

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of )

C. R. Nate and Leslie Nate )  
Dingle, Idaho )

ORDER GRANTING CHANGE  
OF POINT OF DIVERSION

For a Change of Point of Diversion on )  
Bear River, Bear Lake County, Idaho )

No. 221

WHEREAS, ON the 9th day of June, 1954, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of C. R. Nate and Leslie Nate, of Dingle, Idaho, for a change of point of diversion on Bear River, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, NO protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is hereby granted, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 23rd day of July, 1954.

MARK R. KULP  
State Reclamation Engineer

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT  
No. 221

THIS IS TO CERTIFY That C. R. Nate and Leslie Nate of Dingle, Idaho, are the owners of and using 3.5 cubic feet per second of the waters of Bear River with priority of April 15, 1877, and 1.4 cubic feet per second of the waters of Bear River with priority of April 15, 1885, said water rights being decreed to Ole Transtrum by decree of Judge Robert M. Terrell of the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Bear Lake, in the case of

Preston-Montpelier Irrigation Company

Plaintiff

vs.

Dingle Irrigation Company

Defendant,

said decree bearing date of March 7, 1924, and the water being appurtenant to the following described lands to-wit:

NE $\frac{1}{4}$  SW $\frac{1}{4}$ , W $\frac{1}{2}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 12  
SE $\frac{1}{4}$  Section 11  
Township 15 South, Range 45 East B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume 4 of Decrees, beginning at Page 650.

And that now, upon the application of C. R. Nate and Leslie Nate of Dingle, Idaho, for Certificate of Change of Point of Diversion of 4.9 cubic feet per second of the waters of Bear River, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water right, or place of use. Said water is to be limited at any given time to an amount actually and beneficial used for such purposes and shall not exceed the following amounts, to-wit:

3.5 cubic feet per second with priority of April 15, 1877  
1.4 cubic feet per second with priority of April 15, 1885

That said water right is appurtenant to the lands above described.

That the water right hereby described has heretofore been diverted from Bear River, with point of diversion in the SE $\frac{1}{4}$  Section 31, Township 14 South, Range 46 East B.M.

That the water right above described will hereafter be diverted from Bear River, with the same point of diversion and also with an additional point of diversion located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 12, Township 15 South, Range 45 East B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 23rd day of July, 1954.

MARK R. KULP  
State Reclamation Engineer

# THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED  
JUL 19 1954

Department of Reclamation

## AFFIDAVIT OF PUBLICATION

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

A. M. Robinson

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

That the notice attached was published in  
the said News-Examiner, and not in a supple-  
ment, for two  
successive weeks, commencing with the issue  
dated May 20, 1954  
and ending with the issue  
dated May 27, 1954

Publisher and Foreman.

Subscribed and sworn to before me this 10th day of June, 1954

*[Signature]*  
Notary Public  
Residing at Montpelier, Idaho  
My commission expires 12/3/55.

### NOTICE OF PROPOSED CHANGE IN POINT OF DIVERSION OF WATER RIGHT

Notice is hereby given that C. R. Nate and Leslie Nate, of Dingle, Idaho, have applied to the State Reclamation Engineer, of the state of Idaho, for a certificate authorizing them the right of an additional point of diversion of the waters of Bear River; The amount of water right is 3.5 cubic feet per second, with priority of April 15, 1877 and 1.4 cubic feet per second with priority of April 15, 1885. The place of use of said water right is NE 1/4 SW 1/4, W 1/2 SW 1/4, S 1/2 NW 1/4 Section 12, and SE 1/4 Section 11, Township 15 South, Range 45 East B. M. Said waters are now diverted in the SE 1/4 Section 31, Township 14 South, Range 46 East, the additional point of diversion requested is in the NE 1/4 SW 1/4 Section 12, Township 15 South, Range 45 East. The amount of water requested through additional point of diversion is 2.5 cubic feet per second.

