

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

CIVIL CASE NUMBER: 79576

Claim ID: 11-908

Date Received: 12/2/23

Receipt No: P0001680

Claim Fee: 5094.00 By: MB

RECEIVED

DEC 05 2023

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) Black Otter Irrigation Company Phone (208) 681-4794
Mailing address PO Box 68 Dingle ID Zip 83233
Street or Box City State
Email address (optional) ipsencattlecompany@yahoo.com
2. Date of priority: (Only one per claim) 4/15/1877 (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 8,
SE 1/4 of SW 1/4, Govt. Lot , BM, County of Bear Lake
Parcel no.
Additional points of diversion, if any: 14S 45E 17 SWNE (Dingle Canal)
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.

Dam and concrete headgate on Bear River to Black Otter Canal. Water is moved through the service area through manipulation of dams, headgates, and culverts. See attached Affidavit of Black Otter Irrigation Patrons for more detailed description.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 7/01 amount 133.5 or

For Irrigation purposes from 7/01 to 9/30 amount 89 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 133.5 (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	

Black Otter Service Area - see attached maps and POU List

Parcel no(s). Total number of acres irrigated

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.

Companion claims for additional acres within service area or None ()

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

Priority date is based upon Terrell decree. Excerpts are attached.

Attachments include:

1) Narrative

2) Supplemental POU

3) Dingle Conveyance

4) Maps of Irrigated Acres - Overview and Detailed maps

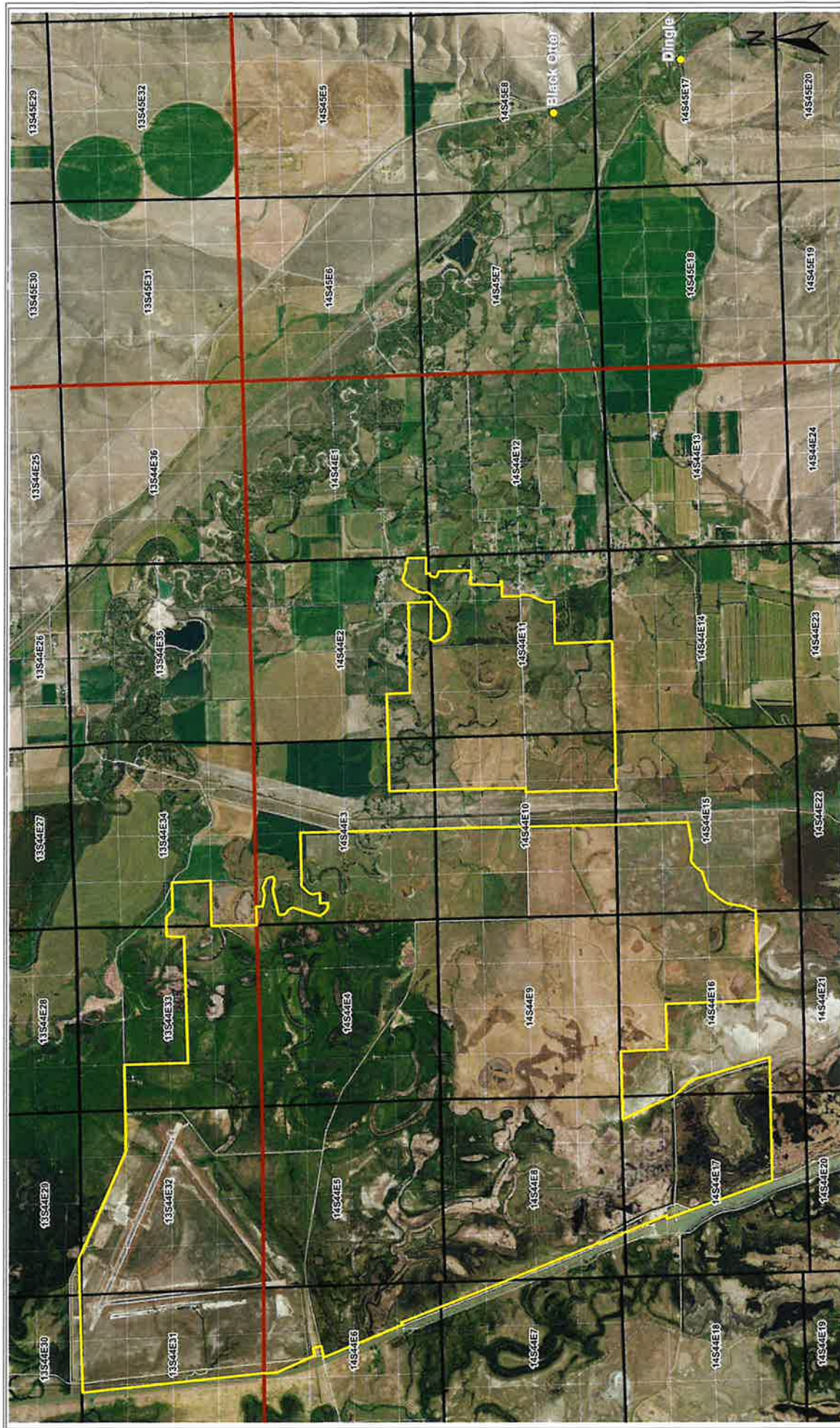
5) Terrell Decree Excerpts

6) Affidavit of Black Otter Patrons (General Affidavit)

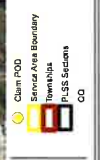
7) Affidavits of Individual Patrons (Payne, Lloyd, and Nate) referenced in General Affidavit

Name of claimant(s) Black Otter Irrigation Co.

Claim ID



3,000 1,500 0 3,000 Feet
Base Map: USDA NAIP 2021
Date Created: 11/17/2023



Claim Map

Based on WR Numbers: 11-908 and
Beneficial Use Claims
Claimant: Black Otter Irrigation Co.



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

Court 5th Jud. District Decree Date March 7, 1924 Plaintiff v. Defendant Prest-Mont. Irr. vs Dingle Irr.

If applicable provide IDWR Water Right Number 11-908

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 () do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 7

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) _____ Date: _____

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

President _____ of Black Otter Irrigation Co.
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 Mark Ipsen Date 12-5-23

Printed Name of Authorized Agent Mark Ipsen

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) Black Otter Irrigation Co. Claim ID _____

Attachment 1

Narrative to Accompany BRBA Water Right Claim to Provide Additional Information

Claim based on WR#: 11-908 & Associated Beneficial Use Claims

Claimant: Black Otter Irrigation Company

1. Name. The decreed name is the Grimmett-Black Otter Irrigation Company, however the claimant now uses the name Black Otter Irrigation Company, which is the registered entity with the Secretary of State since 1966.

4. Point of Diversion. The original point of diversion of Black Otter Canal has not changed since the decree. The point identified in this claim is the accurate location of the historical diversion.

The Dingle Canal is also listed as a point of diversion for 11-908, which was added in a transfer application in 1966. Water is carried through the Dingle system and delivered to the Black Otter Slough in the NESW of Section 12, T14S R44E. This delivery still occurs and supplies water to the lower part of the Black Otter irrigation system. Confirmation was received from Mike Robison, president of Dingle Irrigation. Attachment 3 includes additional information about the location and the authorization to divert water through the Dingle headgate.

The beneficial use claims do not include the Dingle Canal as a point of diversion. The agreement only specifies water right 11-908, which is adequate to provide the 30 cfs delivered there.

9. Place of Use. The Claim map on Page 3 of the claim form illustrates the service area boundary claimed for Black Otter. The service area boundary was drawn based upon review of the irrigated lands, and extended to the property boundaries of the patrons to include all lands that could be irrigated from Black Otter. The service area boundary encompasses 6,089 acres. The Supplemental POU in Attachment 2 describes the service area, which is the claimed place of use.

Total irrigated acres are based upon actual irrigation and were mapped with individual patrons based on current irrigation practices. A few things to note that may explain mapped acreage:

1. Irrigated acres were mapped to field boundaries, not necessarily to parcel boundaries. As is often the case, fence lines and historical property boundaries do not always correspond exactly to recorded and surveyed property boundaries.
2. Patrons identified lands that are irrigated. For properties that appear questionable, or to which access is not apparent, RMEA requested headgate and culvert locations when we reviewing to verify deliverability. These are not recorded on the maps provided with the claim due to an attempt to reduce costs and time.
3. The mapped acres are not intended to include Pacificorp lands, except for areas that are within the National Wildlife Refuge, on which the Refuge manages the Pacificorp lands and does apply Black Otter water. This property is located in the northwest corner of the service area, just south of the airport. Other irrigated acres that were mapped that may overlap Pacificorp land appear to be based on on-the-ground interpretation of property lines.
4. Sloughs are not excluded from the irrigated acreage count as they are used in the conveyance system and water is applied to them intentionally.

An overview map and detailed maps are included in Attachment 4 to show the GIS polygons generated by the review. A shapefile will be provided to IDWR of the place of use boundary and irrigated acres.

Total irrigated acres are 5,044 acres within a service area boundary of 6,089 acres.

12. Other water rights. Active irrigation currently encompasses 5,044 acres, which began with decreed right 11-908 in 1877. Additional acres have been added to the system at two other times, which are represented in companion claims also being submitted to IDWR. The three irrigation rights that share this system are described as follows, along with the acre-limit anticipated for each right:

Decreed Right 11-908 1877 Priority	4,434.25
Beneficial Use Claim 1953 Priority	392.75 acres
<u>Enlargement Claim 1976 Priority</u>	<u>217 acres</u>
Total Acres	5,044

In addition, right 11-7501 for stockwater and wildlife purposes also overlaps and is delivered through the Black Otter system.

West Fork Irrigation Co. overlaps some parcels on the north properties, west of the Outlet Canal, including property owned by Wynn Wallentine and Bear Lake County, on which both West Fork and Black Otter water are comingled to accomplish irrigation on portions of those lands. The Keetch properties adjacent to Wallentine also receive West Fork water, but it is not overlapped with Black Otter on the same acres. Keetch lands that receive West Fork water are excluded from the claimed place of use. Figure 1 illustrates locations.

The following canal systems are adjacent to, but do not overlap with Black Otter:

- Peg Leg Irrigation Co.,
- Dingle Irrigation Co., and
- Ream Crockett Irrigation Co.

Patrons may own shares in one or more of these companies, but the canals do not irrigate the same lands.

13. Remarks. The use of water within the Black Otter system requires flood irrigation of large tracts of land including multiple patrons' lands. Aerial photos do not adequately reflect the irrigation that occurs within the system as there are few dikes and sprinkler systems visible. Therefore, the patrons of the Black Otter have described in more detail the application methods of their irrigation water in the affidavit found in Attachments 6 and 7.

