

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.

D E C R E E

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.

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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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:

- 1864--- 13-3/5 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.
- 1866--- 18-8/10 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.
- 1877--- 4-4/5 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:

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

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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.
- 11 0219 1890---23/50 of a cubic foot per second, to be diverted through said Long and Bateman Ditch, for the Irrigation of 23 acres of said lands last above described.

HERBERT BATEMAN:

- * 11 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.

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 :

13 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.

58.88 cfs after 6/25

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
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Lark Bateman Phone 945-2098Post Office address Box 244 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 Ditch and dam have deteriorated. Other diversion will give better coverage.

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>1880</u>	<u>1880</u>	<u>5.46</u>	<u>irrigation</u>	<u>Apr 20 to Sept 30</u>
<u>1890</u>	<u>1890</u>	<u>1.24</u>	<u>irrigation</u>	<u>Apr 20 to Sept 30</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 6.7 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	25	14	43	Bear Lake	Hansen 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	36	40																40
14	44	37					40	40											80
14	44	31							40	40	40	40							160
14	44	30											40						40

Total acres 320

Page _____ of _____

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system earthen dam with concrete abutments and removable boards

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 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:

Better utilization of the water due to increased head available at one location

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 _____, 19 _____

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 Herbert Bateman Stafford Cleveland
in case of George T. Thornock Herbert Bateman vs. Bloomington Irrigation Co.
dated 7-25-23 Stafford Cleveland 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 4.3 for irrigation purposes from Apr 20 to Sept 30
(cfs/ac-ft)
amount 2.4 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 6.7 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 1/4	26	14	43E	Bear Lake	Long Bateman Ditch
			SE 1/4	26	14	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	
14	43	36	40																40
14	44	30												40					40
14	44	31					40	40											80
14	44	31							40	40	40	40							160
14	43	26																	10

Total acres 3309. 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 _____ purposes from _____ to _____
(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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

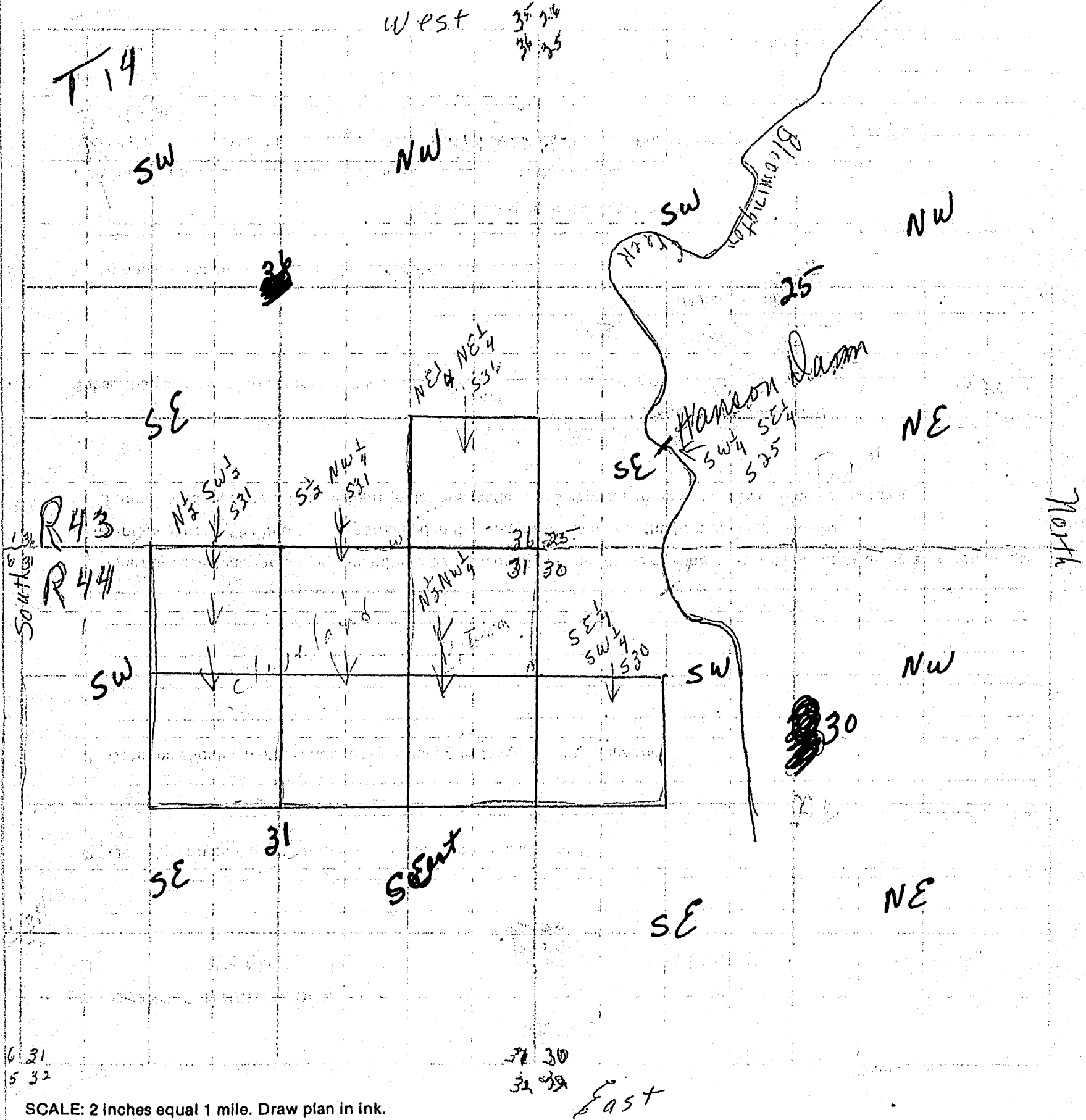
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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.



Page _____ of _____

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

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

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.

Lark Bateman

(Signature of Applicant)

Subscribed and sworn to before me this 31st day of January, 19 94.

Don J. Ebers

(Notary Public).

My commission expires 2-6-1991

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by WM Date 2/2/94 @ 11:43 Protest filed by _____

Prelim. check by _____ Fee \$50.00

Receipted by HWS Date 2-2-94 EOR473

Published in _____ 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 _____

QUIT CLAIM DEED

THIS INDENTURE, Made the sixth day of June, in the year of our Lord, One Thousand Nine Hundred and fifty-three, between Ray Bateman and Pearl Bateman, husband and wife

of Bloomington County of Bear Lake and

State of Idaho the parties of the first part, and Bennion N. Bateman, also known as Ben Bateman, Bennion Norman Bateman and Norman Bateman, and Lark Bateman, husband and wife

of Bloomington, of the County of Bear Lake and

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 one dollar and other valuable consideration DOLLARS lawful money of the United States of America to them in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, do by these presents demise, release and forever Quitclaim unto the said parties of the second part, and to their heirs and assigns, all that certain piece or parcel of land situated in Bear Lake County, of the State of Idaho, particularly described as follows, to-wit:

Commencing at a point 367 feet West from the North east corner of the South east quarter of Section 26 in Township 14 South of Range 43 E.B.M., and running thence S. 89 degrees 15' W. 1328 feet; Thence S. 3 degrees 25' W. 547 feet; Thence N. 84 degrees 45' E. 375.5 feet, Thence N. 84 degrees E. 958 feet; Thence N. 1 degree 45' E. 533 Feet more or less, to place of beginning, containing, 14 acres of land, more or less.