And that on the 9th day of June, 1954, at 10 o'clock a. m. at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and be present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer, or change of point of diversion.

MARK R. KULP  
State Reclamation Engineer  
(m-20/27)

7.14

AFFIDAVIT FOR ADDITIONAL POINT OF DIVERSION

OF DECREED WATER RIGHT

STATE OF IDAHO )

COUNTY OF BEAR LAKE )

ss.

C. R. Nate and Leslie Nate, being first duly sworn, deposes and says:

That their postoffice addresses are Salt Lake City, Utah and Dingle, Idaho; That they are the owners of and using a certain water right, bearing date of priority of April 15, 1877, April 15, 1886, for 3.5 plus 1.4 cubic feet per second of the waters of Bear River, (Total 4.9 cfs.), County of Bear Lake, State of Idaho, decreed to Ole Transtrum by decree of Judge Robert M. Terrell, of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, in the case of Preston-Montpelier Irrigation Co. vs. Dingel Irrigation Co., said decree bearing date of March 7, 1924, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 5, in the County of Bear Lake, and State of Idaho, to-wit: on land in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 12, and W $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 12, and S $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 12, and SE $\frac{1}{4}$  Sec. 11, Twp. 15 So. R. 45 East of the Boise Meridian. That they are successors in interest to the person to whom such right was adjudicated. That said waters are now diverted from said stream in the SE $\frac{1}{4}$  of Sec. 31 Twp. 14 So., Range 46 E 34, and conducted to the above described lands through the Nuffer ditch, as per map filed herewith and of this a fidavit made apart;

That affiants desires to add a point of diversion of said water for 2.5 cfs. from the point above described to a point located in NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Sec. 12, Twp. 15 So., Range 45 E 34, and thereafter conduct the same to the above described lands, as well as through the Nuffer ditch, as per map above referred to; and without relinquishing other points of diversion owned by affiant. That said additional point of diversion is for the purpose of using a pumping installation jointly with Harry Taylor of Tremonton, Utah, who has also filed an application for an additional point of diversion at this point on Bear River. That affiants are not relinquishing any other owned points of diversion.

That their reasons for desiring to make such change are as follows: Convenience and conservation of water.

That no one will be injured by such change and that such change will be made at affiant's own risk.

C. R. Nate

Leslie Nate

Affiant's

Subscribed and sworn to before me this 12 day of March, 1954.

Ruth Aland

Notary Public

Residing at:

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

CONSENT FOR TRANSFER, ACCOMPANYING AFFIDAVIT  
OF POINT OF DIVERSION

We, the following owners of water rights, from Bear River in Water District 5, which water is carried in which is described as the Nuffer Canal, in the Decree issued by Judge Robert M. Terrell March 7, 1924, in the District Court of the Fifth Judicial District, hereby give our free consent to the establishment of an additional point of diversion of waters owned by C. R. Nate and Leslie Nate from Bear River by adding a pumping installation to pump water from Bear River into the Nuffer ditch at a point located on the Nate property.

Signed:

1954

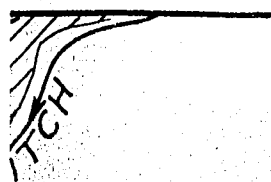
Harry Taylor April 4 1954

Walter L. Maughan March 12 1954

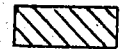
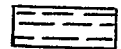
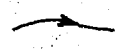
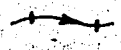
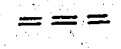
Grant Steinhilber March 12 1954

