

Form 222
1-87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAR 14 2005

Department of Water Resources
Eastern Region

Name of Applicant City of Bloomington Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

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 transfer appears to have been accomplished in fact about 1935. This application is to conform the documentation to the long established practice.

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>11-244</u>	<u>1908</u>	<u>5.0 cfs</u>	<u>Municipal</u>	<u>1/1</u> to <u>12/31</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 5.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Fred's Spring Tributary to Bloomington Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	sw	19	14S	43E	Bear Lake	City intake at "Fred's Spring"

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

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	
14S	43E	14										M	M						
		15																M	
		22	M			M									M	M	M	M	
		23					M	M	M	M	M	M	M						
		26					M	M											

Total Acres _____

72114

6. General Information:

- a. Description of diversion system Intake for City pipeline at "Fred's Spring"
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes N/A 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
There will be no additional effect. The lands formerly irrigated from the "George Reese Canal" have not received water from the canal since about 1935.
- 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 said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2002.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 11-244

WATER RIGHT NUMBER: 11-244

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE REESE CANAL CO
	, ZZ

Priority Date: 05/01/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLOOMINGTON CREEK	BEAR LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/01	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	

<u>Location of Point(s) of Diversion</u>		
BLOOMINGTON CREEK	SE1/4NE1/4	Sec. 26, Twp 14S, Rge 43E, B.M.
BEAR LAKE County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S	43E	22																	
14S	43E	27																	
14S	43E	34		X															
15S	43E	3	X																

Conditions of Approval:

1. P/D GEORGE REESE CANAL P/U ACRES IRRIGATED 250.

Remarks:

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07/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 11-244

Comments:

Dates and Other Information:

Licensed Date:

Decreed Date: 7/25/1923

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 11J

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Thomas Fork Irrig & Canal Co, et al

Decree Plaintiff: Fawsett Brothers, Et Al

Civil Case Number:

Judicial District: Fifth District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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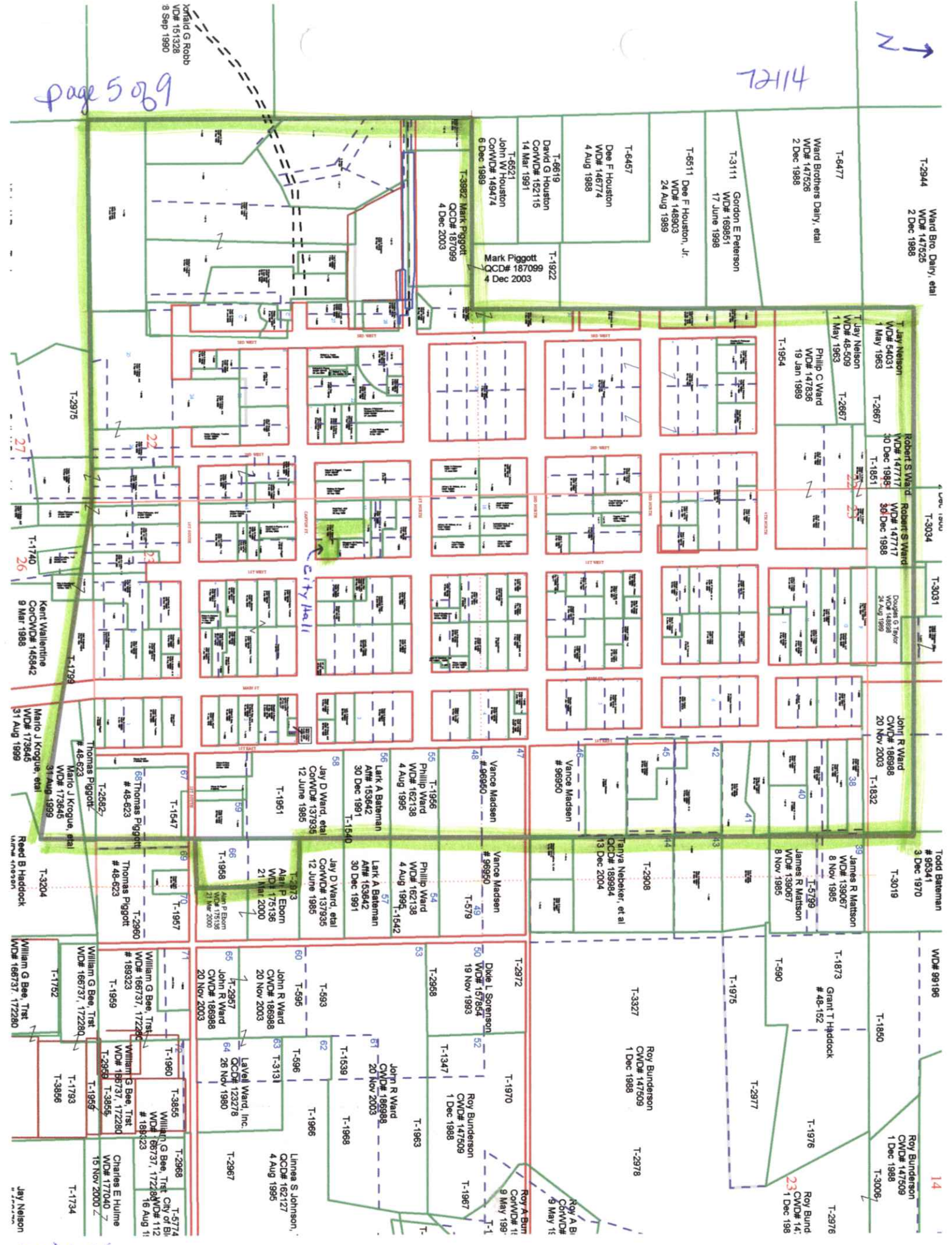
Water Supply Bank:

