

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

MAR 03 2022

Department of Water Resources
Eastern RegionName of Applicant(s) Lewene ClarkPhone 208 339 2702

Mailing address

3897W 3700N Moore, ID 83255

Email

lclark@atcnet.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____

Phone _____

Mailing address _____

Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Lewene Clark
Signature of Applicant or Authorized Representative

Lewene Clark
Print Name and Title if applicable

3-1-2022
Date

Signature of Applicant or Authorized Representative _____

Print Name and Title if applicable _____

Date _____

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code §42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Changing the point of diversion for ground water rights and changing the place of use for groundwater and surface water rights. Propose to drill a new well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-198A	3.44	Irrigation	05/01 to 10/15	Big Lost River & Sinks
☒ ☐	34-317A	1.65	Irrigation	05/01 to 10/15	Big Lost River & Sinks
☒ ☐	34-331	3.20	Irrigation	05/01 to 10/15	Big Lost River & Sinks
☒ ☐	34-2477A	3.41	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	34-12363A	2.89	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 11.7 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 6.61 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SW	NE	21	06N	25E		Groundwater	
NO CHANGE									BLR	Unchanged

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	21	34	34	35	33				35					14	34		39	258
			L1	L2															
		22										11	37						48
		27						38	13				32	1					84
		28	33			10									1			32	76
Total Acres (for irrigation use)																			466

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

well will have a seamountics flow meter
with lockable butterfly valve

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

more efficient use of the same water with the
possibility of pumping less water per year

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

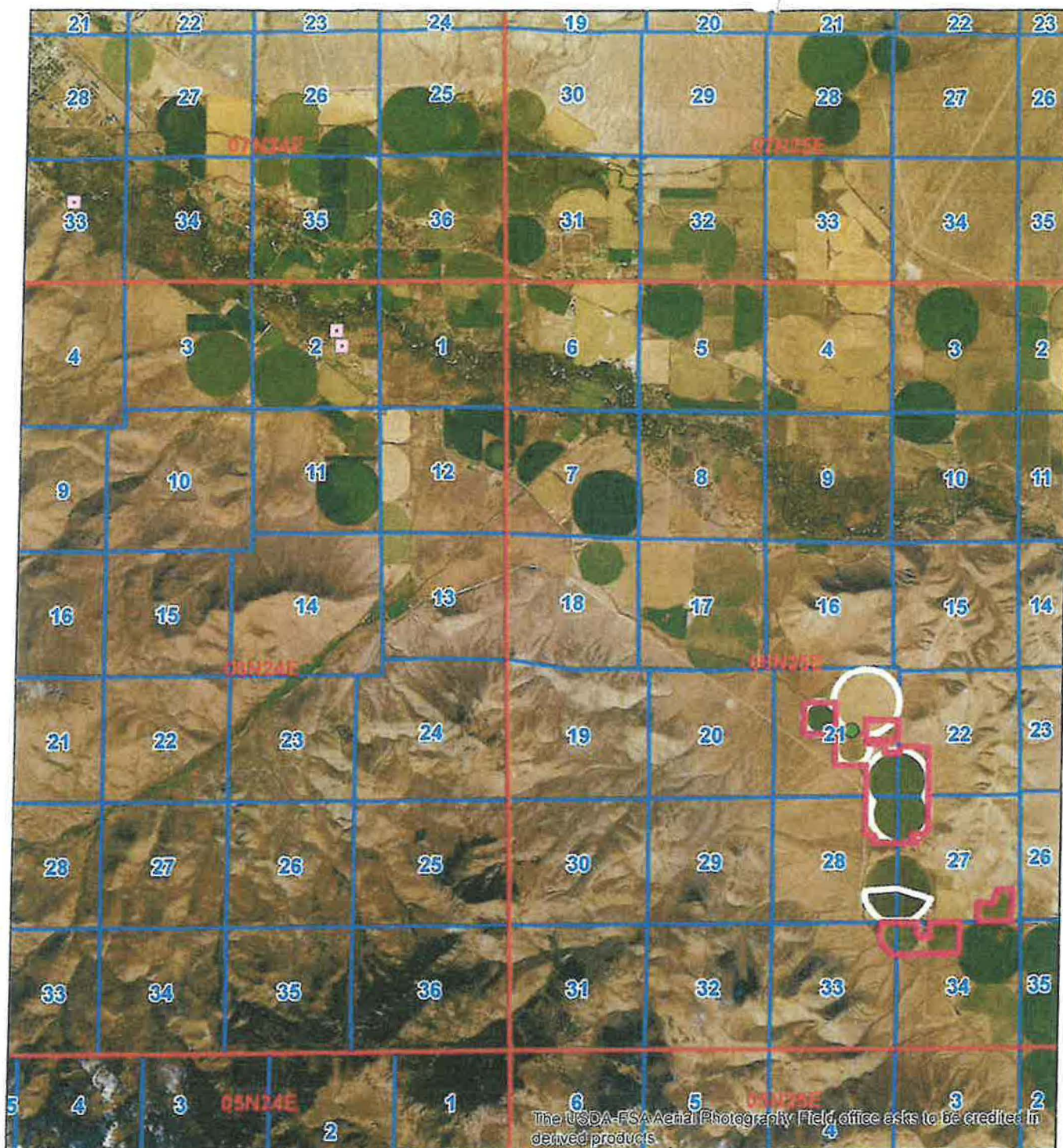
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

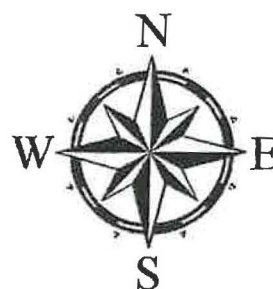
If yes, describe:

