

**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

RECEIVED

JUN 06 2023

IDWR/Preston

Ident. Number: 11-217
Date Received: 6/6/2023
Receipt No: 79576
Claim Fee: \$57.00
Received By: MB

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

1. Name of Claimant(s)

EUGENE BLAKE HART
11 E 500 N
OREM UT 84057

Phone: (801) 471-4122

AND/OR

LUANN B HART
11 E 500 N
OREM UT 84057

Phone: (801) 380-9681

2. Date of Priority: 5/1/1868

3. Source:

BLOOMINGTON CREEK
BLOOMINGTON CREEK

Trib. to:

BEAR LAKE
BEAR LAKE

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
14S	43E	26	SW NE		BEAR LAKE	
14S	43E	26	SW NE		BEAR LAKE	

5. Description of diverting works:

PUMP IN THE CREEK AND USE IT TO IRRIGATE WITH A WATER CANNON. HEADGATE IN CREEK
DOWNSTREAM OF THE PUMP USED TO FLOOD IRRIGATE THROUGH THE BATEMAN CANAL.
SECTION OF CREEK LOCALLY KNOWN AS THIRD CREEK. STOCK DRINK DIRECTLY FROM THE CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	5/01	10/01	0.1		
STOCKWATER	05/01	10/01	0.02		

7. Total Quantity Appropriated is:

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

8. Non-irrigation uses:

75 HEAD OF CATTLE

9. Place of use:

IRRIGATION within BEAR LAKE County

Township	Range	Section	¼	of	¼	Lot	Acres
14S	43E	26	NE		SE		5

Total Acres = 5

STOCKWATER within BEAR LAKE County

Township	Range	Section	¼	of	¼	Lot	Acres
14S	43E	26	NW		SE		

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:

ALSO HAVE SHARES IN BLOOMINGTON IRRIGATION COMPANY FOR THE SAME PROPERTY

12. Remarks:

Priority Date Explanation:

SEE DECREE AND ATTACHEMENTS.

13. Basis of Claim: Decreed

14. Signature(s)

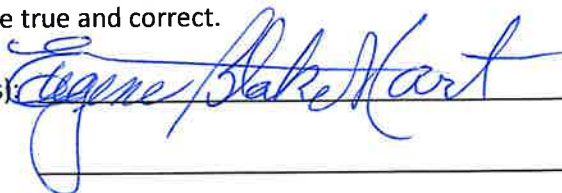
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do ____ do not ___X___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1-MAP, 1 – WARRANTY DEED AND 1 - AFFIDAVIT

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:

6 June 2023

Date:

Historical Affidavit/Priority Date

Identification Number 11-217

My property, inherited from my father, Eugene A. Hart (PIN RP14S43E267950), consists of about 12 acres above the "mounds" and about 8 acres below the mounds. The above-the-mounds portion consists of pastureland containing about 400 yards of Bloomington 3rd Creek and adjacent cropland. The portion adjacent to and below the mounds is meadowland.

My father, a vocational agriculture instructor at nearby Fielding High School for many years, was trained in modern agricultural science. He farmed successfully for many years and harvested crops both from the meadowland below the mounds and the cropland/meadow above the mounds. My father purchased the property in 1946 from my grandfather, Alfred A. Hart, who used similar irrigation methods. As a youngster born in 1939, age eight to adult, I witnessed and participated in my father's farming and irrigation methods. In recent years, the property adjacent to the stream above the mounds benefits from 3rd Creek water as a source for irrigation.

The source for flood irrigating the meadow below the mounds originates from cuts in the Bateman Canal. Third (3rd) Creek supplies water to the Bateman Canal from a diversion dam located about 200-300 yards to the north, originating and passing through the adjacent Ben (Todd) Bateman meadow.

I attest to the proceeding statements as to be true and accurate.

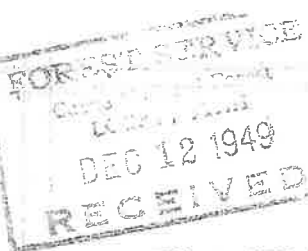
 (date) 6 June 2023

Warranty Deed

THIS INDENTURE, Made the 8th day of December, in the year of our Lord one thousand nine hundred and Forty-Nine, between ALFRED A. HART and SARAH P. HART, husband and wife of BLOOMINGTON, County of Bear Lake, State of Idaho, parties of the first part, and Eugene A. Hart of Bloomington County of Bear Lake State of Idaho Party of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Forty Five Hundred DOLLARS lawful money of the United States of America to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY, and CONFIRM unto the said party of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land, situated in the County of Bear Lake, State of Idaho, and known and described as follows to-wit: Commencing at a point in the East side of the U.S. high-way # 89, said point being 33.10 chains North and 23.10 chains East from the SW Corner of Section 23 in T₄. 14 South of Range 43 East B.M. in Idaho and running thence N.78° E. 12.12 chains; thence N.65° E. 2.57 chains thence N.13° 30' E. 1.80 chains; thence N.12° W. 10.85 chains; thence N.85° E. 8.53 chains; thence South 6.33 chains; thence East 18.00 chains; thence S.1° E. 19.90 chains; thence S.85° W. 38.33 chains, to the East side of the above mentioned high-way, thence N.10° W. 13.88 chains to the place of beginning and containing 69.72 acres of land more or less.





TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party..... of the second part, and to his..... heirs and assigns forever, and said parties.. of the first part, and their..... heirs, the said premises in the quiet and peaceable possession of the said party..... of the second part, ...his..... heirs, and assigns against the said parties.. of the first part, and their..... heirs and against any and all persons whosoever, claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said party..... of the first part have..... hereunto set their... hand.s... and seals... the day and year first above written.

Signed, Sealed and Delivered in the Presence of

.....
.....

Alfred A. Hart (SEAL)
Sarah P. Hart (SEAL)

United States of America

STATE OF IDAHO }
County of Bear Lake } ss.

On this 8th day of December, ... in the year of our Lord one thousand nine hundred and forty-nine before me, Fred J. Price a notary public, ... within and for said County and State personally appeared Alfred A. Hart and Sarah P. Hart, husband and wife, ... personally known to me to be the person.s. whose name.s. are..... subscribed to the within instrument, and duly acknowledged to me that they..... executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial..... seal the day and year in this certificate above written.

Fred J. Price
Notary Public for Idaho
Residing at Paris, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

PLACE OF USE FOR IN-STREAM STOCK

PUMP LOCATION

HEADGATE LOCATION



FOR IRRIGATION OF 5 ACRES
IN 14S43E267950