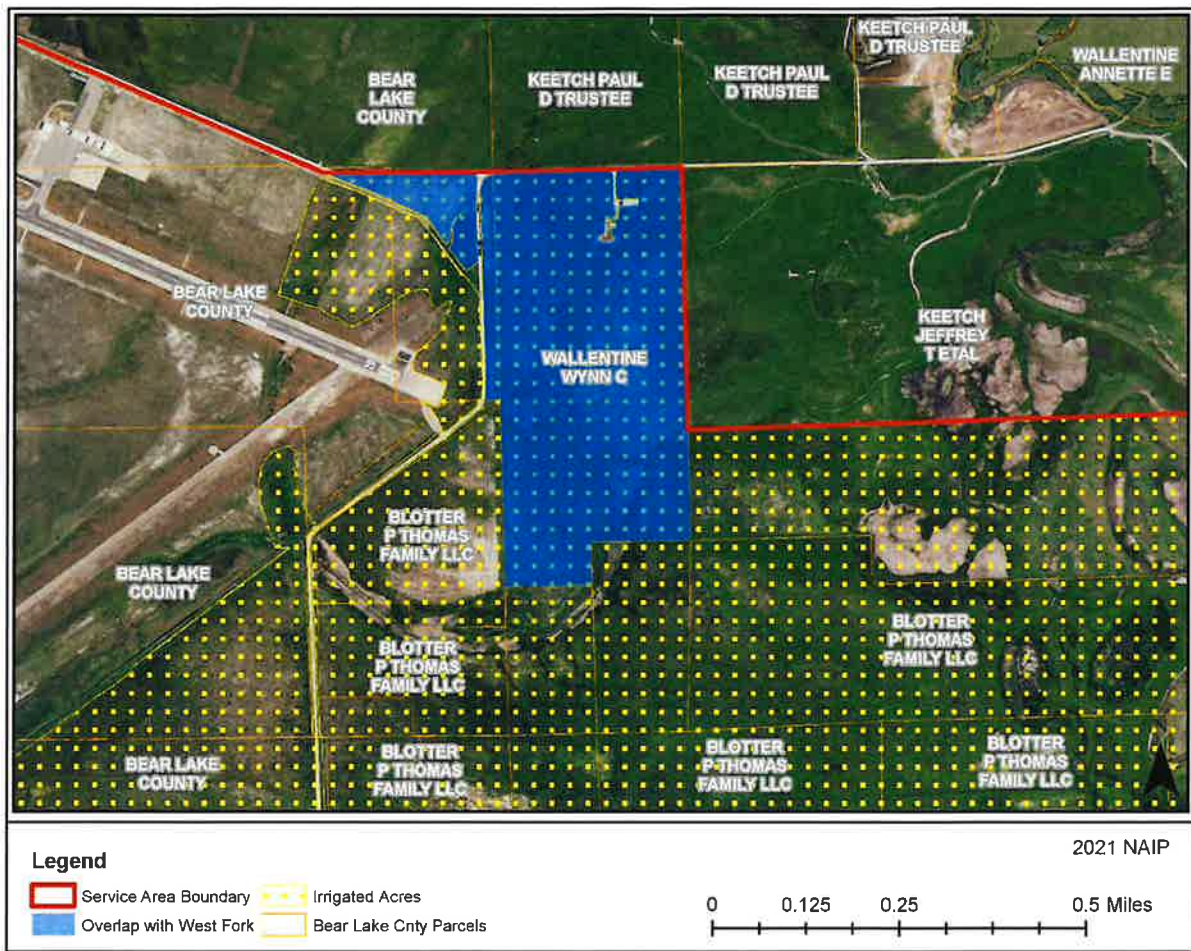


Figure 1. Overlap Map

Attachment 2

Supplemental POU List

Black Otter Irrigation Co.

Claim Based on Water Right 11-908 and Beneficial Use Claims

TWP & RNG	SEC	NE				NW				SW				SE			
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13S 44E	29											X					
	30															X	X
	31	X	X	X	X	X			X					X	X	X	X
	32	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	33							X		X	X	X	X	X	X	X	X
	34										X						
14S 44E	2											X	X			X	X
	3					X	X	X	X	X	X	X	X			X	X
						L3	L4										
	4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		L1	L2			L3	L4										
	5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		L1	L2			L3	L4				L5,7	L8	L6,9				
	6	X	X	X	X									X	X		X
		L1	L2											L10,11	L9		L10,14
	7	X			X												
		L9			L9												
	8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
			L1,5	L2,10		L5	L6	L8	L9	L12	L13	L18	L18	L3,11	L3,11	L19	L4,20
	9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	11	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	15					X	X	X	X		X						
	16	X	X	X	X	X	X	X	X		X	X		X	X	X	X
	17	X	X	X	X	X			X	X			X	X	X	X	X
		L0,2	L0,3			L0,4											

Total Service Area Acres 6,089

Total Irrigated Acres 5,044

Attachment 3

Dingle Irrigation Co. Conveyance Narrative for the Black Otter Irrigation Company Adjudication Claims

Dingle Irrigation Company acknowledges that it conveys water in its system for the Black Otter Irrigation Company. A copy of this document is also included in the Adjudication Claims for Dingle 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.

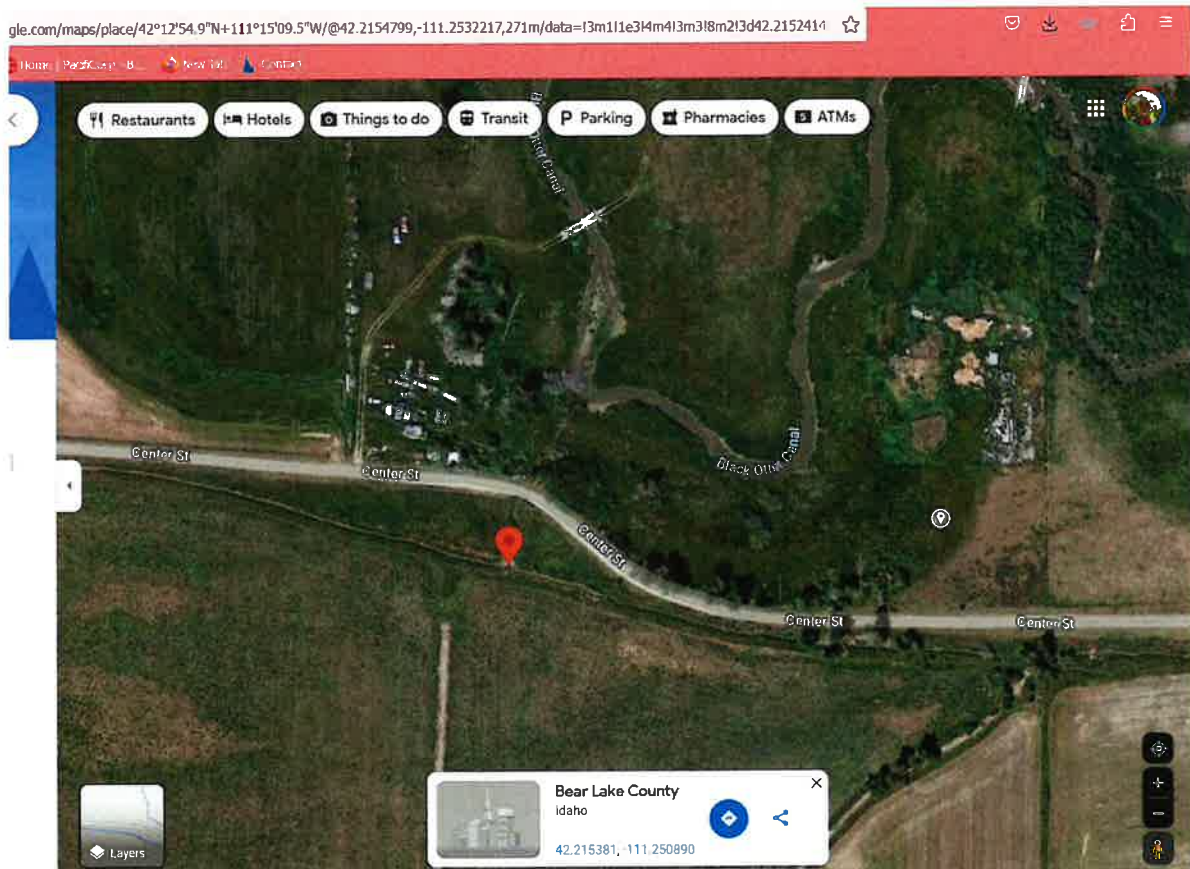
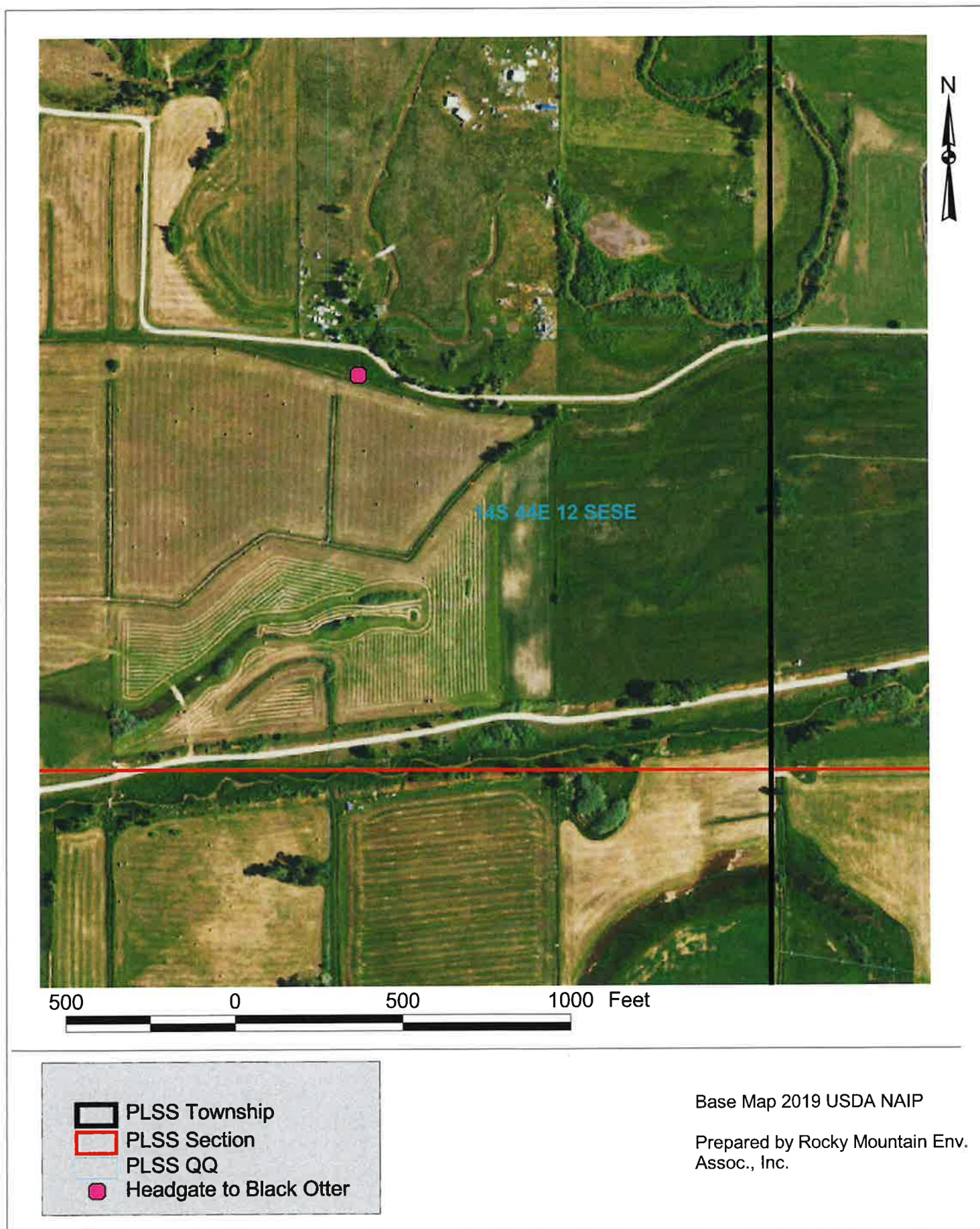


Figure 1. Screenshot of pin mapping headgate/spill location.