Smith Family Trust Place of Use and Point of Diversion Transfer



Legend

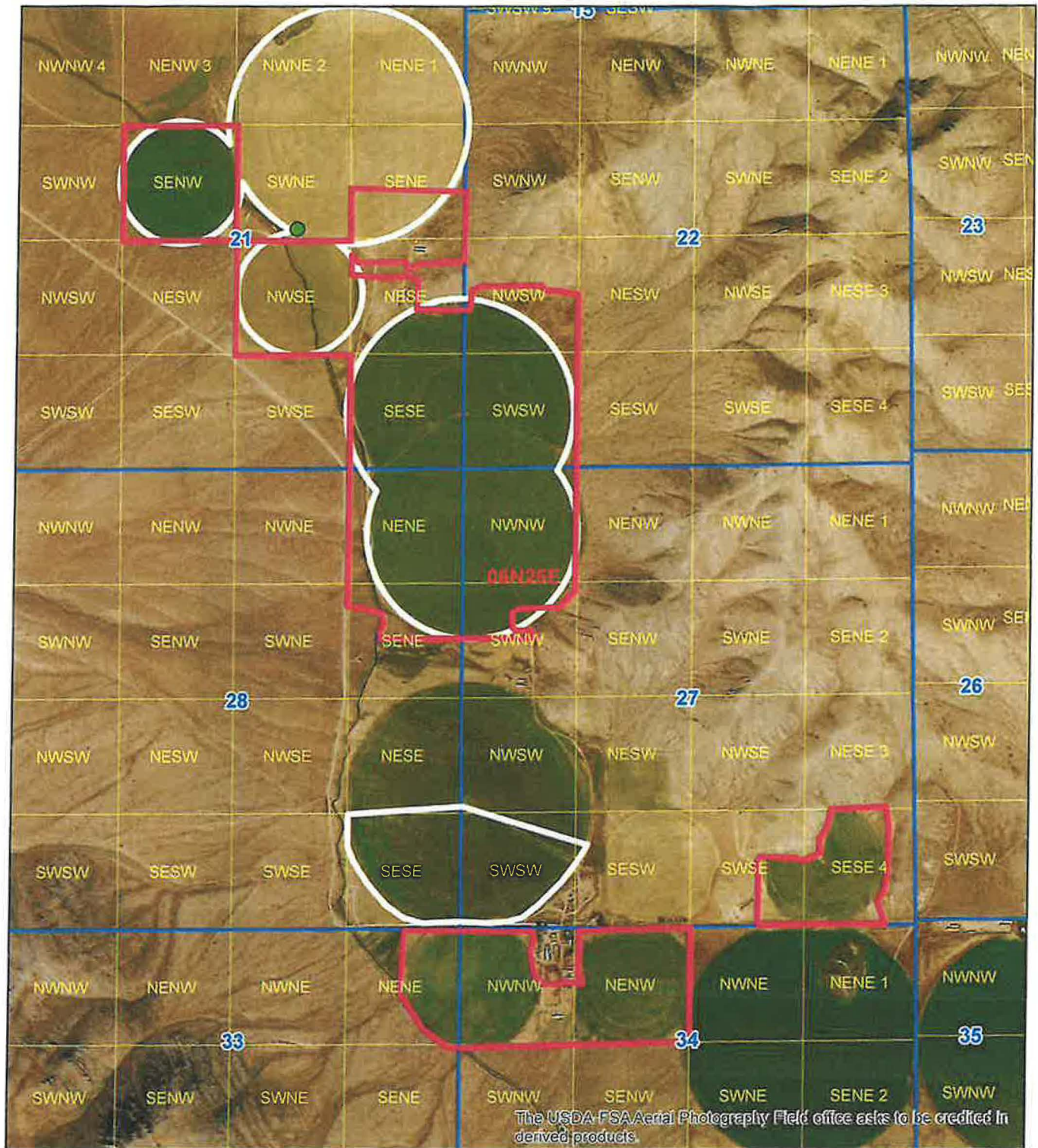
- Post-Transfer_Point_of_Diversion
- Pre-Transfer Place of Use
- Pre-Transfer Point of Diversion
- Post-Transfer Place of Use
- Township/Range
- Sections



0 0.75 1.5 3 Miles

8590 1

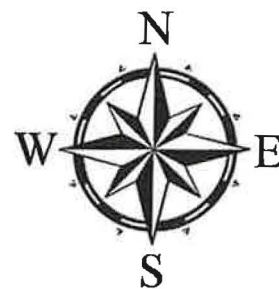
Smith Family Trust Place of Use and Point of Diversion Transfer



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Legend

- Post-Transfer_Point_of_Diversion
- Pre-Transfer Place of Use
- Post-Transfer Place of Use
- Township/Range
- Sections
- QQ



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ENHANCED GROUND-WATER RIGHTS TRANSFER SPREADSHEET

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF WATER RESOURCES

Cells this color are set up for user entries

ENTER STARTING DATE FOR

SIMULATION. THEN PUSH

"UPDATE DATES" BUTTON

YEAR 1966

SEASON SUMMER

UPDATE DATES

RUN MODEL

GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

'TO' CELL 'FROM1' CELL 'FROM2' CELL 'FROM3' CELL

ROW 16 11

COLUMN 110 108

TRIMESTER	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
OF	Projected Use	With Transfer	Without Transfer	With Transfer	Without Transfer	With Transfer	Without Transfer
ACTIVITY	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER
SUM 1966	0	701	701	0	0	0	0
WIN 1966	0	701	701	0	0	0	0
SPR 1967	0	701	701	0	0	0	0

Entering Dates

Enter the starting year and season for your simulation. The starting date represents the beg of the analysis period. (Spring is Mar, Apr, May and Jun.

