PARIS POST, a weekly newspaper published weekly at Paris, Bear Lake County, State of Idaho, do solemnly swear that a copy of the attached notice, (as per clipping), was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for
consecutive weeks, commencing with the issue dated January 11, 1968, and ending with the weekly issue dated January 18, 1968.

Mary A. Preston
Publisher.

SUBSCRIBED and sworn to before me this
31st day of January, 1968.

Lehigh Shepherd
(SEAL) Notary Public.

My commission expires Oct 10th, 1970.

NOTICE OF WATER RIGHT
BEN BATEMAN, BLOOMINGTON, IDAHO

No. 11,4019

Notice is hereby given that Ben Bateman, Bloomington, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3,000 cubic feet per second of water from the Big Fork of St. Charles Creek with point of diversion in NW 1/4 - NW 1/4, Sec. 7, T. 15 S, R. 44 E, B.M., Bear Lake County; the water is claimed to be used for irrigation from March 30 to October 1 and for livestock water purposes from January 1 to December 31 with a priority of March 20, 1894 for 3,000 cubic feet per second; the place of use is S 1/2 NW 1/4, N 1/2 SW 1/4, Sec. 31, T. 14 S, R. 44 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation,

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Paris Post, Paris, Idaho, on January 11 and January 18, 1968.

11-4019

The Paris Post

IDAHO'S OLDEST NEWSPAPER

PARIS, IDAHO

January 29, 1968

Department of Reclamation
107 State Street
Boise, Idaho 83701

Re: Claim 11-4019 (Gen. Battered)

Legal-Claim to State Right - 31 lines
published Jan. 11, 18

\$ 7.13

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

Mary A. Preston

Your Patronage is Appreciated

11-4019

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 30, 1968

Re: Claim No. 11-4005, 11-4006, 11-4015, 11-4016, 11-4018, and
11-4019

Paris Post
Paris,
Idaho 83661

Gentlemen:

As of this date, we have not received the affidavit or the bill of publication for the above referenced applications for claims. We are enclosing a copy of our transmittal letter. Your prompt attention is appreciated.

Very truly yours,

Donald W. McElldowney
Water Rights Clerk

DWM:ks

Enclosure

11-4019

February 1, 1968

Re: Claim No. 11-4019

Ben Bateman
Bloomington,
Idaho

Dear Mr. Bateman:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 11-4019.

Enclosed is your receipt No. 313 in the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: Receipt

C
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Y

11-4019

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 11-4019

Notice is hereby given that
Bey Bateman, Bloomington,
Idaho has filed a claim to a
water right established by div-
ersion and application to bene-
ficial use of 30 cubic feet per
second of water from the Big
Fork of St. Charles Creek with
point of diversion in NW¼-
NW¼, Sec. 1, T. 15 S, R. 44 E,
B.M., Bear Lake County; the
water is claimed to be used for
irrigation from March 30 to
October 1 and for livestock wat-
er purposes from January 1 to
December 31 with a priority of
March 30, 1894 for 30 cubic feet
per second; the place of use is
S¼NW¼, N¼SW¼, Sec. 31,
T. 14 N, R. 44 E, B.M.

Any exception to this claim
of water right may be filed with
the Department of Reclamation,
R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Paris Post,
Paris, Idaho, on January 11
and January 18, 1968.

CHG 30
PD
3000

Phoned
Thurs
Doris
945-2163
1-10-68

11-4019

January 4, 1968

Re: Claim No. 11-4019

Paris Post
Paris,
Idaho 83261

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 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 can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: legal notice

Form 3

11-4019

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4019

Notice is hereby given that Ben Bateman, Bloomington, Idaho
_____ has filed a claim to a water right established
by diversion and application to beneficial use of 30 (cubic feet per second)
(~~acre/feet~~) of water from the Big Fork of St. Charles Cr. with point of diversion
in NW1/4 NW1/4, sec. 7, T. 15 S, R. 44 E, B.M., Bear Lake County ;
the water is claimed to be used for irrigation from March 30 to October 1 and for
livestock water
purposes from January 1 to December 31 with a priority of
March 30, 1894 for 30 cubic feet per second
; the place of use is S1/4 NW1/4, sec. 31, T. 14 S,
R. 44 E, B.M.

Any exception to this claim of water right may be filed with the Department of
Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Paris Post, Paris,
Idaho, on January 11 and January 18.

11-4019