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



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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 8, 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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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 Luayke

Darrell Keltch

Arnold Mate

Seymour Lindsay

ATTEST:

A. D. Oakley
Secretary

DINGLE IRRIGATION COMPANY

Cecil Luayke

Wm. H. Lindsay

T. H. Spencer

Clifford J. Skinner

ATTEST:

A. D. Oakley
Secretary

A. D. Oakley

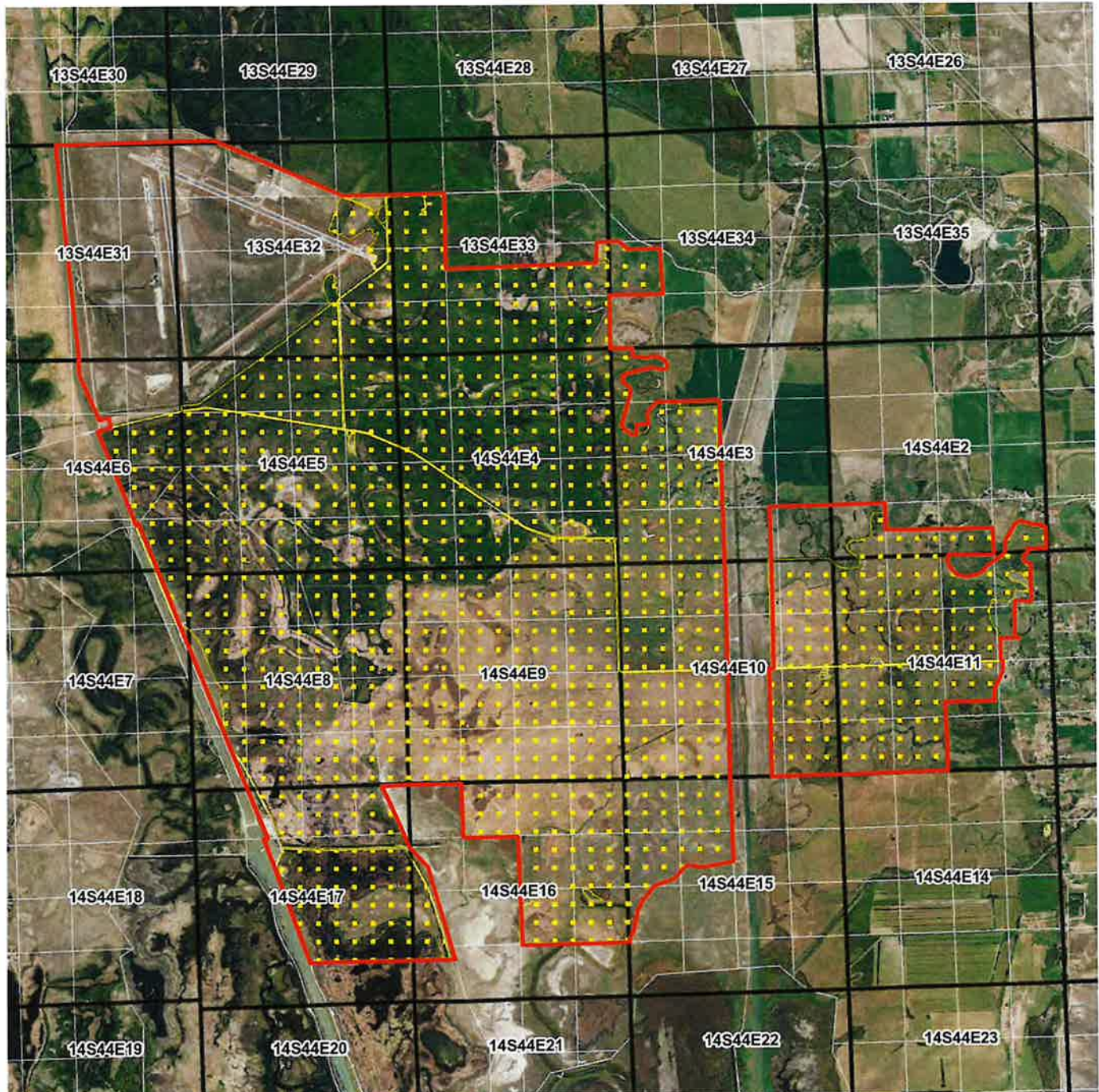
Attachment 4

Overview of Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



3,600 1,800 0 3,600 Feet



-  Service Area Boundary
-  Irrigated Acres
-  PLSS Sections
- QQ

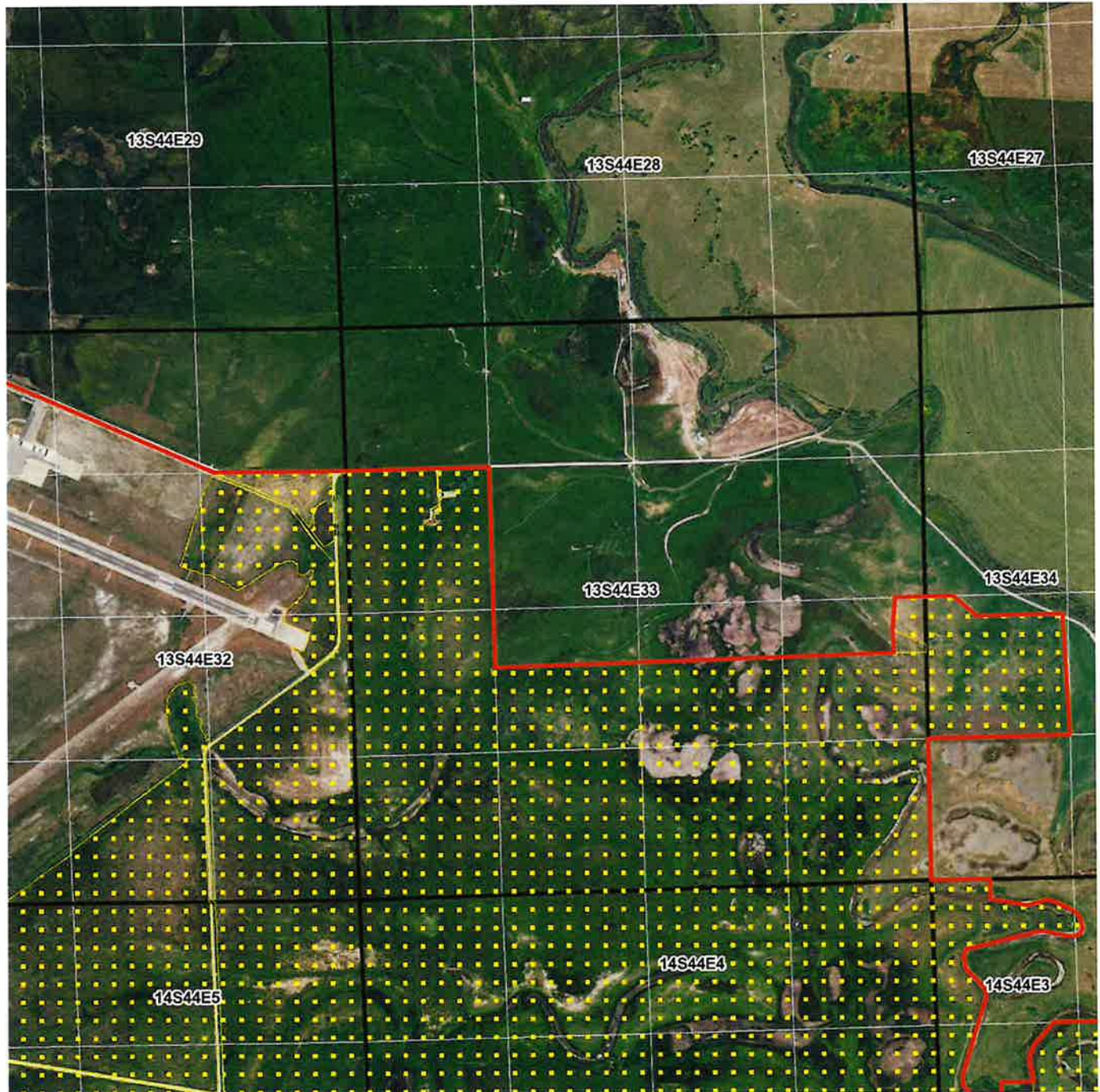


Detail Map 1 - Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



1,300 650 0 1,300 Feet



Date Created: 11/17/2023

- Service Area Boundary
- Irrigated Acres
- PLSS Sections
- QQ

Base Map: USDA NAIP 2021

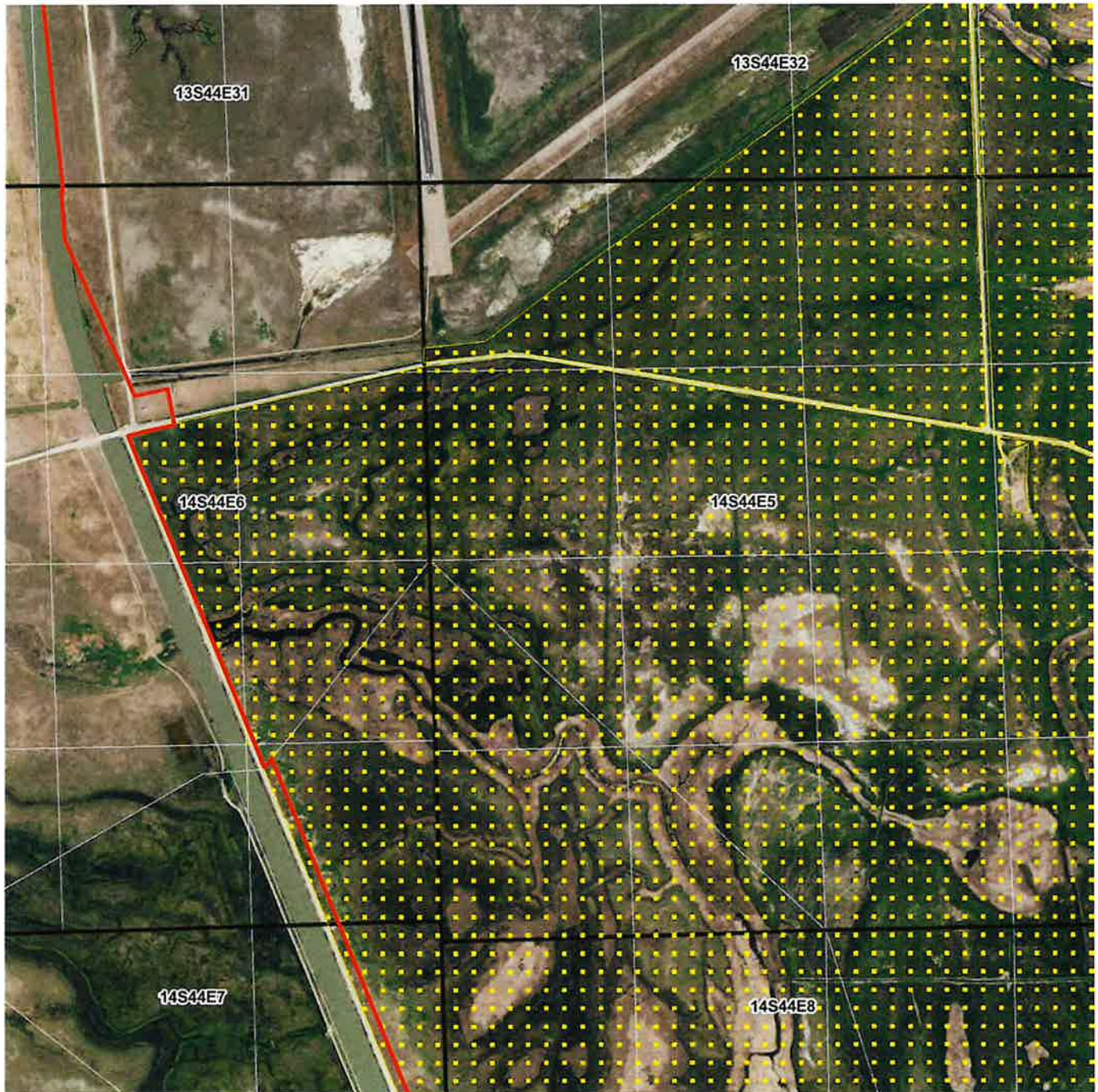


Detail Map 2 - Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



1,000 500 0 1,000 Feet

-  Service Area Boundary
-  Irrigated Acres
-  PLSS Sections
- QQ



Base Map: USDA NAIP 2021

Detail Map 3 - Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



1,000 500 0 1,000 Feet

-  Service Area Boundary
-  Irrigated Acres
-  PLSS Sections
- QQ

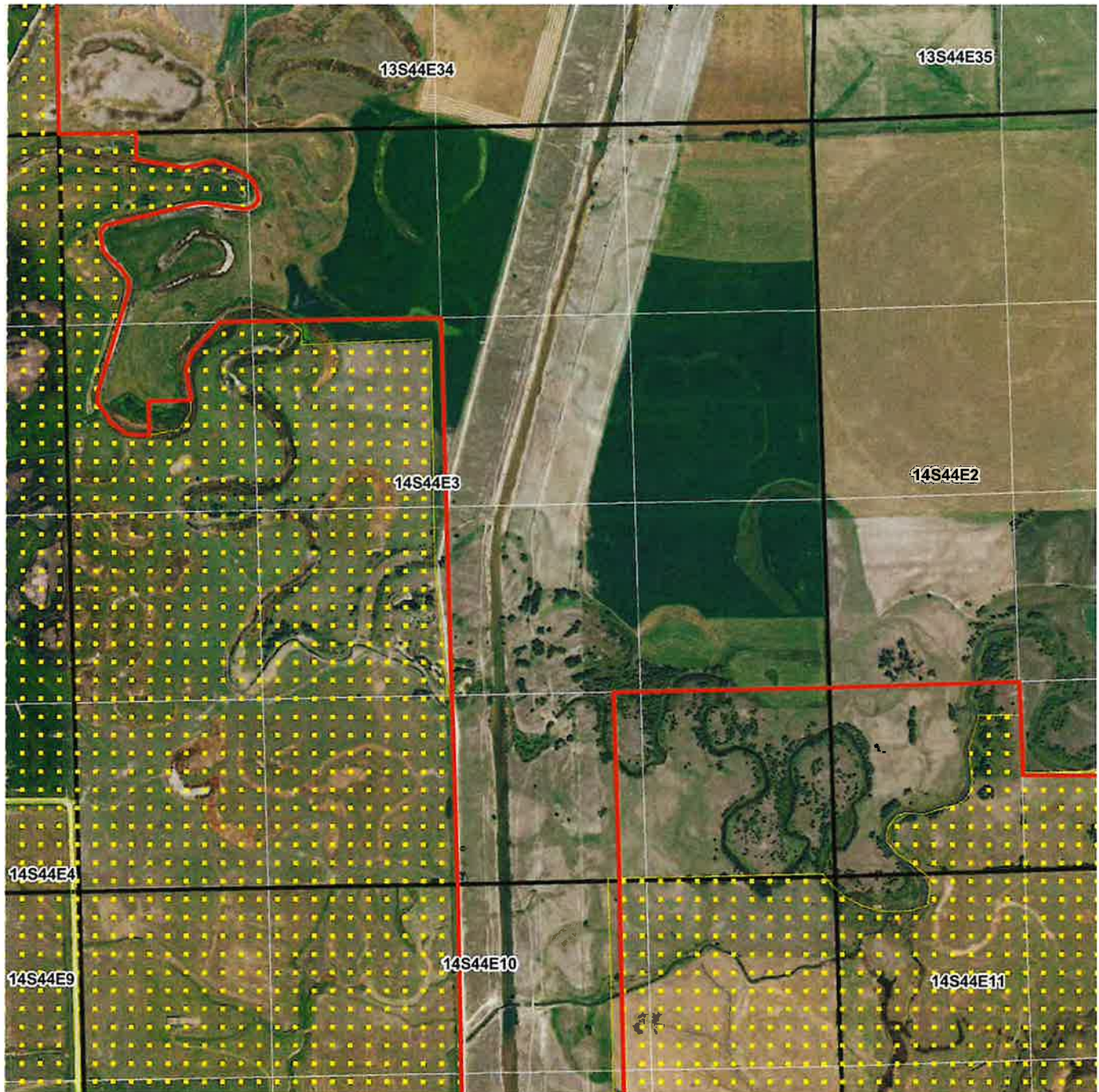


Detail Map 4 - Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



1,000 500 0 1,000 Feet



-  Service Area Boundary
-  Irrigated Acres
-  PLSS Sections
- QQ

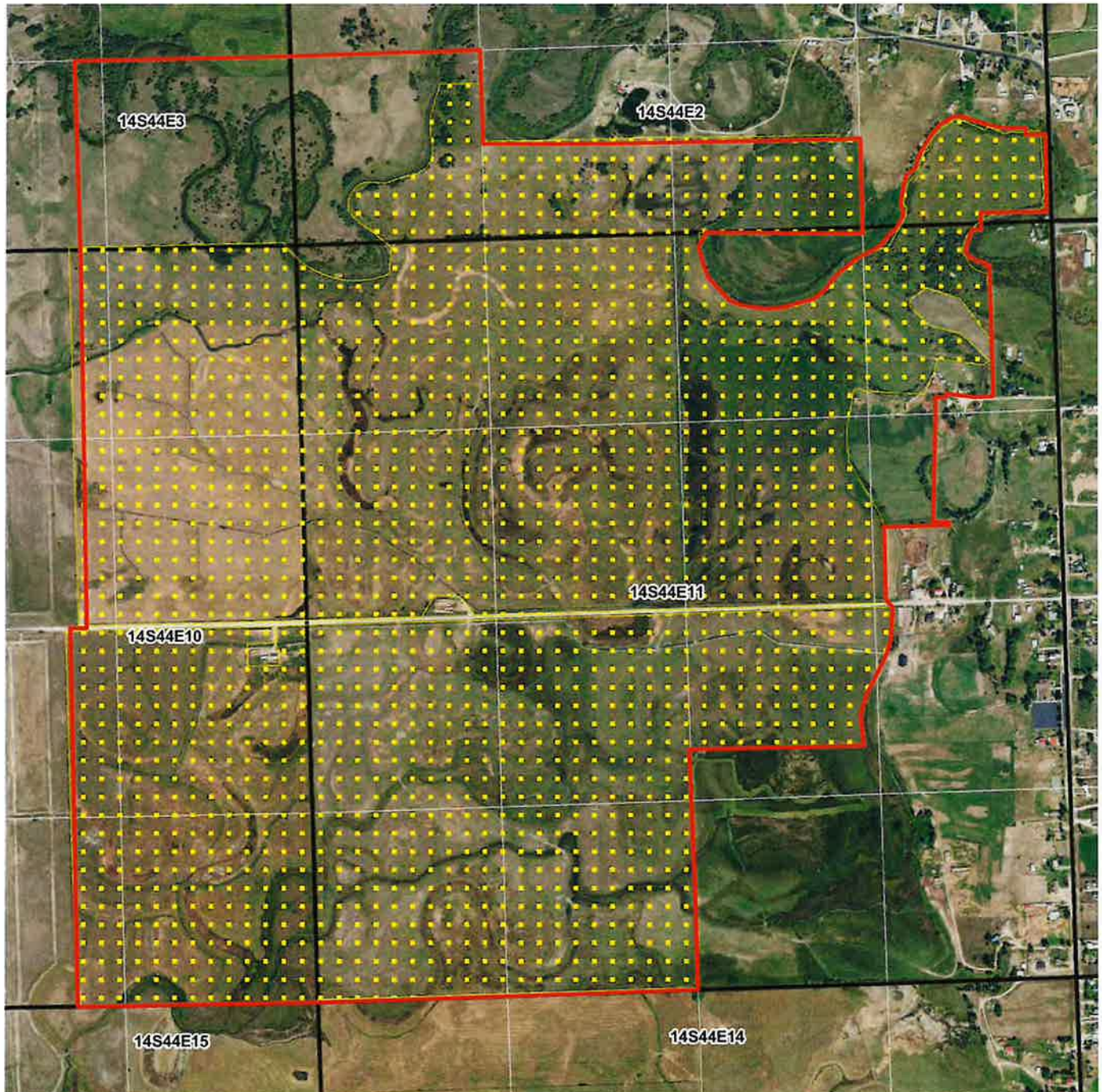


Detail Map 5 - Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



1,000 500 0 1,000 Feet

-  Service Area Boundary
-  Irrigated Acres
-  PLSS Sections
- QQ

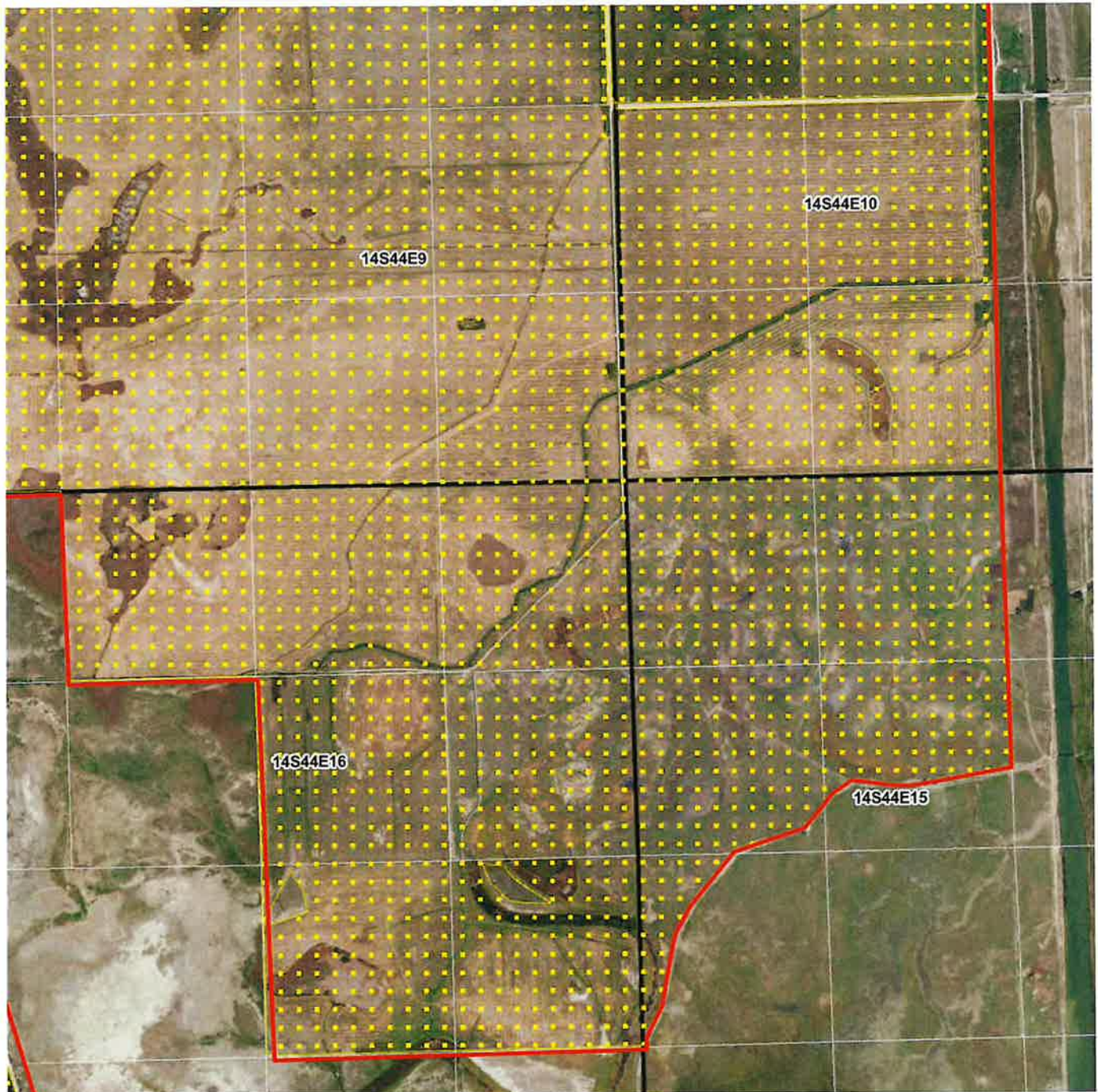


Detail Map 6 - Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



1,000 500 0 1,000 Feet

-  Service Area Boundary
-  Irrigated Acres
-  PLSS Sections
- QQ

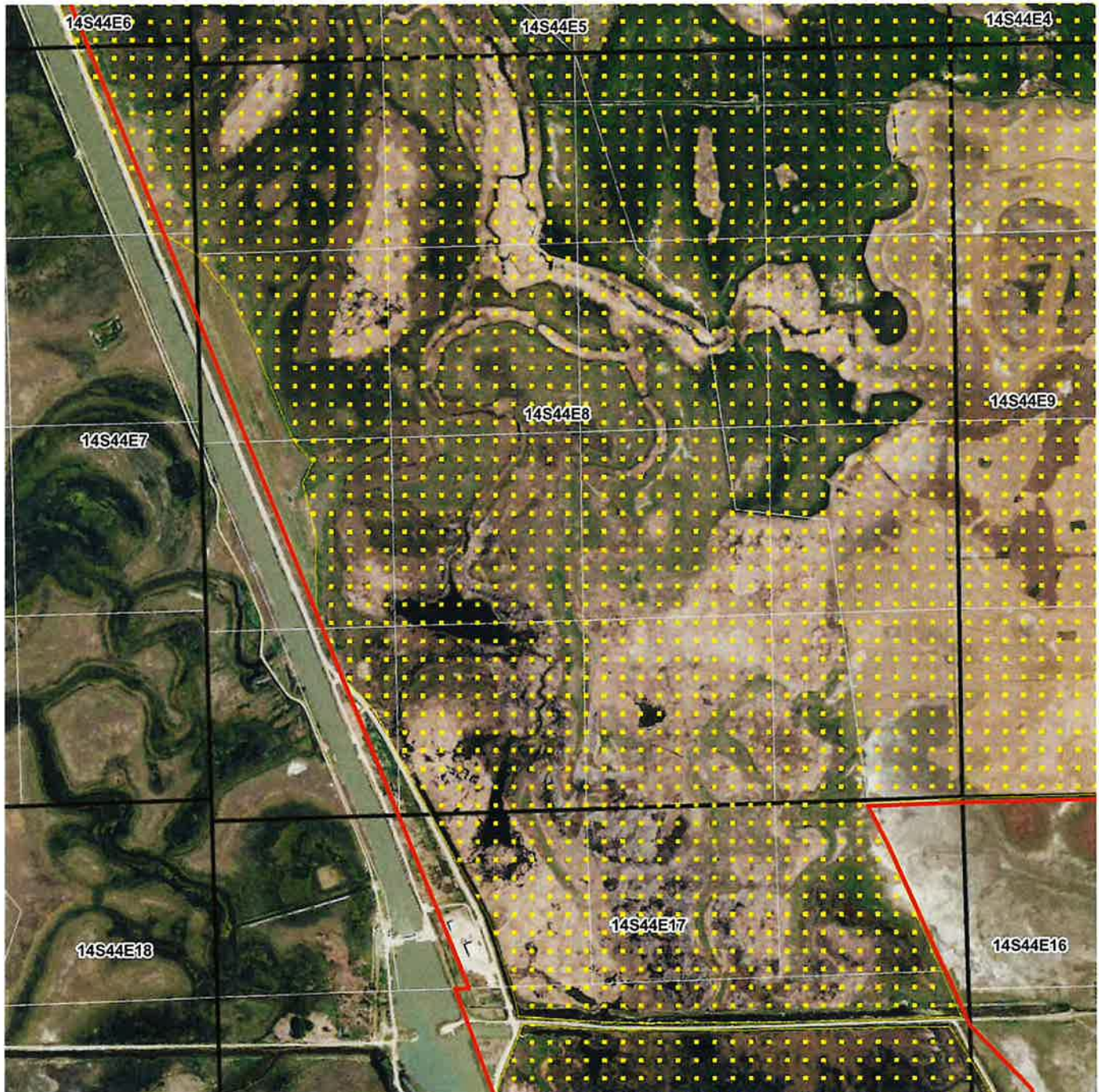


Detail Map 7 - Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



1,000 500 0 1,000 Feet

-  Service Area Boundary
-  Irrigated Acres
-  PLSS Sections
- QQ

Base Map: USDA NAIP 2021



Detail Map 8 - Irrigated Acres

Based on WR Number: 11-908 & Beneficial Use Claims

Claimant: Black Otter Irrigation Co.

Claim No: _____



1,000 500 0 1,000 Feet

- Service Area Boundary
- Irrigated Acres
- PLSS Sections
- QQ



Attachment 5

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

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a corporation; Grimmett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company, a
corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Pugnire Livestock & Land Company, a
corporation; Continental Life Insurance
Company, a corporation; Ole
Transtum; Carrie Hill; J.A.O. Nielson;
John A. Jensen; Oron Quayle; Thomas
Quayle; George Parker; Edw. LaRoche;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Myrum Esterholdt, and Joseph
Esterholdt,

Defendants

DECREE

This cause came on regularly for trial on the 4th
day of August, 1923, John A. Bagley, Esquire, and D. O. Kins,
Esquire, appearing as attorneys for the plaintiff Preston-Montpelier
Irrigation Company, a corporation, and John A. Bagley, Esquire, appearing
as attorney for Oron Quayle, Thomas Quayle, George Parker, Edw. LaRoche,
John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-
complainants; and D. O. Kins, Esquire, appearing as attorney for the
Continental Life Insurance Company, a corporation, Ole Transtum, Carry
Hill, J. A. O. Nielson and John A. Jensen, defendants and cross-complain-
ants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation
Company, a corporation, Peg Leg Island Irrigation Company, a corporation,
Grimmett Black Otter Irrigation Company, a corporation, and the Pugnire
Livestock & Land Company, a corporation, defendants and cross-complainants;
Ross W. Bates, Esquire, appearing as attorney for the Ream-Crockett Irriga-
tion Company, a corporation, defendants and cross-complainants; and Jesse P.
Rich, Esquire, appearing as attorney for the West Fork Irrigation Company,
a corporation, defendants and cross-complainants; and Darwin Haddock, Esquire,