Also,

Commencing at a point 14.40 chains West from the South east corner of the Northeast quarter of Section 26 in Township 14 South of Range 43 E.B.M., and running thence West 10 chains; thence North 3.40 chains; thence East 10 chains; Thence South 3.40 chains to the place of beginning, containing 3.4 acres, more or less. Together with all water and water rights thereunto belonging or appertaining.

Sec 14, T14S R43E Lot Eight (8) as platted in Bear Lake County Plat Book "B" on page 86 and further described as follows:

Northfield

Sec 14

T14S R43E

Commencing at a point five (5) chains and seventy five (75) links North 80 degrees 27' East and five (5) chains and thirty (30) links North 1 degree East from the Southwest corner of the South east Quarter of Section fourteen (14) Township fourteen (14) South of Range Forty three (43) East of Boise Meridian in the State of Idaho, and running thence North 89 degrees 25' East thirteen (13) chains and sixty eight (68) links; thence North 20°30' West ten (10) chains and seventy nine (79) links; thence West nine (9) chains and eighty five (85) links; thence South 1° West ten (10) chains to the place of beginning and continuing eleven (11) and three fourths (3/4) acres of ground be there more or less.

Together with all water and water rights thereunto belonging or otherwise appertaining.

Lot ten (10) as Platted in B.L. County Plat Book B. on page 86 described as follows:

Northfield

Sec 14, T14S

R43E

Commencing at a point five (5) chains and seventy five (75) links N. 89° 27' East from the Southwest corner of South East Quarter of Section Fourteen (14) Township Fourteen (14) South of Range Forty three (43) East of Boise Meridian in Idaho Territory and running thence N. 89°27' E. Twenty one (21) chains and sixty seven (67) links; thence N. 41°30' W. Six (6) chains and eighty eight (88) links; thence S. 89°25' W. sixteen (16) chains and sixty eight (68) links; thence S. 1° W. five (5) chains and thirty (30) links to place of beginning, containing ten (10) acres and twenty five (25) square rods of ground, be the same more or less, and embracing part of adjacent street. Together with all water and water rights thereunto belonging or otherwise appertaining.

Sec 36

T14S R43E

(5)

The Northeast quarter of the Northeast quarter of Section thirty six (36) in Township Fourteen (14) South, Range Forty three (43) East B.M. containing forty (40) acres more or less.

Together with all water and water rights thereunto belonging or otherwise appertaining.

Sec 30

T14S R44E

(2)

Lot Four (4) of Section Thirty (30) in Township Fourteen (14) South of Range Forty four (44) East of Boise Meridian, and containing 40 acres be there more or less.

Together with a one third interest in and to the same ditch and water rights having been used to irrigate said premises.

Ranch (6)
Ranch (8)
Sec 30/31
T14S R44E

Lots numbered Five and Six of Section Thirty, and the Lots numbered One and Eight of Section Thirty one in Township Fourteen South of Range Forty Four East of Boise Meridian in Idaho, containing One Hundred and Sixty one acres and thirty hundredths of an acre.

Together with all water and water rights thereunto belonging or in anywise appertaining herein described.

Port Land (6)
Sec 30
T14S, R44E
1591.26'
271.92'

Commencing at the Southeast corner of the North East Quarter of the Southwest quarter of Section thirty (30) of Township Fourteen (14) south of Range Forty four (44) East of Boise Meridian, U. S. Survey, and running thence north along quarter Section line Twenty four (24) chains and Eleven (11) links; thence West four (4) chains and twelve (12) links; thence South twenty four (24) chains and eleven (11) links; thence East four (4) chains and twelve (12) links to place of beginning and containing nine (9) acres and one hundred forty eight (148) square rods of land.

Also,

Port Land (6)
Sec 30
T14S, R44E

That piece of parce of land commencing at the Southwest corner of Lot Seven (7) Section thirty (30) of Township Fourteen (14) South of Range Forty four (44) East of Boise Meridian U. S. Survey and running thence East on quarter section line fifteen (15) chains and eighty (80) links to North Lake; thence along meander line bearing North 12 degrees 03' East Two (2) chains and eighty eight (88) links; thence along said line North 28 degrees 50' East Two (2) chains and eighty (80) links to center of Bloomington Creek thence following meanders of said creek as follows: North 74 degrees West ten (10) chains south 70 degrees West three (3) chains, North 68 degrees West six (6) chains to quarter section line, thence South along said line nine (9) chains and thirty (30) links to place of beginning and containing twelve (12) acres and thirty nine (39) square rods of land be there more or less.

Together with all water and water rights thereunto belonging or in anywise appertaining.

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

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto said parties of the second part, and to their heirs and assigns forever.

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

_____	{	<u>Ray Bateman</u>	(Seal)
_____		<u>Paul Bateman</u>	(Seal)
_____			(Seal)

STATE OF IDAHO
County of **Bear Lake**

ss.

On this **third** day of **June** in the year 19 **53**, before
me, *Roger D. Burgoyne*, a **Notary Public** in and for
said County and State, personally appeared

Ray Bateman and Pearl Bateman, husband and wife, known

to me to be the persons whose names 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.

Roger D. Burgoyne

Notary Public residing at
Montpelier, Idaho

My commission expires 12/3/55.

No. **67973**

to

QUIT CLAIM DEED

Dated _____, 19 **53**

Filed for record at the request of

Ray Bateman

July 18

at **50** minutes past **11** o'clock

15 19**53**

a. M., in Record of Deeds, page **192**

Sam C. Bateman

County Recorder

By _____ Deputy

Recorder's Fees \$ **3.25**

PROOF READ

INDEX

QUITCLAIM DEED

THIS INDENTURE, Made the 27th day of May, 1957
between WHITNEY J. TRANSTRUM and HAZEL G. TRANSTRUM, husband and wife,
of St. Charles, County of Bear Lake, State of Idaho, -and- DAUREL W.
TRANSTRUM and WILMA D. TRANSTRUM, husband and wife, - - - - -
of Pocatello, County of Bannock, State of Idaho
the parties of the first part, and NORMAN BEN BATEMAN and LARK
A. BATEMAN, husband and wife, City 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 - - - ONE DOLLAR AND OTHER VALUABLE CONSIDERATION - - - ~~NO 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
do hereby by these presents remise, release and forever QUITCLAIM, unto the said parties of the
second part, and to their heirs and assigns, forever
all that certain - - - lot, piece or parcel of land, situate, lying and being in
Bear Lake, County of - - - State of Idaho, bounded and particularly described as follows to-wit:

Commencing at a point 95 rods East of the Southeast corner of Lot
6, Section 31, Township 14 South, Range 44 East, Boise Meridian in Idaho;
running thence West 95 rods to said SE corner of said Lot 6 of said Sec-
tion 31 (same Township and Range); thence Northerly following the East
boundary of Lots 6 and 7 of said Section 31 to the NE corner of said Lot
7; thence East 60 rods, more or less, to Swamp; thence in a Southeast-
erly direction along said swamp, to place of beginning and containing
65 acres, be there more or less.

(The consideration under this conveyance is included in that)
(certain Warranty Deed between the same parties, under the same)
(date, and which said Warranty Deed is recorded under recorder's)
(file number 73192 in Book 47 of Deeds at page 158 in the records)
(of Bear Lake County, Idaho. Proper revenue stamps are affixed)
(to said Warranty Deed and no revenue stamps are necessary under)
(this instrument.))

