

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM**

RECEIVED

NOV 21 2023

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

CIVIL CASE NUMBER: 79576

Claim ID: 11-899

Date Received: 11/21/23

Receipt No: PC00616

Claim Fee: 1771.00 By: mg

Please type or print clearly

1. Name of claimant(s) Dingle Irrigation Company Phone (208) 390-5836
Mailing address PO Box 68 Dingle ID Zip 83233
Street or Box City State
Email address (optional) robisonmj@aol.com
2. Date of priority: (Only one per claim) April 15, 1880 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Bear River
which is tributary to (b) Great Salt Lake
4. a. Location of point of diversion is: Township 14S, Range 45E, Section 17,
SW 1/4 of NE 1/4, Govt. Lot , BM, County of Bear Lake
Parcel no.
Additional points of diversion, if any:
If available, GPS Coordinates
b. If instream flow, beginning point of claimed instream flow is:
Township , Range , Section , 1/4 of 1/4,
Govt. Lot , BM, County of
Ending point is: Township , Range , Section , 1/4 of 1/4,
Govt. Lot , BM, County of
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 4/15 to 10/31 amount 20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 20 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel no(s). _____ Total number of acres irrigated 1,721

10. In which county(ies) are lands listed above as place of use located? Bear Lake

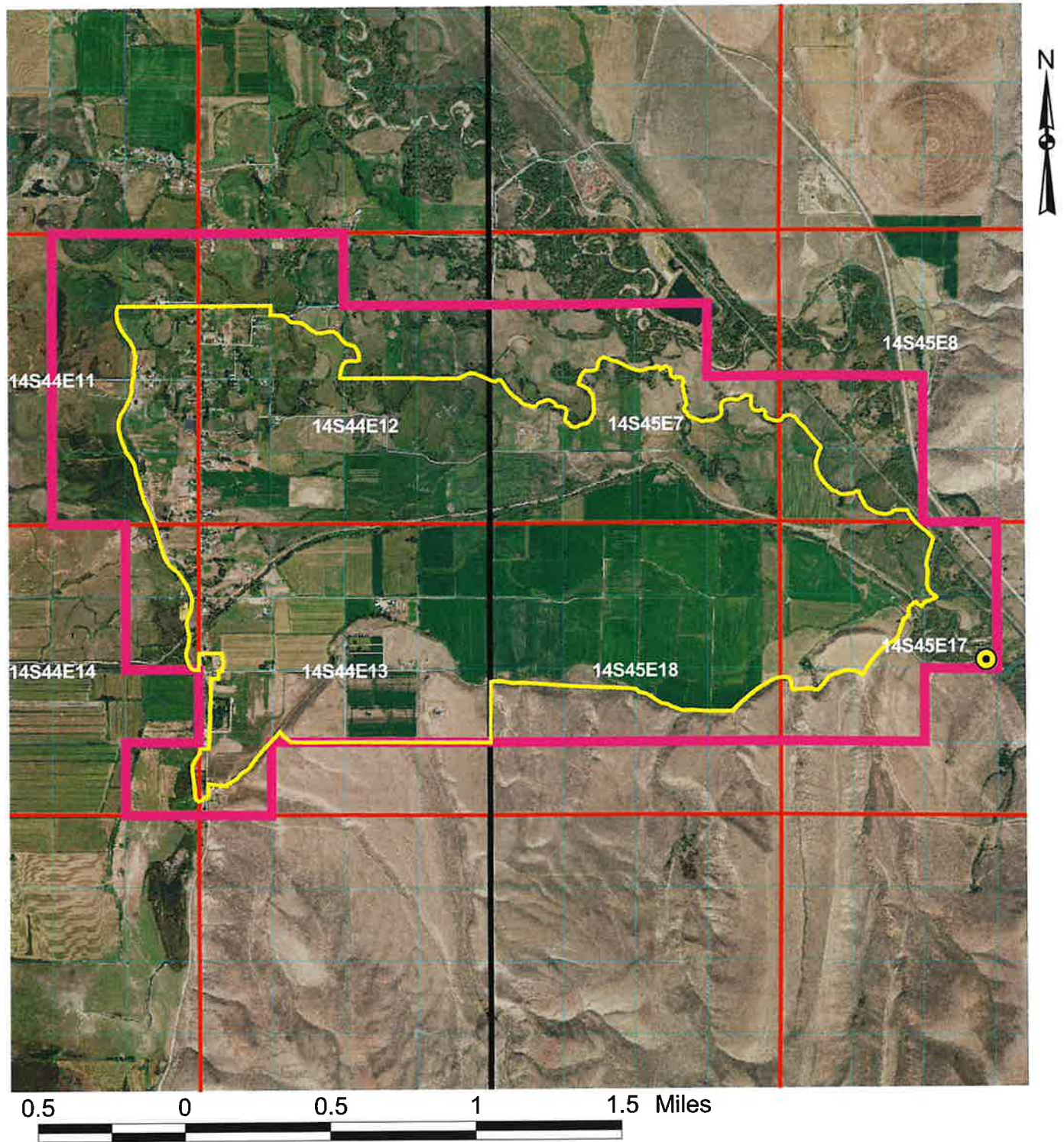
11. Do you own the property listed above as place of use? Yes () No (☒)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
11-899, 11-900 and 11-901 overlap 100%. An attachment describes additional known overlaps. or None ()

13. Remarks (Include an explanation of the priority date selected):

Name of claimant(s) Dingle Irrigation Company Claim ID _____

Map of Project



- POD
- Service Area
- Svc Area QQs
- PLSS Township
- PLSS Section
- PLSS QQ

Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☐ Application for Transfer** ☒ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	44E	11			1.4	37									39	1.4		32	110.8
		12			1.8	0.6			40	29	40	40	40	40	40	40	40	40	391.4
		13	40	40	40	40	40	40	37	40	39	33	17		40	40			486
		14	15			5.4												1.6	22
14S	45E	7			2.2					4.8	30	30L3	40L4	39	22	32	39	40	279
		8	6.9	30	6.3														43.2
		17		2.5		0.5	40	40	40	25	0.5	7.4							155.9
		18	40	40	40	40	40	40L1	40L2	40	10	8.1*			16	20			374.1
												* L3							
															Total Claimed Acres				1,721
															Total PPU Acres				1,862.4

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court District Decree Date March 7, 1924 Plaintiff v. Defendant Preston Montpelier v. Dingle

If applicable provide IDWR Water Right Number 11-899

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."
(b.) I/We do (X) do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Mike Robson Date: 11-17-23

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Chairman _____ of Dingle Irrigation Company
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) Dingle Irrigation Company Claim ID _____

Attachment 1: Irrigated-Acreage Analysis

Attachment 1 is comprised of a three-page discussion, 19 maps, and a memo describing the analysis of 2016 - June 14, 2021 actual irrigation.

Accompanying shapefile "irr_snapshot.shp" provides the polygons that were used to generate the maps and calculate the acres.

Discussion of Irrigated Acres for the Dingle Irrigation Company

Overview

The service area mapped as the Place of Use for the Company's Adjudication Claims was based on iterative review by Company leadership and the Company's consultant Rocky Mountain Environmental Associates, Inc., with reference to the original decreed Place of Use and aerial imagery, refined by local knowledge of the Company leadership. The total claimed acreage of 1,721 acres is the total number of acres of irrigation authorized by the decree and claimed in the Bear River Basin Adjudication. The service area sums to somewhat more than 1,721 acres but there are non-irrigated inclusions within the service area that have not been removed from the map or tabulation.

RMEA understands that IDWR desires that current actual irrigated acres be mapped and quantified. RMEA worked with company leadership and performed extensive aerial-imagery interpretation to provide a best-estimate snapshot of lands actually irrigated in 2016 through June 14, 2021. This analysis did consider non-irrigated inclusions and non-irrigated parcels. An overview map and 18 detail maps show the GIS polygons generated by this process. Important considerations include the following:

- The maps use a single image year. Company leadership and RMEA personnel considered all irrigation within the five years preceding the Adjudication.
- Company personnel have additional knowledge of factors not apparent in aerial imagery. For instance, in the southeast of attached map "Detail 7" is an area that appears to be a corral, that is mapped as "irrigated." This same parcel can be seen in the northeast of map "Detail 13." Local knowledge of Company leadership is that this patron plants the corral to a forage mix when the cattle are moved out to pasture, and irrigates it. Similarly, to the south of this corral and east of the cemetery are parcels that appear non-irrigated in 2021, that are known by Company leadership to have received Company irrigation water in other years.
- All the homes within the Company service area use Company shares for landscape irrigation. To control labor costs in mapping non-irrigated inclusions, RMEA personnel ignored some smaller inclusions and compensated by drawing oversized polygons for the non-irrigated inclusions that were mapped. This can be seen in the two farmstead areas that have been excluded to the east of the cemetery in map "Detail 13." It is further discussed in a memo from RMEA technician Alyssa Farnes, attached following the maps.

Table 1 provides the acreage obtained by this process, by quarter-quarter or Government Lot. Where the formal description is a Government Lot, Table 1 also includes IDWR's approximation of a quarter-quarter description.

Table 1: Summary of Irrigated Acres

QQ/Lot	GIS Acres	Rounded Acres
14S 44E 11 NENE	0.003	0.0
14S 44E 11 SWNE	1.415	1.4
14S 44E 11 SENE	31.295	31
14S 44E 11 NESE	33.109	33
14S 44E 11 NWSE	1.439	1.4
14S 44E 11 SESE	22.299	22
14S 44E 12 SWNE	3.520	3.5
14S 44E 12 SENE	0.637	0.6
14S 44E 12 SWNW	28.023	28
14S 44E 12 SENW	21.346	21
14S 44E 12 NESW	35.457	35
14S 44E 12 NWSW	33.492	33
14S 44E 12 SWSW	29.813	30
14S 44E 12 SESW	39.944	40
14S 44E 12 NESE	39.336	39
14S 44E 12 NWSE	29.296	29
14S 44E 12 SWSE	38.512	39
14S 44E 12 SESE	33.617	34
14S 44E 13 NENE	38.387	38
14S 44E 13 NWNE	35.693	36
14S 44E 13 SWNE	35.601	36
14S 44E 13 SENE	39.502	40
14S 44E 13 NENW	34.220	34
14S 44E 13 NWNW	34.090	34
14S 44E 13 SWNW	29.159	29
14S 44E 13 SENW	38.904	39
14S 44E 13 NESW	32.038	32
14S 44E 13 NWSW	31.087	31
14S 44E 13 SWSW	18.410	18
14S 44E 13 SESW	0.038	0.0
14S 44E 13 NESE	2.630	2.6
14S 44E 13 NWSE	38.317	38
14S 44E 13 SWSE	0.136	0.1
14S 44E 14 NENE	10.585	11
14S 44E 14 SENE	4.994	5.0
14S 44E 14 NESE	0.022	0.0
14S 44E 14 SESE	1.428	1.4
14S 45E 7 SWNE	2.210	2.2
14S 45E 7 SENW	4.797	4.8
14S 45E 7 NESW	30.270	30
14S 45E 7 NWSW L 3	28.823	29
14S 45E 7 SWSW L 4	34.010	34
14S 45E 7 SESW	35.210	35
14S 45E 7 NESE	21.508	22
14S 45E 7 NWSE	32.235	32
14S 45E 7 SWSE	33.421	33
14S 45E 7 SESE	34.169	34
14S 45E 8 NWSW	6.939	6.9
14S 45E 8 SWSW	3.680	3.7