Summer is Jul, Aug, Sep and Oct. Winter is Nov, Dec, Jan and Feb.)

Once you have entered the starting date, push the "UPDATE DATE" Button.

The date only needs to be updated once, unless the desired timeframe of the simulation is c Modifying the date does not automatically adjust the location of the rates entered in the table

Entering Well Locations

Enter the row and column location for the 'TO' well in spreadsheet cell B15 and B16, respect Enter the row and column location for the 'FROM1' well in spreadsheet cell C15 and C16, re

Enter the row and column location for the 'FROM2' well in spreadsheet cell D15 and D16, re

Enter the row and column location for the 'FROM3' well in spreadsheet cell E15 and E16, res

If the 'FROM2' well is not to be modeled, the entered row and column should be 0 or blan

If the 'FROM3' well is not to be modeled, the entered row and column should be 0 (zero)

The 'FROM3' well cannot be used if the 'FROM2' well is not being used.

Running the Model

Once the model cells have been specified for the 'FROM' and 'TO' wells, push

the 'RUN MODEL' button to generate the response functions. The model only

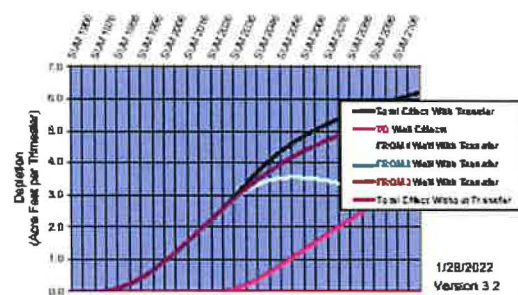
needs to be re-run if the locations of the 'FROM' and 'TO' wells are changed.

DataEntry TransferSummary GRAPHS ABOVE MILNER GRAPHS BELOW MILNER ChangeRatic ...

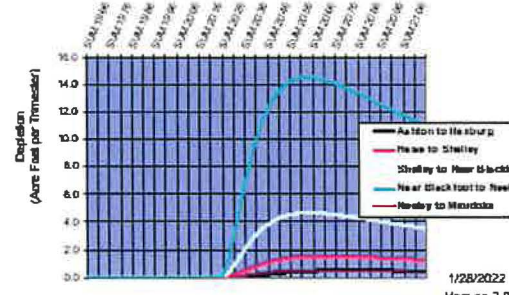
85901

	A	B	C	D	E	F	G	H
174	SUM 2017	0	701	701	0	0	0	0
175	WIN 2017	0	701	701	0	0	0	0
176	SPR 2018	0	701	701	0	0	0	0
177	SUM 2018	0	701	701	0	0	0	0
178	WIN 2018	0	701	701	0	0	0	0
179	SPR 2019	0	701	701	0	0	0	0
180	SUM 2019	0	701	701	0	0	0	0
181	WIN 2019	0	701	701	0	0	0	0
182	SPR 2020	0	701	701	0	0	0	0
183	SUM 2020	0	701	701	0	0	0	0
184	WIN 2020	0	701	701	0	0	0	0
185	SPR 2021	0	701	701	0	0	0	0
186	SUM 2021	0	701	701	0	0	0	0
187	WIN 2021	0	701	701	0	0	0	0
188	SPR 2022	0	701	701	0	0	0	0
189	SUM 2022	485	0	485	0	0	0	0
190	WIN 2022	485	0	485	0	0	0	0
191	SPR 2023	485	0	485	0	0	0	0
192	SUM 2023	485	0	485	0	0	0	0
193	WIN 2023	485	0	485	0	0	0	0
194	SPR 2024	485	0	485	0	0	0	0
195	SUM 2024	485	0	485	0	0	0	0
196	WIN 2024	485	0	485	0	0	0	0
197	SPR 2025	485	0	485	0	0	0	0
198	SUM 2025	485	0	485	0	0	0	0
199	WIN 2025	485	0	485	0	0	0	0
200	SPR 2026	485	0	485	0	0	0	0
201	SUM 2026	485	0	485	0	0	0	0
202	WIN 2026	485	0	485	0	0	0	0

Hydrologic Response--Ashton to Rexburg
Customer Name: test Transfer No: 123



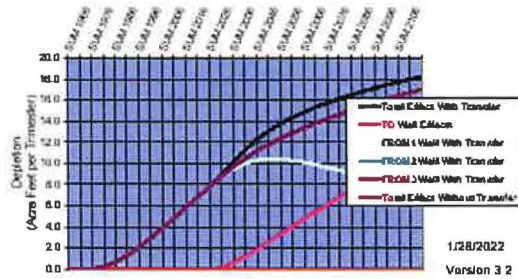
Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



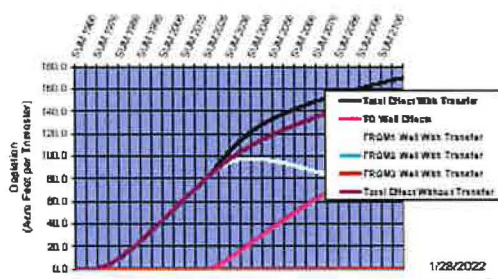
Customer Name: test

Transfer No: 123

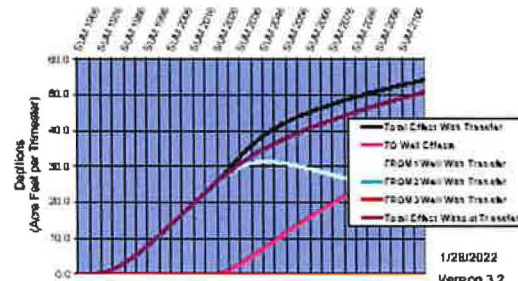
Hydrologic Response--Holee to Shelley
Customer Name: test Transfer No: 123



