

02/14/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

A3507212B



RIGHT NUMBER: 35-7212B

NAME AND ADDRESS: GAYLEN W CLAYSON
600 N 710 E
FIRTH ID 83236

DONNA RAE CLAYSON
600 N 710 E
FIRTH ID 83236

CEDAR ARCH DAIRY
600 N 710 E
FIRTH ID 83236

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.15 CFS
33.0 AFY

PRIORITY DATE: 02/23/1972

POINT OF DIVERSION:

T03S R33E S16 SESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.150 CFS 33.00 AFY
COMMERCIAL	01/01 12/31	0.150 CFS 33.00 AFY

PLACE OF USE: STOCKWATER Within BINGHAM County

T03S R33E S16 SESE

COMMERCIAL Within BINGHAM County

T03S R33E S16 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

Right holder shall comply with the drilling permit requirements of Section
42-235, Idaho Code.
The dairy operation authorized under this approval shall comply with
applicable county zoning and use ordinances.
Use of water under this approval shall comply with applicable water quality
standards of the Department of Environmental Quality.
The right holder shall accomplish the change authorized by transfer 68527
by Nov 20, 2002.
Failure of the right holder to comply with the conditions of this transfer is
cause for the Director to rescind approval of the transfer.

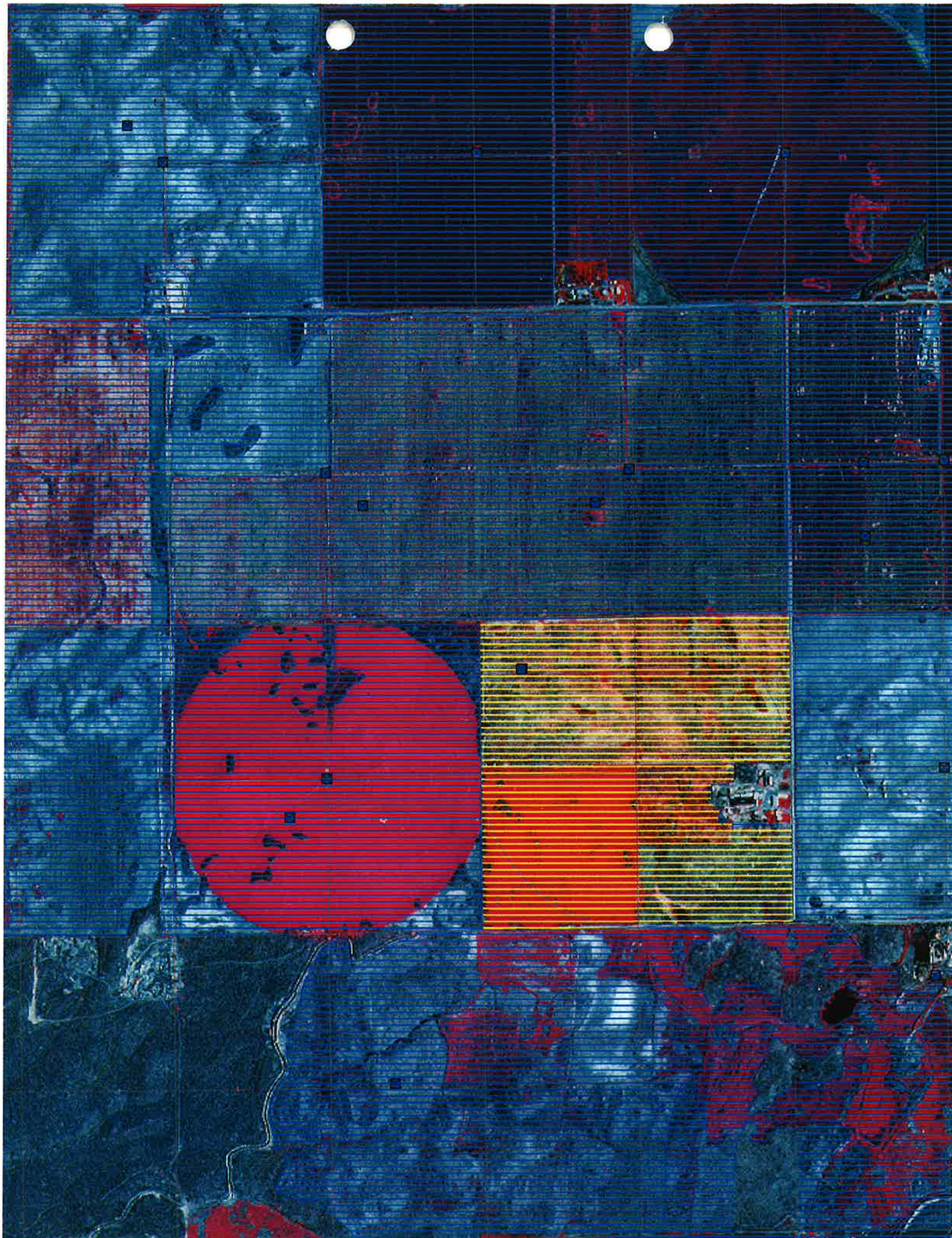
Water Right 35-7212B

SCANNED

1

SEP 01 2005

FILED



WATER RIGHT NO. 35-7212B

As Modified by Transfer No. 68527

In accordance with the approval of Transfer No. 68527, Water Right No. 35-7212B is now described as follows.

Right Holder: GAYLEN W CLAYSON And/Or
DONNA RAE CLAYSON
CEDAR ARCH DAIRY
600 N 710 E
FIRTH ID 83236

Priority Date: 02/23/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.15 CFS	33.0 AF
COMMERCIAL	01/01	to 12/31	0.15 CFS	33.0 AF
			0.15 CFS	33.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESE Sec. 16 Twp 03S Rge 33E BINGHAM County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 33E 16																	X

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 33E 16																	X

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

PROFILED

SEP 01 2005

WATER RIGHT NO. 35-7212B
As Modified by Transfer No. 68527

CONDITIONS OF APPROVAL

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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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.