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, and the reversion and reversions, remainder, and remain-
ders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurten-
ances, unto the said parties of the second part and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their
hands and seals, the day and year above written.

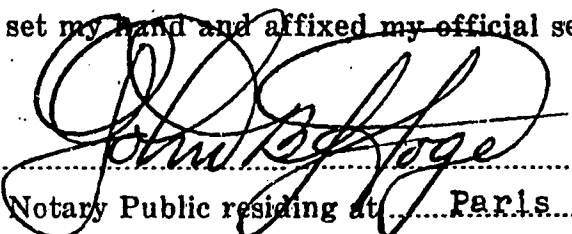
Signed, in the Presence of

Whitney J. Transtrum (SEAL)
Hazel G. Transtrum (SEAL)
Daurel W. Transtrum (SEAL)
Wilma D. Transtrum (SEAL)

STATE OF IDAHO
County of Bear Lake ss.

On this 27th day of May in the year 1957, before me,
John B. Hoge a Notary Public
in and for said State, personally appeared WHITNEY J. TRANSTRUM and HAZEL G.
TRANSTRUM, husband and wife,
known to me to be ^{two of} 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.


Notary Public residing at Paris, Idaho.

My Commission Expires:
25 June 1958

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

On this 29th day of May in the year 1957, before me,
Ruth Aland a Notary Public in and for said State, personally appeared
- - DAUREL W. TRANSTRUM and WILMA D. TRANSTRUM, husband and wife - - - known
to me to be two of the persons whose names are subscribed to the within instr-
ument, 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.

Ruth Aland

My Commission Expires:

RUTH ALAND
Notary Public
Montpelier, Idaho
My Commission Expires
March 6, 1960

Notary Public residing at Montpelier, Idaho

No. 7319

QUITCLAIM DEED

Whitney J. Transtrum, et. ux.

Daurel W. Transtrum, et. ux.

To

Norman Ben Bateman and Lark

A. Bateman, husband and wife

Date 27 May, 1957

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

I hereby certify that this instrument
was filed for record at the request of

Norman Ben Bateman

at 30 minutes past 10 o'clock

a m, this 7 day of

June A. D. 1957, in my

office, and duly recorded in Book 47

of Blonde at page 157

James V. Quirk

Ex-Officio Recorder.

By Richard B. Beller
Deputy.

Fees: \$ 1.25

RECORDED

INDEXED

REAL PROPERTY

TAX NOTICE AND RECEIPT

BEAR LAKE KEEP TOP PORTION FOR YOUR RECORDS
COUNTY PLEASE READ REVERSE SIDE
1993 YOUR CANCELLED CHECK IS YOUR RECEIPT

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
14,887	21	5022.00	

T2764 LOTS 2,3,6,7
31-14-44
154.8 AC.

BATEMAN, LARK A
PO BOX 244
BLOOMINGTON, ID 83223-0244

DELINQUENT YEAR

TAXING DISTRICT	RATE	AMOUNT
COUNTY	.005639842	83.96
COUNTY LIBRAR.	.000462045	6.88
SCHOOL DISTRI.	.005112869	76.12
BLOOMINGTON C.	.000262941	3.91
SCHOOL #33 BO.	.002546662	37.91
B.L. COUNTY F.	.000734830	10.94

SUBTOTAL .014759189 219.72

TOTAL TAXES 219.72*

TOTAL ACRES: 154.80

YOUR CANCELLED CHECK IS YOUR RECEIPT
FULL LEVY SHEET IS AVAILABLE AT THE TREASURER'S OFFICE

RECEIPT

FULL PAYMENT
TAX
PEN.
INT.
COST
TOT.

1ST INSTALLMENT

TAX
PEN.
INT.
COST
TOT.

2ND INSTALLMENT

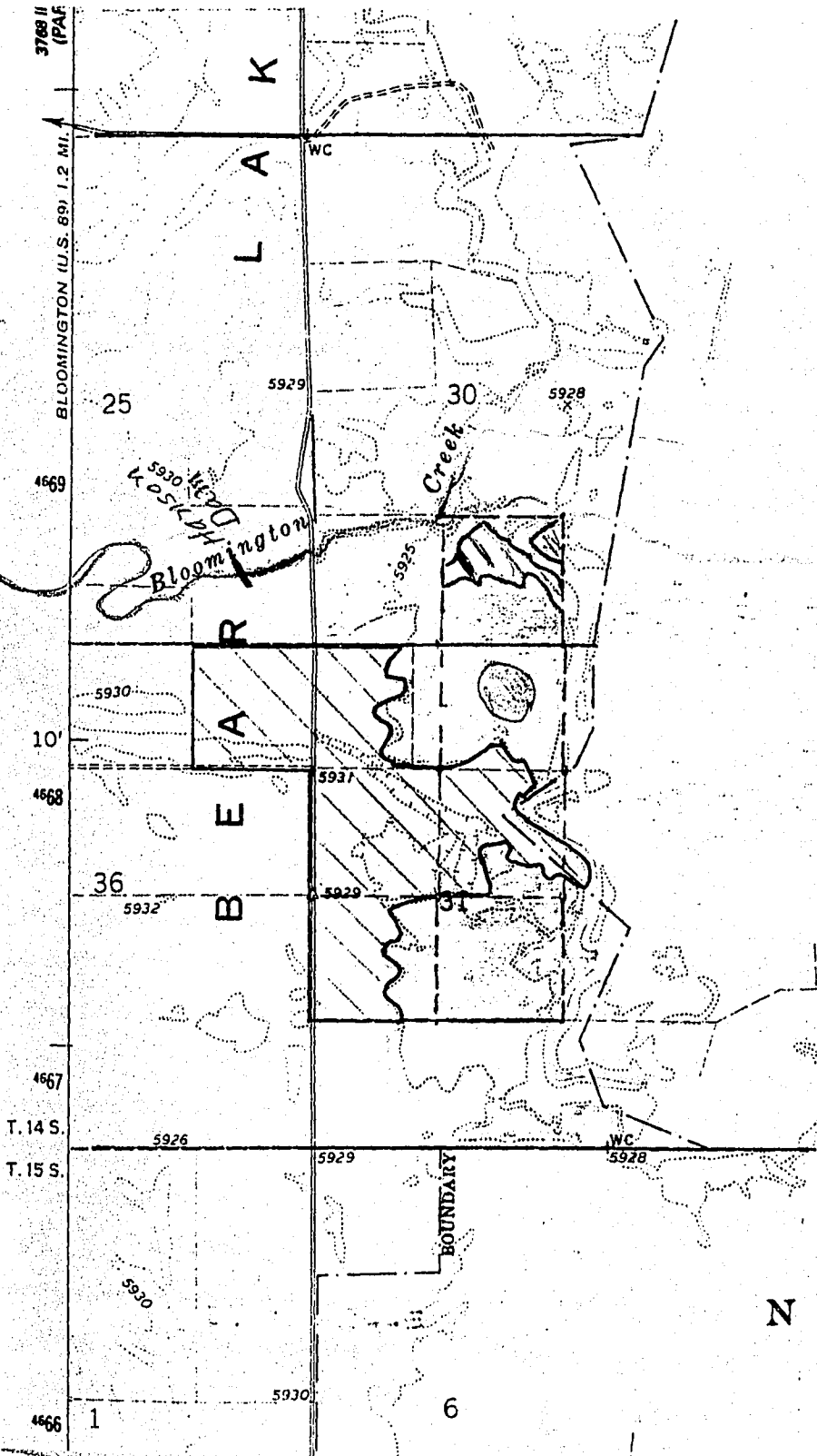
TAX
PEN.
INT.
COST
TOT.