appearing as attorney for Myrum Esterholdt and Joseph Esterholdt, defendants
and cross-complainants. Whereupon, the respective parties proceeded to
negotiate a settlement and adjustment of the issues raised by the complain-

HEAM-CROCKETT IRRIGATION COMPANY.

11 1890-1877- April 15th, what is designated in this decree as a "Meadow Right".
~~11 1890-1877- April 15th-July 1st, 30 cubic feet per second~~
~~11 1890-1877- July 1st - Sept. 30th, 20 cubic feet per second~~

11 1890-1884- April 15th, what is designated in this decree as an "Agricultural Right". 19.5 cubic feet per second.

11 1890-1885- April 15th, what is designated in this decree as an "Agricultural Right". 12.8 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch known as the Heam-Crockett ditch therefrom at a point located at or near South 81°17' East 3385 feet from the Northwest corner of Section 17, Township Fourteen South, Range Forty-five East of the Boise Meridian, to be used upon 2500 acres of land.

Situated in the following sub-divisions:

Section Fourteen (14) of Township fourteen south (14 S.) Range Forty-four east (44 E.) Boise Meridian.

Section twenty-three (23) of Township fourteen south (14 S.) Range forty-four east (44 E.) Boise Meridian.

The east one-half ($E\frac{1}{2}$); the southwest one-quarter ($SW\frac{1}{4}$); and the south one-half of the northwest one-quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$) of Section fifteen (15) all in Township fourteen south (14 S.) Range forty-four east (44 E.) Boise Meridian.

The east one-half ($E\frac{1}{2}$); the east one-half of the West one-half ($E\frac{1}{2}$ of $W\frac{1}{2}$); the east one-half of the East one-half of the southwest one-quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$), all in Section 26, of Township fourteen south (14 S.), Range forty-four east (44 E.), Boise Meridian.

Lots 1 (1), Two (2) and three (3) of Section thirty-five (35) of Township fourteen south (14 S.), Range forty-four east (44 E.) Boise Meridian.

The southeast one-quarter of the Northeast one-quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) of section sixteen (16) of township fourteen south (14 S.) Range forty-four east (44 E.) Boise Meridian.

Commencing at the northwest corner of section twenty-three (23) township fourteen south (14 S.), Range forty-four east (44 E.) Boise Meridian and running thence west eighty (80) rods, thence south two hundred forty (240) rods, thence east eighty (80) rods, thence south eighty (80) rods, thence east eighty (80) rods to the southwest corner of lot three (3) of said section twenty-three (23) thence north along the western boundary line of lots three (3), two (2) and one (1) and the northwest quarter of the northwest quarter of said section twenty-three (23) to point of beginning.

11 1890- GRIMMETT-BLACK OTTER IRRIGATION COMPANY.

11 1890-1877- April 15th, what is designated in this decree as a "Meadow Right".
~~11 1890-1877- April 15th - July 1st...133.5 cubic feet per second.~~
~~11 1890-1877- July 1st - September 30th .. 89 cubic feet per second.~~

All of said waters to be diverted from Bear River through the Black Otter Slough near the line between Sections Six and Seven, Township Fourteen South, Range Forty-four East of the Boise Meridian, and from said slough through two main ditches, one of which is known as the Grimmett Ditch; taken from said Slough in the Northwest Quarter of Section Eleven, Township Fourteen South Range Forty-four East of the Boise Meridian, and the other ditch taken from said Slough in the Northwest Quarter of Section Twelve, Township Fourteen South, Range Forty-four East of the Boise Meridian, and other smaller ditches and dams, said water to be used upon 4434.25 acres of land described as follows, to-wit:

Commencing at a point South 82°30' East 205 feet and South 8°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 southwesterly 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 the Northeast quarter) of the Southwest quarter of said Section 5; thence East 840 feet; thence North 3366 feet; thence West 660 feet; thence North 313.5 feet; thence West 1980 feet; thence North 280.5 feet; thence East 840 feet; thence South 354.75 feet; thence West 965 feet to place of beginning.