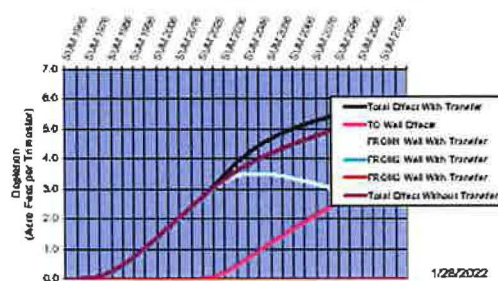
Hydrologic Response--Near Blackfoot to Neely
Customer Name: test Transfer No: 123

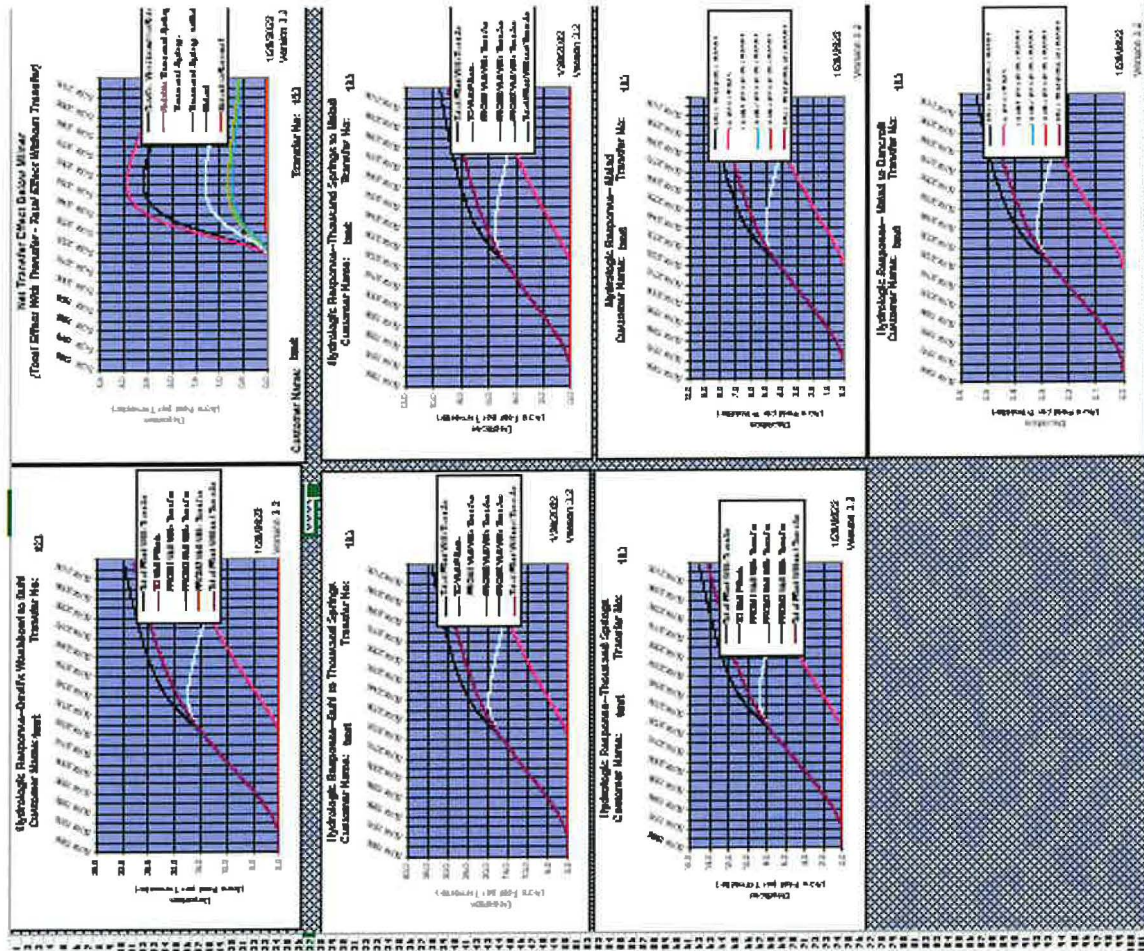


Hydrologic Response--Shelley to Near Blackfoot
Customer Name: test Transfer No: 123



Hydrologic Response--Neely to Minidoka
Customer Name: test Transfer No: 123





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11	Priority	POD	Dedicated Vol.		Model		Ashton to	Heise to	Shelley to	Nr Bckft To	Neeley to	Dev. Wbl. To	Buhl to	Kspr	Kspr to	Malad	Malad to
12	Date	Location	AFA/	AFT	Node		Rexburg	Shelley	Nr Bckft	Neeley	Minidoka	Buhl	Kspr		Malad		Bancroft
13	Impacts following Transfer																
14	1/1/1960	8S26E-3	275.6	91.9	SP082075	Pre SS	5.75	17.00	50.76	158.99	5.61	28.04	31.92	14.17	8.94	8.17	0.51
15	1/1/1960	8S26E-3	275.6	91.9	SP068066	Post SS	6.20	18.23	54.29	170.01	6.01	29.97	34.11	15.14	9.55	8.74	0.54
16	Site Impacts following Transfer																
17	1/1/1960	8S26E-3	275.6	91.9	SP082075	Pre IS	5.75	17.00	50.76	158.99	5.61	28.04	31.92	14.17	8.94	8.17	0.51
18	1/1/1960	8S26E-3	275.6	91.9	SP068066	Post IS	6.20	18.23	54.29	170.01	6.01	29.97	34.11	15.14	9.55	8.74	0.54