APPLICATION FOR TRANSFER

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.



N A T I O N A L

B
BEAR
LAKE

I have not been on all the ground on the map except the Blough creek in red and the high ground in yellow. We pasture all the ground in yellow. I sold the above ground from Park Bottoms.

West D. Blough

E

158574

BEAR LAKE COUNTY RECORDER
JOAN F. EBORN

APR 10 20

94 PM 4
Cindy Olson #36
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.

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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:

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3.1 Quantity and Priority:

3.5 cfs ..	1880
1.0 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:

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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

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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.

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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

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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.

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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

~~WILLIAM BEE~~
Merla N.

LARK BATEMAN

TODD B. BATEMAN

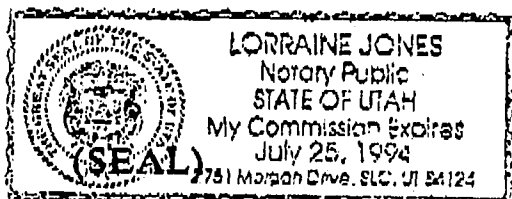
ZATHY B. BATEMAN

158574

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:

158574

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. Harris
NOTARY PUBLIC FOR IDAHO
Residing at: FRUIT
My Commission Expires: 2-6-1999

158574

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)

Dean J. Evans
NOTARY PUBLIC FOR IDAHO
Residing at:
My Commission Expires:

158574

February 8, 1994
DATE

Todd Bateman
TODD BATEMAN

Cathy Bateman
CATHY BATEMAN

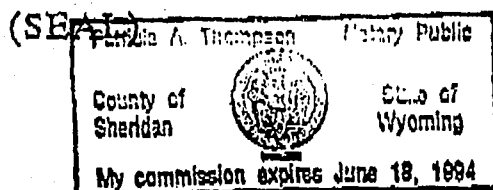
STATE OF WYOMING)

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

Page 1 of 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1 MAY 04 1994

Name of applicant Lark Bateman Phone (208) 945-2098
Post Office address Box 244 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 _____
2. Describe the reason for the proposed changes Ditch & dam have deteriorated. Other
diversion will give better coverage

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
11-00220 May 1, 1880 3.50 Irrigation 5-01 to 6-25
11-00221 May 1, 1890 0.80 Irrigation 5-01 to 10-01
11-00222 May 1, 1880 6.96 Irrigation 5-01 to 6-25
11-00223 May 1, 1890 0.44 Irrigation 5-01 to 10-01
2. Total amount of water being transferred 5.70 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Bloomington Creek tributary to Brar 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	Brar Lake	Hansen 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	40																40
14S	44E	30											40						40
		31					40	40	40	40	40	40							240
							L-8	L-1	L-2	L-7	L-6	L-3							

Total acres 320

PART 1

6. General Information:

a. Description of diversion system Earth dam with concrete abutments and removable boards.

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:
Better utilization of the water due to increased head available at one location.

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 _____, 19____

WR0749NP
No. 11-00220

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/29/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HERBERT BATEMAN	05/01/1880	IRRIGATION	05-01 06-25	3.50 CFS	
TOTAL DIVERSION:					3.50 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	26	:	I		I		I		I		I		I		I		I		
14S	43E	36	:	I																
14S	44E	30	:																	
14S	44E	31	:			08-1				08-1	01-1							05-1	06-1	05-1

Pou County: BEAR LAKE,

Other Rights: RTS. 11-0221.

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

11-00218 11-00219 11-00221 11-00222 11-00223 T11-00218A T11-00219A T11-00220

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

11-00208 11-00209 11-00210 11-00211 11-00212 11-00213 11-00214 11-00215 11-00216 11-00217
11-00221 11-00225 11-00227 11-04290 T11-00220

Remarks: P/D LONG AND BATEMAN DITCH.
P/U AC. IRR. = 175 (10 acres located in S26, T14S, R43E).

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: 09/29/1994 User-ID: PSKAGGS Subject: DATABASE CORRECTIONS
In a related review, errors in the place of use description were
found. The database was updated per the decree description.

Audit: 12/19/85 05/21/88 CONVERT 09/29/94 PSKAGGS

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00220

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 06/25 ✓	3.50 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 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	26 ✓	← 10 ACRES →			
		36	NENE ✓			
44E	30	Lot 5 (SESW) (SWSE)	Lot 6 (NWSE)			
	31	NENW	Lot 8 (NENW) (NWNW)	NWNW		
		Lot 1 (NWNW) ✓				

CONDITIONS/REMARKS:

1. P/D LONG AND BATEMAN DITCH.
2. P/U AC. IRR. = 175. ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
MAY 04 1994

Department of Water Resources

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 11-00220 Decreed to Herbert Bateman
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 Lake

4. Date or priority May 1, 1880

5. Water is used for the following purpose:

amount 3.50 cfs for Irrigation purposes from 5-01 to 6-25

(cfs/ac-ft) _____ for _____ purposes from _____ to _____

(cfs/ac-ft) _____ for _____ purposes from _____ to _____

(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.50 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	43E	26																	10
		36	A																
14S	44E	30												L-5 A		L-6 A			
		31					L-8 A	L-1 A											

Total acres 175

9. Describe any other water rights used for the same purpose as described above 11-00221

PART 2

Transfer No. 4314

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

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	

Total acres _____

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

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

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	

Total acres _____

WR0749NP
No. 11-00221

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/29/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HERBERT BATEMAN	05/01/1890	IRRIGATION	05-01 10-01	0.80 CFS	
TOTAL DIVERSION:					0.80 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

T	R	S	NE				NW				SW				SE				SUM		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
14S	43E	26	I		I		I		I		I		I		I		I		I		I
14S	43E	36	I																		
14S	44E	30																			
14S	44E	31			08-I																
								08-I	01-I												

Pou County: BEAR LAKE

Other Rights: RT. 11-0220.

Other Water Rights with Same Point(s) of Diversion and Source:
11-00218 11-00219 11-00220 11-00222 11-00223 T11-00218A T11-00219A T11-00220

Other Water Rights Listing Overlapping Place(s) of Use:
11-00208 11-00209 11-00210 11-00211 11-00212 11-00213 11-00214 11-00215 11-00216 11-00217
11-00220 11-00225 11-00227 11-04290 T11-00220

Remarks: P/D LONG AND BATEMAN DITCH.
P/U AC. IRR. = 40 (10 acres located in S26, T14S, R43E).

Dates: App. Received: Priority Date: 05/01/1890
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: 09/29/1994 User-ID: PSKAGGS Subject: DATABASE CORRECTIONS
In a related review, errors in the place of use description were
found. the database was updated per the decree description.

Audit: 01/13/86 05/21/88 CONVERT 09/29/94 PSKAGGS

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00221

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/01 ✓	0.80 CFS ✓

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

Priority: 05/01/1890 ✓

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	43E	26	10 Acres			
		31	~~NENW~~	~~NWNW~~		
		36	NENE			
44E	30	Lot 5 (SESW) (SWSE)	Lot 6 (NWSE)			
	31	Lot 8 (NENW) (NENE)	Lot 1 (NWNW)			

CONDITIONS/REMARKS:

1. P/D LONG AND BATEMAN DITCH.
2. P/U AC. IRR. = 40. ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
MAY 04 1994

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 11-00221 Decreed to Herbert Bateman
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.

