

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Hans & Twain Hayden; Mid Crystal Farms

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 28 2021

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

Department of Water Resources
Eastern Region

Name of Applicant(s) Hans & Twain Hayden; Mid Crystal Farms Phone (208) 221-9935
Mailing address 3747 MID CRYSTAL RD Email hans.b.hayden@gmail.com

- ☐ 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.

Hans & Twain Hayden / Mid Crystal Farms
Signature of Applicant or Authorized Representative

Hans Hayden
Print Name and Title if applicable

9/28/21
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. 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**.

3. 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**.

We propose to change the place of use for water rights 29-480, 2144, 2509, 7272, 7948, 7949, 10893, 13215, and 13522, in order to create a combined place of use and accurately represent current irrigation practices.

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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 ☒ ☐	29-480	0.6	IRRIGATION	04/01 to 10/31	RATTLESNAKE CREEK
☒ ☐	29-2144	0.98	IRRIGATION	03/15 to 11/15	CLIFTON CREEK
☒ ☐	29-2509	0.93	IRRIGATION	03/15 to 11/15	GROUND WATER
☒ ☐	29-7272	0.62 / 301.3	IRRIGATION	03/15 to 11/15	GROUND WATER
☒ ☐	29-7948	0.74 / 148.0	IRRIGATION	04/01 to 10/31	CLIFTON CREEK
☒ ☐	29-7949	2.32 / 644.0	IRRIGATION	04/01 to 10/31	GROUND WATER
☒ ☐	29-10893	1.6	IRRIGATION	04/01 to 10/31	CLIFTON CREEK
☒ ☐	29-13215	0.8	IRRIGATION	04/01 to 10/31	RATTLESNAKE CREEK
☒ ☐	29-13522	1.0	IRRIGATION	04/01 to 10/31	RATTLESNAKE CREEK

Total authorized under rights 8.04 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 6.24 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 #

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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0
Total Acres (for irrigation use)																			278.4

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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:
The diversion system is made up of multiple diversions from Clifton Creek, Rattlesnake Creek, and Groundwater with some groundwater rights being injected and re-diverted from Clifton and Rattlesnake Creeks. Each diversion is lockable and the ground water diversions have a flow meter installed.
- 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:
The land will not be irrigated.

- 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:
Water right 29-10893 has a stockwater 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:

5/17/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MID CRYSTAL FARMS C/O HANS HAYDEN 3747 MID CRYSTAL RD ARBON, ID 83212 (208) 335-2152

Status: Active

Tributary

<u>From</u>	<u>To</u>
04/01	10/31
Total Diversion	

Diversion Rate
2.320 CFS
2.320 CFS

Volume

GROUND WATER
GROUND WATER
GROUND WATER
GROUND WATER

SESESE
SENWNW
NWNESW
SENESW

Sec. 8, Twp 09S, Rge 34E, POWER County
 Sec. 16, Twp 09S, Rge 34E, POWER County(I)
 Sec. 8, Twp 09S, Rge 34E, POWER County(R)
 Sec. 8, Twp 09S, Rge 34E, POWER County(R)

IRRIGATION within POWER 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
09S	34E	8							5.4		28.0	36.0		39.0	35.0	13.0	28.0	37.0	221.4
09S	34E	9											37.0	20.0					57.0

Right Acre Limit: 161.0

POU Total Acres: 278.4

Conditions of Approval:

1. X27 This right is limited to the irrigation of 161 acres within the place of use described above in a single irrigation season.
2. Water diverted under this right is injected into Clifton Creek within the NWNW, S16, T09S, R34E and is rediverted from Rattlesnake Creek at 2 points within the NESW, S8, T09S, R34E.
3. X35 Rights 29-02144, 29-02509, 29-07272, 29-07948 and 29-07949 when combined shall not exceed a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 acres.
4. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. 065 The right holder shall make full use of all appurtenant surface water rights in

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6. 104 conjunction with ground water diverted under this right.
If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Dates and Other Information

Licensed Date: 5/14/2003

Water District Number: 29O

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Swan Falls Trust or Nontrust: N

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1,110.0	278.4
29-2144 ,29-2509 ,29-7272 ,29-7949		

SubCase:

N/A

Water Supply Bank:

N/A

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Water Right 29-480

Owner Type **Name and Address**
Current Owner HANS HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212-5045
(208) 335-2152

Current Owner TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212-5045
(208) 335-2152