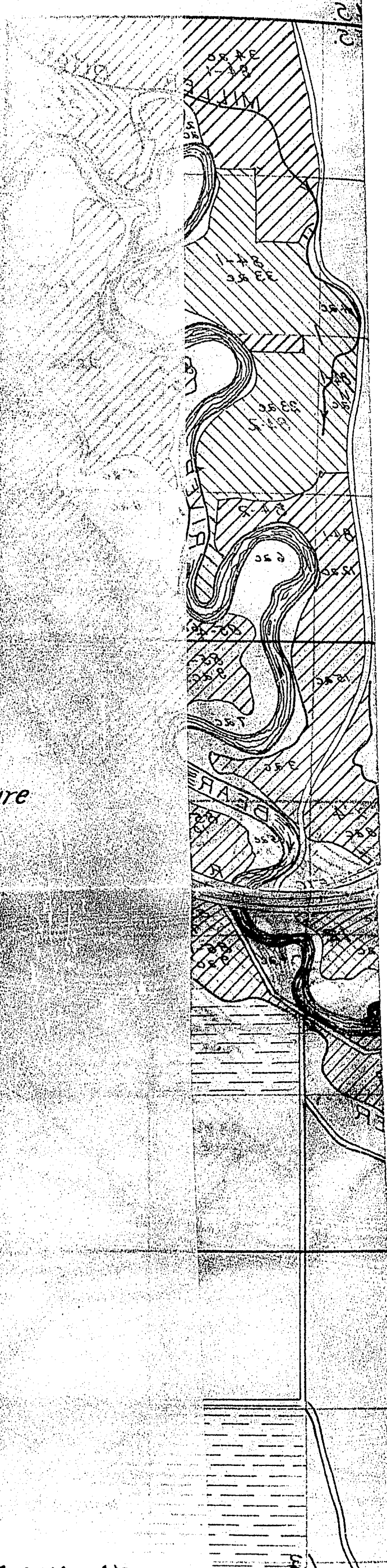
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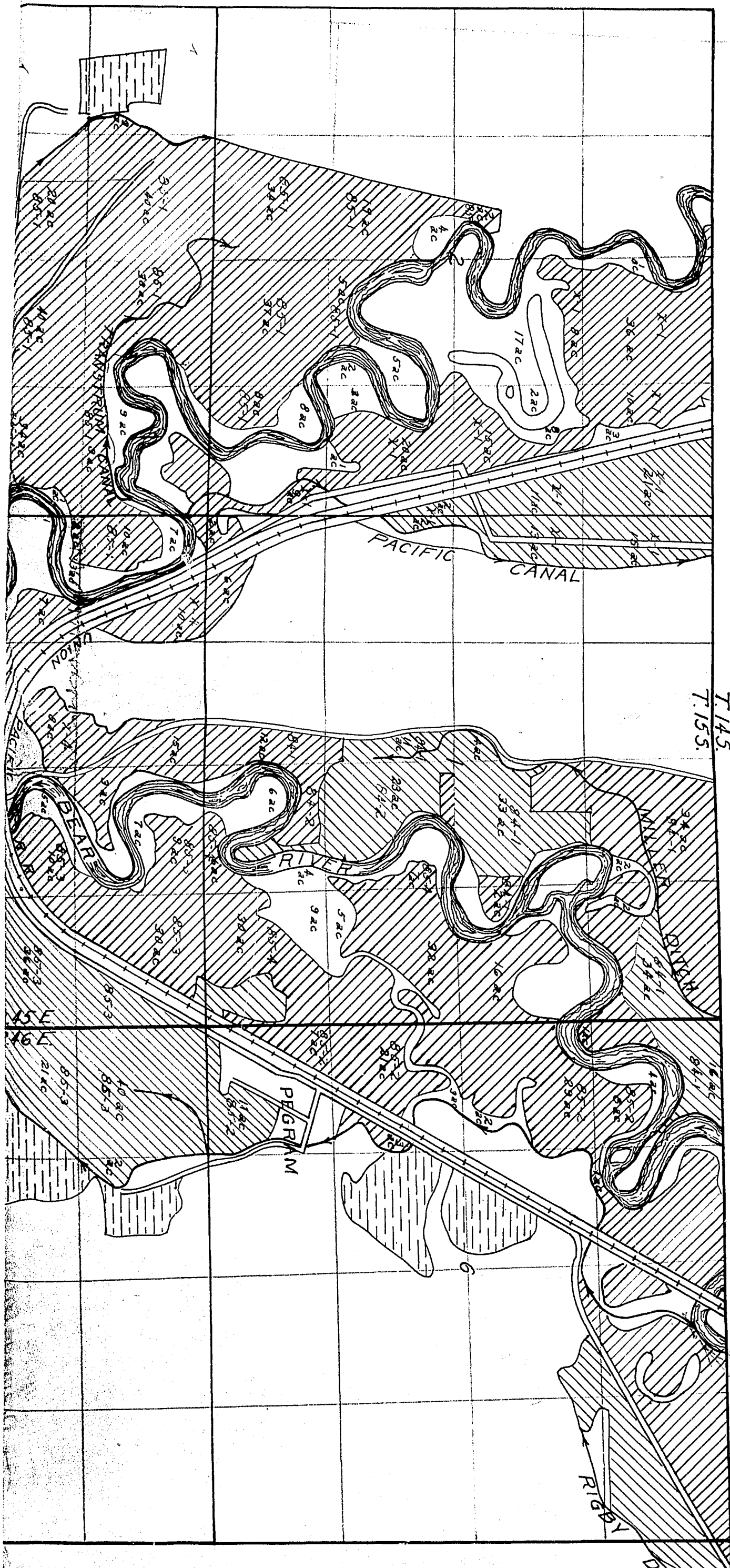
f Diversion