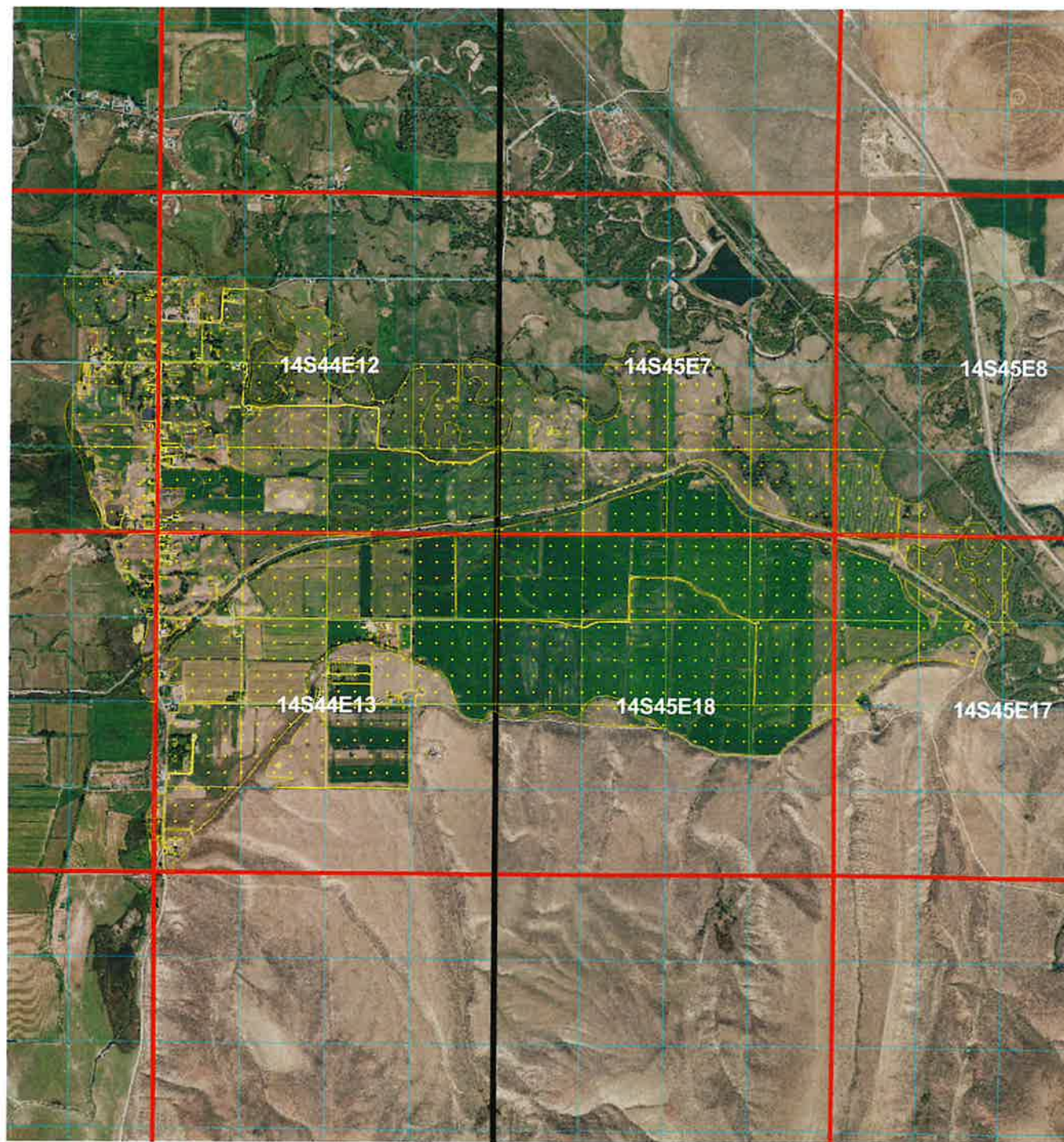
QQ/Lot	GIS Acres	Rounded Acres
14S 45E 8 SWSW	25.466	25
14S 45E 8 SESW	6.325	6.3
14S 45E 17 NWNE	2.483	2.5
14S 45E 17 SWNE	0.482	0.5
14S 45E 17 NENW	27.790	28
14S 45E 17 NWNW	29.982	30
14S 45E 17 SWNW	28.823	29
14S 45E 17 SENW	13.444	13
14S 45E 17 NWSW	1.599	1.6
14S 45E 18 NENE	38.665	39
14S 45E 18 NWNE	38.807	39
14S 45E 18 SWNE	39.657	40
14S 45E 18 SENE	39.244	39
14S 45E 18 NENW	39.041	39
14S 45E 18 NWNW L 1	40.266	40
14S 45E 18 SWNW L 2	39.939	40
14S 45E 18 SENW	39.362	39
14S 45E 18 NESW	9.997	10.0
14S 45E 18 NWSW L 3	5.110	5.1
14S 45E 18 NESE	16.357	16
14S 45E 18 NWSE	19.536	20
Totals	1,617.441	1,614.6

The analysis indicated approximately 1,615 acres of irrigation. However, the full decreed acreage is claimed because recommendation of anything less would constitute a partial forfeiture of the Ream Crockett rights, and per Idaho Code 42-223:

(7) No portion of a water right held by an irrigation district, a Carey Act operating company, or any other company, corporation, association or entity which holds water rights for distribution to its landowners, shareholders or members shall be lost or forfeited due to nonuse by such landowners, shareholders or members, unless the nonuse is subject to the control of such entity.

It is acknowledged that within the near future, likely Dingle may not need the ability to irrigate a full 1,721 acres. However, it is expected that the Bear River Basin Adjudication decree will endure beyond a period of time when future needs, practices and conditions can be foreseen. Even more important than preserving the original decreed acreage is to avoid any reduction in diversion rate based on a notion of loss of acres. Historical use has equilibrated to what can be supported with the decreed diversion rates, and a reduction in diversion rate would change the Adjudication from a *confirmation* of rights to a *reallocation*.

Evaluation of Irrigated Lands - Overview



0.5 0 0.5 1 1.5 Miles

- 20231110_acres_for_claim.shp
- PLSS Township
- PLSS Section
- PLSS QQ

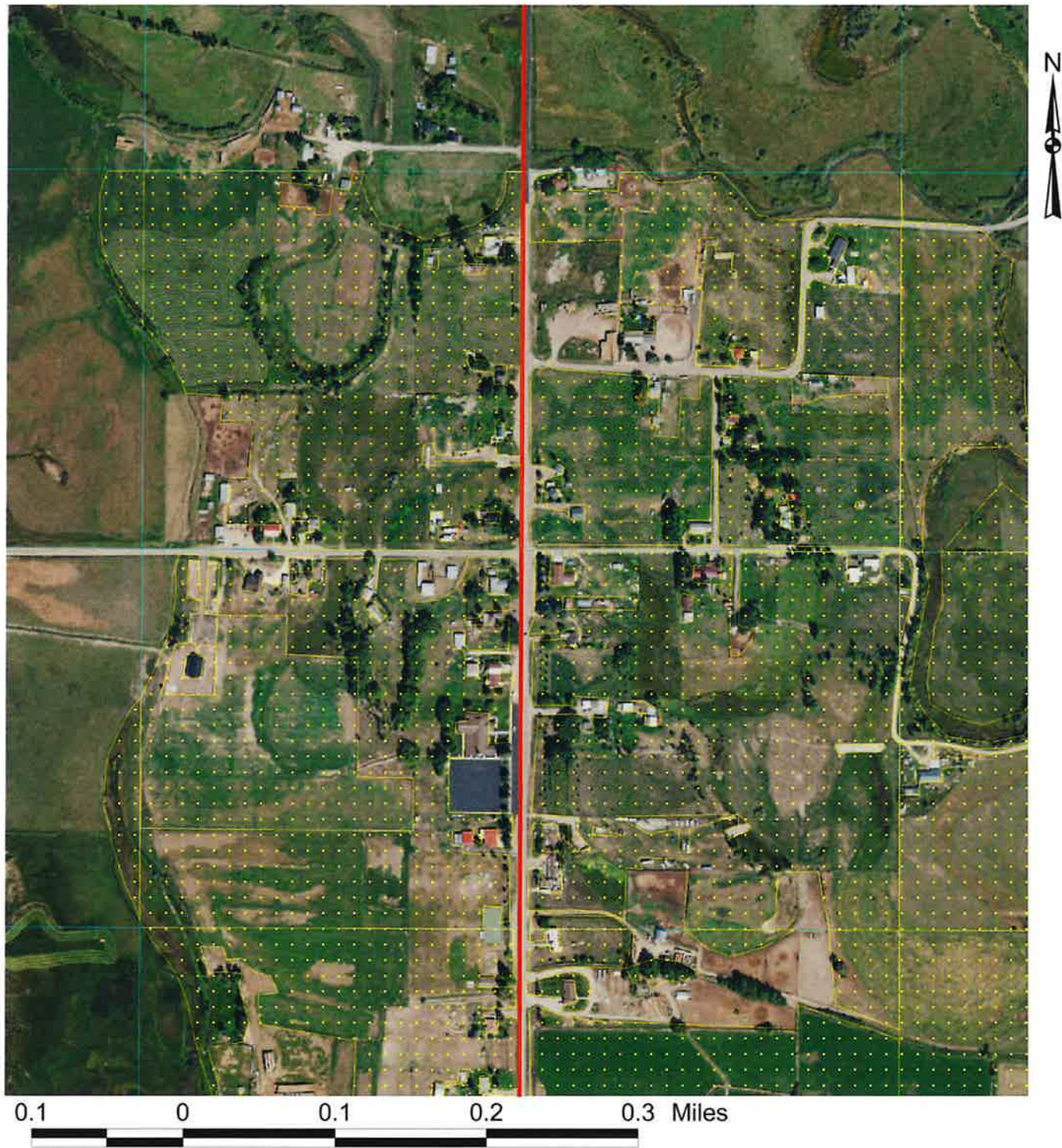
Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.

Claimant(s): Dingle Irrigation Co.

Claim No. _____

Evaluation of Irrigated Lands - Detail 1

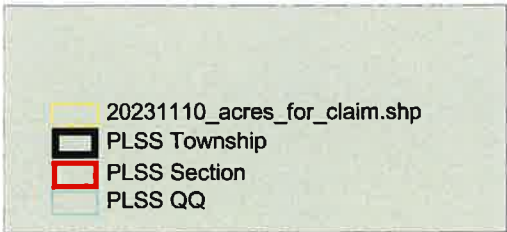


- 20231110_acres_for_claim.shp
- PLSS Township
- PLSS Section
- PLSS QQ

Base Map 2021 USDA NAIP
Prepared by Rocky Mountain Env.
Assoc., Inc.

Claimant(s): Dingle Irrigation Co.