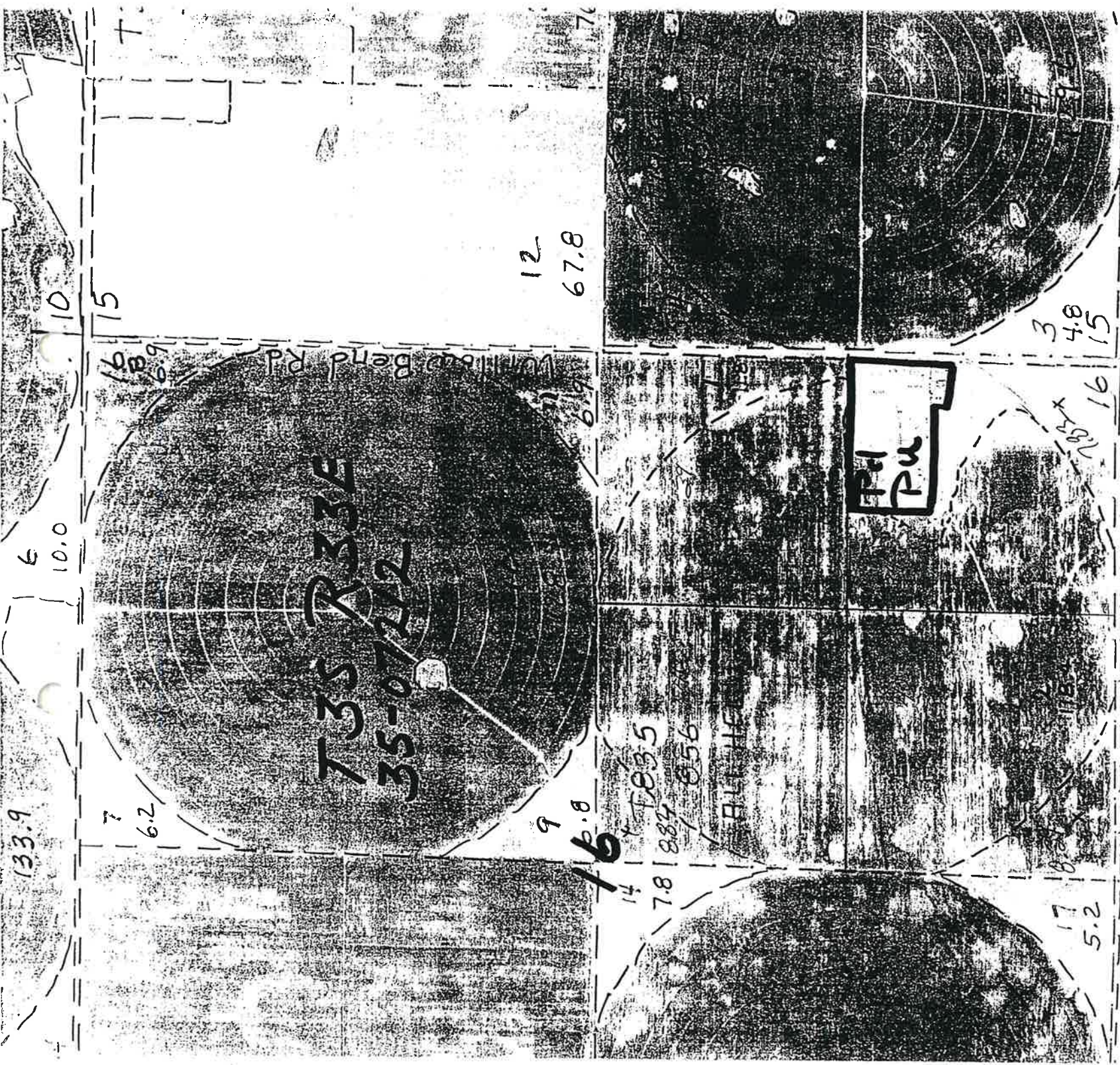
Dated this 20th day of November, 2001



Chief, Water Allocation Bureau

PROFILED

SCANNED
SEP 01 2005



1997
511 Range 33E Township 3 South

SEC 16

SCANNED
PROFILED
SEP 01 2005

Transfer 5844
page 5 of 7

State of Idaho
DEPARTMENT OF WATER RESOURCES

8.32

8.87

8.39

7.83

Transfer 5844

SCANNED

page 6 of 7

SEP 01 2005

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u> <u>Dairy</u>	<u>Amount(cfs/af-ft)</u> <u>.05/33</u>	<u>Hours/days/year</u> <u>365 days</u>	<u>Period of Use</u> <u>1 Jan</u> to <u>31 Dec</u> to _____
--	---	---	---
2. Quantity and quality of return flows and location of discharge:
NONE
3. Describe effects on other water uses resulting from the proposed change:
NONE

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

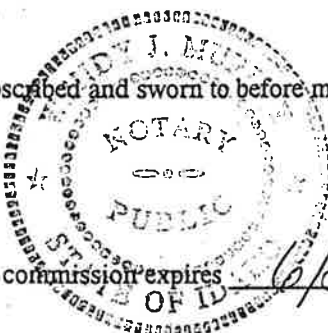
I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of August, 2000.

Wendy J. Murphy
(Notary Public)

My commission expires 6/23/06



FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by SC Date 9/8/00 E026151

Published in Morning News Copies of protest forwarded by _____

Pub. Dates Oct 5 & 12, 2000 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

PROFILED

SCANNED
SEP 01 2005