20	Steady State Analysis	Mitigation Check 1 - >10% of Historical:	7.8%	7.3%	7.0%	6.9%	7.1%	6.9%	6.9%	6.9%	6.9%	6.9%
21		Mitigation Check 2: > 6 AF/A:	0.5	1.2	3.5	11.0	0.4	1.9	2.2	1.0	0.6	0.0
22		Mitigation Check 3 - >10% of Total:	1.8%	5.2%	15.4%	48.2%	1.7%	8.5%	9.7%	4.3%	2.7%	0.2%
23		Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
24		Mitigation Vol. Req'd (ac-ft):	0.5	1.2	3.5	11.0	0.4	1.9	2.2	1.0	0.6	0.0
25												
26	Transient State Analysis	Mitigation Check 1 - >10% of Historical:	7.8%	7.3%	7.0%	6.9%	7.1%	6.9%	6.9%	6.9%	6.9%	6.9%
27		Mitigation Check 2: > 6 AF/A:	0.5	1.2	3.5	11.0	0.4	1.9	2.2	1.0	0.6	0.0
28												
29		Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
30		Mitigation Vol. Req'd (ac-ft):	0.5	1.2	3.5	11.0	0.4	1.9	2.2	1.0	0.6	0.0

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[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/28/2022

Water Right 34-198A

Owner Type **Name and Address**
Current Owner JENNIE M SMITH
 3897 W 3700 N
 DARLINGTON, ID 83255-8738
 (208) 588-2552

Current Owner ORVILLE E SMITH
 3897 W 3700 N
 DARLINGTON, ID 83255-8738
 (208) 588-2552

Priority Date: 5/10/1897

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	3.440 CFS	
	<u>Total Diversion</u>		3.440 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER NWSWNE Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	21				22.0				38.0					30.0	39.0		39.0	168.0
06N	25E	22										20.0	40.0						60.0
06N	25E	27						39.0	15.0								10.0	24.0 L4	88.0
06N	25E	28	39.0			17.0													56.0
06N	25E	33		17.0															17.0
06N	25E	34					39.0	38.0											77.0
																			Right Acre Limit: 172.00
																			POU Total Acres: 466.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 172.0 acres within the authorized place of

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/28/2022

2. X35 use in a single irrigation season.
Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
4. C18 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.

Dates and Other Information:

Decreed Date: 12/14/2001
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		601.0	34-198A ,34-317A ,34-331 ,34-12363A ,34-2477A

SubCase:

SubCaseNumber: 34-198A
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 2/26/1993
Objection Status: Active

Water Supply Bank:

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

2/28/2022

Water Right 34-317A

Owner Type **Name and Address**
Current Owner JENNIE M SMITH
3897 W 3700 N
DARLINGTON, ID 83255-8738
(208) 588-2552

Current Owner ORVILLE E SMITH
3897 W 3700 N
DARLINGTON, ID 83255-8738
(208) 588-2552

Priority Date: 2/18/1885

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.650 CFS	
	<u>Total Diversion</u>		1.650 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER NWSWNE Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	21				22.0					38.0				30.0	39.0		39.0	168.0
06N	25E	22										20.0	40.0						60.0
06N	25E	27						39.0	15.0								10.0	24.0 L4	88.0
06N	25E	28	39.0			17.0													56.0
06N	25E	33	17.0																17.0
06N	25E	34					39.0	38.0											77.0

Right Acre Limit: 82.50
POU Total Acres: 466.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 82.5 acres within the authorized place of

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/28/2022

2. X35 use in a single irrigation season.
Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
4. THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E, S33, NENE IS LIMITED TO THE EAST HALF OF THAT QUARTER-QUARTER SECTION.
5. C18 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.
6. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Mitigation Plan: False

Combined Use Limits:

Rate

Volume

Acres

601.0

Water Rights

34-198A ,34-317A ,34-331 ,34-12363A ,34-2477A

SubCase:

SubCaseNumber: 34-317A

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 2/26/1993

Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/28/2022

Water Right 34-331

Owner Type **Name and Address**
Current Owner JENNIE M SMITH
 3897 W 3700 N
 DARLINGTON, ID 83255-8738
 (208) 588-2552

Current Owner ORVILLE E SMITH
 3897 W 3700 N
 DARLINGTON, ID 83255-8738
 (208) 588-2552

Priority Date: 5/31/1885

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	3.200 CFS	
	<u>Total Diversion</u>		3.200 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER NWSWNE Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	25E	21				22.0				38.0					30.0	39.0		39.0	168.0
06N	25E	22										20.0	40.0						60.0
06N	25E	27						39.0	15.0								10.0	24.0 L4	88.0
06N	25E	28	39.0			17.0													56.0
06N	25E	33	17.0																17.0
06N	25E	34						39.0	38.0										77.0
																			Right Acre Limit: 160.00 POU Total Acres: 466.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 160 acres within the authorized place of

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/28/2022

- use in a single irrigation season.
2. X35 Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
4. THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E, S33, NENE IS LIMITED TO THE EAST HALF OF THAT QUARTER-QUARTER SECTION.
5. C18 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.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Mitigation Plan: False

Combined Use Limits:

Rate

Volume

Acres

601.0

Water Rights

34-198A ,34-317A ,34-331 ,34-12363A ,34-2477A

SubCase:

SubCaseNumber: 34-331

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 2/26/1993

Objection Status: Active

Water Supply Bank:

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

2/28/2022

Water Right 34-2477A

Owner Type **Name and Address**
Current Owner JENNIE M SMITH
3897 W 3700 N
DARLINGTON, ID 83255-8738
(208) 588-2552

Current Owner ORVILLE E SMITH
3897 W 3700 N
DARLINGTON, ID 83255-8738
(208) 588-2552

Priority Date: 6/13/1966

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	3.410 CFS	
	<u>Total Diversion</u>		3.410 CFS	

Source and Point(s) of Diversion:

GROUND WATER	NENWSE	Sec. 2, Twp 06N, Rge 24E, CUSTER County
GROUND WATER	SESWNW	Sec. 2, Twp 06N, Rge 24E, CUSTER County(l)
GROUND WATER	NWSWNE	Sec. 33, Twp 07N, Rge 24E, CUSTER County(R)

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	25E	21				22.0				38.0					30.0	39.0		39.0	168.0
06N	25E	22										20.0	40.0						60.0
06N	25E	27						39.0	15.0								10.0	24.0 L4	88.0
06N	25E	28	39.0			17.0													56.0
06N	25E	33	17.0																17.0
06N	25E	34					39.0	38.0											77.0

Right Acre Limit: 177.00
POU Total Acres: 466.0

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

2/28/2022

Proof Report

1. X27 This right is limited to the irrigation of 177.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-2477A and 34-12363A when combined shall not exceed a total diversion rate of 3.41 cfs, a total annual maximum diversion volume of 1,454.2 af at the field headgate, and the irrigation of 466.0 acres.
3. X35 Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
4. K01 RIGHT NO. 34-12363A IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E, S33, NENE IS LIMITED TO THE EAST HALF OF THAT QUARTER-QUARTER SECTION.
6. G03 WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO THE BIG LOST RIVER AT THE POINT OF INJECTION DESCRIBED ABOVE, AND BY DIVERTING AN EQUAL AMOUNT OF WATER FROM THE BIG LOST RIVER AT THE UPSTREAM POINT OF REDIVERSION DESCRIBED ABOVE.
7. F01 WATER DIVERTED FROM THE BIG LOST RIVER IS DELIVERED THROUGH THE DARLINGTON DITCH. THE AMOUNT OF WATER DIVERTED FROM THE BIG LOST RIVER SHALL BE REDUCED WHERE NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM THE BIG LOST RIVER DOWNSTREAM FROM THE POINT OF REDIVERSION.
8. C18 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.
9. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
10. F02 TWO POINTS OF DIVERSION LOCATED IN T06N, R25E, S02, NENWSE.

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Mitigation Plan: False

Combined Use Limits:**Rate**

6.010

Volume

2,103.5

Acres

601.0

Water Rights

34-12363A ,34-2477A

34-198A ,34-317A ,34-

331 ,34-12363A ,34-

2477A

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

2/28/2022

Water Right 34-12363A

Owner Type **Name and Address**
Current Owner JENNIE M SMITH
3897 W 3700 N
DARLINGTON, ID 83255-8738
(208) 588-2552

Current Owner ORVILLE E SMITH
3897 W 3700 N
DARLINGTON, ID 83255-8738
(208) 588-2552

Priority Date: 5/1/1978

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	2.890 CFS	
	<u>Total Diversion</u>		2.890 CFS	

Source and Point(s) of Diversion:

GROUND WATER	NENWSE	Sec. 2, Twp 06N, Rge 24E, CUSTER County
GROUND WATER	SESWNE	Sec. 2, Twp 06N, Rge 24E, CUSTER County(I)
GROUND WATER	NWSWNE	Sec. 33, Twp 07N, Rge 24E, CUSTER County(R)

Place Of Use:

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
06N	25E	21				22.0						38.0			30.0	39.0		39.0	168.0
06N	25E	22										20.0	40.0						60.0
06N	25E	27						39.0	15.0							10.0	24.0	L4	88.0
06N	25E	28	39.0			17.0													56.0
06N	25E	33		17.0															17.0
06N	25E	34					39.0	38.0											77.0
POU Total Acres: 466.0																			

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

2/28/2022

Proof Report

1. K09 This right is for an enlargement of 289.0 acres within the place of use described for this right.
2. X35 Rights 34-2477A and 34-12363A when combined shall not exceed a total diversion rate of 3.41 cfs, a total annual maximum diversion volume of 1,454.2 af at the field headgate, and the irrigation of 466.0 acres.
3. X35 Rights 34-198A, 34-317A, 34-331, 34-2477A, and 34-12363A when combined shall not exceed the irrigation of 466 acres.
4. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-2477A PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
6. C18 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.
7. E56 THE PORTION OF THE PLACE OF USE LISTED ABOVE AS T06N, R25E, S33, NENE IS LIMITED TO THE EAST HALF OF THAT QUARTER-QUARTER SECTION.
8. F01 WATER DIVERTED FROM THE BIG LOST RIVER DELIVERED THROUGH THE DARLINGTON DITCH.
9. G03 WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO THE BIG LOST RIVER AT THE POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL AMOUNT AT THE UPSTREAM POINT OF REDIVERSION DESCRIBED ABOVE
10. F02 TWO POINTS OF DIVERSION LOCATED IN T06N, R24E, S02, NENWSE.