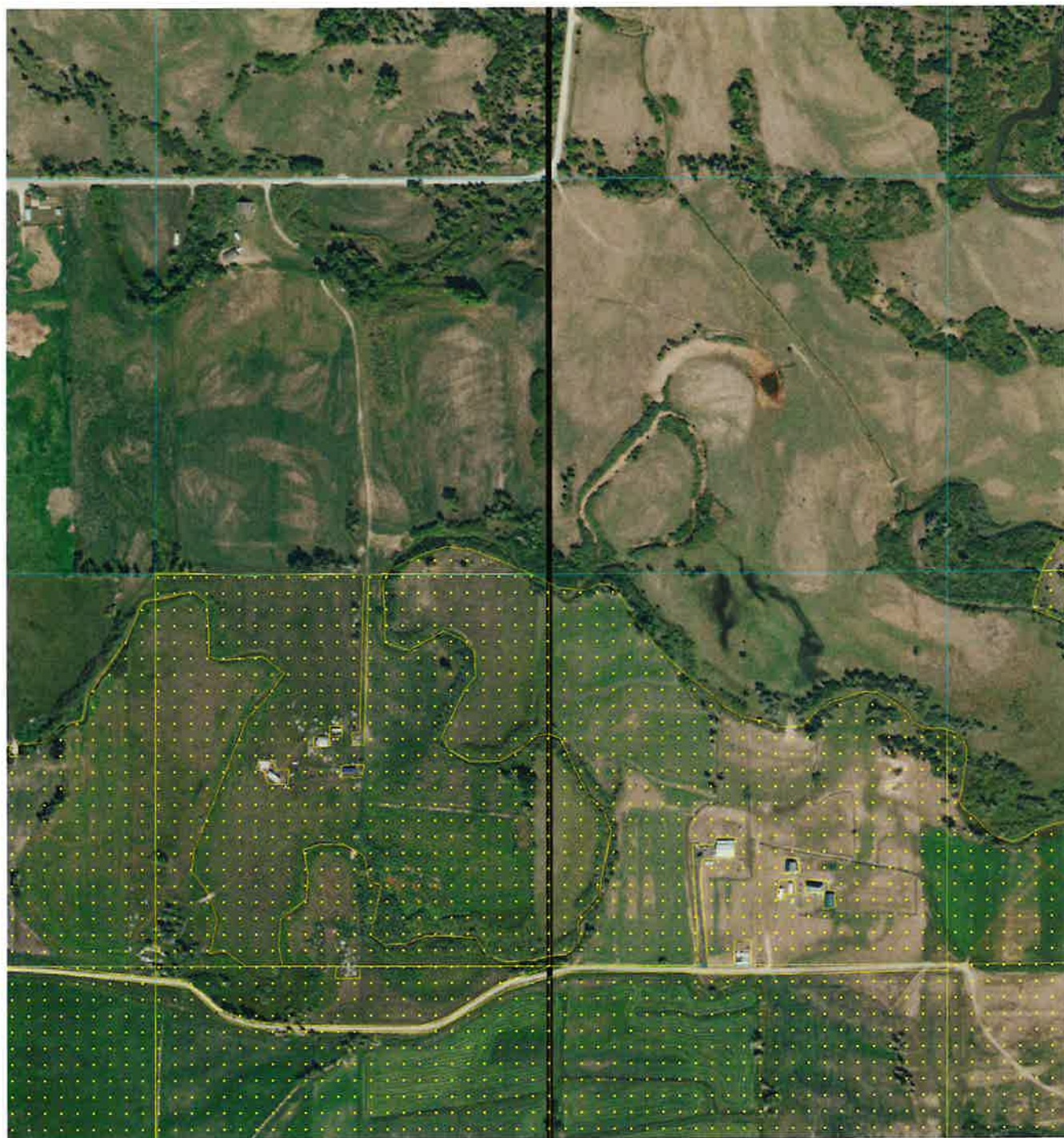
Claim No. _____



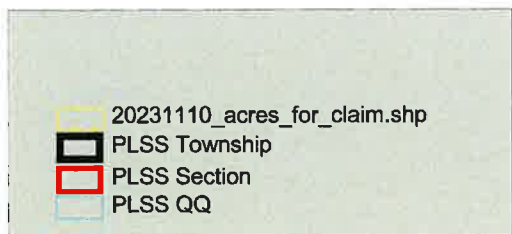
Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.

Evaluation of Irrigated Lands - Detail 3



0.1 0 0.1 0.2 0.3 Miles



Base Map 2021 USDA NAIP

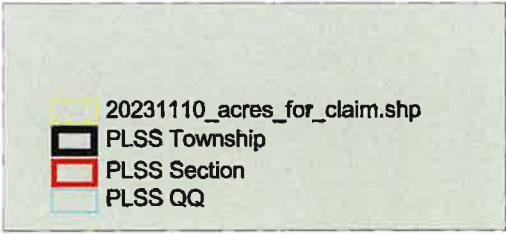
Prepared by Rocky Mountain Env.
Assoc., Inc.

Claimant(s): Dingle Irrigation Co.

Claim No. _____



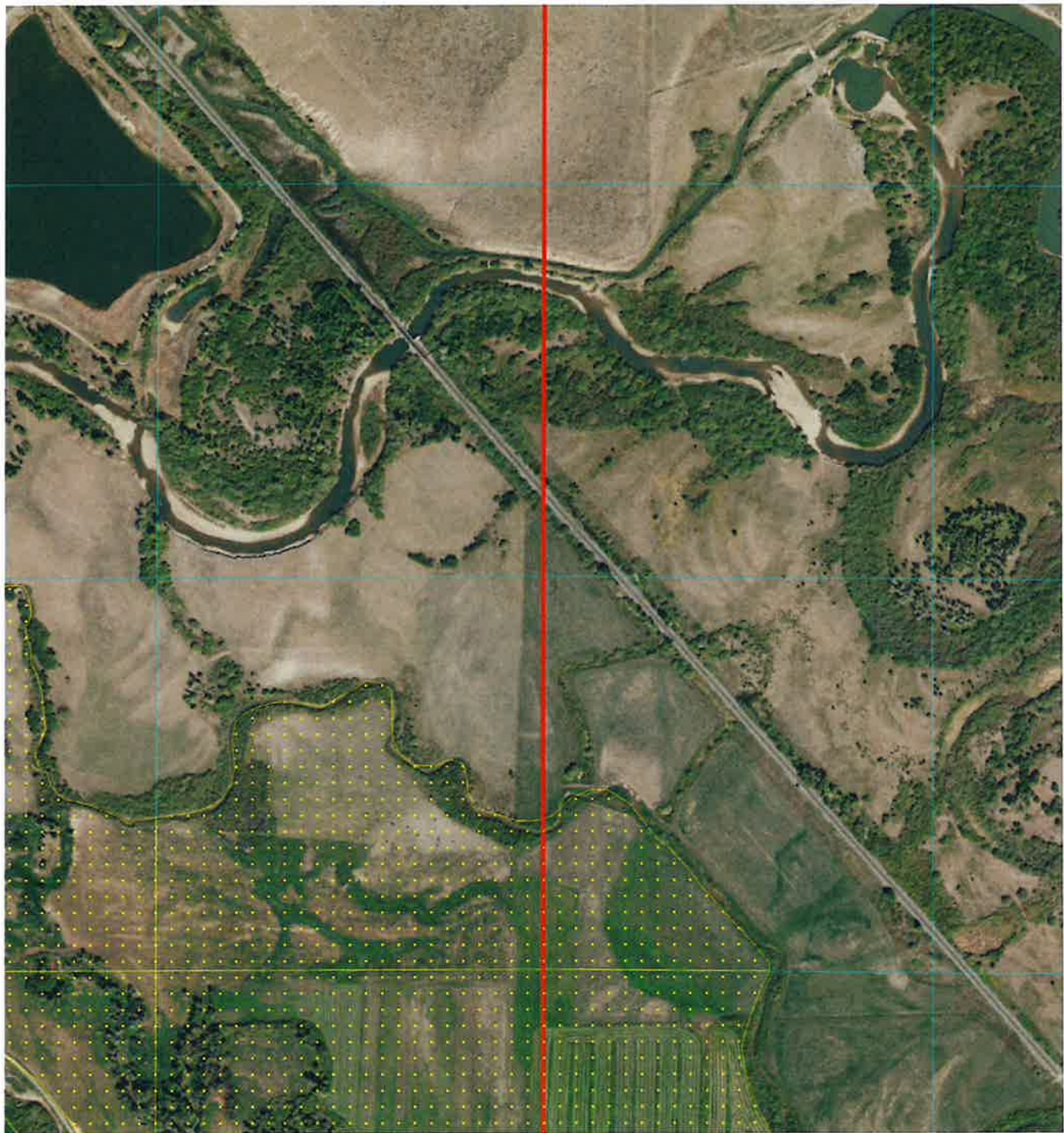
0.1 0 0.1 0.2 0.3 Miles



Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.

Evaluation of Irrigated Lands - Detail 5



0.1 0 0.1 0.2 0.3 Miles

- 20231110_acres_for_claim.shp
- PLSS Township
- PLSS Section
- PLSS QQ

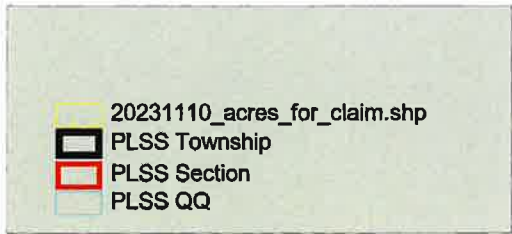
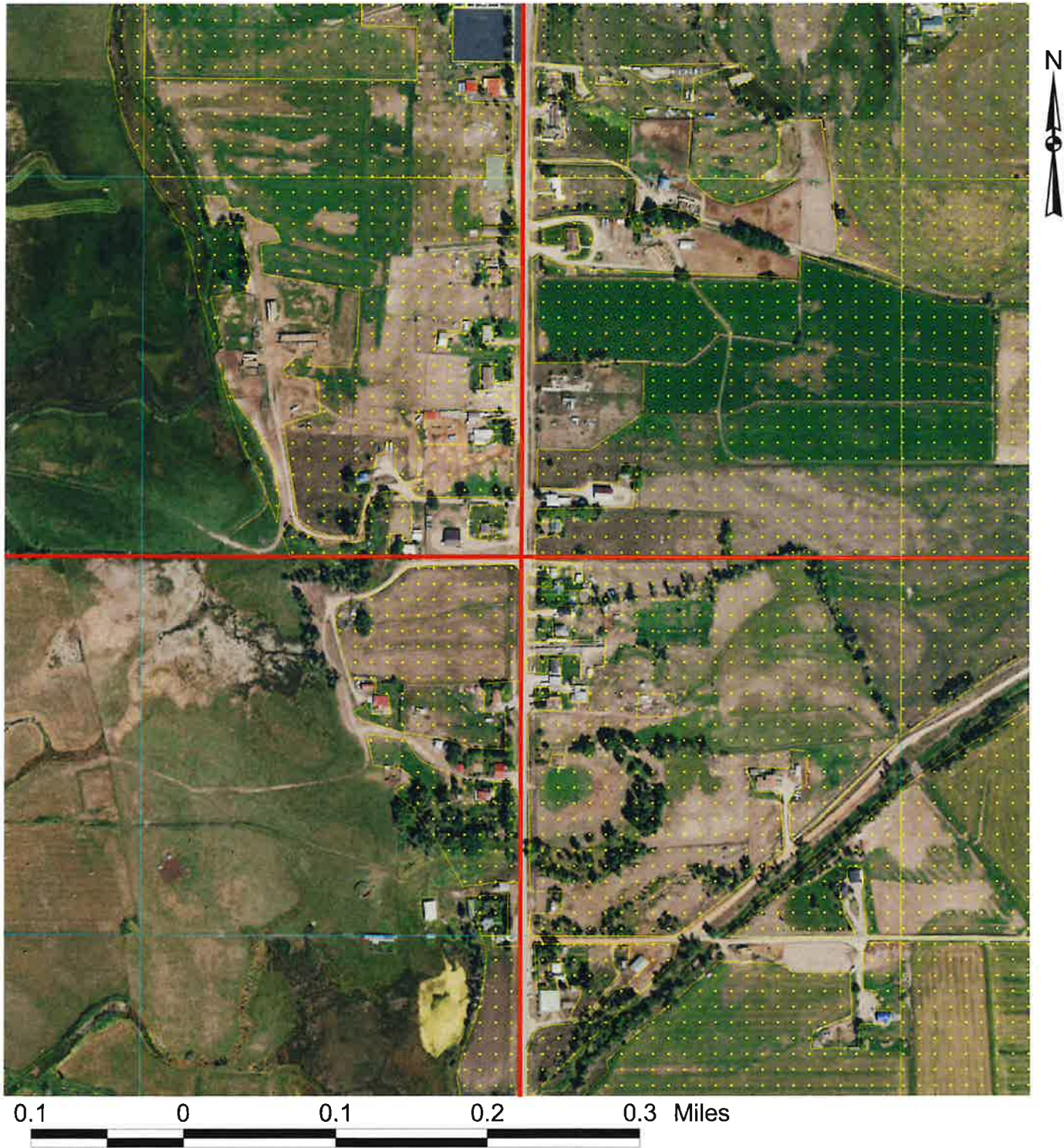
Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.