### EXPLANATION

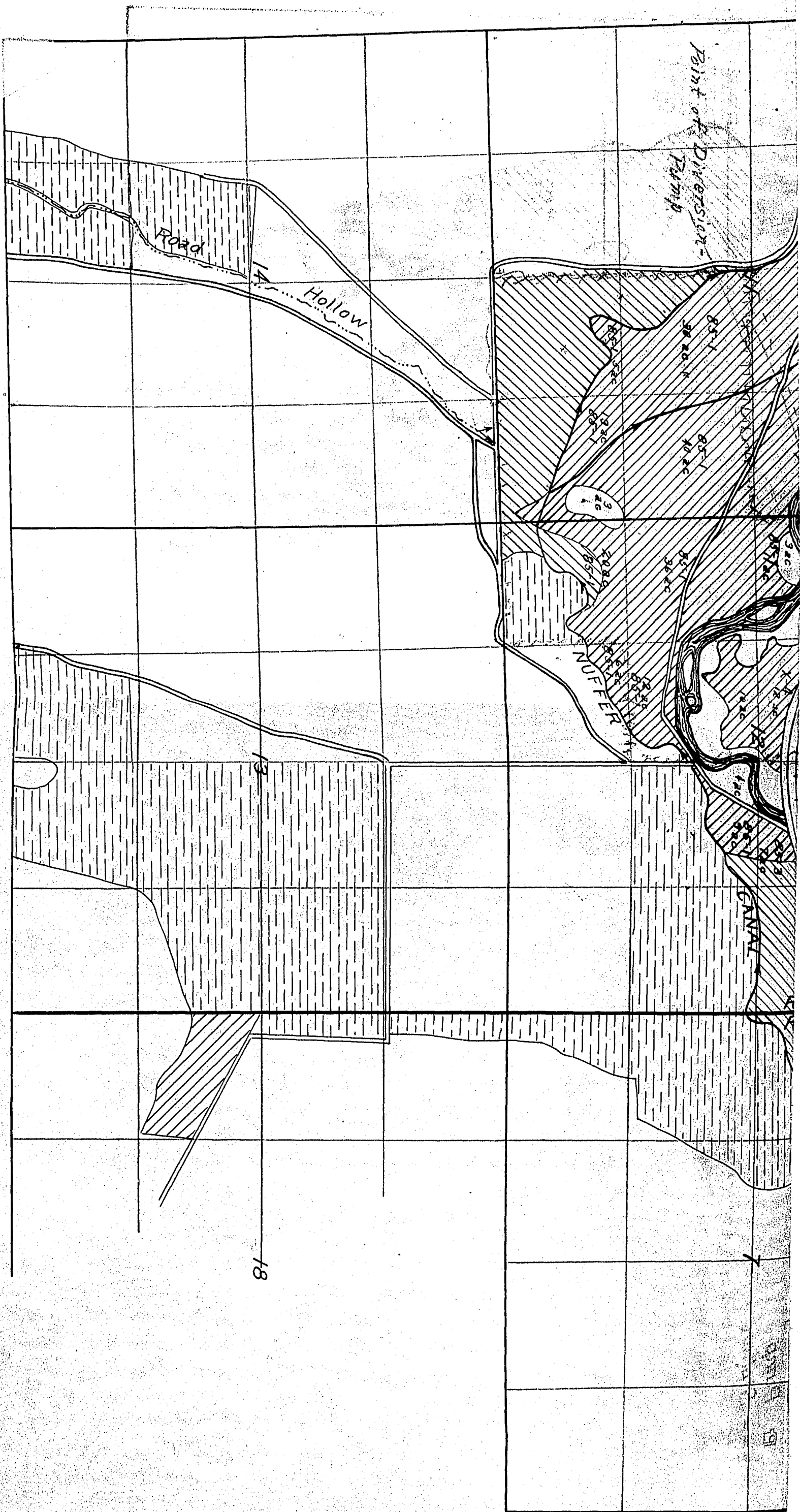
-  Irrigated Land (Under Cultivation)
-  Irrig. or Sub- Irrig. Meadow or Pasture
-  Non-Irrigated Cultivated Land
-  Irrigation Canal
-  Drainage Ditch
-  Pump
-  Siphon
-  Flowing Wells, for Irrigation
-  Wells Pumped, for Irrigation