Department of Water Resources

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 5-01-1890

5. Water is used for the following purpose:

- amount 0.80 cfs for Irrigation purposes from 5-01 to 10-01
(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 0.80 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	

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	43E	26																	10
		36	A																
14S	44E	30																	
		31					L-8 A	L-1 A							L-5 A	L-6 A			

Total acres 40

9. Describe any other water rights used for the same purpose as described above 11-00220

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
_____ 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 _____ purposes from _____ to _____
(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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

WR0749NP
No. 11-00222

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/29/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STAFFORD CLEVELAND	05/01/1880	IRRIGATION	05-01 06-25	1.96 CFS	
TOTAL DIVERSION:					1.96 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	:	SUM	
14S	44E	31	:															:		
			:															:		

Pou County: BEAR LAKE

Other Rights: RT. 11-0223.

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

11-00218 11-00219 11-00220 11-00221 11-00223 T11-00218A T11-00219A T11-00220

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

11-00223 11-04019

Remarks: P/D LONG AND BATEMAN DITCH.
P/U AC. IRR. = 98.

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: 09/29/1994 User-ID: PSKAGGS Subject: DATABASE CORRECTIONS
In a related review, errors were found in the limited season of use and the rate of diversion. The database has been updated to reflect the decree.

Audit: 01/13/86 05/21/88 CONVERT 09/29/94 PSKAGGS

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00222

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to ⁴⁻²⁵ ~~10/01~~	^{1.96} ~~0.96~~ 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	31✓	SWNW✓ NWSW✓	SENW✓	NESW✓	

CONDITIONS/REMARKS:

1. P/D LONG AND BATEMAN DITCH.
2. P/U AC. IRR. = 98.✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4314

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
MAY 04 1994
Department of Water Resources

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 11-00222 Decreed to Stafford Cleveland
in case of George Throck 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 Lake

4. Date or priority 5-01-1880

5. Water is used for the following purpose:

amount 0.96 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 0.96 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	31							A	A	A	A							98

Total acres 98

9. Describe any other water rights used for the same purpose as described above 11-00223

PART 2

Transfer No. 4314

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

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	

Total acres _____

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

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

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	

Total acres _____

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00223

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/01✓	0.44 CFS✓

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

Priority: 05/01/1890✓

LOCATION OF POINT(S) OF DIVERSION:SE , Sec. 26, Township 14S, Range 43E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S 44E 31✓	SWNW✓	SENW✓	NESW✓	
	NWSW✓			

CONDITIONS/REMARKS:

1. P/D LONG AND BATEMAN DITCH.
2. P/U AC. IRR. = 22.✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4314

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. 11-00223 Decreed to Stafford Cleveland
in case of George Thernock 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 Lake
4. Date or priority 5-01-1890

5. Water is used for the following purpose:

amount 0.44 cfs for Irrigation purposes from 5-01 to 10-01
(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 0.44 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	

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	31							A	A	A	A							22

Total acres 22

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?
_____ 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 _____ purposes from _____ to _____
(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

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	

Total acres _____

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

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

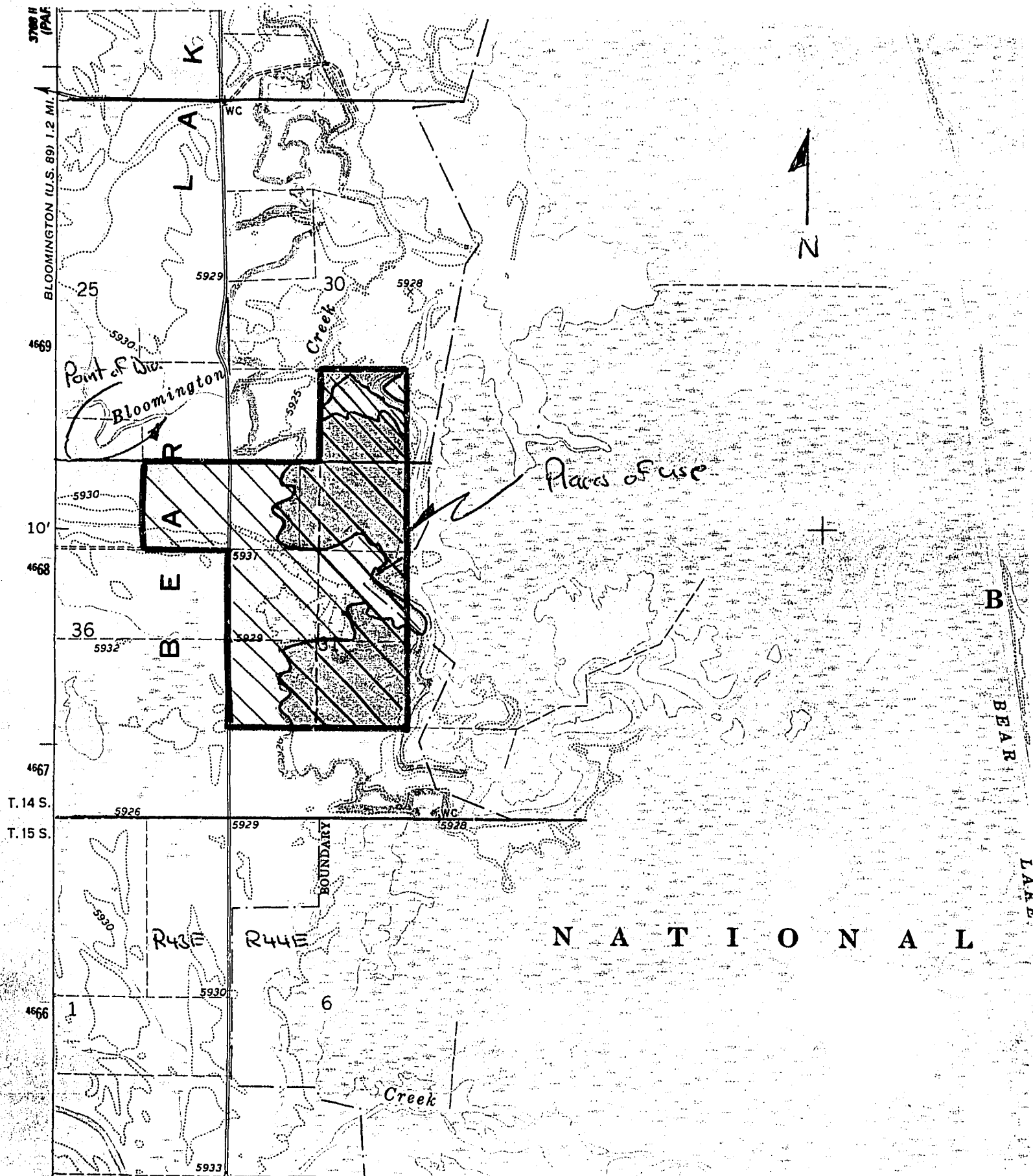
3. Lands irrigated or place of use:

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	

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.



Page 12 of 12

Transfer No. 4314

PART 3

B. CHANGES IN NATURE OF USE

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

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.

Lark Bateman

(Signature of Applicant)

Subscribed and sworn to before me this 28th day of February, 1994.