Also Lot 10 of Sec. 6 in Township 14 South, Range 44 East of Boise Meridian, containing 24.25 acres; and containing in all 458 acres, more or less.

Also commencing at the S. E. corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence South 68 rods; thence West 40 rods; thence South 22 rods; thence West 120 rods; thence North 61 rods; more or less, to Bird Slough; thence Easterly along said slough 94 rods, more or less, to intersection of subdivision line; thence East 65 rods, more or less, to place of beginning, containing 83 acres, more or less.

Also, beginning at the southeast corner of the Northwest quarter of the Southwest quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 60 rods, thence West 160 rods; thence South 60 rods; thence East 160 rods to place of beginning, containing 60 acres, more or less.

Also, commencing at the Northwest corner of the Southeast quarter of the Southwest quarter of Sec. 32 in Township 13 South, Range 44 East of Boise Meridian, and running thence South 16 rods to slough; thence Easterly along the meanderings of said slough 109 rods to a point where it intersects the subdivision line; thence West along said subdivision line 88 rods to the place of beginning, containing 4 acres and 64 square rods, more or less.

Also, the Southwest quarter of the Northwest quarter and West Half of the Southwest quarter of Sec. 32, and the Southeast quarter of the Southeast quarter of Sec. 31; all in Township 13 South, Range 44 East of Boise Meridian, containing 160 acres. *overlaps itself 39 acres*

Also Lot 6 in Sec. 5, Township 14 South, Range 44 East Boise Meridian, containing 20 acres; and Lot 1 in Sec. 8, Township 14 South, Range 44 East of Boise Meridian, containing 34 acres.

Also commencing 23 rods South from the Northwest corner of the Northeast quarter of the Northeast quarter of Section 8, Township 14 South, Range 44 East Boise meridian, thence South 57 rods; thence East 38 rods; thence North 57 rods; thence West 38 rods to the place of beginning, containing 13.5 acres, more or less.

Also beginning at a point 40 rods West of the Southwest corner of the Northwest quarter of the Northwest quarter of Section 9, Township 14 South, Range 44 East of Boise Meridian, and running thence South 28 rods; thence West to the West line of Lot 2 of Sec. 8 of said Township and Range; thence in a

Northwesterly direction following the West line of said Lot 2; to the Northwest corner of said Lot 2; thence East on Forty line to place of beginning.

Also, commencing at the Northeast corner of Lot 2, Section 5, Township 14 South, Range 44 East of Boise Meridian, and running thence South 36 rods; thence West 40 rods; thence North 36 rods; thence East 40 rods to place of beginning.

Also, commencing at the Southeast corner of the Southeast quarter of Section 52, Township 13 South, Range 44 East of Boise Meridian, and running thence North 4 chains; thence West 10 chains; thence South 10 chains; thence West 10 chains; thence South 4 chains; thence East 20 chains; thence North 10 chains to place of beginning, containing 18 acres, more or less.

Also commencing at a point 10 chains West and 4 chains North from the Southeast corner of the Southeast quarter of Sec. 32 Township 13 South, Range 44 East of Boise Meridian, and running thence North 10 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains to the place of beginning, containing 10 acres, more or less.

Also, commencing at the Southwest corner of Sec. 33, Township 13 South, Range 44 East Boise Meridian, and running thence North 64 rods; thence East 40 rods; thence South 164 rods; thence West 40 rods; thence North 40 rods to place of beginning, containing 86 acres,

overlap

Also, commencing at a point 10 chains South from the Southeast corner of the Southeast Quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence West 20 chains; thence South 10 chains; thence East 20 chains; thence North 10 chains to the place of beginning, containing 20 acres, more or less. Also commencing at a point 10 chains West from the Southeast corner of Section 32, Township 13, South, Range 44 East of Boise Meridian, and running thence North 4 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains; thence North 6 chains to place of beginning, containing 10 acres, more or less.