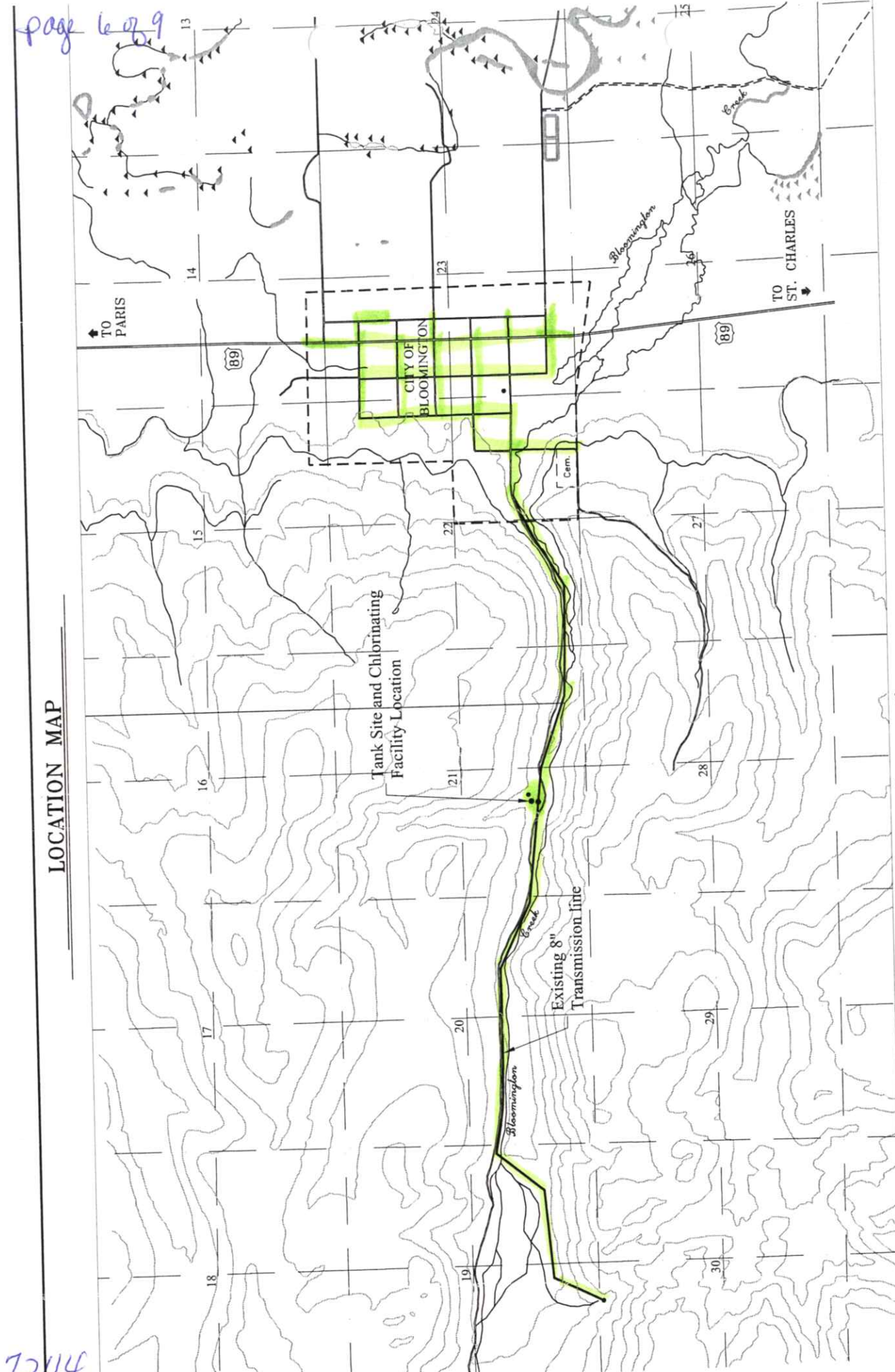
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LOCATION MAP

PROJECT NO.	006686
DESIGNED BY	RED EJS
CHECKED BY	TLD
DATE	3-9-05
SCALE	AS NOTED
SHEET NO.	1 OF 1

THE CITY OF BLOOMINGTON WATER IMPROVEMENT PROJECT



SUNRISE ENGINEERING, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
47 EAST 4TH AVE., APTON WY. 83110

VICINITY MAP

72114

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FIGURE 1. Geographic Location of City of Bloomington Spring