Claimant(s): Dingle Irrigation Co.

Claim No. _____

Evaluation of Irrigated Lands - Detail 6

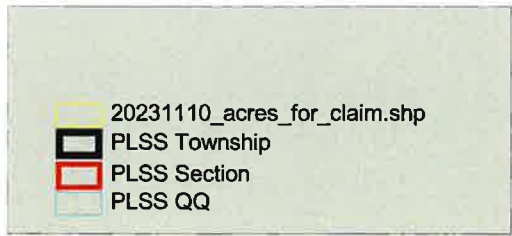


Base Map 2021 USDA NAIP
Prepared by Rocky Mountain Env.
Assoc., Inc.

Claimant(s): Dingle Irrigation Co.

Claim No. _____

Evaluation of Irrigated Lands - Detail 7



Base Map 2021 USDA NAIP
Prepared by Rocky Mountain Env.
Assoc., Inc.

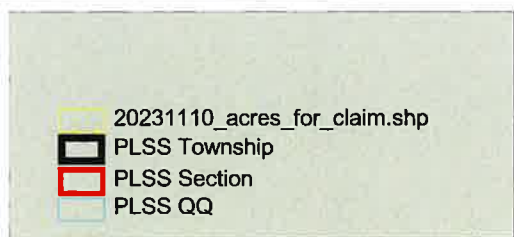
Claimant(s): Dingle Irrigation Co.

Claim No. _____

Evaluation of Irrigated Lands - Detail 8



0.1 0 0.1 0.2 0.3 Miles



Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.

Claimant(s): Dingle Irrigation Co.

Claim No. _____

Evaluation of Irrigated Lands - Detail 9



0.1 0 0.1 0.2 0.3 Miles

- 20231110_acres_for_claim.shp
- PLSS Township
- PLSS Section
- PLSS QQ

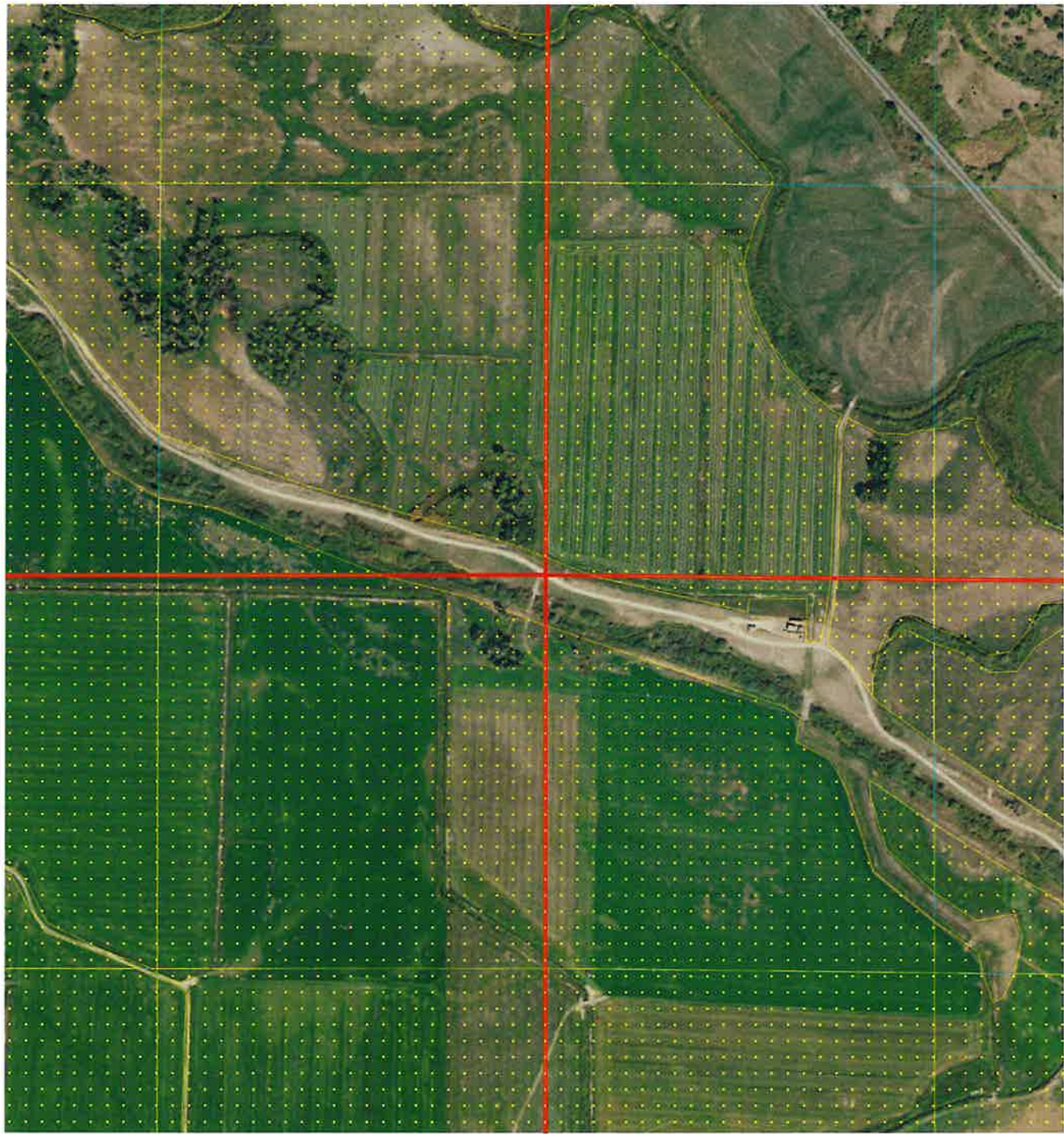
Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.

Claimant(s): Dingle Irrigation Co.

Claim No. _____

Evaluation of Irrigated Lands - Detail 10

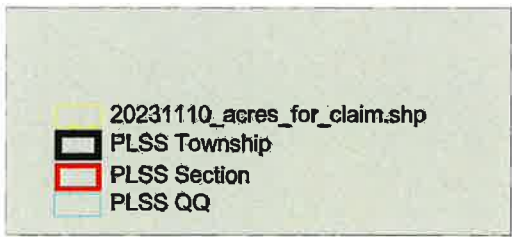
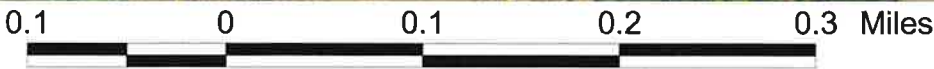


- 20231110_acres_for_claim.shp
- PLSS Township
- PLSS Section
- PLSS QQ

Base Map 2021 USDA NAIP
Prepared by Rocky Mountain Env.
Assoc., Inc.

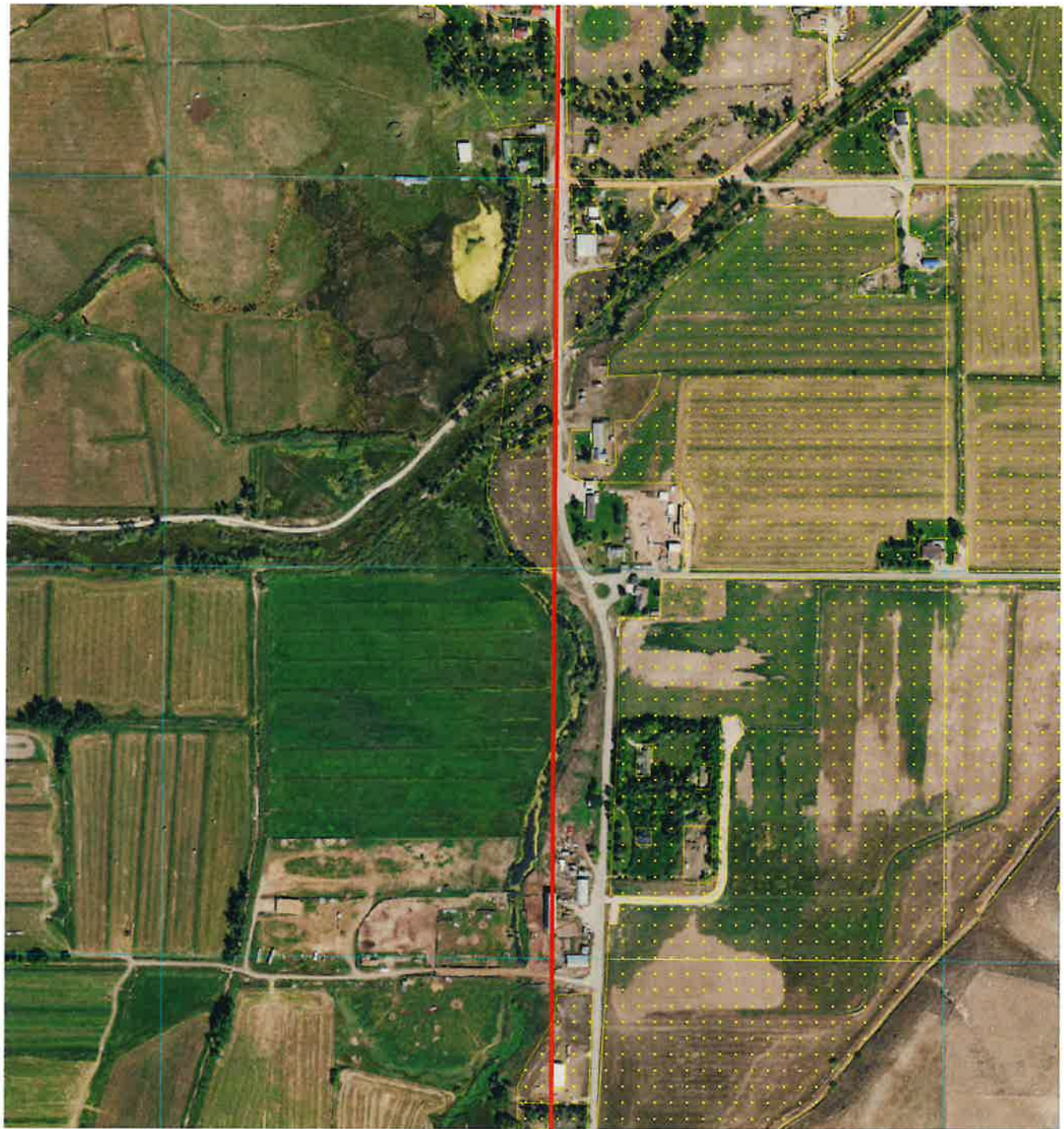
Claimant(s): Dingle Irrigation Co.