Dates and Other Information:

Decreed Date: 12/14/2001

Enlargement Statute Priority Date: 4/12/1994

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
6.010	2,103.5	601.0	34-12363A ,34-2477A 34-198A ,34-317A ,34-331 ,34-12363A ,34-2477A

ASSIGNMENT AND ASSUMPTION OF PARTNERSHIP UNITS

This Assignment and Assumption of Partnership Units (this "Assignment") is made and entered into as of January 14, 2021, by and between Lewene Clark, as personal representative of the Estate of Jennie Marie Smith ("Assignor"), and Lewene Clark ("Assignee").

RECITALS

A. WHEREAS, Jennie Marie Smith owned 139 limited partnership units of the Orville and Jennie Marie Smith Family Limited Partnership ("FLP") representing 13.9% of the issued and outstanding units of the FLP.

B. WHEREAS, Jennie Marie Smith died on July 26, 2015.

C. WHEREAS, Lewene Clark is the duly appointed co-personal representative of the Estate of Jennie Marie Smith, Idaho District Court, County of Custer, Case No. CV-2015-094.

D. WHEREAS, Assignor desires to assign and transfer to Assignee all of Assignor's partnership units in the FLP (the "Partnership Units") pursuant to Article 6 of the *Last Will and Testament of Jennie Marie Smith*, dated June 24, 2014.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, warranties and mutual covenants set forth herein, the parties hereto agree as follows:

1. Assignment of Membership Interests. Assignor hereby assigns to Assignee the Partnership Units, including, but not limited to, the right, title and interest of Assignor in and to the properties (real and personal), capital, profits, losses, and cash flow of the allocable to the Partnership Units.
2. Effective Date. The assignment herein made is effective as of the date of this Assignment.
3. Representations of Assignor. Assignor warrants and represents to Assignee that (a) Assignor is the owner of the Partnership Units, (b) Assignor has not pledged, assigned, hypothecated, or otherwise encumbered all or any part of the Partnership Units, and (c) Assignor has the power and authority rightfully to assign the Partnership Units in accordance with this Assignment.
4. Successors and Assigns. This Assignment shall be binding upon and shall inure to the benefit of the parties hereto and their heirs, legal representatives, successors and assigns.
5. Survival of Representations. The representations, warranties, covenants and agreements of the parties contained in this Assignment shall survive the consummation of the transactions contemplated hereby.

6. Applicable Laws. This Assignment shall be governed by and construed in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, this Assignment is executed as of the day and year first above written.

ASSIGNOR:

Estate of Jennie Marie Smith


Lewene Clark, Co-Personal Representative

ASSIGNEE:


Lewene Clark

**CONSENT OF ORVILLE AND JENNIE MARIE SMITH FAMILY LIMITED
PARTNERSHIP**

The following acknowledge and consent to this Assignment and Assumption of Partnership Units:

**Orville and Jennie Marie Smith Family
Limited Partnership**

By: Lewene Clark, Partner
Name: Lewene Clark, Partner

ASSIGNMENT AND ASSUMPTION OF PARTNERSHIP UNITS

This Assignment and Assumption of Partnership Unites (this "Assignment") is made and entered into as of January 15, 2021, by and among Brenda Johnston, Teresa Duke and Leisa Bowhay, and Mike Duke as trustee of the Orville Smith Family Trust (each an "Assignor" and together the "Assignors"), and Lewene Clark ("Assignee").

RECITALS

A. WHEREAS, Brenda Johnston, Teresa Duke and Leisa Bowhay each own 42 limited partnership units (4.2%) of the Orville and Jennie Marie Smith Family Limited Partnership ("FLP") representing 12.6% of the issued and outstanding units of the FLP.

B. WHEREAS, Mike Duke, as trustee of the Orville Smith Family Trust, holds all general partnership units and 643 limited partnership units of the FLP.

C. WHEREAS, the Parties entered into that certain Settlement Agreement dated January 12, 2021 wherein, among other things, Assignors agreed to assign all their interests in the in the FLP to Assignee.

D. WHEREAS, Assignors desire to assign and transfer to Assignee all of Assignors' partnership units in the FLP (the "Partnership Units") pursuant to the terms of the Settlement Agreement.

E. WHEREAS, Jennie Marie Smith owned 139 limited partnership units of the FLP at the time of her death which limited partnership units were assigned to Assignee pursuant to *Last Will and Testament of Jennie Marie Smith*, dated June 24, 2014.

F. WHEREAS, upon the assignment of the Partnership Units as provided herein, Assignors shall have no interests in the FLP and Lewene shall hold all 50 of the general partnership units and 908 of the 950 limited partnership units of the FLP.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, warranties and mutual covenants set forth herein, the parties hereto agree as follows:

1. Assignment of Membership Interests. Assignors hereby assign to Assignee the Partnership Units, including, but not limited to, the right, title and interest of each Assignor in and to the properties (real and personal), capital, profits, losses, and cash flow allocable to the Partnership Units.
2. Effective Date. The assignment herein made is effective as of the date of this Assignment.
3. Acceptance by Assignee. Assignee: (a) accepts the assignment of all of Assignors' right, title, and interest in and to the Partnership Units; and (b) agrees to be bound by all of the terms, covenants, and conditions of this Agreement and of the partnership agreement. Assignee hereby

indemnifies and holds Assignors and agents harmless against any and all taxes, fees, surcharges, and other assessments, as well as losses, costs, and expenses (including reasonable attorneys' fees) arising out of any obligations of Assignee relating to the Partnership Units.

4. Representations of Assignor. Assignors warrant and represent to Assignee that (a) Assignors are the owners of the Partnership Units, (b) Assignors have not pledged, assigned, hypothecated, or otherwise encumbered all or any part of the Partnership Units, and (c) Assignors have the power and authority to rightfully assign the Partnership Units in accordance with this Assignment.