Also, commencing at a point 4 chains North from the Southeast corner of the Southeast Quarter of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 20 chains; thence West 10 chains; thence South 20 chains; thence East 10 chains to place of beginning, containing 20 acres. Also, commencing at a point 24 chains North from the Southeast corner of the Southeast Quarter of Section 32, Township 13 South, Range 44 East of Boise Meridian, and running thence North 10 chains; thence West 10 chains; thence South 10 chains; thence East 10 chains to place of beginning, containing 10 acres. Also commencing at a point 10 chains West and 15 chains and 50 links South from the Northeast corner of the Southeast Quarter of Sec. 32, Township 13 South, Range 44 East of Boise Meridian, and running thence West 10 chains; thence South 10 chains; thence East 10 chains; thence North 10 chains to place of beginning, containing 10 acres.

Commencing at the Southeast corner of the Northeast Quarter of Sec. 4, Township 14 South, Range 44 East of Boise Meridian, and running thence North 30 rods; thence East $17\frac{1}{2}$ rods to center of Black Otter Slough; thence North and East following the windings of said Slough for a distance of 180 rods, more or less; thence North 6 rods; thence following the windings of said Slough West a distance of 70 rods; thence North 21 rods to township line; thence West on said line 70 rods and 3 feet, more or less, to William Quayle's line; thence South 45 rods; thence West 231 rods; to West line of said Section 4; thence South 115 rods to quarter corner; thence East 320 rods to place of commencement, containing 270 acres, more or less. Also, beginning at a point 40 rods North of the Northeast corner of the Southeast Quarter of Sec. 31, Township 13 South, Range 44 East of Boise Meridian, and running thence West 160 rods; thence South 80 rods; thence East 85 rods; thence South 40 rods; thence East 95 rods; thence North 120 rods to place of beginning, containing $103\frac{3}{4}$ acres, more and except therefrom a strip containing 7.72 acres from said above tract sold to Bear River Water Company, and for a particular description of said strip reference is made to page 625 of Deed Book 6, records of Bear Lake County, Idaho.

Also, commencing at a point in the center of a deep slough 80 chains East along quarter section line and 3 chains and 90 links South along eight section line from the Northwest corner of the NE $\frac{1}{4}$ of Section 33 Township 13 South, Range 44 East of Boise Meridian, and running thence South along eight section line 61 chains and 10 links; thence West along eighth section line 4 chains and 83 links; thence North 34 minutes East 49 chains and 50 links; thence along center of said slough 4 chains and 33 links to the place of beginning, containing 23 acres and 5 square rods. Also, commencing at the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, Township 13 South, Range 44 East of Boise Meridian, and running thence East 36 rods; thence North 180 rods to Peg Leg Slough; thence Westerly along said Slough 55 rods, more or less, to half quarter government line; thence South along said line 194 rods to place of beginning, containing 43 acres.

Also, the Southeast Quarter of the Northeast Quarter and Lots numbered two, three and four of Sec. 8 and Lot numbered one of section seventeen, Township 14 South, Range 44 East, B. M., 127.05 acres.

Also, the East half of the Northeast quarter, and the Northeast quarter of the Southeast quarter of Sec. 33, and the Northwest quarter of the Southwest quarter of Sec. 34, all in Township 13 South, Range 44 East of Boise Meridian, containing 180 acres, excepting therefrom the following tract, to-wit: (Commencing at the Southwest corner of the Northeast quarter of the Southeast quarter of Sec. 33 in Township 13 South, Range 44 East of Boise Meridian, and running thence East 36 rods; thence North 180 rods to Peg Leg Slough; thence Westerly along said slough 55 rods, more or less, to half quarter government line; thence South along said line 194 rods to the place of beginning, containing 43 acres, more or less. Repeated item)

Also, beginning at a point on the East boundary line of the Utah Power & Light Company's canal right-of-way, and on the South boundary line of Township 13 South, Range 44 East of Boise Meridian, which point is South 68°30' East 456.4 feet from the South corner of Sec. 31, Twp. 13 South R. 44 E. B. M., thence S. 4°28' East 188.7 feet to a point of curve; thence on a 2903' curve to the left, for a distance of 188 feet to a point $21\frac{1}{2}$ rods South of Township line; thence

Error in land description
 as given on section
 land.

East 840 feet, more or less, to local line; thence North 1674 feet; thence West 240 feet, more or less, to local corner; thence North 860 feet; thence West 800 feet, more or less, to east line of said right-of-way; thence South 4°28' East along said right-of-way 1991 feet to point of beginning, containing 46.75 acres, more or less.

Also, beginning at quarter section corner between sections 5 and 8 in Township 14 South, Range 44 East Boise Meridian, and running thence East 1320 feet; thence South 379½ feet to a ditch; thence East along said ditch 585 feet to a corner of fence; thence North 8°15' West 1715 feet to corner of fence; thence West 1559 feet; thence South 1380 feet to point of beginning, which is a quarter corner between said sections 5 and 8, containing 58 acres, more or less.

Also, the Northwest quarter of Sec. 11 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also commencing at the Northwest quarter of the Southwest quarter of Sec. 11 in Township 14 South, Range 44 East of Boise Meridian, and running thence East 120 rods; thence South 160 rods; thence West 120 rods; thence North 160 rods to place of beginning, containing 120 acres.

Also the South half of the Southeast quarter and the South half of the Southwest quarter of Sec. 3, in Township 14 South, Range 44 East of Boise Meridian, Bear Lake County, Idaho, containing 160 acres, excepting therefrom 40 acres heretofore deeded to the Utah Power & Light Company. Also the North half of the Northwest quarter of Sec. 10, in Township 14 South, Range 44 East of Boise Meridian, containing 80 acres.

Also commencing at a point 35 rods South from the Northeast corner of the Southeast quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, running thence South 25 rods; thence East 320 rods; thence North 25 rods; thence East 320 rods to the place of beginning, containing 50 acres.

Also, the South half of the Northwest quarter and the South half of the Northwest quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, the Northeast quarter of the Northeast quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, containing 40 acres.

Also the Northwest quarter of the Northeast quarter of Sec. 9 in Township 14 South, Range 44 East of Boise Meridian, containing 40 acres.

Also the Northeast quarter of Sec. 10 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres, excepting therefrom 60 acres heretofore deeded to the Utah Power & Light Company.

Also the Southeast quarter of Section 10 in Township 14 South, Range 44 East of Boise Meridian, containing 160 acres.

Also, commencing at a point 23 rods South from the Northeast corner of the Northwest quarter of Sec. 9, Township 14 South, Range 44 East of Boise Meridian, and running thence West 208 rods; thence South 57 rods; thence East 2 rods; thence South 55 rods; thence East 40 rods; thence North 55 rods; thence East 160 rods; thence North 57 rods to place of beginning, containing 85 acres, more or less.

Also, Commencing at the Northeast corner of the Southwest quarter of Sec. 11, Township 14 South, Range 44 East of Boise Meridian, U. S. Survey, in Idaho, running thence West 40 rods; thence South 160 rods; thence East 40 rods; thence North 160 rods to place of beginning, containing 40 acres.

Also, the Southwest quarter of Sec. 10, Township 14 South, Range 44 East Boise Meridian, containing 160 acres.

Also, Lot 1, the SE¼ of the SE¼ of Sec. 4, Tp. 14 S., R. 44 E. B. M., containing 80 acres; also Lot 2, Commencing at the NW corner of Sec. 9, Tp. 14 S., R. 44 E. B. M., running thence E. 160 rods; thence S. 23 rods; thence W. 160 rods; thence N. 23 rods to place of beginning, containing 23 acres. Also, Lot 3, Commencing at the SE corner of the NE¼ of the SE¼ of Sec. 4, Tp. 14 South, R. 44 E. B. M., running thence West 80 rods; thence N. 20 rods; thence E. 80 rods; thence S. 20 rods to place of beginning, 10 acres.

Also, Lot 4, Commencing at the NE of the SE¼ of the SE¼ of Sec. 5, Tp. 14 S., R. 44 E. B. M., running thence West 45 rods; thence S. 103 rods; thence E. 45 rods; thence N. 103 rods to place of beginning, 29 acres.

Also, Commencing at the NW corner of the NE¼ of Sec. 16, Tp. 14 S. R. 44 E. B. M., run thence S. 78 rods; thence E. 80 rods; thence N. 78 rods; thence W. 80 rods to place of beginning, containing 39 acres.

on own land

enclosed

Also, commencing at the SE corner of Sec. 9, Tp. 14 S., R. 44 E. B. M., and running thence N. 50 rods; thence W. 160 rods; thence S. 50 rods; thence E. 160 rods to place of beginning, containing 80 acres.

Also, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 16, Twp. 14 S. R. 44 E. B. M., containing 80 acres.

Also, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 5, Tp. 14 S., R. 44 E. B. M., containing 40 acres; also commencing at the SE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 3, Tp. 14 S., R. 44 E. B. M. and running thence N. 7 $\frac{1}{2}$ chains; thence in a Northwesterly direction 10 chains; following the meanderings of the Black Otter Slough, thence in a northeasterly direction, following the meanderings of said Slough, 6 chains; thence West across said Slough 3 $\frac{1}{2}$ chains; thence following the meanderings of said Slough, first in a Southwesterly direction and then in a Southeasterly direction, 9 $\frac{1}{2}$ chains; thence W. 4 $\frac{1}{2}$ chains; thence S. 7 $\frac{1}{2}$ chains; thence E. 80 rods to place of beginning, containing 20 acres.

Also, commencing at the SW corner of the SW $\frac{1}{4}$ of Sec. 9, Tp. 14 S. R. 44 E. B. M., running thence N. 50 rods; thence E. 160 rods; thence S. 50 rods; thence W. 160 rods to the place of beginning, containing 50 acres.

Also, commencing at a point 40 rods N. from the NE corner of Sec. 9, Tp. 14 S. R. 44 E. B. M., thence N. 120 rods; thence W. 240 rods; thence S. 60 rods; thence E. 80 rods; thence S. 60 rods; thence E. 160 rods to place of beginning, containing 150 acres, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 5. Also, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 4, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 5, Tp. 14 S. R. 44 E. B. M., containing 120 acres.

Also, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16 Tp. 14 S. R. 44 E. B. M., containing 40 acres.

Also the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16, Tp. 14 S. R. 44 E. B. M., containing 80 acres.

Also, commencing at the NW corner of the SE $\frac{1}{4}$ of Sec. 11, Tp. 14 S. R. 44 E. B. M., running thence S. 34 rods; thence 40 rods; thence N. 34 rods; thence W. 40 rods to the place of beginning, containing 8 $\frac{1}{2}$ acres.

Also, the NW $\frac{1}{4}$ of Sec. 10, Tp. 14 S. R. 44 E. B. M., containing 160 acres.

Also, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 9, Tp. 14 S. R. 44 E. B. M., containing 160 acres.

Also, Commence at a point 60 rods North of the SW corner of Sec. 9, Tp. 14 S., R. 44 E. B. M., and running thence E. 320 rods; thence N. 20 rods; thence W. 320 rods; thence E. 20 rods to the place of beginning, containing 40 acres.

Also the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and lots numbered 2, 3 and 4 of Sec. 8, and the lot numbered 1 of Sec. 17, Tp. 14 S. R. 44 E. B. M. 127 acres.

Also, commencing at the SW corner of the NE $\frac{1}{4}$ of Sec. 11, Tp. 14 S. R. 44 E. B. M., and running thence N. 160 rods; thence E. 12 rods; to the thread of the stream of the Black Otter Slough; thence following the windings of the Black Otter Slough a distance of 40 rods in a southeasterly direction; thence 79 rods in a northeasterly direction to the northern section line of said section 11; thence along said line to the thread of said Black Otter Slough; thence following the windings of said Slough in a Southeasterly direction a distance of 25 rods; thence S. 53 rods; thence W. 5 rods; thence Southeast 12 rods and six links; thence S. 34 rods; thence W. 53 rods; thence S. 33 rods; thence W. 84 rods to the place of beginning, containing 121 acres, more or less.

Also, commencing at a point 40 rods E. 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. 180 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 NE corner of Sec. 4, Tp. 14 S., R. 44 E. B. M., and running thence S. 11 $\frac{1}{2}$ chains; thence W. 30 $\frac{1}{2}$ chains; more or less, to half section line; thence N. 11 $\frac{1}{2}$ chains; thence E. 30 $\frac{1}{2}$ chains, more or less, to place of beginning, containing 3 $\frac{1}{2}$ 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 fourteen south of 44 east of the Boise Meridian in Idaho containing 160 acres and 19/100 of an acre.

the 80 ac
out of -
prebuilt
disclosed

55
acres
entire
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a 1/2 sec
repeated
77 m

about
25 acres
entire
on 91-1

Boise
meridian
- line

(92
acres)

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East of the Boise Meridian, to be used on 260 acres of land, described as follows, to-wit:

GEORGE A. SPARKS:

90-2 (Sloyd ditch)

11 1897- May 1st, What is designated in this decree as an "Agricultural Right". 3 cubic feet per second.

~~All of said water to be diverted from Bear River at a point described as follows, and~~

~~S. 23, E. 45, Section 23, Township 14 South, Range 45 East Boise Meridian in Bear Lake County, State of Idaho.~~

~~and to be used on 160 acres of land described as follows, to-wit:~~

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast corner of the South East Quarter of Section 23, Township 14 South, Range 45 East, of the Boise Meridian, to be used on 160 acres of land, described as follows, to-wit:

S. 23, E. 45, Section 23; and, S. 26, E. 45, Section 26, Township 14 South, Range 45 East, B.M., in Bear Lake County, State of Idaho, containing 160 acres.

JOHN G. MILLER:

84-2

11 1877- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st 4.5 cubic feet per second
July 1st - September 30th 3.0 cubic feet per second.

11 1880- April 15th, What is designated in this decree to be a "Meadow Right".

April 15th - July 1st 4.5 cubic feet per second.
July 1st - September 30th 3.0 cubic feet per second.

11 1885- April 15th, What is designated in this decree to be an "Agricultural Right". 3.6 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards East from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 480 acres of land described as follows:

E. 1/2, N. 1/2, S. 1/2, and S. 1/2, Section 31, Township 14 South, Range 45 East Boise Meridian.

And E. 1/2, Section 36, Township 14 South, Range 45 East B. M., all in Bear Lake County, State of Idaho.

11 1895- IT IS FURTHER ORDERED, ADJUDGED AND DECREED That there shall be allowed to pass by the Wardboro Dam in Bear River five cubic feet per second of water at all times for the use of the West Fork Irrigation Company for culinary and domestic purposes; and it is further understood and agreed that said West Fork Irrigation Company is to have a riparian right, inferior to the irrigation rights herein decreed, for forty cubic feet per second of water to be run through the canal at all times during the year except when needed for irrigation purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That all of the above described lands are arid in character and require irrigation for their proper cultivation and for the profitable raising of crops thereon, and that the duty of water shall be fixed and determined at one and one-half (1 1/2) miners inches per acre of water from April 15th to July 1st of each year, and at one (1)

NOTE
date to be
after Dodge
conveys a
long ditch
about 1/2
mile to
near Soda
Springs.

and from
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from the
land

miners inch per acre from July 1st to September 30th of each year for the lands designated as meadow lands, and for the lands designated as agricultural lands, it is agreed that the duty shall be one miners inch per acre through the irrigation season, except that it ~~is~~ ^{adjudged & decreed} stipulated that 500 acres of agricultural lands under the canal of the Dingle Irrigation Company and 400 acres of agricultural lands under the Preston-Montpelier Irrigation Company's Canal, and 400 acres of land under the Ream-Crockett Ditch have a gravelly sub-soil and require one and one-fourth (1 $\frac{1}{4}$) miners inches per acre for their proper irrigation, which amount is to be decreed to said lands; it being further decreed that if within five years it is determined that said gravelly land does not need 1 $\frac{1}{4}$ miners inches per acre the same shall be reduced which in no event shall it be reduced ^{so as} /to give it less than one (1) miners inch per acre to such land, the Court retaining jurisdiction of this cause for said purpose.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the lands herein classified as meadow lands or rights are understood to mean those lands along Bear River producing what is commonly called "wild hay" or "natural meadow grass", which lands must be flooded in order to produce crops, the water running over said lands and back into Bear River, which said meadow lands shall be subject to rights hereinafter specified in this decree.

The agricultural lands or rights as herein classified are intended to mean those lands which have been cultivated and irrigated for the production of crops. The acreage of said agricultural lands are hereby decreed and designated as follows: Preston-Montpelier Irrigation Company, 2200 acres; Dingle Irrigation Company, 1721 acres; Peg Leg Irrigation Company, 866.5 acres; Ream-Crockett Irrigation Company, 861 acres; Kent-LaRocca Ditch, 365 acres; It being adjudged and decreed that this is the number of acres designated as agricultural lands under this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That if at any time between the 17th day of June and the 4th day of July of any year there shall not be sufficient water in Bear River to supply the above designated agricultural lands consisting of 6012.25 acres, then and in that event, there shall be taken from the lands or rights herein designated as meadow rights pro rata a sufficient amount of water ^{said} so that 6012.25 acres of agricultural land shall receive 75 per cent of the full amount of water herein decreed to said agricultural lands, and if after July 4th of any year there is not sufficient water in Bear River to supply said 6012.25 acres with the full amount of their decreed water right, then, and in that event, there shall be taken from the said meadow lands or rights a sufficient amount of water

to supply said 6012.25 acres of said agricultural lands to the full extent of their decreed rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED; That the Court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of five years from the date hereof for the purpose of correcting said decree if it shall be made to appear to the court that there are errors in the description or amounts of land to which water has been decreed under this decree

IT IS FURTHER ORDERED, ADJUDGED AND DECREED , That each party pay his own costs herein.

Dated this 7th day of March, 1924.

ROBERT M. TERRELL

District Judge.

STATE OF IDAHO

COUNTY OF BEAR LAKE

I, J. S. Peterson, Clerk of the District Court of the Fifth Judicial District of Idaho, in and for Bear Lake County, do hereby certify that the within and foregoing is a full and true copy of the original Water Decree in the case of Preston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al duly filed in my office on the 7th day of March, 1924.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 8th day of July, 1924.

(SEAL)

J. S. PETERSON

Clerk

Attachment 6

Affidavit of Black Otter Irrigation Patrons

This affidavit of the Black Otter Irrigation patrons describes the current and historical irrigation practice within the Black Otter Irrigation Company in the Dingle, Idaho area. The irrigated lands are mostly pasture lands in the bottoms and meadow hay, and for the most part, irrigation of an individual parcel depends on the irrigation done by other patrons. Some of the water moves overland, or in natural sloughs, but it is only available to be carried this way because it was diverted through the Black Otter and applied by Black Otter patrons.

When one parcel is irrigated, the water runs across and fills up sloughs that carry the water to the next patron. In places, cross-dikes control the movement of water. Culverts are used to carry water under roads, and boards can be used to control flow through culverts. There are headgates in some of the ditches, that also are used to control the flow.

When supplies are low, patrons take turns so all the water is used in one area and then when that area is watered, the Black Otter water is sent to another area so there is enough flow to water that area properly. Water is alternated between the North Ditch and the South Ditch unless there is abundance to run both ditches.

Because of this practice, on aerial photos our irrigated lands don't look like lands irrigated with other methods.

The attached map "Dingle Irrigation South" shows how water moves in the south part of the Company. All water for the west side of the Rainbow Canal crosses the Rainbow at a flume marked with a heavy red line.

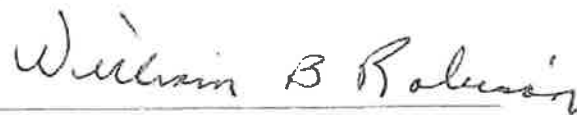
Red lines are approximately where ditches are, and blue lines show overland flow and flow in sloughs. When Bunderson waters at #1 water moves west into Robison at #2. Water keeps moving west to irrigate the Refuge at 3, then water moves north and northwest to irrigate other District lands. The same thing applies to other sets of numbers and blue lines.

The attached map titled "Master Map" has hand-written notes in red. The Black Otter Ditch flowing north is shown approximately to the location "H" which is the last headgate on the north of the Black Otter. From there water moves west overland and through ranches, filling sloughs until there is enough water to irrigate the airport ground. Water can move south from the airport to the Refuge, controlled by a culvert and a structure as marked in the Payne affidavit. In the "Master Map" is an east-west road. Flow under the road can be blocked to back up water to irrigate north of the road. Culverts can be opened to let water flow south to the Nate property. This is further explained in the Lloyd and Nate affidavits. Then with overland flow, through sloughs and a few small ditches, water moves from Lloyd and Nate south and west into the Refuge.

Signatures of patrons, March 22, 2023

Group A





Digman State
Long Ridge
Box 2000 Bl. County

Wynan C Walcott
Box 2000
Bl. County

Mike D.

State of Idaho
County of Bear Lake

This affidavit was signed before me by the above "Group A" patrons on March 22, 2023.



Bryce A. Contor
Notary Signature

Commission Expires

Group B

Mark Ipse
Dennis Hornith
Mark Smith
Tracy J. J.
Doreen K. Longford

Bryce A. Contor

State of Idaho
County of Bear Lake

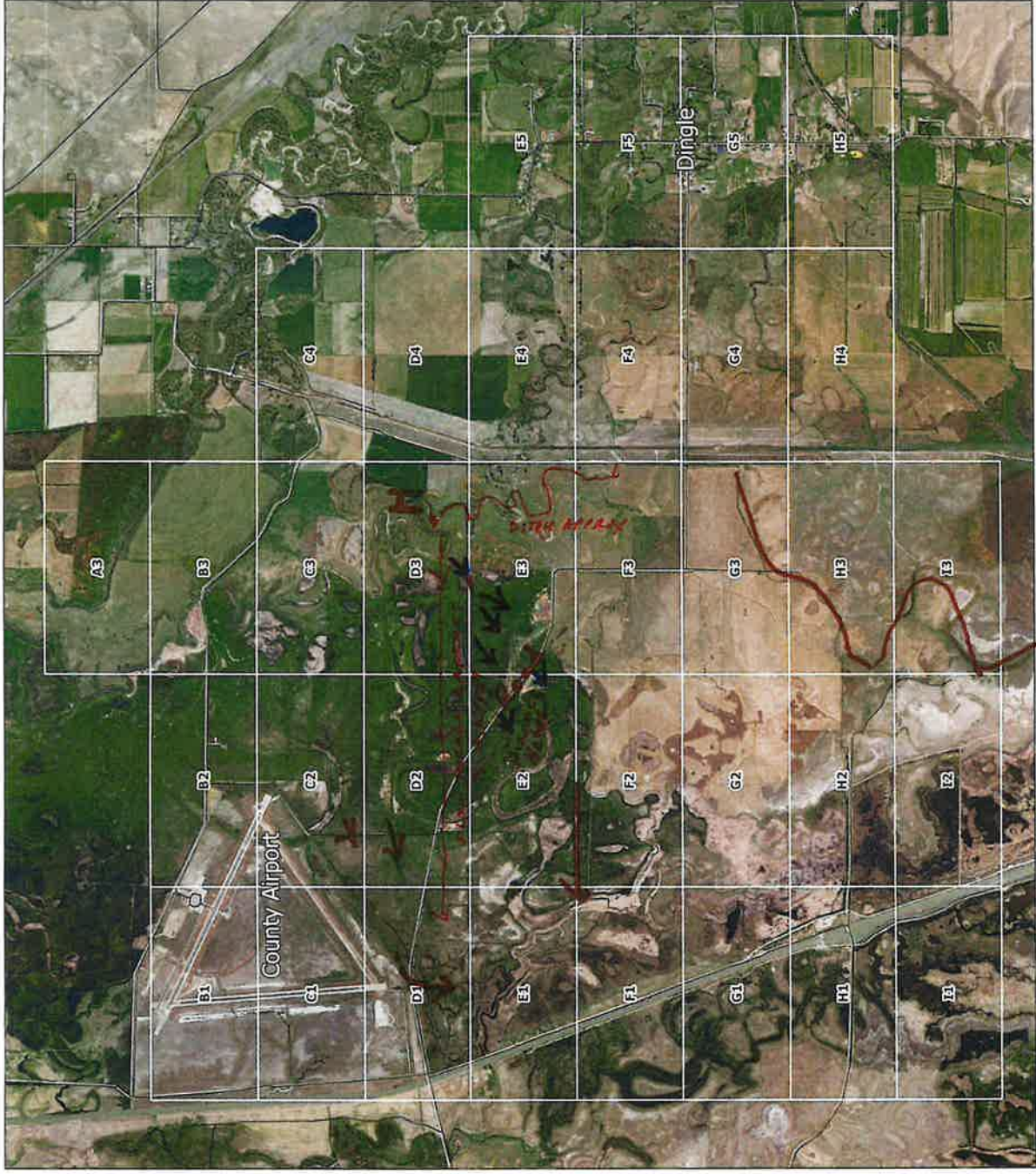
This affidavit was signed before me by the above "Group B" patrons on March 22, 2023.



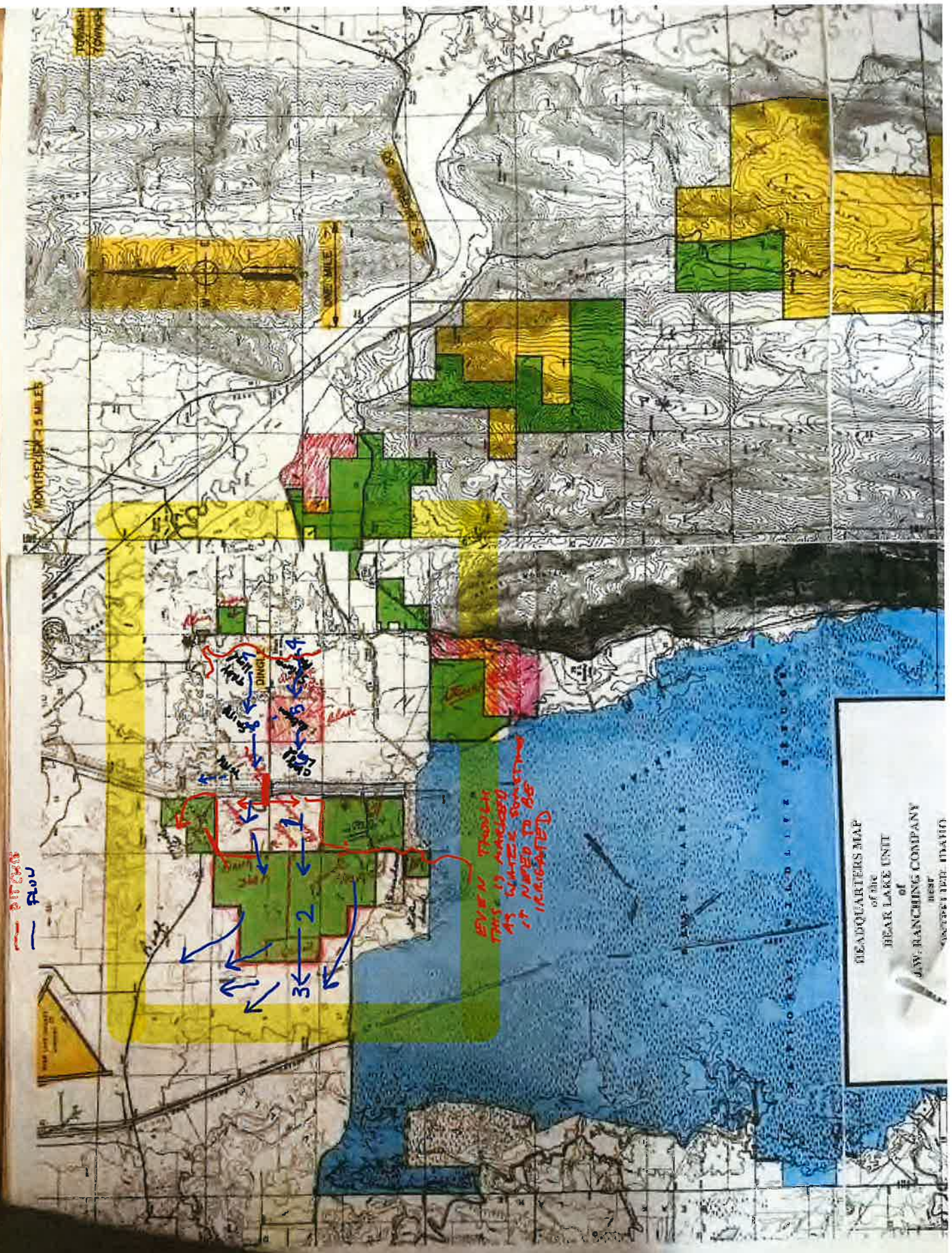
Bryce A. Contor
Notary Signature
1/29/2027
Commission Expires

Master Map

Grimmett Black Otter Irrigation Co



DINOSAUR MIGRATION ROUTE



Attachment 7

Affidavit of Dianne Nate
for Irrigation in Grimmett Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Dianne Nate. I am 74 years old and I have been acquainted with the irrigation I have marked on the attached map since 2000. I know about this irrigation because I married my husband Fred Nate in 2000 and this was his families ranch. I've helped him irrigate the property since we were married until 2021 when he passed.

The attached map is titled Grimmett Black Otter Irrigation Co. Page(s) D2, E2, F2. The handwritten marks and notations are mine, and I have initialed the map in the top of page. These identified acres receive water via the Grimmett Black Otter Irrigation Co.

Areas marked in red I irrigated myself ~~or~~ or witnessed irrigated by my husband 2003-2021
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because-

- a. ~~water was not available, but the irrigation system was in place and maintained.~~
- b. ~~these acres were taken out of production due to a recent change in land use.~~

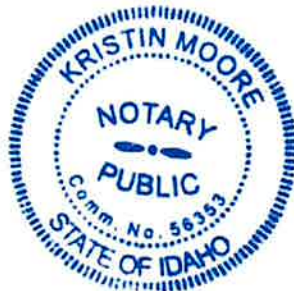
c.
The Black Otter runs year round and I water stock from the ditch from Sep - June.
Water comes in from the northeast corner and floods west and south
till it hits the county road and it backs up and floods the whole property on NE.
Once this happens, water is released through culverts onto my property and it floods it entirely.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Dianne Nate
(name)

3-22-23
(date)

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

This document was acknowledged before me by Dianne Nate
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of Rex L. Payne
for Irrigation in Grimmatt Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Rex L. Payne. I am 72 years old and I have been acquainted with the irrigation I have marked on the attached map since 2015. I know about this irrigation because I have been a Bear Lake County Commissioner for 8 1/2 yrs and have been assigned to the B.L. County Airport properties and operations.

The attached map is titled Grimmatt Black Otter Irrigation Co. Page(s) B2, C1, C2, D1, D2. The handwritten marks and notations are mine, and I have initialed the map in the top of page. These identified acres receive water via the Grimmatt Black Otter Irrigation Co.

Areas marked in Blue ~~irrigated myself~~ operated Leeson irrigated property
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- _____ a. water was not available, but the irrigation system was in place and maintained.
- _____ b. these acres were taken out of production due to a recent change in land use.
- _____ c. property A is irrigated by opening

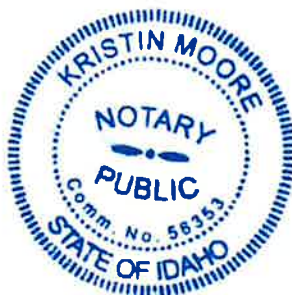
head gate and flooding property. Property B can be watered from both West Fork and from Black Otter. Property C is sub irrigated from its uses.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Rex L. Payne
(name)

3/22/23
(date)

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

This document was acknowledged before me by Rex L. Payne
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of Clay Lloyd
for Irrigation in Grimmatt Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Clay Lloyd. I am 40 years old and I have been acquainted with the irrigation I have marked on the attached map since 2021. I know about this irrigation because I purchased this property from Fred Nate + Dianne Nate, in 2021 and have irrigated the property myself also my dad use to work and irrigate this property when I was younger. I've witnessed it my whole life.

The attached map is titled Grimmatt Black Otter Irrigation Co. Page(s) E2, E3, F3. The handwritten marks and notations are mine, and I have initialed the map in the top of page. These identified acres receive water via the Grimmatt Black Otter Irrigation Co.

Areas marked in blue I irrigated myself in 2021-22, or witnessed my dad in my youth. Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c. _____

The Black Otter runs year round and I water stuck from the ditch Sept. → June. Water comes in from the North east corner and floods west and south until it hits the county road and backs up and floods the entire property. Once this happens water is released through culverts onto property on south side of road and floods it entirely.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Clay Lloyd
(name)

3/22/23
(date)

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

This document was acknowledged before me by Clay Lloyd
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

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DEC 05 2023



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

IDWR/Preston

December 5, 2023

RMEA 23-0021

Idaho Department of Water Resources
Preston Field Office
325 East 600 South, Ste 300
Preston, Idaho 83263-4921

Re: Bear River Basin Adjudication Claims – Black Otter Irrigation Co.

Dear Ms. Marion Beck,

This letter accompanies a check for four Adjudication claims for the Black Otter 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 \$9,244.

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

The claims filed are listed in the attached fee summary tables.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Check
 Fee Summary Tables

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DEC 05 2023

Claimant: Preston Black Otter Irrigation Co.

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
11-908	\$5,094.00	All irrigated acres paid under this claim
1953 Priority	\$50.00	Acres paid under 11-908
1976 Priority	\$50.00	Acres paid under 11-908
11-7501	\$4,050.00	Stockwater & Wildlife 20 cfs each
Total	\$9,244.00	

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DEC 05 2023

IDWR/Preston

Claimant:

Claim ID:

Black Otter Irrigation Co.

11-908

	Rate/Unit	Unit	# Units	\$ Amount
De Minimis	\$25 Claim		1	\$50.00
De Minimis Stock (> 4th claim)	\$0 Claim			
Non-De Minimis	\$50 Claim		5044	\$5,044.00
Irrigation	\$1 Acre			
Power Generation	\$3.50 KW of Capacity			
Aquaculture	\$10 cfs			
Dom. & Stock (>13k gpd),	\$100 cfs			
Municipal, industrial,				
commercial, mining, heating,				
cooling				
Public instream flow, public lake	\$100 cfs			
level maintenance, wildlife				
Fire protection	\$0 cfs			
Groundwater recharge	\$0 cfs or afa			
Total				\$5,094.00

Duplicate this worksheet once for each claim.

Note:

All irrigated acres paid under this claim

Instructions for Form No. 42-1009-1

Revised January 30, 2023

FILING FEES

Each claim submitted must include the filing fee. The filing fee for domestic and/or stockwater use claims diverting less than 13,000 gallons of water per day is \$25.00. However, if you are filing more than four (4) claims in which the only purpose of use listed is stockwater, only the first four (4) claims require the \$25.00 filing fee. All additional stockwater claims are fee exempt once the \$100.00 in filing fees has been paid for the first four (4) stockwater only claims filed after July 1, 2017.

The flat fee for filing all other claims filed is \$50.00 per claim. An additional variable filing fee based upon acreage, power generating nameplate capacity, cubic feet per second (cfs) amount, or an equivalent volume of storage water is required for claims for water uses other than domestic and/or stockwater uses diverting less than 13,000 gallons of water per day. Use Table 3 to calculate the variable fee. Add the calculated variable fee to the \$50.00 flat fee to determine the total fee for the claim. The exceptions are fire protection or ground water recharge which have a \$50.00 flat fee, and no variable fee.

Examples for a single claim to a water right with single source and same priority date:

Single family domestic and stockwater use, less than 13,000 gallons per day in total	\$25.00
100 acres irrigation, domestic and stockwater as above	\$150.00
Fish propagation, 4.2 cfs	\$92.00
Multiple family domestic, 1.6 cfs, irrigation of yards and gardens, 14 acres	\$224.00

TABLE 3. VARIABLE FEE SCHEDULE

Irrigation	\$1.00 per acre	Each acre is charged only once
Power generation	\$3.50 per kilowatt of capacity	Manufacturer's nameplate rating, or \$250,000.00, whichever is less.
Aquaculture	\$10.00 per cfs	
Domestic, stockwater use in excess of 13,000 gallons per day	\$100.00 per cfs	
Municipal, industrial, commercial, mining, heating, cooling	\$100.00 per cfs	
Public instream flow, public lake level maintenance, wildlife	\$100.00 per cfs	
Exceptions: No variable fee is charged for fire protection or ground water recharge.		