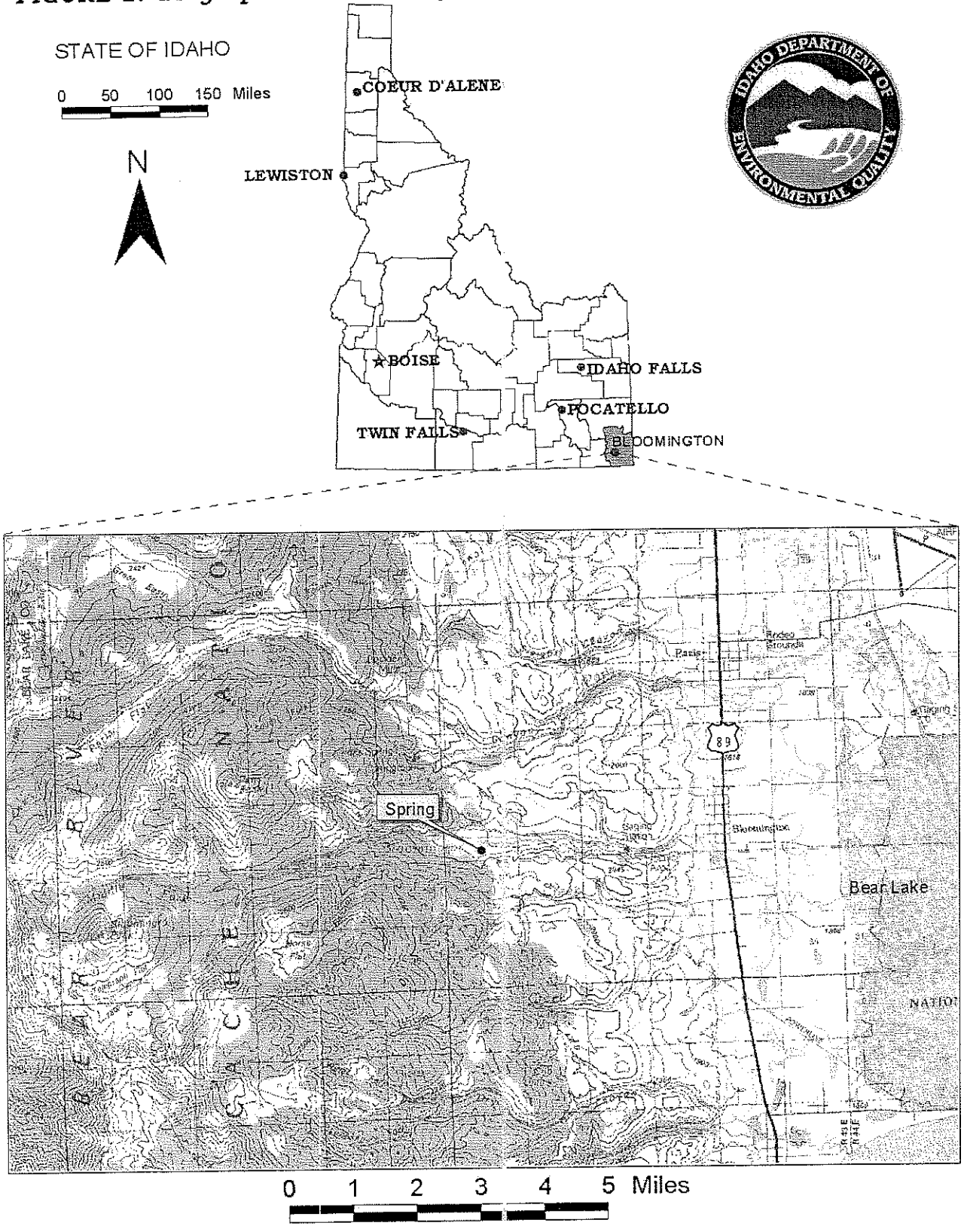
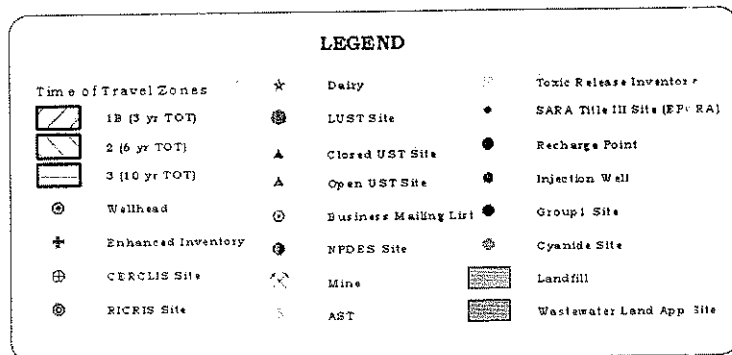
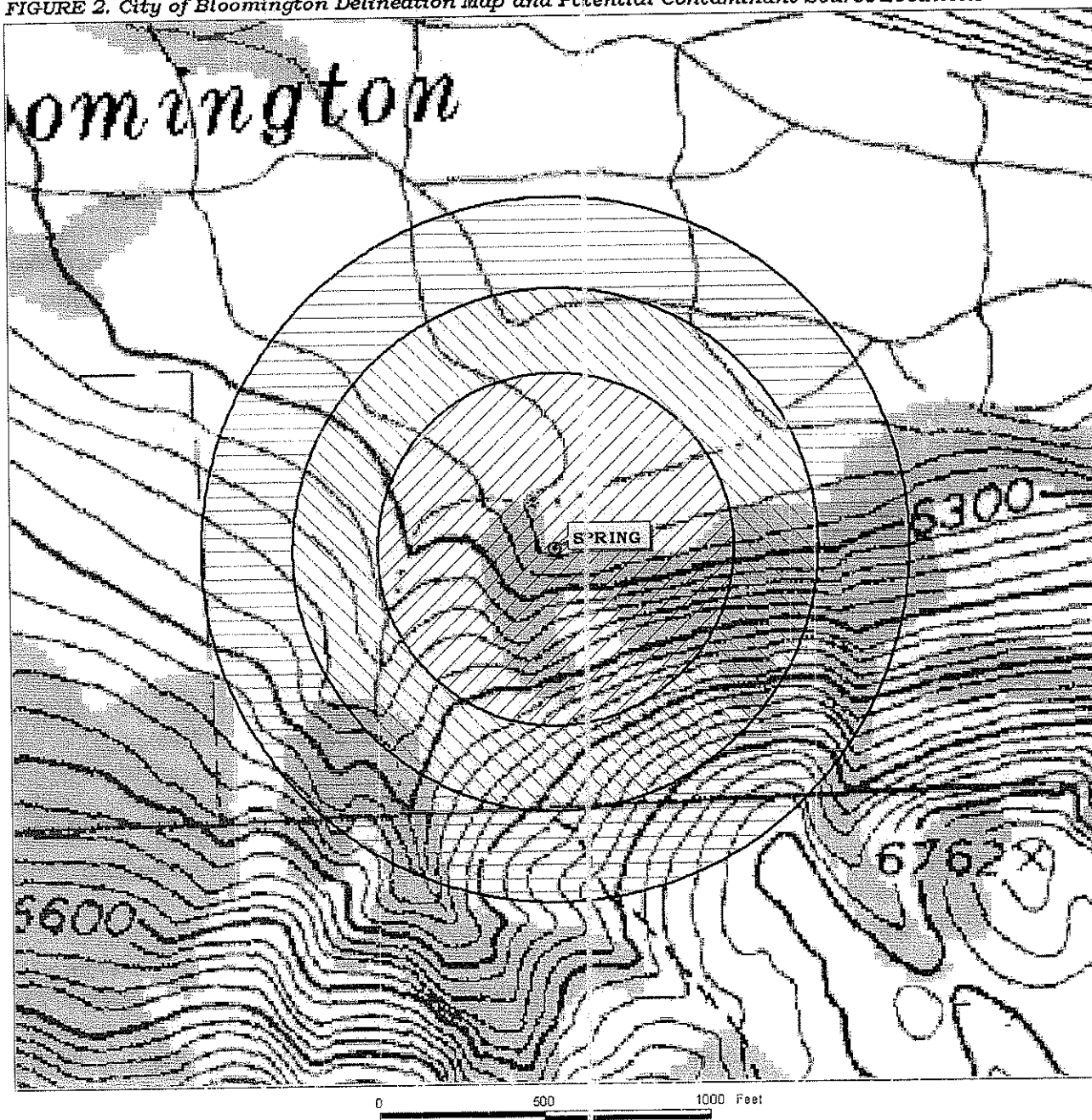


FIGURE 2. City of Bloomington Delineation Map and Potential Contaminant Source Locations



**PWS# 6040007
SPRING**

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
Municipal 5.0 cfs 1/1 to 12/31
 to

2. Quantity and quality of return flows and location of discharge:
Overflow at city storage tank (small amount)
runs back into Bloomington Creek

3. Describe effects on other water uses resulting from the proposed change:
No effects

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] Mayor
 (Signature of Applicant)

Subscribed and sworn to before me this 9th day of March, 2005.