Jean F. Egan

(Notary Public)

My commission expires 2-6-1999

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by RB Date 3-1-94 + 2-2-94 Protest filed by _____

Prelim. check by _____ Fee \$150.00

Receipted by HWT Date 2-2-94 E019473

Published in News Examiner Copies of protest forwarded by _____

Pub. dates 3-24 & 3-1-94 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4314
WATER RIGHT NO(S). 11-00220/11-00221/11-00222/11-00223

This is to certify that: **LARK BATEMAN**
PO BOX 244
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. 11-00220 :			
IRRIGATION	05/01 to 06/25	3.50 CFS	381.8 AF
Priority: 05/01/1880			
Right No. 11-00221 :			
IRRIGATION	04/15 to 10/15	0.80 CFS	140.0 AF
Priority: 05/01/1890			
Right No. 11-00222 :			
IRRIGATION	05/01 to 06/25	1.96 CFS	213.8 AF
Priority: 05/01/1880			
Right No. 11-00223 :			
IRRIGATION	04/15 to 10/15	0.44 CFS	77.0 AF
Priority: 05/01/1890			
TOTAL:		6.70 CFS	812.6 AF

SOURCE

BLOOMINGTON CREEK

TRIBUTARY OF

BEAR LAKE

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 25, Township 14S, Range 43E
BEAR LAKE County

PLACE OF USE: IRRIGATION

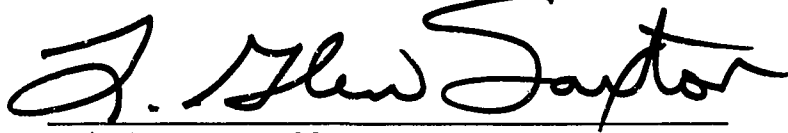
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	43E	36	NENE	40		40
	44E	30	Lot 5(SES	40		40
		31	Lot 8(NEN	40	Lot 1(NWN	40
			Lot 7(SEN	40	Lot 2(SWN	40
					Lot 6(NES	40
					Lot 3(NWS	40
					Total number of acres irrigated:	* 320

TRANSFER NO. 4314
WATER RIGHT NO(S). 11-00220/11-00221/11-00222/11-00223

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.
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. 11-00220 is limited to the irrigation of 175 acres from May 1 to June 25 in the place of use described above in a single irrigation season.
- * 9. Right No. 11-00221 is limited to the irrigation of 40 acres from April 15 to October 15 in the place of use described above in a single irrigation season.
- * 10. Right No. 11-00222 is limited to the irrigation of 98 acres from May 1 to June 25 in the place of use described above in a single irrigation season.
- * 11. Right No. 11-00223 is limited to the irrigation of 22 acres from April 15 to October 15 in the place of use described above in a single irrigation season.
- * 12. Combined Right Nos. 11-00220, 11-00221, 11-00222 and 11-00223 are limited to 320 total acres irrigation until June 25th and then 62 total acres irrigation for the remaining season thru October 15.

Dated this 5th day of October, 1994


Chief, Water Alloc. Bureau

February 10, 1994

Lark Bateman
Box 244
Bloomington, ID 83223

Dear Mr. Bateman:

Enclosed is a revised transfer application I have done for you based on the application you sent me. The Part 2 insert must show how the water right is currently recorded and my copy does just that.

Please note that the current USGS map (attached) shows dry land (highlighted in yellow) on only part of your property. The land highlighted in blue is indicated as marshland or submerged. Is this land now available as cropland? If so, please let me know.

I will need you to sign and have the new application notarized and returned to me if you agree with this version. If you have questions, please call me at 525-7161.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

RECEIVED

FEB 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

16-Mar-1994

NEWS EXAMINER
PO BOX 278
MONTPELIER ID 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before April 11, 1994.

Yours truly,


Rita Bodell
Senior Secretary

Encl.

16-Mar-1994

LARK BATEMAN
PO BOX 244
BLOOMINGTON ID 83223

RE: Application for Transfer of a Water Right No. T#4314

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 3-24 & 31-94. 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

POINT(S) OF DIVERSION: SE SEC 26 T14S R45E, BEAR LAKE
COUNTY, (LONG & BATEMAN DITCH)

The water is used from 5/01 to 6/25 to irrigate 98 acres
within SWNW, SENW, NESW, NWSW SEC 31 T14S R44E, B.M.

Decree No. 11-00223 Decreed to Stafford Cleveland in case
of George Thornock, et al vs Bloomington Irrigation Co., et al
dated 7-25-1923 in the 5TH District Court county of Bear Lake.

AMOUNT: .44 cfs PRIORITY: 5/1/1890

POINT(S) OF DIVERSION: SE SEC 26 T14S R45E, BEAR LAKE
COUNTY

The water is used from 5/01 to 10/01 to irrigate 22 acres
within SWNW, SENW, NESW, NWSW SEC 31 T14S R44E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SESE SEC 25 T14S R43E,
Bear Lake County, (Hansen Dam) and used to irrigate 320 acres
within the NENE SEC 36 T14S R43E, SESW (LOT 5) SEC 30, NWNE (LOT
8), NWNW (LOT 1), SWNW (LOT 2), SENW (LOT 7), NESW (LOT 6), NWSW
(LOT 3) SEC 31 T14S R44E, 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
11, 1994.

R. Keith Higginson
Director

Published in the News Examiner on March 24 & 31 1994.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. 4314

Notice is hereby given that Lark Bateman, Bloomington, ID, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Bloomington Creek tributary to Bear Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No. 11-00220 Decreed to Herbert Bateman in case of George Thornock, et al vs Bloomington Irrigation Co., et al dated 7-25-1923 in the 5TH District Court county of Bear Lake.

AMOUNT: 3.50 cfs PRIORITY: 5/1/1880

POINT(S) OF DIVERSION: SE SEC 26 T14S R45E, BEAR LAKE
COUNTY, (LONG & BATEMAN DITCH)

The water is used from 5/01 to 6/25 to irrigate 175 acres within SEC 26, NENE SEC 36 T14S R43E, SESW (LOT 5), NWSE (LOT 6) SEC 30, NENW (LOT 8), NWNW (LOT 1) SEC 31 T14S R44E, B.M.

Decree No. 11-00221 Decreed to Herbert Bateman in case of George Thornock, et al vs Bloomington Irrigation Co., et al dated 7-25-1923 in the 5TH District Court county of Bear Lake.

AMOUNT: .80 cfs PRIORITY: 5/1/1890

POINT(S) OF DIVERSION: SE SEC 26 T14S R45E, BEAR LAKE
COUNTY

The water is used from 5/01 to 10/01 to irrigate 40 acres within SEC 26, NENE SEC 36 T14S R43E, SESW (LOT 5), NWSE (LOT 6) SEC 30, NENW (LOT 8), NWNW (LOT 1) SEC 31 T14S R44E, B.M.

Decree No. 11-00222 Decreed to Stafford Cleveland in case of George Thornock, et al vs Bloomington Irrigation Co., et al dated 7-25-1923 in the 5TH District Court county of Bear Lake.

AMOUNT: .96 cfs PRIORITY: 5/1/1880

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake ss.

Rosa S. Moosman
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 3 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 23, 1994, and ending

with the issue of March 30, 1994.

Rosa S. Moosman
Fees, \$120.85

Subscribed and sworn to before me this 30th day of March, 1994.