Priority Date: 10/1/1903

Basis: Decreed

Status: Active

Source
RATTLESNAKE CREEK

Tributary
BANNOCK CREEK

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

0.600 CFS

Volume

Total Diversion

0.600 CFS

Source and Point(s) of Diversion

RATTLESNAKE CREEK
RATTLESNAKE CREEK

SWSWSE
NESW

Sec. 8, Twp 09S, Rge 34E, POWER County
Sec. 8, Twp 09S, Rge 34E, POWER County

Place Of Use

IRRIGATION within POWER 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	
09S	34E	8							5.4		28.0	36.0		39.0		1.9	10.0		120.3

Right Acre Limit: 30.0

POU Total Acres: 120.3

Conditions of Approval:

1. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272.
2. This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement and Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin. The parties agreed to "continue the historic water allocations pursuant to the Bannock Creek Decree [the decree in United States v. Daniels, (D. Idaho April 9, 1907, unpublished)]." Directors Report for the 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4. "The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights decreed in the Bannock Creek Decree

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- [United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA continue to receive their full legal entitlement." Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin, p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049 respectively (August 2, 1995). In times of shortage, this water right and other water rights decreed in United States v. Daniels, shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-466, 29-467, 29-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.
3. 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.
4. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. S35 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates and Other Information

Decreed Date: 4/3/2006
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 290
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.400		120.3
29-7272 ,29-480 ,29-13215 ,29-2509 ,29-13522		

SubCase:

SubCaseNumber: 29-480
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:

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Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:
N/A

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Water Right 29-2509

Owner Type **Name and Address**
Current Owner HANS HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212-5045
(208) 335-2152

Current Owner TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212-5045
(208) 335-2152

Priority Date: 8/2/1965

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	03/15	11/15	0.930 CFS	268.0 AF
	<u>Total Diversion</u>		0.930 CFS	268.0 AF

Source and Point(s) of Diversion

GROUND WATER	NESESW	Sec. 8, Twp 09S, Rge 34E,	POWER County
GROUND WATER	NWSWSE	Sec. 8, Twp 09S, Rge 34E,	POWER County(I)
GROUND WATER	NWNESW	Sec. 8, Twp 09S, Rge 34E,	POWER County(R)

Place Of Use

IRRIGATION within POWER 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	
09S	34E	8									10.0	19.0		38.0					67.0

POU Total Acres: 67.0

Conditions of Approval:

1. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 92 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272
2. G01 POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM RATTLESNAKE CREEK.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E54 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 408 AF. COMBINED RIGHT NOS.: 29-2509 AND

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6. C18 29-7272 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. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272
8. This ground water right is entitled to the protections of paragraph x.c. of water right 29-12052.

Dates and Other Information

Decreed Date: 3/22/2004

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 290

Mitigation Plan: False

Combined Use Limits

Rate

Volume

Acres

408.0

29-7272 ,29-2509

Rate

Volume

Acres

2.400

120.3

29-7272 ,29-480 ,29-13215 ,29-2509 ,29-13522

SubCase:

N/A

Water Supply Bank:

N/A

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<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HANS HAYDEN 3747 MID CRYSTAL RD ARBON, ID 83212-5045 (208) 335-2152

Current Owner **TWAIN HAYDEN**
3747 MID CRYSTAL RD
ARBON, ID 83212-5045
(208) 335-2152

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.620 CFS	301.3 AF
	Total Diversion		0.620 CFS	301.3 AF

GROUND WATER	NESWSE	Sec. 3, Twp 09S, Rge 34E,	POWER County
GROUND WATER	NWNW	Sec. 16, Twp 09S, Rge 34E,	POWER County(R)
GROUND WATER	NESWSE	Sec. 3, Twp 09S, Rge 34E,	POWER County
GROUND WATER	NESW	Sec. 8, Twp 09S, Rge 34E,	POWER County(R)

IRRIGATION within POWER County

IRRIGATION within POWER 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
09S	34E	8									28.0	36.0		28.0					92.0
																			92.0

POU Total Acres: 92.0

Conditions of Approval:

1. G02 POINT OF INJECTION INTO CLIFTON CREEK. POINTS OF REDIVERSION FROM CLIFTON CREEK AND RATTLESNAKE CREEK.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF REDIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-480, 29-2509, 29-13522, 29-7272, AND 29-13215
4. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272

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5. E54 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 408 AF. COMBINED RIGHT NOS.: 29-2509 AND 29-7272
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. 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.
8. This ground water right is entitled to the protections of paragraph x.c. of water right 29-12052.