Nancy Skinner
 Notary Public

My Commission Expires 10-23-06

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 14 attachments
 Received by SC Date 3/14/05 Protest filed by _____
 Prelim. check by _____ Fee 250.00
 Receipted by SC Date 3/14/05 EO 30676 / EO 31064
 Published in News Examiner Copies of protest forwarded by _____
 Pub. dates _____ Hearing held by _____ Date _____
 Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
 _____ rec'd _____ by _____
 Copy of transfer sent to lien holder _____

AFFIDAVIT OF JOHN FINDLAY

STATE OF IDAHO)
)ss
County of Bear Lake)

John Findlay, being first duly sworn, on his oath, deposes and says:

1. Affiant was born in 1924 and has lived in or near Bloomington, Idaho, his entire life. From 1964 - 1966, affiant served on the village board for the Village of Bloomington and was the last chairman of the village board before the village was incorporated as a city. Later, from 1980 - 1983, affiant served as Mayor of the City of Bloomington for a few years.
2. Because of affiant's familiarity with the City of Bloomington and the surrounding area, as well as the water system of the City, affiant also has some knowledge of the history of water use by the City and the water rights upon which the City has relied.
3. Affiant recalls that in about 1934, under the WPA program, a water system was begun in order to bring water from a spring known locally as "Fred's Spring" to provide water service for the residents of the Village of Bloomington and the businesses and other buildings there. The minutes of the village board reflect that contracts were entered into and the work done in about 1935. The waters of "Fred's Spring" have been used ever since for the municipal needs of the Village (later the City) of Bloomington and its residents.
4. Affiant always understood the Village and City diverted up to about 5.25 cfs from "Fred's Spring" through its intake into the City water system. The water diverted by the Village and City was based upon rights acquired by the City in the "George Reese Canal Company". In 1935, some former shareholders in that small canal company transferred stock in the company to the Village. The George Reese Canal was a small canal which diverted water from "Fred's Spring" and other small spring sources tributary to Bloomington Creek and conveyed the water to a relatively small acreage in or near Sections 22,26,27 and 34 of T.14 S., R. 43 E. And Section 3 of T. 15 S., R. 43 E.
5. Affiant is familiar with the decree in the case of *George T. Thornock, et. al. v. Bloomington Irrigation Company, et. al.*, entered by Judge O. R. Baum in 1923. That

document decreed a water right (number 11-244) to the George Reese Canal Company in the amount of 5.0 cfs with a priority of 1908. The decree says the intake for the canal is in the SENE of Section 26, T. 14 S., R. 43 E., but that is incorrect. That description is of land in the area to which the water was delivered for irrigation. The actual point of diversion for the George Reese Canal was about 50 yard north of the "Fred's Spring" head in the SESW, Section 19, T. 14 S., R. 43 E. where a dam had been placed in the channel to divert the water into the George Reese Canal. The canal ran for nearly a mile through the property of my father, Ralph Findlay, and Grandfather, Alma Findlay, and when I was a young boy, my family lived in a cabin near the spring, so I was very familiar with the spring and the canal.

6. The George Reese Canal was a very difficult canal to maintain, and by the time I was a young boy (approximately 1930 to 1934) it was only used sporadically. After the intake for the Village was installed in about 1935 (a pipe diverting water directly from the head of the spring), the canal was essentially not used any longer.

DATED this 19 day of February, 2005.

John Findlay
John Findlay

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

On this 22nd day of February, 2005, before me a notary public in and for said State, personally appeared John Findlay known or identified to me (or proved to me on the oath of John Findlay) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Maxine Matthews
Notary Public for Idaho
Residing at Paris, Idaho
My commission expires: 11-14-06

AFFIDAVIT of FACTS

I, J. Hulme Dunford owned an interest in the property adjacent to what is commonly called Fred Spring located in Sec. 19, T.14 S., R. 43 E. B. M., from which the Bloomington City drinking water comes from, for a period of time. Because of this fact and the fact that I have been a life long resident of Bloomington I am familiar with the Fred Spring, it's location and use.

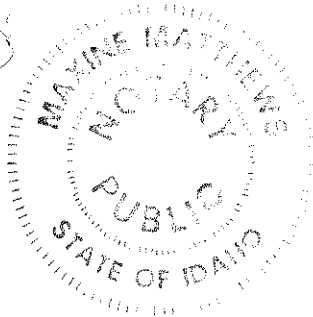
J. Hulme Dunford
J Hulme Dunford
2-5-05
Date

STATE OF IDAHO)
) ss.
COUNTY OF BEAR LAKE)

On this **5th** day of **February, 2005**, before me, the undersigned, a notary public in and for said state, personally appeared **J. HULME DUNFORD**, proven to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such.

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

Maxine Matthews
Notary Public
Residing at: PARIS, ID.
Commission Expires: 11-14-06



Bloomington Creek

11-J

C-E-R-T-I-F-I-E-D C-O-P-Y

WATER DECREE

-oooOooo-

GEORGE T. THORNOCK, et al

Plaintiffs,

vs.

BLOOMINGTON IRRIGATION COMPANY, et al.

Defendants.

-oooooOooooo-

Signed in open court in the District Court of the Fifth
Judicial District of the State of Idaho, in and for the County
of Bear Lake on July 25th. A.D. 1923, by the Hon. O. R. Baum,
Judge.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR BEAR LAKE
COUNTY.

GEORGE T. THORNOCK, HERBERT BATEMAN
and STAFFORD CLEVELAND,
Plaintiffs,

vs.

BLOOMINGTON IRRIGATION COMPANY, a
corporation, GEORGE REESE CANAL COMPANY,
a corporation, ALMA FINDLAY, GEORGE
JARVIS, THOMAS JARVIS, ALBERT JARVIS,
ROY HILL, ANTON MADISON, WILLIAM
BATEMAN, NELS L. KROGUE, BURTON L.
THOMAS, A. O. CHRISTENSEN, JOHN P.
HULME, BEN F. HULME, ALFRED A. HART,
IRA OSMOND, H. H. BROOMHEAD, JOURNAL
PALMER, J. T. BRISCOE, O. C. DUNFORD,
and Wm. C. PIGGOTT; and ALMA FINDLAY
Jr.; ARCHIE BEE and WILLIAM BEE; JOHN
WARD; THOMAS WARD and UTAH POWER & LIGHT
COMPANY,
Defendants.

D E C R E E

.....

This cause came on regularly for trial on the 6th day of
December, 1922; John A. Bagley, Esquire, of Montpelier, Idaho,
appearing as attorney for the plaintiffs; A. B. Gough, Esq., of
Montpelier, Idaho, and Darwin E. Haddock, Esq., of Paris, Idaho,
appearing as attorneys for the defendants and cross-complainants;
Bloomington Irrigation Company; and John T. Briscoe, William C.
Piggott, and O. C. Dunford; Charles H. Hart, Esq., of Salt Lake City
Utah; appearing as attorney for the defendant and cross-complainant,
George Reese Canal Company, a corporation, William Bateman, Nels
L. Krogue, Burton L. Thomas, A. O. Christensen and Alfred A. Hart;
Budge & Merrill of Pocatello, Idaho, appearing as attorneys for
the defendants and cross-complainants; Alma Findlay, Thomas Jarvis
and Albert Jarvis; Jesse P. Rich and Darwin E. Haddock, Esqs.,
appearing as attorneys for the defendants and cross-complainants;
John P. Hulme and Ben F. Hulme; D. C. Kunz, Esq., of Montpelier,
Idaho, appearing as attorney for the defendants, Anton Madsen,
William Bee, Archie Bee and Herbert Bateman; and Darwin E. Haddock,
Esq., appearing as attorney for the defendant and cross-complainant;
Peter E. Ward; Whereupon, the respective parties proceeded to ne-
gotiate a settlement and adjustment of the issues raised by the
complaint and the answers of the

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ATTACHMENT 5 OF 14

complaint and the answers of the defendants thereto and by the cross-complaints and answers thereto; and thereafter, to-wit: On the 7th day of December, 1922, a stipulation of facts was entered into, signed and filed herein, which it was agreed between the parties should be and the same hereby is adopted as the findings of fact herein, and the court, from the said stipulation and finding of fact, being fully advised in the premises, and conclusions of law being waived:

q IT IS HEREBY ORDERED, ADJUDGED and DECREED that the respective parties hereto be, and each of them is hereby awarded and decreed the quantity of water hereinafter specified, with date of priority and for the irrigation of lands as hereinafter set forth, such water to be diverted from the several points of diversion as hereinafter stated, all rights herein decreed to be as of May 1st of the particular year fixed as the date of priority:

Bloomington Co.
BLOOMINGTON IRRIGATION COMPANY:

0208 1864--- 13-3/5 ^{13.60} cubic feet per second, to be diverted through what is known as the "North" or "Town Ditch" having its intake in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, Twp. 14 South, Range 43 East, Boise Meridian. 13.6
18.8
32.4

0209 1866--- 18-8/10 ^{18.80} cu. ft. per second, to be diverted through what is known as the "South Ditch" having its intake in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 14 South, Range 43 East, Boise Meridian.

0210 1877--- 4-4/5 ^{4.80} cubic feet per second, to be diverted through what is known as the "Paradisical Ditch" having its intake in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 21, Township 14 South Range 43, East, Boise Meridian, for the irrigation of the following described lands, to-wit:

The West one-half and the West one-half of the East half and the West half of the East half of the Northeast Quarter of Section 23, and the East one-half of the Southeast Quarter of Section 22, and the Southeast Quarter of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 14, all in Township 14 South, Range 43 East Boise Meridian, containing 640 acres of land.

Also, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ and W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 26, and the Northwest Quarter and W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and SW $\frac{1}{4}$ and W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 35, all in Township 14 South Range 43 East, Boise Meridian.

Also, the NW $\frac{1}{4}$ of Sec. 2, Township 15 South, Range 43 East, Boise Meridian, containing in all 940 acres of land;

Also the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 15, and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 14, and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 22, all in Township 14 South, Range 43 East, Boise Meridian, containing 240 acres of land, a total of 1860 acres.

WILLIAM BATEMAN: *Pasture south of Town*

0211 1868--- 19/50 ^{0.38} of a cubic foot per second, to be diverted through what is known as the "Bateman-Kroque-Thomas" Ditch, having its intake

from Center Creek about forty-three rods West of the intersection of said stream with the West line of the State Highway, running North and South through the Town of Bloomington.

All that piece or parcel of land commencing at a point 17 chains and 94 links South, 72°30' West and 5 chains 70 links North 23 degrees West from the Southeast corner of the Northwest Quarter, Section 26, Township 14 South, Range 43 East; Boise Meridian, U. S. Survey; running thence North 66 degrees 45 minutes East 12 chains and 88 links; thence North 17 degrees West 14 chains; thence south 66 degrees West 3 chains; thence North 23 degrees West 91 links; thence South 66 degrees West 11 chains and 16 links; thence South 23 degrees East 14 chains and 70 links to the place of beginning, and containing 19 acres and 18 square rods more or less.

11 0212 1868---7/50 cu. ft. per second to be diverted through said Bateman-Kroque-Thomas Ditch, for the irrigation of the following described lands: Commencing at a point 6 chains and 24 links North 17 degrees and 45 minutes West from the Southeast corner of the Northwest Quarter of Section 26, Township 14 South, Range 43 East; Boise Meridian, U. S. Survey; running thence North 17 degrees and 45 minutes West 12 chains and 30 links; thence South 73 degrees West 5 chains and 50 links; thence South 17 degrees East 11 chains and 90 links; thence North 66 degrees and 45 minutes East 5 chains and 75 links to place of beginning, and containing 6 acres and 128 square rods of land more or less.

NELS L. KROGUE;

11 0213 1868---6/50 cubic ft. per second; to be diverted through said bateman-Kroque-Thomas Ditch; for the irrigation of the following described lands: Commencing at a point 6 chains and 5 links North 72°50' East and 16 chains and 80 links South 23° East from the NE corner of the Northwest Quarter; Section 26, Township 14 South, Range 43 East; Boise Meridian, U. S. Survey; and running thence South 23° East 5 chains and 40 links; thence North 67° East 11 chains; thence North 23° West 5 chains and 40 links; thence South 67° West 11 chains to place of beginning; and containing 5 acres and 150 square rods more or less.

11 0214 1868---12/50 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 22 chains and 6 links North 72°30' East and 9 chains and 53 links North 23° West from the Southwest corner of the Northwest Quarter; Section 26, Township 14 South, Range 43 East of Boise Meridian, U. S. Survey; and running thence North 23° West 10 chains and 40 links; thence South 67° West 11 chains; thence South 23° East 10 chains and 40 links; thence North 67° East 11 chains to place of beginning, and containing 11 acres and 70 square rods more or less.

BURTON L. THOMAS;

11 0215 1868---8/50 of a cubic foot per second to be diverted through said Ditch, for the irrigation of the following described lands: Commencing at a point 22 chains and 6 links North 72° 30' East and 25 chains and 33 links North 23° West from the Southwest corner of the Northwest Quarter of Section 26; Township 14 South, Range 43 East; Boise Meridian; U. S. Survey, and running thence North 23° West 5 chains; thence South 67° West 11 chains; thence South 23° East 5 chains; thence North 67° East 11 chains to the place of beginning, containing 5½ acres, more or less.

A. O. CHRISTENSEN:

*Pastures south
0.10 of town*

0216 1868---1/10 of a cubic foot per second, to be diverted through said Bateman-Krogue-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:

*Pastures south
0.42 of town*

11 0217 1868---21/50 of a cubic foot per second, to be diverted through said Bateman-Krogue-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:

Bottoms

1 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.

1 0219 1890---23/50 of a cubic foot per second, to be diverted through said Long and Bateman Ditch, for the Irrigation of 25 acres of said lands last above described.

HERBERT BATEMAN:

*Bottoms
3.50*

1 0220 1880---3-1/2 cubic feet per second, up to and including June 25th of each and every year, to be diverted through said Long & Bateman Ditch, for the irrigation of 175 acres within the following described tracts, to-wit: The Northeast Quarter of the Northeast Quarter of Section 36; and 10 acres in Section 26, Township 14 South, Range 43 East; the North Half of the Northwest Quarter of Section 31, and the Southeast Quarter of the Southwest Quarter, and Lots 5 and 6 of Section 30; and Lots 1 and 8 of Section 31, Township 14 South, Range 44 East, Boise Meridian.

Herbert Bateman

Bottoms

221 1890---4/5 of a cubic foot per second, to be diverted through said Long & Bateman Ditch, for the irrigation of 40 acres of the lands last above described.

STAFFORD CLEVELAND:

11 0222 1880---1-48/50 cubic feet per second, up to and including June 25th of each and every year, to be diverted through said Long & Bateman Ditch, for the irrigation of 98 acres within the South Half of the Northwest Quarter and the North Half of the Southwest Quarter of Section 31, Township 14 South, Range 44 East, Boise Meridian.

11 0223 1890---22/50 of a cubic foot per second, to be diverted through said Long & Bateman Ditch for the irrigation of 22 acres of said lands last above described.

JOHN P. HULME:

11 0224 1889---19/50 of a cubic foot per second, to be diverted through what is commonly known as the "Piggott Ditch" having its intake in Southwest Quarter of Northeast Quarter of Section 26, Township 14 South, Range 43 East, Boise Meridian, for the irrigation of the following described lands:
Commencing at a point 26 chains and 57 links South from the Northwest corner of Section 25, Township 14 South, Range 43 East, Boise Meridian, running thence South 10 chains; thence East 5 chains and 92 links; thence North 10 chains; thence West 5 chains and 92 links to place of beginning, and containing 5 acres and 147 square rods of land more or less.
Also Lot 25, as platted on page 59 of Bear Lake County Plat Book "B" and further described as follows, to-wit: Commencing at a point 3 chains and 50 links North from the SE Corner of the Northeast quarter of Section 26, Township 14 South, Range 43 East Boise Meridian, and running thence North 10 chains; thence West 13 chains and 94 links; thence South 15 degrees East 10 chains; thence East 13 chains and 91 links to place of beginning, containing 13 acres and 92 square rods of land; more or less.

JOHN T. BRISCOE:

11 0225 1889---24/50 of a cubic foot per second, to be diverted through said Piggott Ditch, for the irrigation of the following described lands: Commencing at a point 13 chains and 50 links North from the Southeast corner of the Northeast Quarter of Sec. 26, Township 14 South, Range 43 East, Boise Meridian, and running thence North 5 chains; thence West 13 chains and 95 links; thence South 8 chains; thence East 13 chains and 95 links to place of beginning, and containing 6 acres and 155 square rods of land, more or less.
Also Lot 8, as platted on Page 59 in Bear Lake County Idaho, in Plat Book "B", and further described as follows; to-wit: Commencing at a point one chain and 57 links South from the NE Corner of Sec. 26, Township 14 South, Range 43 East, Boise Meridian, and running thence South 12 chains and 50 links; thence West 13 chains and 98 links; thence North 15 degrees West 12 chains and 50 links; thence East 14 chains and 8 links to place of beginning, and containing 17-1/2 acres of land, more or less.

WILLIAM PIGGOTT:

11 0226 1889---4/50 of a cubic foot per second, to be diverted through said Piggott Ditch, for the irrigation of the following described lands: Lot 9, as Platted in Bear Lake County Plat Book "E", page 59, and further described as follows; to-wit: Commencing at a point 14 chains and 7 links South from the Northeast corner of Section 26, Township 14 South, Range 43 East, Boise Meridian, and running

thence South 2 chains and 50 links; thence West 13 chains and 97 links; thence North 15 degrees West 2 chains and 50 links; thence East 13 chains and 98 links to the place of beginning, and containing 8 acres and 78 square rods of land more or less. Also commencing at a point 14 chains and 7 links South from the Northwest corner of Section 25, Township 14 South, Range 43 East, Boise Meridian, running thence South 2 chains and 50 links; thence East 5 chains and 92 links; thence North 2 chains and 50 links; thence West 5 chains and 92 links to place of beginning, and containing one acre and 76 square rods of land, more or less.

C. C. DUNFORD:

below crooked line

- 1 0227 1889---7/50 of a cubic foot per second to be diverted through said Piggott Ditch; for the irrigation of the following described lands, to-wit: Lot 16, as platted in Bear Lake County Plat Book "B" Page 59, and further described as follows, to-wit: Commencing at a point 18 chains and 50 links North from the Southeast corner of the Northeast Quarter of Section 26, Township 14 South, Range 43 East Boise Meridian, and running thence North 3 chains; thence West 13 chains and 96 links; thence South 15 degrees East 5 chains; thence East 13 chains and 95 links to place of beginning, and containing 4 acres and 29 square rods of land, more or less; also Lot 15 as platted on Page 59 of Bear Lake County Plat Book "B" and further described as follows, to-wit: Commencing at a point 16 chains and 57 links South from the Northeast corner of Section 26, Township 14 South, Range 43 East Boise Meridian, and running thence South 2 chains; thence West 13 chains and 96 links; thence North 15 degrees West 2 chains; thence East 13 chains and 97 links to place of beginning, and containing 2 acres and 126 square rods of land, more or less.

UTAH POWER & LIGHT COMPANY (as successor in interest to defendant Anton Madsen):

- 1 0228 1890---2-47/50 cubic feet per second up to and including June 25th of each and every year, to be diverted through what is known as the "Transtrum-Madsen Ditch" having its intake about 20 rods west from Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 26, Township 14 South, Range 43 E.B.M., and also by means of the "Hansen Dam" located on the Archie Bee land hereinafter described and also by means of the "Madsen Dam" located on the lands described in this paragraph, for the irrigation of 149 acres within the following described legal subdivisions: The Northeast Quarter of the Southeast Quarter of Section twenty-five (25), Township fourteen (14) South, Range forty-three (43) and part of Lot three (3) and the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter and the Northwest Quarter of the Northwest Quarter of Section 30, Township 14 South, Range 44 E.B.M.

WILLIAM BEE

- 1 0229 1890---1-1/5 cubic feet per second, up to and including June 25th of each and every year, to be diverted by means of said Hansen Dam, for the irrigation of the South Half of the Southwest Quarter of the Southeast Quarter of Section 25, Township 14 South, Range 43 East, Boise Meridian, and the Northwest Quarter of the Northeast Quarter of Section 36 in said Township and range.

ARCHIE BEE

- 1 0230 1890---Two (2) cubic feet per second up to and including June 25th of each and every year, to be diverted by means of the Hansen Dam, for the irrigation of 100 acres in the following described legal subdivisions: Northwest Quarter of the Southeast Quarter and the North Half of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the

55.42 Cu. ft per second
above of Ranch.

Southeast Quarter of Section 25; Township 14 South, Range 43 East, Boise Meridian.

HERBERT BATEMAN:

bottoms

- 11 0231 1890---4/5 of a cubic foot per second up to and including June 25th of each and every year, to be diverted through said Hansen Dam, for the irrigation of Lot 4; Section 30; Township 14 South, Range 44 East, Boise Meridian.

ALMA FINDLAY:

1.50

Meadow at Ranch

- 11 0232 1890---1-1/2 cubic feet per second, to be diverted by means of a certain ditches having their intakes upon the land hereinafter described, for the irrigation of Lot 3; and the Northeast Quarter of the Southwest Quarter, and the North Half of the Southeast Quarter of Section 19; Township 14 South, Range 43 East, Boise Meridian.

GEORGE E. JARVIS, THOMAS W. JARVIS and ALBERT JARVIS:

0.70

Ranch

- 11 0233 1890---7/10 of a cubic foot per second, to be diverted through that ditch having its intake on Lot 3 hereinafter mentioned, and by means of other ditches having their intakes on the other lands hereinafter mentioned, for the irrigation of 35 acres within the following described tract, to-wit: The North Half of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter and Lot 3 of Section 24; Township 14 South, Range 42 East, Boise Meridian, containing 159.52 acres; also commencing at the Northwest corner of Lot 3; Section 19, Township 14 South, Range 43 East, Boise Meridian; and running thence East 1404 feet; thence South 1320 feet; thence West 1404 feet, thence North 1320 feet to the place of beginning, containing 42.52 acres.

JOHN P. HULME

1.40

Ackrod Place

- 11 0234 1894---1-2/5 cubic feet per second, to be diverted through what is known as the "Town Ditch" of the Bloomington Irrigation Company hereinbefore mentioned as per contract for the irrigation of 70 acres within the Northwest Quarter of Section, 24; Township 14 South, Range 43 East, Boise Meridian.

1.0

bottoms

- 11 0235 1895---1 cubic foot per second, up to and including June 25th, of each and every year, to be diverted by means of Hansen Dam for the irrigation of the East 50 acres of said last described land.

PETER E. WARD:

0.64

bottoms

- 11 0236 1895---32/50 of a cubic foot per second up to and including June 25th of each and every year, to be diverted by means of the said Transtrum-Madsen Ditch and by means of said "Hansen Dam", for the irrigation of 32 acres within the Northeast Quarter of Section 25; Township 14 South, Range 43 East, Boise Meridian.

ALMA FINDLAY:

Hulme
5.00

bottoms

- 11 0237 1900---5 cubic feet per second, to be diverted at a point near the Southeast corner of Section 26; Township 14 South, Range 43 East, Boise Meridian into a ditch extending from a dam across Bloomington Creek at said point in a southerly direction and discharged into what is known as "Circle Slough" and thereafter diverted from the Northerly end of said slough, for the irrigation up to and including June 25th of each and every year of the Southeast Quarter of Section 26; Township 14 South, Range 43 East, Boise Meridian, and the South Half of the Southwest Quarter of Section 31, Township 14 South, Range 44 East, Boise Meridian.

JOHN WARD:

- 1 0238 1900 ^{0.80} ^{bottoms} ---4/5 of a cubic foot per second, up to and including the 25th day of June of each and every year, to be diverted one-half through a ditch having its intake in Southeast Quarter of the Northeast Quarter of Section 26, Township 14 South, Range 43 East, Boise Meridian, and one-half through Hansen Dam for the irrigation of the following described lands: Southwest Quarter of the Southeast Quarter and Lot 5, Section 18, Township 14 South, Range 44 East, Boise Meridian, and Lots 4 and 13, Section 19, Township 14 South, Range 43 East, Boise Meridian, as platted in Plat Book "D" at Page 245, Records of Bear Lake County, containing 48 acres.

THOMAS WARD:

- 11 0239 1900 ^{2.60} ---2-3/5 cubic feet per second, to be diverted one-half through a ditch having its intake in the Southeast Quarter of the Northeast Quarter of Section 26, Township 14 South Range Range 43 E.B.M., for the irrigation of the following described lands up to and including the 25th day of June of each and every year: West Half of the Northeast Quarter of Southeast Quarter of Section 24, Township 14 South, Range 43 East, Boise Meridian; the East Half of Southwest Quarter of Section 19, Township 14 South, Range 44 East, Boise Meridian; also 10 acres along the West side of the West Half of Southeast Quarter of Section 19, Township 14 South, Range 44 East, Boise Meridian. } Ranch

PETER E. WARD:

- 1 0240 1902 ^{0.80} ^{bottoms} ---4/5 of a cubic foot per second, to be diverted by means of what is known as the Transtrum-Madsen Ditch hereinbefore described, for the irrigation of 40 acres within the Northeast Quarter of Section 25, Township 14 South, Range 43 East, Boise Meridian.

ALMA FINDLAY, JR.

- 1 0241 1902 ^{0.30} ^{Ranch} ---3/10 of a cubic foot per second, to be diverted by means of a ditch having its intake in the Northeast Quarter of the Southeast Quarter of Section 19, Township 14 South, Range 43 East, Boise Meridian, for the irrigation of 15 acres within the North Half of the Southwest Quarter of Section 20, Township 14 South, Range 43 East, Boise Meridian.