Sherry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

NOTICE OF PROPOSED CHANGE A WATER RIGHT NO. 4314

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PRIORITY: 5/1/1880
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AMOUNT: .44 cfs
PRIORITY: 5/1/1890
POINT(S) OF DIVERSION: SE SEC 26 T14S R45E, BEAR LAKE COUNTY

The water is used from 5/01 to 10/01 to irrigate 22 acres within SWNW, SENW, NESW, NWSW SEC 31 T14S R44E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SESE Sec 25 T14S R43E, Bear Lake County, (Hansen Dam) and used to irrigate 320 acres within the NENE SEC 36 T14S R43E, SESW (LOT 5) SEC 30, NWNE (LOT 8), NWNW (LOT 1), SWNW (LOT 2), SENW (LOT 7), NESW (LOT 6), NWSW (LOT 3) SEC 31 T14S R44E, 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 11, 1994.

R. Keith Higginson
Director

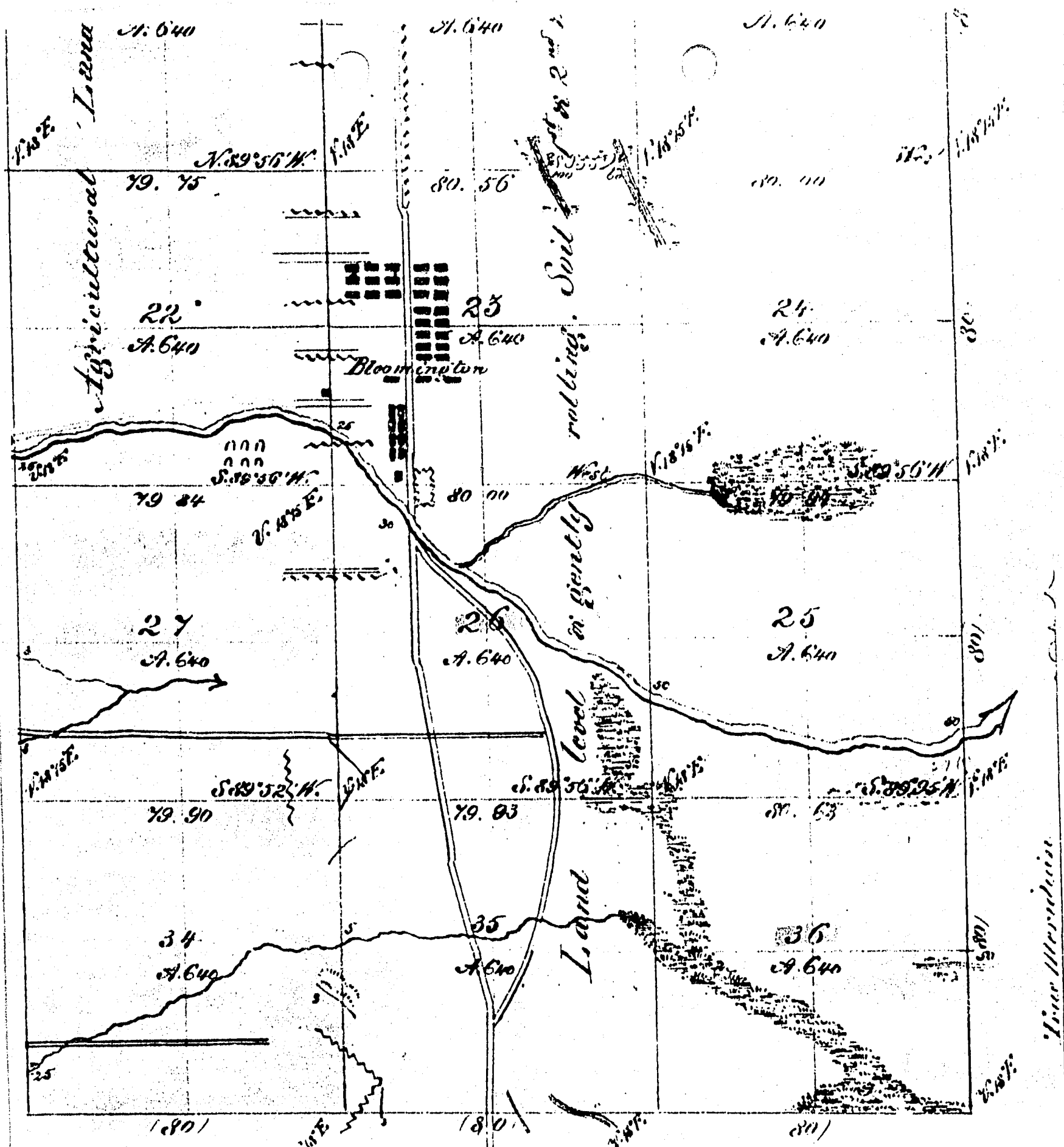
Legal No. 4740 — Published
March 23 and 30, 1994.

ACTION REQUIRED

FROM: H.C. JONES - Eastern

TO: Tr. 4314 - Lark Bateman

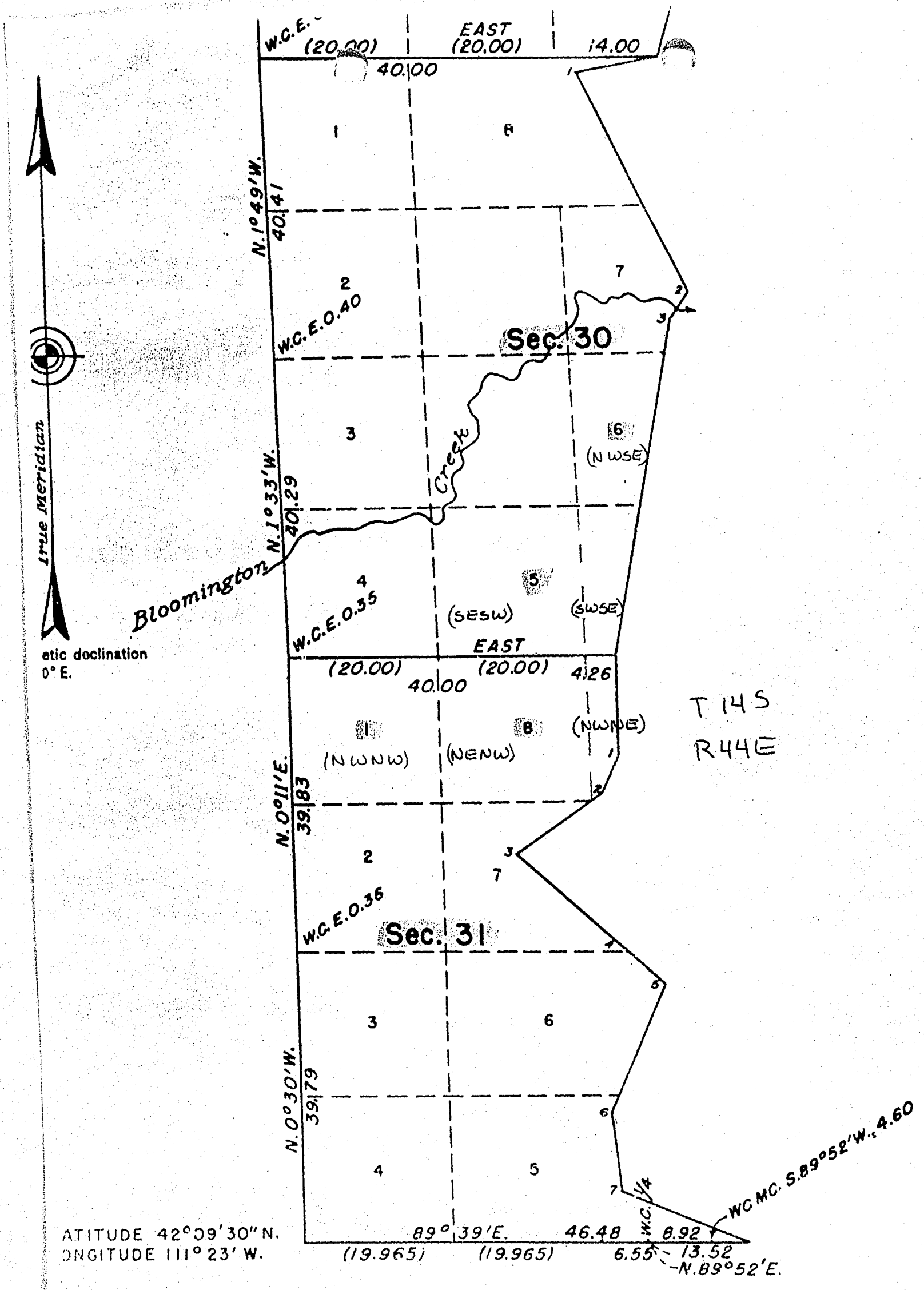
- 1/ Data entry for 11-00221 is incorrect listing R43E for Section 31. This should be R44E.
- 2/ The interpretation of Rt 11-00220 & 11-00221 could be that 175 acres are irrigated until June 25 of each year, then only 40 acres can be irrigated under 11-00221 until Oct. 1. This means only 175 acres total are covered not 175 + 40 as the Bateman trust contends. Reviewer should read original decree for inference.