T.145  
T.155

Point 0



NOTICE OF PROPOSED CHANGE IN POINT OF DIVERSION OF WATER RIGHT.

Notice is hereby given that C. R. Nate and Leslie Nate, of Dingle, Idaho, have applied to the State Reclamation Engineer, of the State of Idaho, for a certificate authorizing them the right of an additional point of diversion of the waters of Bear River; The amount of water right is 3.5 cubic feet per second, with priority of April 15, 1877 and 1.4 cubic feet per second with priority of April 15, 1885. The place of use of said water right is NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  Section 12, and SE $\frac{1}{4}$  Section 11, Township 15 South, Range 45 East B.M. Said waters are now diverted in the SE $\frac{1}{4}$  Section 31, Township 14 South, Range 46 East, the additional point of diversion requested is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 12, Township 15 South, Range 45 East. The amount of water requested through additional point of diversion is 2.5 cubic feet per second.

And that on the 9th day of June, 1954, at 10 o'clock A.M. at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and be present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer, or change of point of diversion.

MARK R. KULP  
State Reclamation Engineer

July 1, 1954

Mr. C. R. Nate  
Dingle  
Idaho

Dear Mr. Nate:

There seem to have been no protests against the application of yourself and Leslie Nate for change in point of diversion of your decreed water right from Bear River.

Upon receipt of the affidavit of publication in the Montpelier News Examiner and the \$1.00 recording fee, a Certificate for Change of Point of Diversion can be issued.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:hll

July 23, 1954

Messrs. C. R. Nate and Leslie Nate  
Dingle  
Idaho

Gentlemen:

We enclose Certificate for Change of Point of Diversion No.  
221.

We are also enclosing departmental receipt No. 26795 for the  
\$1.00 recording fee.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:br  
Enc.

August 3, 1954

Mr. Russell D. Stoker, Watermaster  
Water District No. 5  
County Court House  
Soda Springs, Idaho

Dear Mr. Stoker:

We enclose herewith a copy of a Certificate of Change of Point of  
Diversion in the name of C. R. Nate and Leslie Nate of Bingle Idaho.

This copy is for your files.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Supervisor of Water Distribution

T:br  
Enc.