Claim No. _____

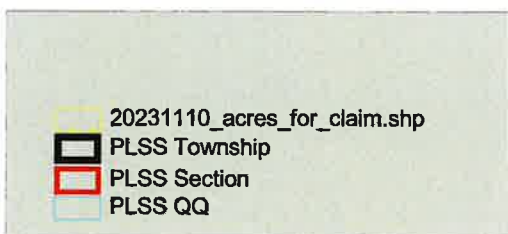


Base Map 2021 USDA NAIP
Prepared by Rocky Mountain Env.
Assoc., Inc.

Evaluation of Irrigated Lands - Detail 12



0.1 0 0.1 0.2 0.3 Miles

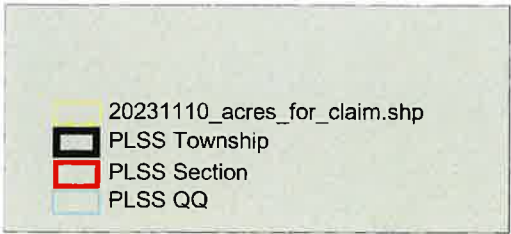


Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.

Claimant(s): Dingle Irrigation Co.

Claim No. _____



Base Map 2021 USDA NAIP

Prepared by Rocky Mountain Env.
Assoc., Inc.



20231110_acres_for_claim.shp

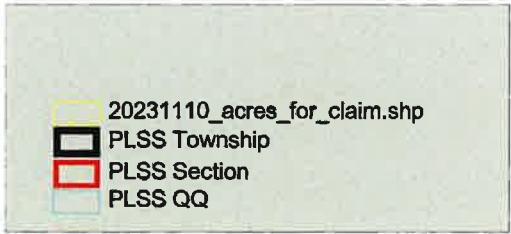
PLSS Township

PLSS Section

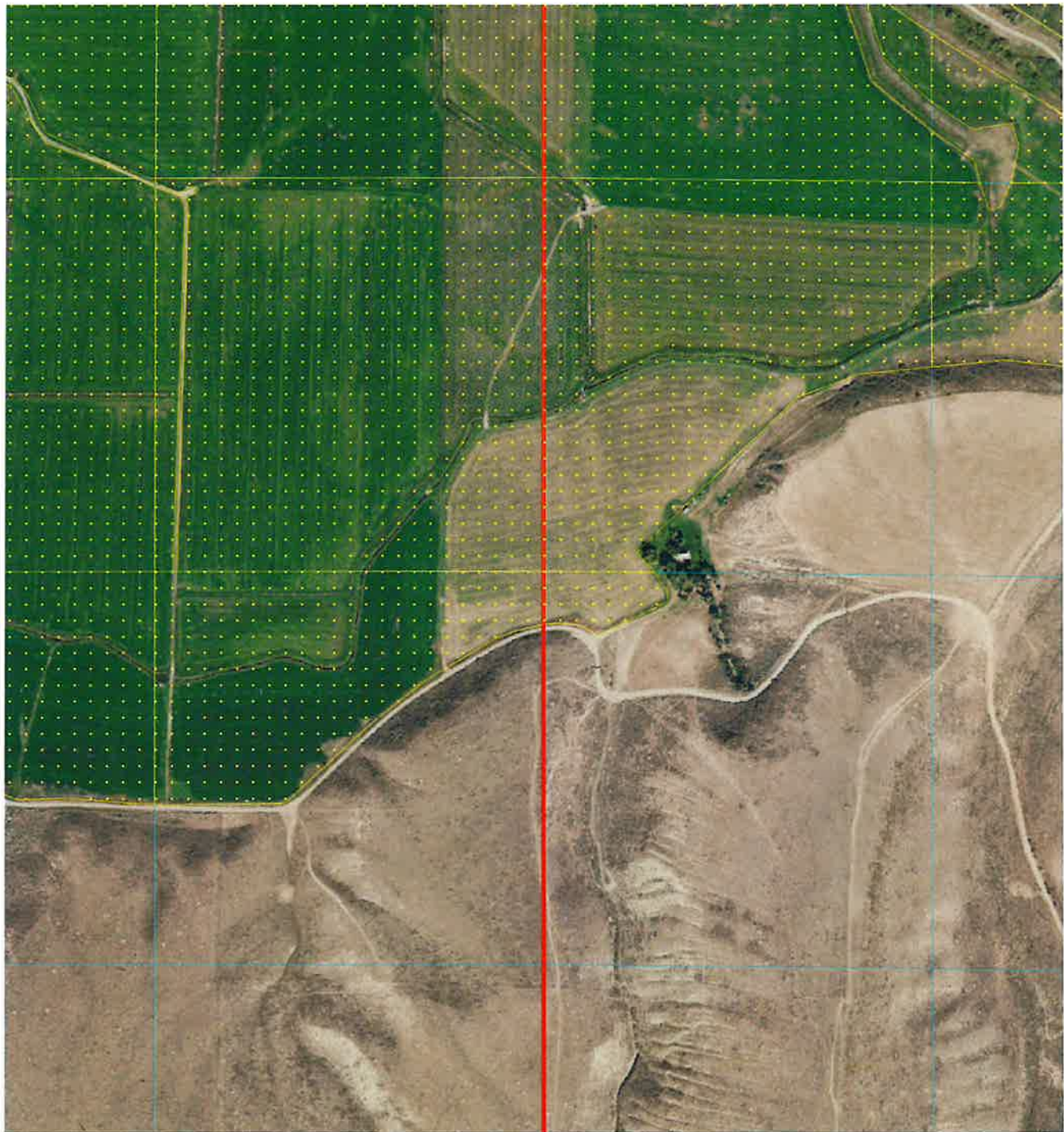
PLSS QQ

Base Map 2021 USDA NAIP

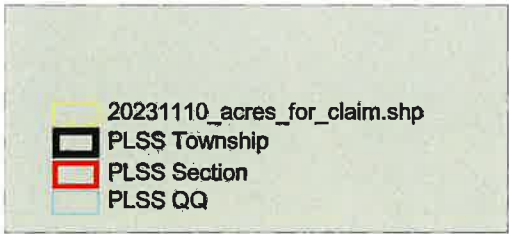
Prepared by Rocky Mountain Env.
Assoc., Inc.



Base Map 2021 USDA NAIP
Prepared by Rocky Mountain Env.
Assoc., Inc.

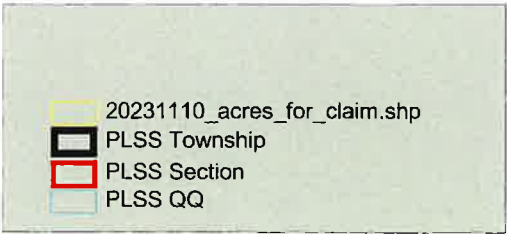


0.1 0 0.1 0.2 0.3 Miles

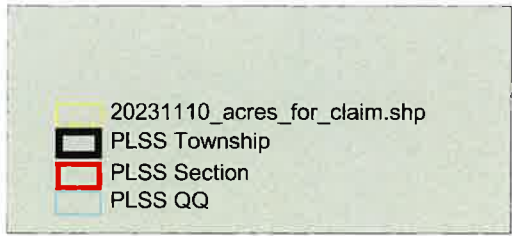


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Base Map 2021 USDA NAIP
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Assoc., Inc.



Base Map 2021 USDA NAIP
Prepared by Rocky Mountain Env.
Assoc., Inc.

From: Alyssa Farnes
Date: June 22, 2023
Re: Dingle Irrigation Map Digitization

I used ArcGIS Pro 3.1.0 to digitize "Dingle Irrigation Working Map 2021 NAIP", reviewed by Michael Robison and the canal board. I used scans of the paper maps to observe ink marks denoting boundaries between irrigated and non-irrigated land. I utilized a shapefile "acres_working_af.shp" which contained the existing service boundaries. I then used the Split tool to manually draw lines by eye. My primary sources were from the document "Dingle_Contor_1.pdf". I prioritized black ink marks and notes made by Robison, then red ink marks from Bryce Contor, then verbal communication with Contor. Because notes were often hastily drawn, I could infer the precision of the lines along geographic features. I used the "Bear_IR_2021.sid" raster layer to better determine healthy and likely irrigated vegetation to more accurately determine borders.

I made an effort to be efficient, meaning I attempted to digitize quickly while still retaining an approximately accurate acreage. To avoid charging the client excess hours, I chose to create fewer polygons with generous acreage to account for smaller details. This was in contrast to being very precise with hundreds of tiny polygons but observing many more hours to do so.

Future plans include reviewing the current shapefile version with Robison to ensure accuracy.

Attachment 2: Affidavits

Three affidavits are provided, documenting ongoing irrigation and the input data to the Attachment 1 irrigated-acres analysis.

The Bird and Robison affidavits utilize the same map, with initials "D.L.B" affixed by Bird and the initials "MGR" affixed by Robison.

Knapp's affidavit is hand-written on a map copy, with notary stamp on the back.

①

MY NAME IS DENNIS L. - BIRD. I WAS BORN RIGHT IN DINGLE ON NOVEMBER 15, 1931. I HAVE LIVED IN DINGLE ALL MY LIFE. MY PARENTS IRRIGATED AND SAW THIS AND HELPED WITH IT. I WORKED THE REPLACEMENT DINGLE DAM ON NIGHT SHIFT IN THE FALL OF 1947. THEY RAN 3 SHIFTS AND POURED CONCRETE 24 HRS. PER DAY.

I WAS ON THE BOARD OF DIRECTORS WITH BILL ROBISON STARTING ABOUT 1998. WE HAD RESPONSIBILITY FOR THE ENTIRE SYSTEM AND I KNEW THE ENTIRE SYSTEM AND IRRIGATED LANDS. I KNEW ALL THE SHARE-HOLDERS AND THEIR LANDS.

I HAVE REVIEWED THE ATTACHED MAP AND INITIALED IT ON THE BOTTOM. THE LIGHT BLUE LINE IS A CORRECT MAP OF THE SERVICE AREA AS I HAVE KNOWN IT AND AS IT STILL IS.

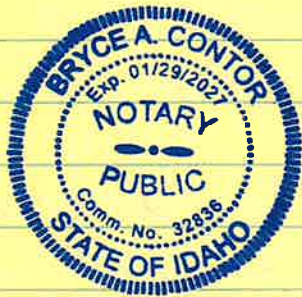
Dennis L Bird

April 6 2022

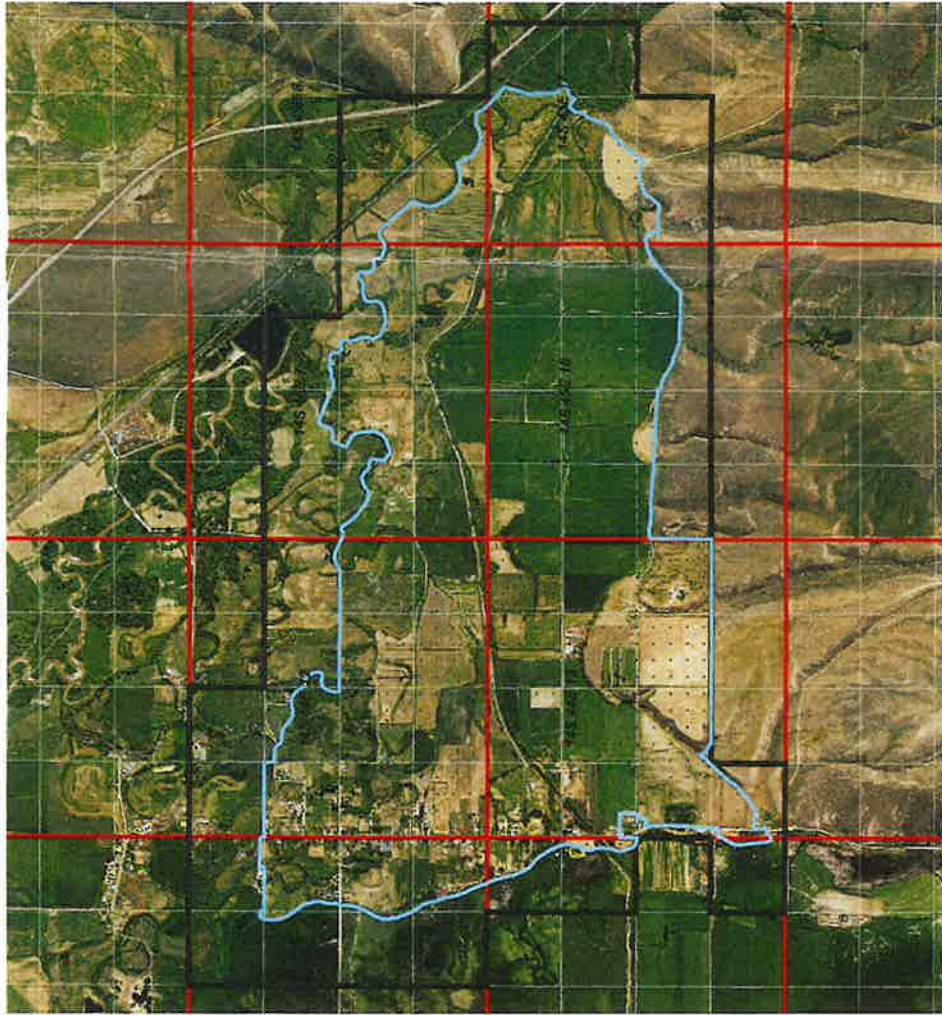
2

STATE OF IDAHO
COUNTY OF BEAR LAKE

THE AFFIDAVIT ON THE REVERSE
PAGE WAS SIGNED BEFORE ME
ON APRIL 6, 2022 BY DENNIS
L BIRD



Bryce A. Contor



- Service Area
- Service A. QQ
- Section
- QQ Section

RMEA Project 22-0043
Dingle Irrigation



D.L.B.
MGR Service Area

I have irrigated this section of ground since my childhood. My first year irrigating this ground was in 1990. I'm aware that it had been irrigated for many years prior to 1990.



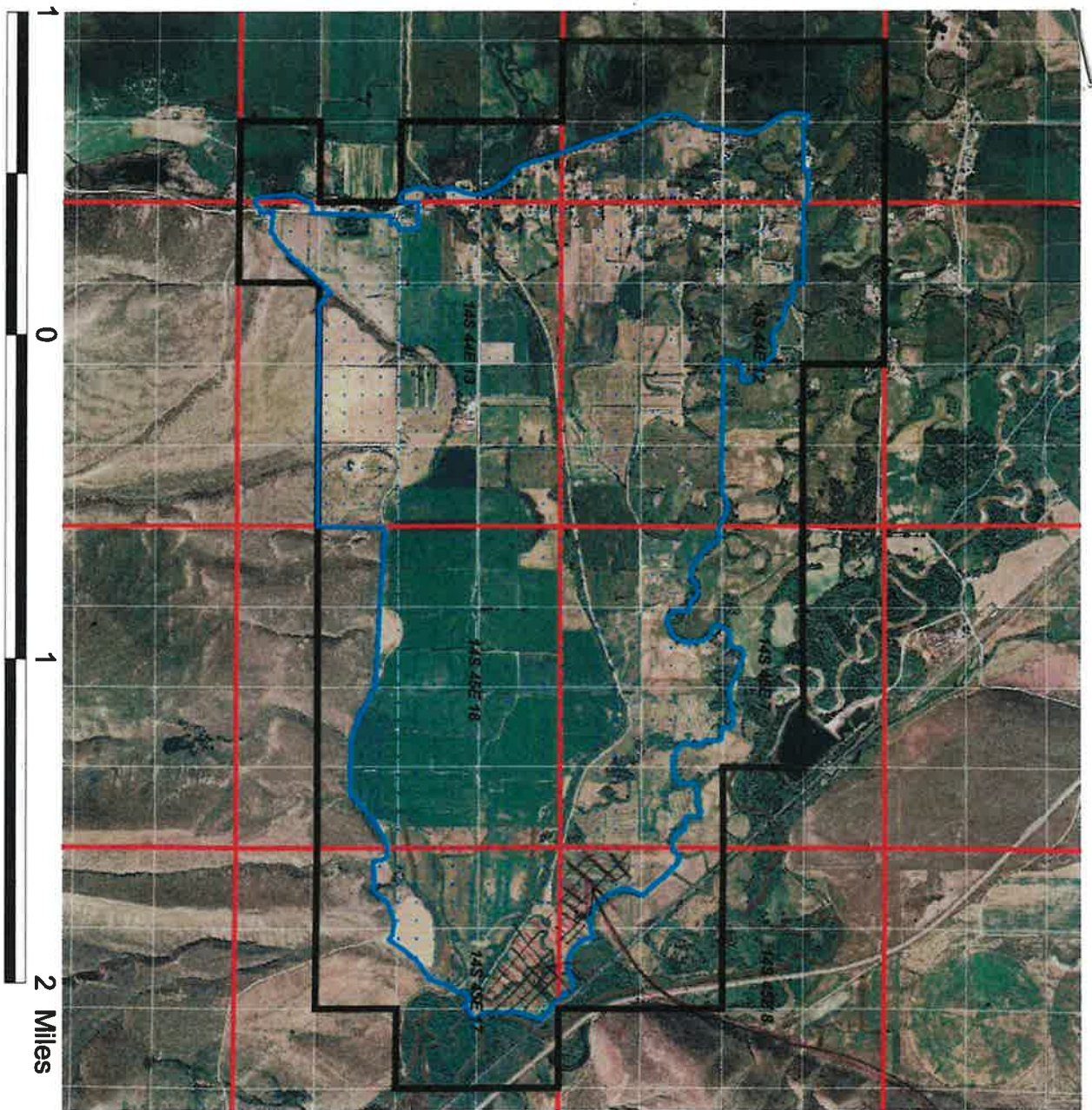
Michael H. Knapp
April 13, 2022

-  Service Area
-  Service A. QQ
-  Section
-  QQ Section

RMEA Project 22-0043
Dingle Irrigation



Rocky Mountain
ENVIRONMENTAL



Service Area

STATE OF UTAH)

ss.

County of Rich)

On the 13th day of April, 2022, before me, Sharlene C. Millard, a notary public, personally appeared Michael H. Knapp, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to in this document, and acknowledged (he/she/they) executed the same.

Sharlene C. Millard
Notary

My Commission expires February 14, 2023, residing in Garden City, Utah



MY NAME IS MICHAEL G ROBISON,
I CAME TO DINGLE IN 1998 AND
EXCEPT FOR COLLEGE AND MISSION
I HAVE BEEN HERE EVER SINCE.
THE SUMMER OF 1998 I WORKED
WITH FORREST DAYTON, DINGLE
IRRIGATION WATERMASTER. HE
WOULD PICK ME UP AT 8:00 IN
THEY MORNING AND I LEARNED
THE WHOLE SYSTEM. I HAVE
BEEN PRESIDENT OF THE COMPANY
FOR EIGHT OR NINE YEARS. I
AFFIRM THAT THE BLUE LINE ON
THE ATTACHED MAP THAT I HAVE INITIALED
IS A CORRECT DESCRIPTION OF THE
CURRENT SERVICE AREA AS OF EARLY
JUNE 2021

Michael G. Robison 4-6-2022

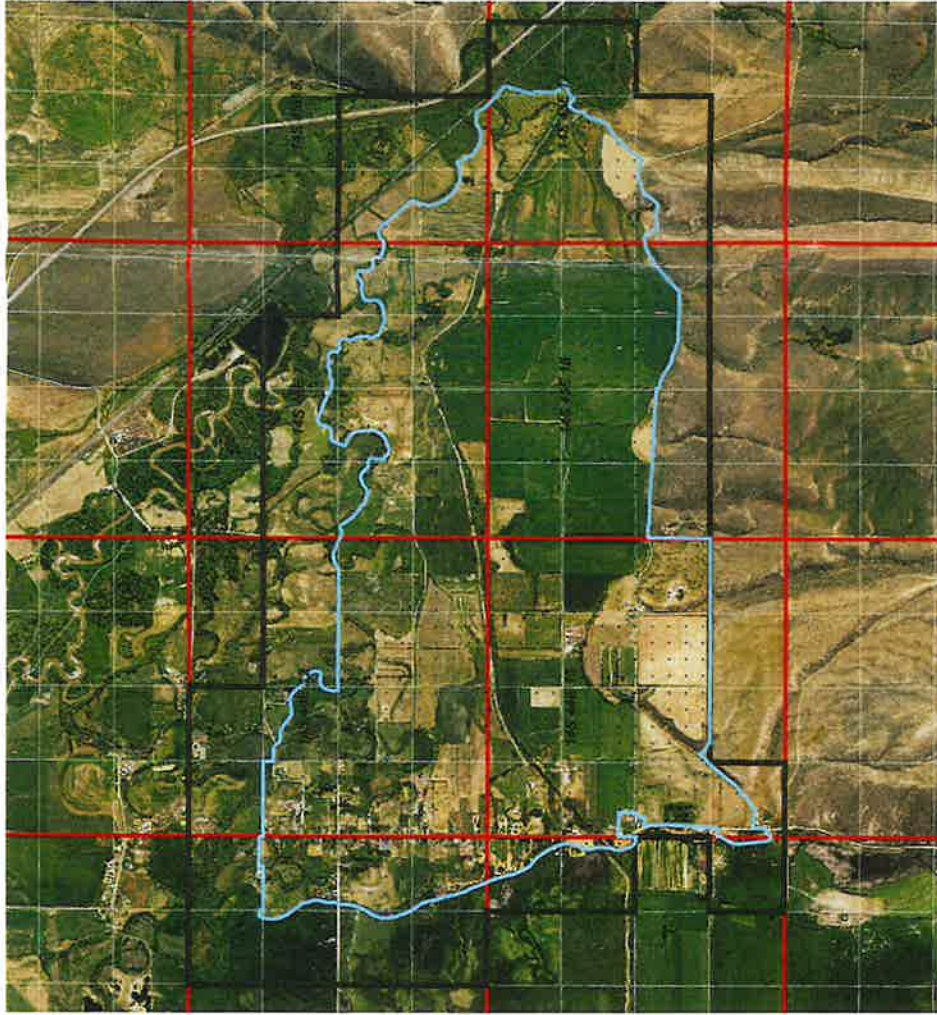
State of Idaho
County of Bear Lake



Affidavit signed before me on April 6, 2022

Michael G. Robison

Bryce A. Contor



- Service Area
- Service A. QQ
- Section
- QQ Section

RMEA Project 22-0043
Dingle Irrigation



D.L.B.
m6r Service Area

Attachment 3: Overlap Documentation

A one-page narrative and table identify potential overlaps known by the Company not to be overlaps, and existing overlaps that are known.