T14S R43E 700 LOTS

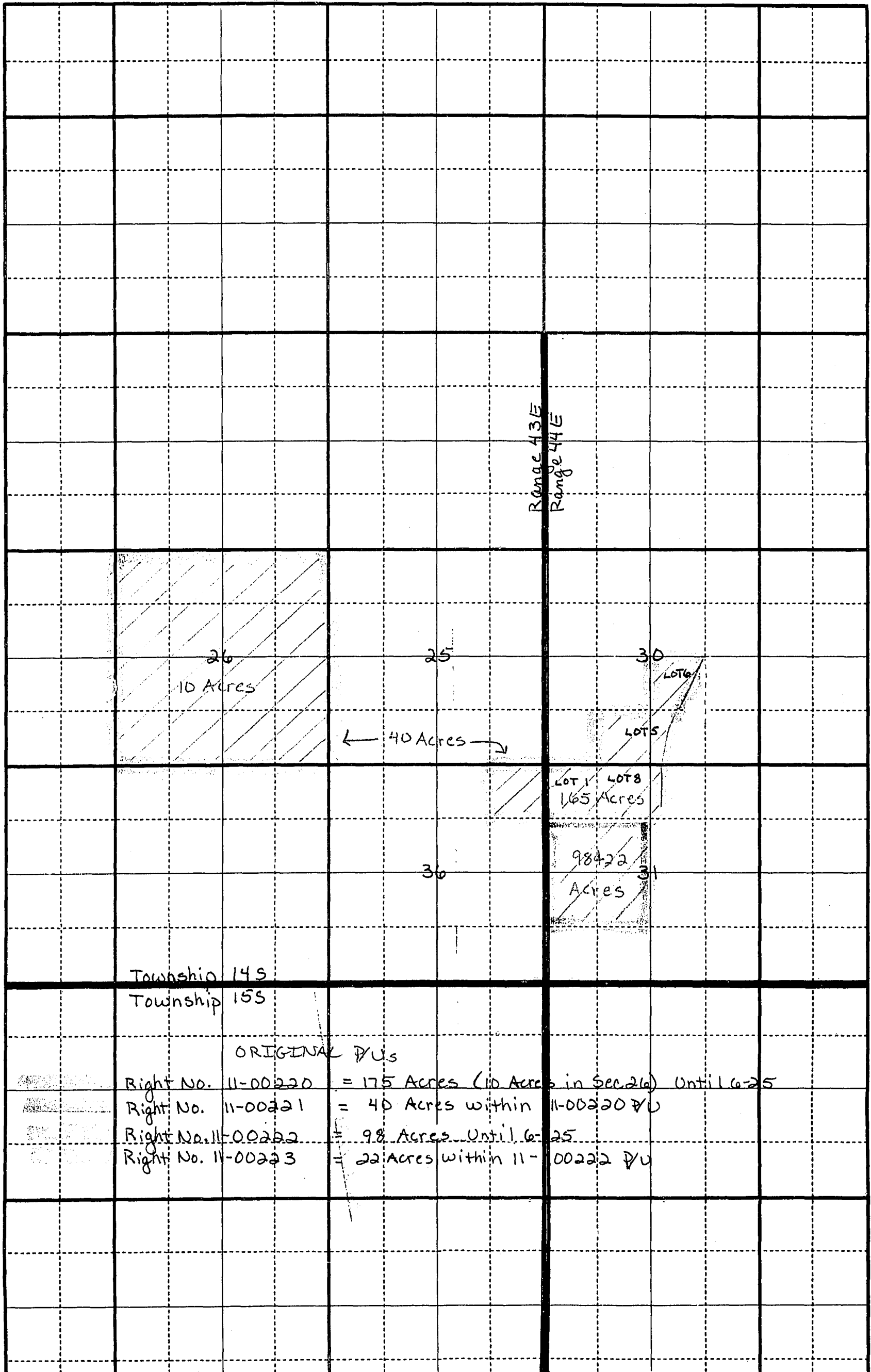
When completed	When shown in the General Office
July 16, 1873	September 1873
August 15, 1873	" " "

The above Map of fractional
East of the Base Meridian,
conformable with the principles of
which have been examined and
approved General Office
Des Moines, Idaho Territory.



NAME OF APPLICANT Lark Bateman Transfer # 4314

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Bateman Transfer # 4314

MEMORANDUM

TO: FILE NOS. 11-00220/221/222/223

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4314

DATE: September 30, 1994

=====

Transfer No. 4314 was filed to consolidate Right Nos. 11-00220/221/222 & 223 for more efficient use, changing the point of diversion from a deteriorating dam to Hansen Dam and describing a more specific place of use.

Review of these rights found several database errors which were corrected to reflect the decree. These rights were decreed in pairs to separate individuals with different priority dates, rates and number of acres within the same place of use description. Review of the original rights as decreed found a maximum total of 335 acres available from 05-01 to 06-25, then limited to a total of 62 acres for the remainder of the irrigation season. The transfer place of use reduces the combined acres to a maximum of 320 acres.

Recommended conditions include individual permissible place of use limits, combined place of use limits, watermaster control, measuring device, irrigation overlap, right-of-way and standard transfer conditions.



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

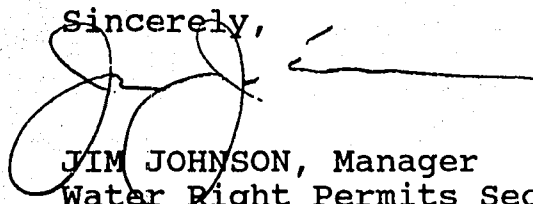
LARK BATEMAN
PO BOX 244
BLOOMINGTON ID 83223-0244

RE: Transfer of Water Right Nos. 11-00220/11-00221/11-00222/
11-00223

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 4314). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure