

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

Ident. Number: 13-686
Date Received: 10/19/2023
Receipt No: P000521
Claim Fee: \$50
Received By: mjs

RECEIVED

OCT 19 2023

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KEITH & JUDITH H BITTON FAMILY TRUST
397 FISH HATCHERY RD
GRACE ID 83241

Phone: (208) 221-1128

2. Date of Priority: 5/1/1886

3. Source:
WHISKEY CREEK

Trib. to:
BEAR RIVER

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
11S	41E	8	SW SW SW		CARIBOU	

5. Description of diverting works:

headbox to ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/20	09/30	0.3		

7. Total Quantity Appropriated is:

0.3 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within CARIBOU County

Township	Range	Section	¼	of	¼	Lot	Acres
11S	41E	17	NW		NW		5
11S	41E	17	SW		NW		9
11S	41E	17	NW		SW		1

Total Acres = 15

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used: 13-736

12. Remarks:

Priority Date Explanation:

Dietrich Decree and approved transfer 74657

13. Basis of Claim: Decreed

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin 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: _____

For Organizations:

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

Trustee of Keith + Judith Bitton Family Trust
Agents 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 Keith Bitton Date 10/19/23

Printed Name of Authorized Agent Keith Bitton

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

land in the North half of the Southwest quarter and the West half of the Southeast quarter of Section 10, Township 11 South, Range 40 East, B.M.

~~LEWIS & CLARK~~

WHISKEY CREEK.

Bitten-Oleranshaw Ditch, diverts from said Whiskey Creek at a point South 21 degrees West 300 feet from the Northeast corner of Section 18, Township 11 South, Range 41 East, B.M. The following parties are entitled to divert through this ditch, with priority and in the amounts hereinbelow set forth:

314. L. K. Bitten:

~~11-0627~~ 1886—May 1 0.3 c.f.s.

13-0686

For the irrigation of 15 acres in the North half of Northeast quarter of Section 18, said Township and Range. Said water may also be diverted through the Swensen-Olerenshaw Ditch diverting from said Whiskey Creek at a point South 84 degrees West 1750 feet from the Northeast corner of said Section 18.

13-0687

315. Joseph Olerenshaw:

~~11-0624~~ 1876—May 1 0.14 c.f.s.
~~11-0625~~ 1905—May 1 0.54 c.f.s.

13-0688

For the irrigation of 34 acres in the Southeast quarter of the Northeast quarter, and the Northeast quarter of the Southeast quarter of Section 18, said Township and Range. Said water may also be diverted through a ditch diverting on the East side of Whiskey Creek near the Southeast corner of the Southeast quarter of Section 7, said Township and Range.

Mickelsen-Swensen Ditch, diverts on the East side of said Whiskey Creek at a point South 89 degrees West 2500 feet from the East quarter corner of Section 18, Township 11 South, Range 41 East, B. M. The following parties are entitled to divert through the said ditch, with priority and in the amount hereinbelow set forth:

316. Peter Anderson:

~~11-0621~~ 1893—May 1 0.5 c.f.s.

13-0689

For the irrigation of 25 acres in the Southeast quarter of the Northwest quarter of Section 30, said Township and Range. Provided, however, that said water shall be diverted from the said creek as follows, and not otherwise, during the early spring or freshet season, and conducted through said ditch to a reservoir situated upon the above described lands of Peter Anderson, and said reservoir may be refilled by the diversion of said water a second time during each irrigation season when claimants to prior rights on said Whiskey Creek are harvesting their first crop of alfalfa.

RECORDED
74-11277

MAY 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74657

This is to certify that: KEITH BITTON
 397 FISH HATCHERY RD
 GRACE ID 83241
 (208)427 6661

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
13-686	WR/Decreed	05/01/1886	0.3 cfs	N/A	N/A	N/A	WHISKEY CREEK

Purpose of Transfer (Changes Proposed)

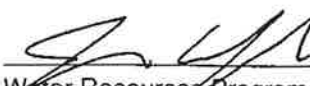
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
13-686	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
13-686	13-686	0.3 cfs	N/A	N/A	15.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.3 cfs	N/A	N/A	15.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of April, 20 10


 Water Resources Program Manager

SUPPORT DATA

IN FILE # 13-686

WATER RIGHT NO. 13-686
As Modified by Transfer No. 74657

In accordance with the approval of Transfer No. 74657, Water Right No. 13-686 is now described as follows.

Right Holder: KEITH BITTON
397 FISH HATCHERY RD
GRACE ID 83241

Priority Date: May 01, 1886

Source: WHISKEY CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/20 to	09/30	0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

WHISKEY CREEK SWSWSW Sec. 8 Twp 11S Rge 41E CARIBOU County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	41E	17						5.0	9.0			1.0							15.0

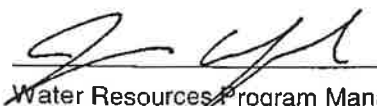
Total Acres: 15

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 13S.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. This right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of April, 20 10


Water Resources Program Manager