5. Successors and Assigns. This Assignment shall be binding upon and shall inure to the benefit of the parties hereto and their heirs, legal representatives, successors and assigns.

6. Survival of Representations. The representations, warranties, covenants and agreements of the parties contained in this Assignment shall survive the consummation of the transactions contemplated hereby.

7. Applicable Laws. This Assignment shall be governed by and construed in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, this Assignment is executed as of the day and year first above written.

ASSIGNORS:

ASSIGNEE:

Brenda Johnston 1-18-2021
Brenda Johnston

Lewene Clark 2-1-2021
Lewene Clark

Teresa Duke 1-18-2021
Teresa Duke

Leisa Bowhay 1-18-2021
Leisa Bowhay

Orville Smith Family Trust

Mike Duke 1-18-21
Mike Duke, Trustee

**CONSENT OF ORVILLE AND JENNIE MARIE SMITH FAMILY LIMITED
PARTNERSHIP**

The following acknowledge and consent to this Assignment and Assumption of Partnership Units:

**Orville and Jennie Marie Smith Family
Limited Partnership**

By: Lewene Clark, Partner
Name: Lewene Clark, Partner

ASSIGNMENT AND ASSUMPTION OF MEMBERSHIP INTERESTS

This Assignment and Assumption of Membership Interests (this "Assignment") is made and entered into as of February 17, 2021 by and between Lewene Clark, as personal representative of the Estate of Jennie Marie Smith ("Assignor"), and Lewene Clark ("Assignee").

RECITALS

- A. WHEREAS, Jennie Marie Smith died on July 26, 2015.
- B. WHEREAS, Jennie Marie Smith was the sole member of the Jennie Marie Smith LLC, an Idaho limited liability company, at the time of her death.
- C. WHEREAS, Lewene Clark is the duly appointed co-personal representative of the Estate of Jennie Marie Smith, Idaho District Court, County of Custer, Case No. CV-2015-094.
- D. WHEREAS, Assignor desires to assign and transfer to Assignee all of Assignor's membership interests in the Jennie Marie Smith LLC pursuant to article 6.A. of the *Last Will and Testament of Jennie Marie Smith*, dated June 24, 2014.

AGREEMENT

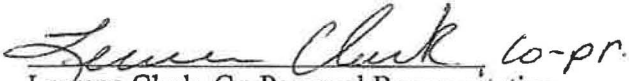
NOW, THEREFORE, in consideration of the premises, warranties and mutual covenants set forth herein, the parties hereto agree as follows:

1. Assignment of Membership Interests. Assignor hereby assigns to Assignee the Membership Interests, including, but not limited to, the right, title and interest of Assignor in and to the properties (real and personal), capital, profits, losses, and cash flow of the allocable to the Membership Interests.
2. Effective Date. The assignment herein made is effective as of the date of this Assignment.
3. Representations of Assignor. Assignor warrants and represents to Assignee that (a) Assignor is the owner of the Membership Interests, (b) Assignor has not pledged, assigned, hypothecated, or otherwise encumbered all or any part of the Membership Interests, and (c) Assignor has the power and authority rightfully to assign the Membership Interests in accordance with this Assignment.
4. Successors and Assigns. This Assignment shall be binding upon and shall inure to the benefit of the parties hereto and their heirs, legal representatives, successors and assigns.
5. Survival of Representations. The representations, warranties, covenants and agreements of the parties contained in this Assignment shall survive the consummation of the transactions contemplated hereby.
6. Applicable Laws. This Assignment shall be governed by and construed in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, this Assignment is executed as of the day and year first above written.

ASSIGNOR:

Estate of Jennie Marie Smith


Lewene Clark, Co-Personal Representative

ASSIGNEE:


Lewene Clark

CONSENT OF JENNIE MARIE SMITH LIMITED LIABILITY COMPANY

The following acknowledge and consent to this Assignment and Assumption of Membership Interests:

Jennie Marie Smith LLC

By: Lewene Clark, manager
Name: Lewene Clark, Manager



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 9, 2022

LEWENE CLARK
3897 W 3700 N
MOORE, ID 83255-8738

RE: Transfer No. 85901
Water Right No(s). 34-12363A, 34-198A, 34-2477A, 34-317A, 34-331

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the CHALLIS MESSENGER and ARCO ADVERTISER on 3/17/2022 and 3/24/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 9, 2022 11:22 AM
To: legalnotices@postregister.com
Subject: Legal Notice for Challis Messenger
Attachments: 85901 Challis Messenger, Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Transfer No. 85901
Water Right No(s). 34-12363A, 34-198A, 34-2477A, 34-317A, 34-331

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/4/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 9, 2022 11:22 AM
To: 'arcoadv@aol.com'
Subject: Legal Notice for Arco Advertiser
Attachments: 85901 Challis Messenger, Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT
ARCO ADVERTISER
PO BOX C
ARCO, ID 83213

RE: Transfer No. 85901
Water Right No(s). 34-12363A, 34-198A, 34-2477A, 34-317A, 34-331

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/4/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85901**

LEWENE CLARK, 3897 W 3700 N, MOORE, ID 83255-8738 has filed Application No. 85901 for changes to the following water rights within CUSTER County(s): Right No(s). 34-12363A, 34-198A, 34-2477A, 34-317A, 34-331; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in SWNE Sec 21 T06N R25E for 3.41 cfs from ground water. The point of diversion for the rights from the Big Lost River (Darlington Ditch) is not proposed to be changed. The proposed place of use is in Sec 21, 22, 27, and 28 T06N R25E for 466 acres. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/4/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/17/2022 and 3/24/2022