

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 09 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Zane Clement Phone 684-48292. MAILING ADDRESS 253 N 1000 W City BlackfootState Id Zip 83221 Email zjclem@hotmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 35-26898 35-7016

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 1.54 cubic feet per second and/or 308 acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SE	SW	20	2S	34E	Bingham	Groundwater	WM15 500485

6. 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:

Measuring device will be installed in the future.

- b. Who owns the property at the point(s) of diversion? We do
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐	☒	currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Zane Clement
Print name and title if applicable

3-4-16
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid 580.00 Date 3-9-16 Receipted by [Signature] Receipt # E041898

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/4/2016

Water Right 35-2689B

<u>Owner Type</u>	<u>Name</u>
Current Owner	LARRY J CLEMENT
Original Owner	MARIE WEISE LAMM
Original Owner	CHARLES S RAINSDON
Original Owner	RALPH ROOS
Original Owner	G N CHRISTIANSEN

Priority Date: 9/11/1961
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.440 CFS	
	Total Diversion		1.440 CFS	

Source and Point(s) of Diversion

GROUND WATER	SWSESE	Sec. 20, Twp 02S, Rge 34E, BINGHAM County
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Place Of Use

IRRIGATION within BINGHAM County

T02S R34E S20	SWSE	39.0
T02S R34E S20	SESE	38.0
	Right Acre Limit:	74.0
	POU Total Acres:	77.0

Conditions of Approval:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-07016 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.54 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 308 AF.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-07016 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-07016 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/4/2016

Water Right 35-7016

Owner Type **Name**
Current Owner LARRY J CLEMENT
Priority Date: 4/5/1968
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/20	11/01	1.540 CFS	
	Total Diversion		1.540 CFS	

Source and Point(s) of Diversion
GROUND WATER SWSESE Sec. 20, Twp 02S, Rge 34E, BINGHAM County

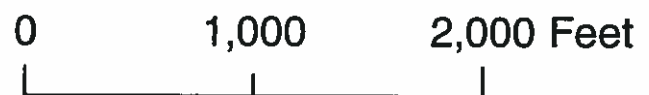
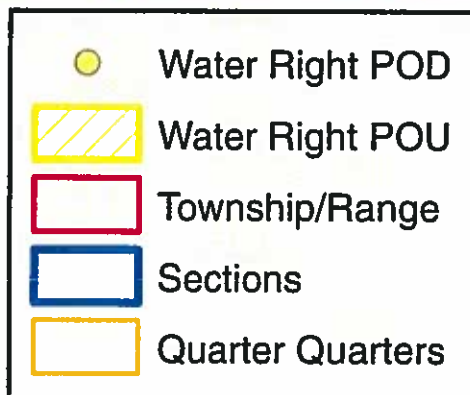
Place Of Use
IRRIGATION within BINGHAM County

T02S R34E S20	SWSE	39.0
T02S R34E S20	SESE	38.0
POU Total Acres:		77.0

Conditions of Approval:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-02689B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.54 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 308 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-02689B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON.
4. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
5. RIGHT NO. 35-02689B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Clement Transfer Application (35-2689B, 35-35-7016)



GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned has made, constituted and appointed, and by these presents does make, constitute and appoint Zane Clement of 253 North 1000 West, Blackfoot, Bingham County, Idaho, the true and lawful attorney of the undersigned for and in the name, place and stead of the undersigned:

For my use and benefit, to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever as are now, or shall hereafter become, due, owing, payable or belonging to me, and have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, by attachments, arrests, distress or otherwise, and to compromise and agree for the same, and acquittances, or other sufficient discharges for the same, for me, and in my name, to make, seal and deliver; to bargain, contract, agree for, purchase, receive and take all lands and all deeds and other assurances, in the law therefor, and to lease, let, demise, bargain, sell remise, release, convey, mortgage and hypothecate lands, tenements and hereditaments, upon such terms and conditions, and under such covenants, as he shall deem fit. Also, to bargain and agree for, buy, sell, mortgage, hypothecate and in any and every way and manner deal in and with goods, wares and merchandise, chooses in action and other property in possession or in action, and to make, do and transact all and every kind of business of whatsoever nature or kind, and also for me and in my name, and as my act and deed, to sign, execute, deliver and acknowledge such deeds, leases and assignment of leases, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charter-parties, bills of lading, bills, bonds, notes, receipts, evidences of debts, releases and satisfaction of

mortgages, judgments and other debts, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Also to sign and deliver checks, drafts or other orders for the payment of money upon any bank, including checks, drafts, or orders drawn to, or for the account of my said attorney personally, and to draw money thereon; to settle and adjust my accounts with any bank.

Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said attorney, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of these presents.

WITNESS my hand this 15 day of March, 1996.


LARRY J. CLEMENT


MARILYN CLEMENT

STATE OF IDAHO)
) ss.
County of Bingham)

On this 15 day of March, 1996, before me, a Notary Public in and for said State, personally appeared Larry J. Clement and Marilyn Clement, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Notary Public for State of Idaho
Residing at Blackfoot, Idaho

My cmn exprs: 12-1-2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 16, 2016

ZANE CLEMENT
253 N 1000 W
BLACKFOOT, ID 83221

RE: Transfer No. 80745
Water Right No(s). 35-2689B, 35-7016

Dear Applicant(s):

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 MORNING NEWS on 3/24/2016 and 3/31/2016. 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,

Judea Jones
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, March 16, 2016 3:20 PM
To: 'Morning News (legals@am-news.com)'
Subject: Legal Notice for Your Newspaper
Attachments: Morning News E-Mail.doc

Contacts: Morning News

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80745

ZANE CLEMENT, 253 N 1000 W, BLACKFOOT, ID 83221; has filed Application No. 80745 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2689B, 35-7016; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion. The point of diversion is in the SESW of Sec 20 T2S R34E for 1.54 cfs from ground water. The place of use remains the same.

TRANSFER NO. 80744

PHILLIP RAY JACKSON, 1242 W 600 S, PINGREE, ID 83262; has filed Application No. 80744 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-7148; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion and add a point of diversion. The points of diversion are in the NWSE and NESW of Sec 36 T3S R33E for 1.56 cfs from ground water. The place of use remains the same.

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 together with a protest fee of \$25.00 for each application on or before 4/11/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/24/2016 and 3/31/2016