Overlap Narrative for Dingle Irrigation Company

Dingle Irrigation Company decreed rights 11-899, 11-900 and 11-901 are for irrigation of the same common service area.

Additional nominal irrigation places of use from 2022 Idaho Department of Water Resources GIS data overlap the service area of Dingle Irrigation Company. The overlap status of actual use is summarized below:

Water Right	Owner (as listed in IDWR GIS data)	Source	Dingle Irrigation Water Actually Overlaps Use
11-906 & 11-907	Ream Crockett Irrigation Co.	Bear River	No
11-908	Grimmett Black Otter Irrigation Company	Bear River	No
11-2146	Kent Skinner	Spring	No
11-4249	Church of Jesus Christ of the Latter Day Saints	Ground Water	Yes
11-7508	Michael Robison	Springs	Yes
11-7516	Dingle Cemetary	Ground Water	Yes

Attachment 4: Acknowledgement of Shared Point of Diversion

A 1966 agreement and formal water-rights transfer authorize conveyance of part of the water right(s) of Black Otter Irrigation Company through the Dingle Irrigation Company headgate. Attachment 5 documents the ongoing practice and its origin.

Black Otter Conveyance Narrative for the Dingle Irrigation Company Adjudication Claims

Dingle Irrigation Company acknowledges that it conveys water in its system for the Black Otter Irrigation Company.

Figure 1 is a screenshot of a mapping pin of the location of the headgate where water is turned back to the Black Otter System, provided and affirmed by Dingle chairman Mike Robison in November, 2023.

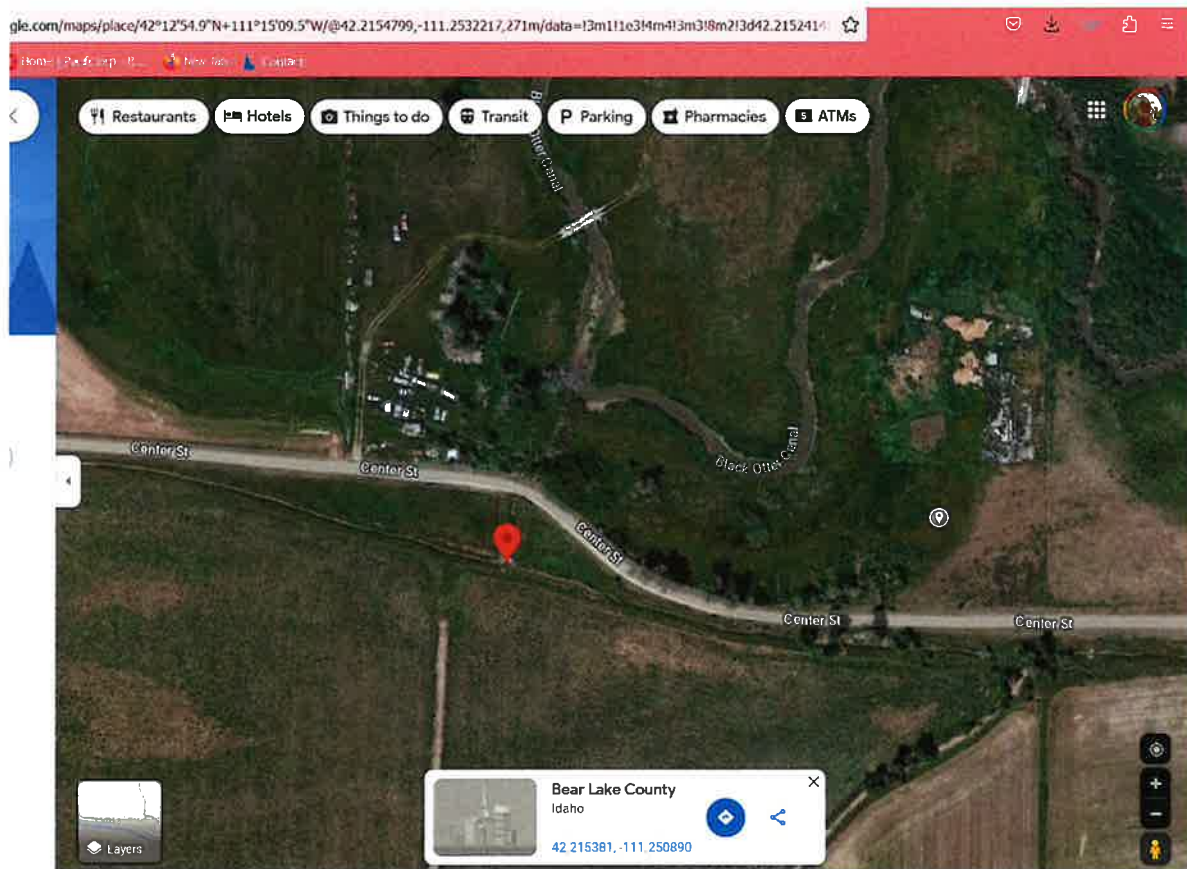
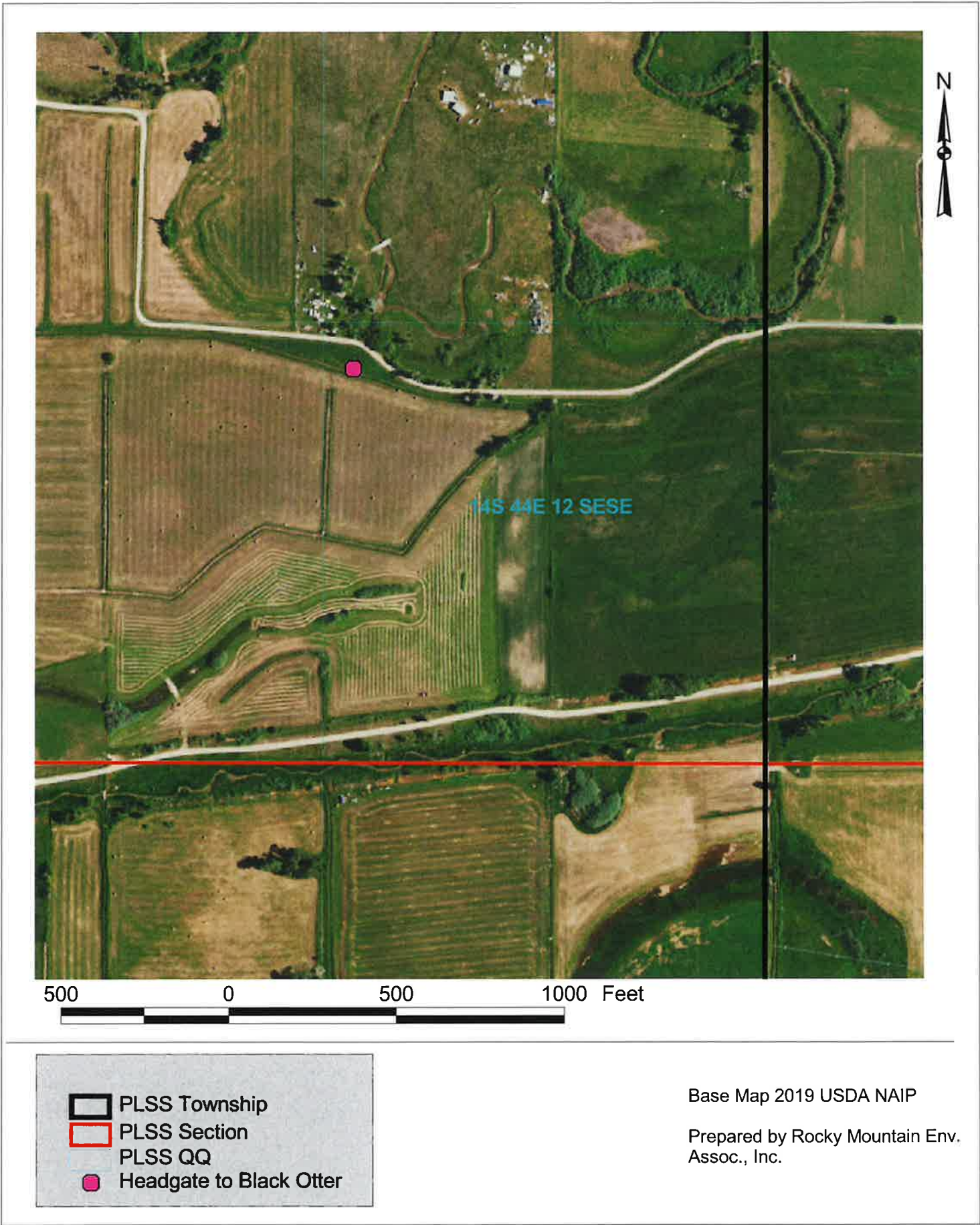


Figure 1. Screenshot of pin mapping headgate/spill location.

Figure 2 provides the PLSS description of the location mapped in Figure 1. This shows the point where water leaves the Dingle system via a headgate, in the SE SE of Section 12, T 14 South, R 44 East. The water enters the Black Otter system a short distance to the north, in the NESE of the same section. This is as described in a 1966 agreement included in the excerpts from the 11-908 backfile that are attached following Figure 2.

Figure 2: Spill Location w/ PLSS Indication



Claimant(s): Dingle Irrigation Co.

Claim No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)		
Black Otter Irrigation Company)		ORDER GRANTING CHANGE
of Dingle, Idaho)		IN POINT OF DIVERSION
For a Change in Point of Diversion,)		NO. 296
County of Bear Lake, State of Idaho)		

WHEREAS, On the 17th day of November, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of the Black Otter Irrigation Company of Dingle, Idaho, for a change in point of diversion, came on regularly for hearing, pursuant to the 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 the water will be put to a higher and more beneficial use, and no one 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 in Point of Diversion be issued to the applicant herein.

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 16th day of December, 1966.

R. KEITH HIGGINSON
State Reclamation Engineer

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION
OF DECEED WATER RIGHT NO. 296

THIS IS TO CERTIFY, That Black Otter Irrigation Company of Dingle, Idaho, is the owner of and using a certain water right of 133.5 cubic feet per second of the waters of Bear River with priority of April 15, 1877, said water being decreed to Black Otter Irrigation Company, the successor in interest in and to Grinnett-Black Otter Irrigation Company, by 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 COMPANY
a corporation,

Plaintiff

vs.

