

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 11-7477

WATER RIGHT NUMBER: 11-7477

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEAR LAKE HOLDINGS LLC 1750 KERSHAW ST OGDEN, UT 84403 (801) 621-2440
Original Owner	PATIENCE CLARK PAYNE SAINT CHARLES, ID 83272
Representative	CONRAD H NEBEKER 1750 KERSHAW ST OGDEN, UT 84403 (208) 621-2440

Priority Date: 03/01/1894

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ST CHARLES CREEK	BEAR LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 07/15	6.640 CFS	183.00 AF
IRRIGATION	08/15 to 09/15	6.640 CFS	183.00 AF
	<u>Total Diversion:</u>	6.640 CFS	183.00 AF

Location of Point(s) of Diversion

ST CHARLES CREEK	NE1/4SE1/4	Sec. 13, Twp 15S, Rge 43E, B.M.
BEAR LAKE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	44E	18			X				X										
					L3				L4										

Conditions of Approval:Remarks:

- General DECREE GIVEN CLAIM 11-4005.
P/U INCORRECTLY DESCRIBED. AC. IRR. = 122.38.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 11-7477Comments:

1. cclark 10/30/2001 Ownership Change

Comment: Water right 11-4005 was split into rights 11-7477 and 11-7478. Right 11-4005 was decreed in the court case of St. Charles Irrigation Company vs. Keith Higginson for 13.27 cfs, 366 af, and 122.38 ac within the larger place of use described on the right. Though the owners of 11-7478 own more than half of the irrigated acres, the owners of both new rights specified that the parent right be split in half. Therefore, each right now covers 6.64 cfs on 61.19 acres even though the owner of right 11-7477 owns approximately 40.78 ac within the original place of use. The owner of 11-7477 has been notified that 61.19 acres will need to be irrigated under the new right to avoid forfeiture.

Dates and Other Information:

Licensed Date:

Decreed Date: 1/4/1974

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 26, 2001

MICHAEL NEBEKER
CONRAD H NEBEKER
BEAR LAKE HOLDINGS LLC
1750 KERSHAW ST
OGDEN UT 84403

RE: Change of Ownership for Water Right 11-7477

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of Water Right No. 11-4005. This parent right was split into two new rights, 11-7477 and 11-7478, to show Bear Lake Holdings, LLC as the current owner of right 11-7477, and Providence, LLC as owner of right 11-7478. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

A letter sent to you by the Department of Water Resources dated October 18, 2001, discussed the basis of the split due to the ownership change. Unless documentation is provided indicating the right should be divided differently, the department splits the right, including the flow rate, volume and acres of irrigation proportionately between the two parties based on the number of acres owned by each.

In this case, Conrad Nebeker provided documentation that Bear Lake Holdings, LLC and Providence, LLC had agreed to divide the water rights into equal parts. Water right 11-4005 was decreed for a flow rate of 13.27 cubic feet per second (cfs), a diversion volume of 366.0 acre feet (af), and 122.38 acres for irrigation. Based on the agreement between the two parties, the new rights each describe half of the original water right with a flow rate of 6.64 cfs and a diversion volume of 183.0 af, for irrigation on 61.19 acres.

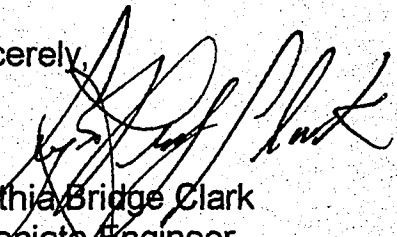
As discussed in the October 18, 2001 letter, Bear Lake Holdings owns approximately 40.79 acres within the original place of use. Please note that according to section 42-222, Idaho Code, water can be lost or forfeited if, for five consecutive years, it is not put to the beneficial use for which it was appropriated. Therefore, 61.19 acres will ultimately need to be irrigated under water right 11-7477 to avoid forfeiture of a portion

or all of the water right. A transfer may be necessary to change the place of use or nature of use of the water associated with this right.

The place of use for each new right was based on the proof of ownership documentation provided by the applicants. Review of the documentation indicated that Bear Lake Holdings, LLC owns approximately 40.78 acres in Lots 3 and 4, while Providence, LLC owns approximately 120.95 acres in Lots 4 and 5, and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of T15S R44E Section 18. Again, the new water rights each allow for irrigation of 61.19 acres within the defined place of use. The location of the place of use for each right is identified on the enclosed proof report and is identified only by the corresponding quarter quarter within T15S R44E Section 18.

Please feel free to contact me at 208-327-7898 or send e-mail to cclark@idwr.state.id.us if you have any questions regarding this matter.

Sincerely,


Cynthia Bridge Clark
Associate Engineer
Water Right Permits Section

Enclosure