Dates and Other Information

Decreed Date: 3/22/2004

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 290

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	408.0	
29-7272 ,29-2509		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.400		120.3
29-7272 ,29-480 ,29-13215 ,29-2509 ,29-13522		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
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Water Right 29-13215

Owner Type **Name and Address**
Current Owner HANS HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045
 (208) 335-2152

Current Owner TWAIN HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045
 (208) 335-2152

Priority Date: 10/1/1903

Basis: Decreed

Status: Active

Source
RATTLESNAKE CREEK

Tributary
BANNOCK CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.800 CFS	
	Total Diversion		0.800 CFS	

Source and Point(s) of Diversion
RATTLESNAKE CREEK NESW Sec. 8, Twp 09S, Rge 34E, POWER County

Place Of Use

IRRIGATION within POWER 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	
09S	34E	8							5.4		28.0	36.0		39.0		1.9	10.0		120.3

Right Acre Limit: 40.0

POU Total Acres: 120.3

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272
3. 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.
4. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-478 AND 29-481.
5. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A

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6. C03 COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
8. This water right will be delivered in accordance with the 1990 Fort Hall Indian Water
Rights Agreement and Partial Final Consent Decree Determining the Rights of the
Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin. The
parties agreed to "continue the historic water allocations pursuant to the Bannock
Creek Decree [the decree in United States v. Daniels, (D. Idaho April 9, 1907,
unpublished)]." Directors Report for the 1990 Fort Hall Indian Water Rights
Agreement, p. 8 para. 4 . "The Tribes and the United States shall exercise this right in a
manner that ensures persons with water rights decreed in the Bannock Creek Decree
[United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA
continue to receive their full legal entitlement." Partial Final Consent Decree
Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the
Upper Snake River Basin, p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049
respectively (August 2, 1995). In times of shortage, this water right and other water
rights decreed in United States v. Daniels, shall receive their full legal entitlement
despite the federal based natural flow water right nos. 29-466, 29-467, 29-469,
29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
Owner Name Connector: AND
Water District Number: 290
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.400		120.3
29-7272 ,29-480 ,29-13215 ,29-2509 ,29-13522		

SubCase:

SubCaseNumber: 29-13215
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
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Water Right 29-13522

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HANS HAYDEN 3747 MID CRYSTAL RD ARBON, ID 83212-5045 (208) 335-2152
Current Owner	RUSSELL J HAYDEN 1654 HILLTOP RD PO BOX 598 SODA SPRINGS, ID 83276
Current Owner	TWAIN HAYDEN 3747 MID CRYSTAL RD ARBON, ID 83212-5045 (208) 335-2152

Priority Date: 4/1/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RATTLESNAKE CREEK	BANNOCK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.000 CFS	
	<u>Total Diversion</u>		1.000 CFS	

Source and Point(s) of Diversion

RATTLESNAKE CREEK	NESW	Sec. 8, Twp 09S, Rge 34E,	POWER County
RATTLESNAKE CREEK	SWSWSE	Sec. 8, Twp 09S, Rge 34E,	POWER County

Place Of Use

IRRIGATION within POWER 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	
09S	34E	8							5.4		28.0	36.0		39.0		1.9	10.0		120.3

Right Acre Limit: 50.0

POU Total Acres: 120.3

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272
2. 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

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- 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.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND 29-7272

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
Owner Name Connector: OR
Water District Number: 29O
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.400		120.3
29-7272 ,29-480 ,29-13215 ,29-2509 ,29-13522		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
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5/17/2021

Water Right 29-2144

Owner Type **Name and Address**
 Current Owner HANS HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045
 (208) 335-2152

Current Owner TWAIN HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045
 (208) 335-2152

Priority Date: 7/3/1912

Basis: Decreed

Status: Active

Source
 CLIFTON CREEK

Tributary
 BANNOCK CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.980 CFS	
	Total Diversion		0.980 CFS	

Source and Point(s) of Diversion
 CLIFTON CREEK NWNW Sec. 16, Twp 09S, Rge 34E, POWER County

Place Of Use
 IRRIGATION within POWER 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	
09S	34E	8													35.0	13.0	24.0	37.0	109.0
09S	34E	9											37.0	20.0					57.0

Right Acre Limit: 49.0

POU Total Acres: 166.0

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 49 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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5. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 166 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-2144, 29-7948 AND 29-10893

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 290
Mitigation Plan: False

Combined Use Limits

Rate

Volume

Acres

166.0

29-2144 ,29-7948 ,29-10893

SubCase:

N/A

Water Supply Bank:

N/A

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5/17/2021

Water Right 29-7948

Owner Type **Name and Address**
Current Owner MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212
(208) 335-2152

Priority Date: 5/16/1990

Basis: Decreed

Status: Active

Source
CLIFTON CREEK

Tributary
RATTLESNAKE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.740 CFS	148.0 AF
	<u>Total Diversion</u>		0.740 CFS	148.0 AF

Source and Point(s) of Diversion
CLIFTON CREEK

NENWNW

Sec. 16, Twp 09S, Rge 34E, POWER County

Place Of Use

IRRIGATION within POWER 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	
09S	34E	8													35.0	11.0	10.0	37.0	93.0
09S	34E	9											37.0	20.0					57.0

Right Acre Limit: 37.0

POU Total Acres: 150.0

Conditions of Approval:

- 004 This right does not grant any right-of-way or easement across the land of another.
- E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2144, 29-7948 AND 29-10893
- R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- F06 THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-2144, 29-10893 AND 29-7948
- 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- R43 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.

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7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 37 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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. R05 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. 01

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 290
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
29-2144 ,29-7948 ,29-10893		166.0

SubCase:

N/A

Water Supply Bank:

N/A

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5/17/2021

Water Right 29-10893

Owner Type **Name and Address**
Current Owner HANS HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045
 (208) 335-2152

Current Owner TWAIN HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045
 (208) 335-2152

Priority Date: 12/31/1927

Basis: Decreed

Status: Active

Source
CLIFTON CREEK

Tributary
RATTLESNAKE CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.600 CFS	
STOCKWATER	01/01	12/31	0.020 CFS	
	Total Diversion		1.600 CFS	

Source and Point(s) of Diversion
CLIFTON CREEK

NWNW

Sec. 16, Twp 09S, Rge 34E, POWER County

Place Of Use

IRRIGATION within POWER 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	
09S	34E	8													35.0	13.0	24.0	37.0	109.0
09S	34E	9											37.0	20.0					57.0

Right Acre Limit: 80.0

POU Total Acres: 166.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

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5. E56 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.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 166 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-2144, 29-7948 AND 29-10893

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 290
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
29-2144 ,29-7948 ,29-10893		166.0

SubCase:

N/A

Water Supply Bank:

N/A

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Transfer contains _____ pages and _____
 Received by _____ Date _____ Preliminary check by _____ Date _____
 Fee paid 980.00 Date 9-28-21 Received by M. Pettis Receipt # E047402
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____
 _____ (originals to state office)

Add'l fee paid _____ Date _____ Received by _____
 Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Mid Crystal Farms Transfer, Change Place of Use



09S34E

- Proposed Place of Use
- Water Right Place of Use
- Township/Range
- Sections
- QQ

0 500 1,000 2,000 Feet



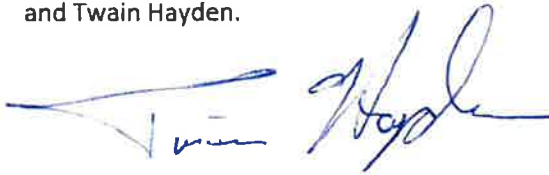
RECEIVED

NOV 03 2021

Department of Water resources,

Department of Water Resources
Eastern Region

I, Twain Hayden agree with the 2021 combination of water rights of Mid Crystal Farms, Hans Hayden,
and Twain Hayden.

A handwritten signature in blue ink, appearing to read "Twain Hayden", is written over a faint, horizontal line.

Adamson, Jared

From: Hans Hayden <hans.b.hayden@gmail.com>
Sent: Wednesday, November 3, 2021 9:14 AM
To: Adamson, Jared
Subject: Re: Letter of Consent fromTwain

I will get that done today
Hans Hayden

On Wed, Nov 3, 2021 at 8:47 AM Adamson, Jared <Jared.Adamson@idwr.idaho.gov> wrote:

Hans,

I have been working on the transfer application that you submitted for Mid Crystal Farms. I unfortunately overlooked the fact that we need to have Twain Hayden's consent to continue processing and approving the transfer application. This is because he is also the owner of several of the water rights involved with the transfer. Can you please have Twain write a brief letter saying he consents to the transfer of the water rights and have him sign the letter. He can either mail it to me or email me a copy of the letter. It just needs to have his signature on it.

Thanks,



Jared Adamson | Water Resource Agent, Sr.
Idaho Department of Water Resources
900 N Skyline Drive Suite A, Idaho Falls, ID 83402 | (208) 525-7161