DINGLE IRRIGATION COMPANY
a corporation, et al

Defendants

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

Commencing at a point South 88°30' East 205 feet and South 2° 10' West 355.8 and East 150 feet from the North quarter corner of Section 6 in Township 14 South, Range 44 East of Boise Meridian; which point is 150 feet East from the East bank of the Outlet canal of the Utah Power & Light Company, running thence in a southeasterly direction approximately 3160 feet to a point which is 710 feet south of the Northeast corner of Lot 9 of said Section 6; thence North 580.8 feet to quarter Section line; thence East 1320 feet; thence in a southeasterly direction, following boundary line of Lot 5 of Sec. 5 in Township 14 South, Range 44 East Boise Meridian to the Southwest corner of the Northeast quarter of the Southwest corner of of the Northeast quarter of the Southwest quarter of said Section 5; thence East 2640 feet; thence North 3366 feet; thence West 660 feet; thence North 313.5 feet; thence west 1980 feet; thence North 280.5 feet; thence West 2640 feet; thence South 354.75 feet thence West 965 feet to place of beginning.

NOT RECORDED

Commencing at a point 40 rods N. from the NW corner of Sec. 4, Tp. 14 S., R. 44 E.B.M., and running thence N. 80 rods; thence E. 120 rods; thence S. 125 rods; thence W. 120 rods; thence N. 45 rods to place of beginning, containing 93-3/4 acres.

Also commencing at a point 9-3/4 chains W. from the Northeast corner of Section 4, Tp. 14 S., R. 44 E. B. M., and running thence S. 11 1/2 chains; thence W. 30 1/2 chains, more or less, to half section line; thence N. 11 1/2 chains; thence E. 30 1/2 chains, more or less, to place of beginning, containing 3/4 acres, more or less.

The South Half of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 33, Township 13 South and the lot numbered 3 of Section Four, in Township 14 South of Range 44 East of the Boise Meridian in Idaho, containing 160 acres and 19/100 of an acre.

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, at Page 630;

And that now, upon the application of Black Otter Irrigation Company before the State Reclamation Engineer of the State of Idaho, for a Certificate of Change of Point of Diversion, and the said application having been granted, the right to change the point of diversion 30.0 cubic feet per second of the waters of Bear River 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 needed and beneficially used, and shall not exceed the following amount, to-wit:

30.0 cubic feet per second of the waters of Bear River, with priority of April 15, 1877;

That the water right hereby transferred has heretofore been conducted from Bear River near the South Line of the NW 1/4 Sec. 8, Township 14 South, Range (45E) 44 E. B. M.

That the water right hereby transferred will hereafter be conducted to said land from Bear River near East line of SW 1/4 Sec. 17, Township 14 South, Range 45 E. 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 16th day of December, 1966.

R. KEITH HIGGINSON
State Reclamation Engineer

NOT RECORDED

RECEIVED
JUL 25 1966

Department of Reclamation

AGREEMENT

THIS AGREEMENT, Made and entered into this 20th day of July, 1966,
by and between the BLACK OTTER IRRIGATION COMPANY, a corporation organized
and existing under and by virtue of the laws of the State of Idaho, party
of the first part, hereinafter referred to as BLACK OTTER, and the DINGLE
IRRIGATION COMPANY, a corporation organized and existing under and by
virtue of the laws of the State of Idaho, party of the second part, here-
inafter referred to as DINGLE,

WITNESSETH:

WHEREAS, pursuant to that certain DECREE made and entered on the 7th
day of March, 1924, records of Bear Lake County, Idaho, in a case entitled
Preston-Montpelier Irrigation Company, a Corporation, plaintiff, vs.
Dingle Irrigation Company, a corporation, et al, defendant, in the District
Court of the Fifth Judicial District of the State of Idaho, in and for the
County of Bear Lake, DINGLE was decreed thirty-seven (37) cubic feet per
second of the waters from Bear River, and BLACK OTTER was decreed one
hundred fifty-one (151) cubic feet per second (of the amount alleged herein
to be decreed to BLACK OTTER, 17.5 cubic feet per second was decreed to the
Peg Leg Island Irrigation Company, but said amount is diverted through the
dam and ditches of the said BLACK OTTER);

WHEREAS, both BLACK OTTER and DINGLE are the respective owners of
certain artificial water courses, ditches, canals, dams and irrigation
systems by which to divert, distribute and supply irrigation water to the
stockholders of each;

WHEREAS, BLACK OTTER diverts water from Bear River at a dam site near
the south line of the Northwest Quarter of the Southeast Quarter of
Section 6, Township 14 South, Range 45 East of the Boise Meridian, and
DINGLE diverts water from Bear River at a dam site near the East line of
the Southwest Quarter of the Northeast Quarter of Section 17, Township 14
South, Range 45 East of the Boise Meridian;

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JUL 25 1966

Department of Reclamation

WHEREAS, BLACK OTTER desires to divert not to exceed thirty (30) cubic feet per second of the waters of Bear River decreed to it pursuant to the aforesaid Decree / ^{from} DINGLE'S dam site and irrigation system to a point in the Northeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 44 East of the Boise Meridian, Idaho, the latter being the point and place where the aforesaid waters so diverted will dump back into the BLACK OTTER'S irrigation system; and

WHEREAS, DINGLE does not object to the aforesaid diversion and use of its dam site and irrigation system by BLACK OTTER;

NOW, THEREFORE, In consideration of the premises, it is hereby mutually understood and agreed as follows, to-wit:

1. That BLACK OTTER is hereby given the right and permission by DINGLE to conduct and divert not to exceed thirty (30) cubic feet of waters from Bear River, which waters are owned and controlled by BLACK OTTER pursuant to the aforesaid Decree, through and along the following portion of the irrigation system owned and controlled by DINGLE: Commencing at DINGLE'S dam site located near the East line of the Southwest Quarter of the Northeast Quarter of Section 17, Township 14 South, Range 44 East of the Boise Meridian, to a point in the Northeast Quarter of the Southwest Quarter of Section 12, Township 14 South, Range 44 East of the Boise Meridian, Idaho, the latter point being the place where the aforesaid waters will dump back into the irrigation system owned and controlled by BLACK OTTER.

2. That said right or permission to so use said portion of the irrigation system of DINGLE shall be revocable by DINGLE at any time without prior notice to BLACK OTTER, and that the right to so use said portion of said irrigation system is permissive only.

3. That all work done upon, in or about said portion of said irrigation system of DINGLE to enable the use of the same as aforesaid, shall be done under the supervision of DINGLE, except at that point where the aforesaid waters dump into the irrigation system of BLACK OTTER, the latter being under the supervision of BLACK OTTER, and any plans for said proposed

JUL 25 1966

Department of Reclamation

work in or upon said portion of the irrigation system of DINGLE or BLACK OTTER shall be submitted to and approved in writing by the owner of the respective irrigation system.

4. This Agreement may be terminated by either party at any time without prior notice.

5. That it is expressly agreed that this Agreement shall at all times be subject to changes or modification as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by its duly constituted Board of Directors on the day and year first above written.

BLACK OTTER IRRIGATION COMPANY

George Mate

Cecil Lusk

Danell Keith

Arnold Mate

Seymour Lindsay

ATTEST:

A. D. Oakley
Secretary

DINGLE IRRIGATION COMPANY

Cecil Lusk

Wm. H. Lindsay

T. H. Spencer

Clifford G. Skinner

A. D. Oakley

ATTEST:

A. D. Oakley
Secretary

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NOV 21 2023

IDWR/Preston



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

November 21, 2023

RMEA Project No. 21-0043

Idaho Department of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

Re: Bear River Basin Adjudication Claims - Dingle Irrigation Company

Ms. Beck:

This letter accompanies a check for four Adjudication claims for the Dingle Irrigation Company, which were transmitted electronically along with GIS shapefiles to aid in review of the claims. Also attached are worksheets summarizing the fee calculations for a total fee of \$2,021.

In addition to responses to be provided the claimant, Please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at bryce.rmea@gmail.com with a copy of the receipt and copies of the first page of each claim, showing the numbers assigned by IDWR.

The claims filed are as follows:

- Irrigation claim based on 11-0899
- Irrigation claim based on 11-0900
- Irrigation claim based on 11-0901
- Stockwater claim, no previous number assigned by IDWR

The claim forms accidentally were signed on the "individuals" signature line, but the claims were signed by Michael Robison, the chairman of Dingle Irrigation Company.

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way, Suite 303, Idaho Falls, Idaho 83402
rockymountainenvironmental.com

Please call me at 208-681-9100 or e-mail me at bryce.rmea@gmail.com if there are questions.

Thank you,

A handwritten signature in cursive script that reads "Bryce A. Contor".

Bryce A. Contor
Principal Hydrologist

Attachments: Check
 Fee-calculation worksheets.

RECEIVED

NOV 21 2023

IDWR/Preston

Claimant: Dingle Irrigation Company

***Remember that only the first four de minimis stockwater claims require the \$25 fee.
Remember to round up to the whole dollar.***

Claim ID	\$ for Claim	Notes
11-0899	\$1,771.00	All 1,721 acres paid w/ this claim.
11-0900	\$50.00	Acres paid w/ 11-0899
11-0901	\$50.00	Acres paid w/ 11-0899
Stock	\$150.00	Non-deminimis; 0.59 cfs
Total	\$2,021.00	

RECEIVED

NOV 01 2023

Claim ID:
IDWR/Preston

Dingle Irrigation Company
11-0899

	Rate/Unit	Unit	# Units	\$ Amount
De Minimis	\$25	Claim		
De Minimis Stock (> 4th claim)	\$0	Claim		
Non-De Minimis	\$50	Claim	1	\$50.00
Irrigation	\$1	Acre	1721	\$1,721.00
Power Generation	\$3.50	KW of Capacity		
Aquaculture	\$10	cfs		
Dom. & Stock (>13k gpd), Municipal, industrial, commercial, mining, heating, cooling	\$100	cfs		
Public instream flow, public lake level maintenance, wildlife	\$100	cfs		
Fire protection	\$0	cfs		
Groundwater recharge	\$0	cfs or afa		
Total				<u><u>\$1,771.00</u></u>

***Duplicate this worksheet once
for each claim.***

Note:

All 1,721 acres paid w/ this claim.

Instructions for Form No. 42-1409-1

Each claim submitted must include stockwater use claims diverging less. However, if you are filing more than stockwater, only the first four (4) claims are fee exempt once the \$14 stockwater only claims filed after J.

The flat fee for filing all other claims based upon acreage, power generation amount, or an equivalent volume of than domestic and/or stockwater use. Use Table 3 to calculate the variable fee to determine the total fee for the water recharge which have a \$50.0

Examples for a single claim to a wa

Single family domestic and stockwa
13,000 gallons per day in total . . .

100 acres irrigation, domestic and :

Fish propagation, 4.2 cfs

Multiple family domestic, 1.6 cfs,
irrigation of yards and gardens, 14 .

TABLE	
Irrigation	
Power generation	\$
Aquaculture	
Domestic, stockwater use in excess of 13,000 gallons per day Municipal, industrial, commercial, mining, heating, cooling Public instream flow, public lake level maintenance, wildlife	
Exceptions: No variable fee is charged for	