UTAH POWER & LIGHT COMPANY (as successors in interest to defendant and cross-complainant Anton Madsen);

- 0242 1902 ^{0.50} ---1/2 of a cubic foot per second, to be diverted by means of said Transtrum-Madsen Ditch for the irrigation of 25 acres of the following described lands, to-wit: Northeast Quarter of the Southeast Quarter of Section 25, and Lot 3 of Section 30, Township 14 South, Range 43, East, Boise Meridian.

GEORGE E. JARVIS, THOMAS W. JARVIS AND ALBERT JARVIS:

- 0243 1905 ^{0.06} ---3/50 of a cubic foot per second, to be diverted by means of a ditch having its intake in the Northwest corner of the lands hereinafter mentioned, for the irrigation of the following described tract: Commencing at a point 34 feet North of the Northwest corner of Lot 6, Block 15, Bloomington Townsite Survey, Bear Lake County, Idaho, running thence South 387 feet, more or less, to the bank of Bloomington Creek, thence in a Northwesterly direction following the meanders of said Bloomington Creek to a point 264 feet

directly west of the point of beginning, thence East 264 feet to the point of beginning, containing two acres of land, more or less.

GEORGE REESE CANAL COMPANY, a corporation :

11 0244 1908---5 cubic feet per second, to be diverted by means of a ditch known as the George Reese Canal having its intake in the Southeast Quarter of the Northeast Quarter of Section 26; Township 14 South, Range 43 East, Boise Meridian, for the irrigation of 250 acres of land belonging to the shareholders of said company living within Sections, 22; 27 and 34, all in Township 14 South, Range 43 East, Boise Meridian, and within the Northeast Quarter of the Northeast Quarter of Section 3, Township 15 South, Range 43 East, Boise Meridian.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that all rights hereinbefore decreed shall have a date of priority as of May 1st of the respective years hereinbefore specified, and that all such rights shall, unless otherwise specified, be for the irrigation season of each and every year, to-wit: from May 1st to October 1st.

In accordance with said stipulation, IT IS HEREBY ADJUDGED that all pleadings have been deemed amended to conform to said stipulation and that pleadings have been filed as a basis for the several awards made to individuals not specifically named as defendants in the complaint herein.

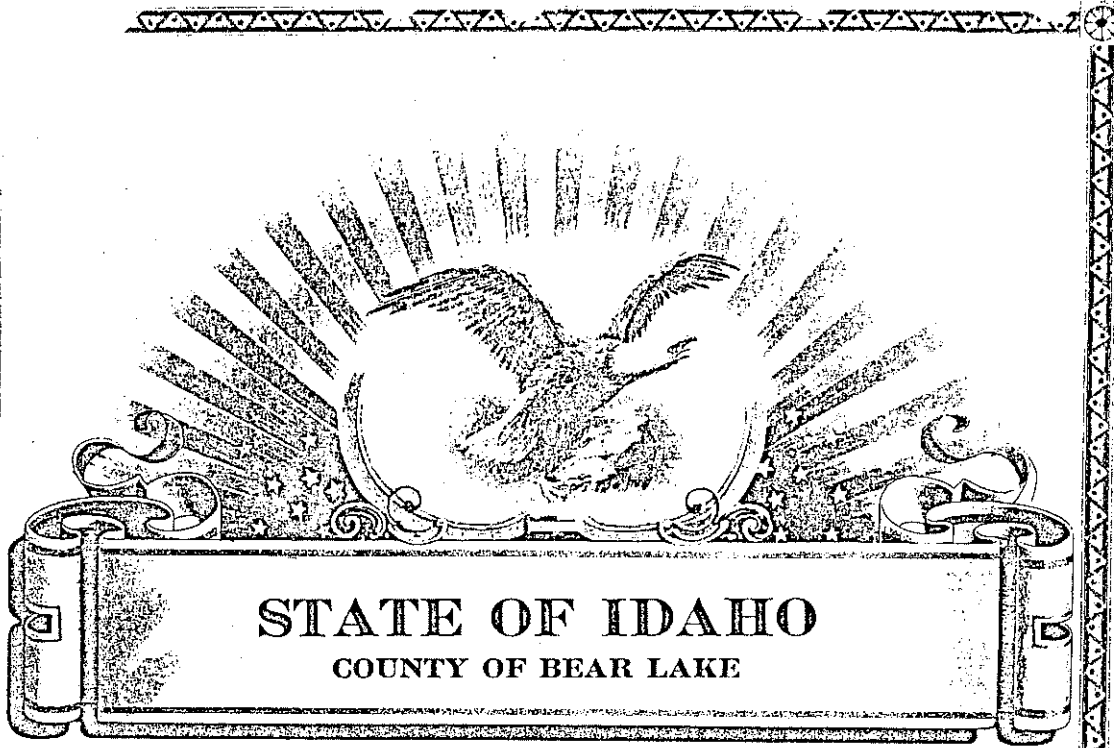
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the court shall retain jurisdiction; and jurisdiction is hereby reserved for a period of three years from the date hereof for the purpose of granting relief to any party to the action on account of clerical or typographical errors or inadvertences or for the purpose of making further inquiry and entering additional or modified findings and decree with reference to the rights of the Bloomington Irrigation Company in the event it shall be satisfactorily made to appear that the award of water to said company, as hereinbefore set forth, is in excess of what is required to properly irrigate the lands of the share-holders of said company hereinbefore described; and that claimants possessing subsequent right to the waters of said Bloomington Creek are suffering detriment by reason of such excessive use; and it is ORDERED, ADJUDGED and DECREED that the several persons to whom water is awarded under this decree or those in joint control of any ditch whereby water is diverted shall at his or their own cost and expense install and maintain a measuring device at or near each such point of diversion in order that it may be readily determined what quantity of water is being diverted. Such measuring devices shall be under the exclusive control of those who install or own the same and all others are hereby restrained and enjoined from molesting, tampering or interfering with (but may at any time inspect) any such device.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party pay its own costs herein.

DATED this 25th day of July, 1923.

O. R. BAUM
District Judge.

Filed July 25, 1923.
J. S. Peterson,
Clerk.



STATE OF IDAHO
COUNTY OF BEAR LAKE

I J. S. Peterson Clerk of the
District Court of the Fifth Judicial District of Idaho, in
and for Bear Lake County, do hereby certify that the within
and foregoing is a full and true copy of the original Water
Decree in the case of George T. Thornock, et al. vs. Bloom-
ington Irrigation Company, et al.

duly filed in my office on the 25th day of July 19 23

In Witness Whereof I have hereunto set my hand and
affixed the seal of said Court at Paris, Idaho, this
30th day of June 19 24

J. S. Peterson Clerk
By _____ Deputy