

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78559

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) CLARELYN ELGAN AND DOUGLAS L ELGAN AND DANNY TURNER AND CHERYLL TURNER

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 #1-9.

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

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SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant CLARELYN ELGAN Phone (208)543-6322
Mailing Address 4785 N 1115 E , BUHL ID 83316 Email DELELGAN@GMAIL.COM
Name of Applicant DOUGLAS L ELGAN Phone (208)543-6322
Mailing Address 4785 N 1115 E, BUHL ID 83316 Email DLELGAN@GMAIL.COM
Name of Applicant DANNY TURNER Phone (208) 731-4288
Mailing Address 1656 HWY 46, GOODING ID 83330 Email _____
Name of Applicant CHERYLL TURNER Phone (208) 539-0058
Mailing Address 1656 HWY 46, GOODING ID 83330 Email _____

- ☐ 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.

Clarelyn Elgan Douglas L Elgan CLARELYN & DOUGLAS ELGAN 26 Apr 2013
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date
Danny and Cheryl Turner Danny and Cheryl Turner 04/29/13
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
72-4159A	No	Yes	No	No	No	No	No
72-4159D	No	Yes	No	No	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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.2**

Application filed to move the point of diversion downstream approximately 0.3 mile to eliminate an inefficient delivery ditch and to allow for the installation of a pump diversion to allow for more efficient delivery of water.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
72-4159D	0.400 cfs	N/A	N/A	15.4		N/A	N/A	N/A	N/A
72-4159A	0.360 cfs	N/A	N/A	7.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.760 cfs	N/A	N/A	22.4		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.76 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 72-4159D

Current Water Right Owner

DANNY TURNER
 1656 HWY 46
 GOODING, ID 83330

CHERYLL TURNER
 1656 HWY 46
 GOODING, ID 83330

Priority Date: 6/18/1888

Origin: Water Right

Basis: Decreed

Status Active

Source: THOMPSON CREEK **Tributary:** SALMON RIVER

Beneficial Use

IRRIGATION

From

4/01

To

10/31

Diversion Rate

0.400 CFS

Subuse Code

Total Diversion

0.400 CFS

Source and Point(s) of Diversion:

THOMPSON CREEK

L5(NESE)

Sec. 25 Twp 11N Rge 16E CUSTER County

Describe the proposed diversion system

Pump in creek

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	16E	25													7.4			0.1	7.5
															L 5			L 5	
11N	17E	30										7.7	0.2						7.9
												L 6	L 6						

POU Total Acres: 15.4

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 72-4159A

Current Water Right Owner

DOUGLAS L ELGAN
 4785 N 1115 E
 BUHL, ID 83316

CLARELYN ELGAN
 4787 N 1115 E
 BUHL, ID 83316

Priority Date: 6/18/1888

Origin: Water Right

Basis: Decreed

Status Active

Source: THOMPSON CREEK **Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.360 CFS	
Total Diversion			0.360 CFS	

Source and Point(s) of Diversion:
 THOMPSON CREEK

L5(NESE)

Sec. 25 Twp 11N Rge 16E CUSTER County

Describe the proposed diversion system

Pump in creek

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	17E	30										7.0							7.0
												1.6							

POU Total Acres: 7.0

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
7.5 HP pump will divert water to a pipeline to irrigation system mainline. A measuring device and control
works will be installed after consulting with the water master.
- b. Who owns the property at the point(s) of diversion
Dan and Cheryll Turner (co applicants)
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?
No, ☒ 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: N/A - Proposed change will not negatively impact the value of the property. No change pro
posed in current place of use.
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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A
- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None
- f. 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:

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Current Water Right No. 72-4159D

Current Water Right Owner
ROBERT E TURNER
HC 67 BOX 692
CLAYTON, ID 83227

SANDRA L TURNER
HC 67 BOX 692
CLAYTON, ID 83227

Priority Date: 6/18/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: THOMPSON CREEK **Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.400 CFS	
Total Diversion			0.400 CFS	

Source and Point(s) of Diversion:
THOMPSON CREEK NESENE Sec. 25 Twp 11N Rge 16E CUSTER County

Describe the proposed diversion system

ROCK & LOG DAM TO 4' WIDE DITCH, 7 HP PUMP TO SPRINKLERS

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	16E	25													7.4			0.1	7.5
															L 5			L 5	
11N	17E	30										7.7	0.2						7.9
												L 6	L 6						

POU Total Acres: 15.4

Conditions/Remarks:

1. 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. WATER IS DELIVERED THROUGH THOMPSON CREEK DITCH.
0.09 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
RIGHT NO. 72-04159A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Current Water Right No. 72-4159A

Current Water Right Owner

DOUGLAS L ELGAN
4785 N 1115 E
BUHL, ID 83316

AND

CLARELYN ELGAN
4787 N 1115 E
BUHL, ID 83316

Priority Date: 6/18/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: THOMPSON CREEK Tributary: SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.360 CFS	
Total Diversion			0.360 CFS	

Source and Point(s) of Diversion:

THOMPSON CREEK NESENE Sec. 25 Twp 11N Rge 16E CUSTER County

Describe the proposed diversion system

ROCK AND LOG DAM TO DITCH, EARTH DITCHES & FLOOD GRAVITY SYSTEM

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	17E	30										7.0							7.0
												1.6							

POU Total Acres: 7.0

Conditions/Remarks:

1. 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. WATER IS DELIVERED THROUGH THOMPSON CREEK DITCH.
0.09 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
RIGHT NO. 72-04159D IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

Transfer No. 78559



239922
Custer County Reg. of
May Rammell Thompson, CHS
Time *11:35 AM* Date *11-24-2008*
Barbara C. Breedlove, Clerk
B. Cheney \$9.00
Deputy

QUITCLAIM DEED

For Value Received Sandra L. Turner, the Grantor does hereby convey, release, remise and forever quit claim, without any warranties of any type or nature including those of title and the right to convey unto Danny L. Turner and Cheryl R. Turner as husband and wife, the Grantees whose current address 1656 State Hwy 46, Gooding, Idaho 83330, the following described Real Property:

See the attached description

Put together with any appurtenances.

Dated:

March 30, 2008

Sandra L. Turner
SANDRA L. TURNER

STATE OF IDAHO)
 :SS
County of Twin Falls)

On this 30 day of March, 2008, before me, a notary public in and for said State, personally appeared Sandra L. Turner, known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

Brian J. Cheney
Notary Public for Idaho
Residing at: Pocatello
My Commission Expires: 10/27/2010

BRIAN J. CHENEY
NOTARY PUBLIC
STATE OF IDAHO

239922

and an arc distance of 54.62 feet to a point of tangency; Thence South 00°45'00" East, a distance of 179.85 feet; Thence south 81°24'00" East, a distance of 259.19 feet; Thence South 89°24'00" East, a distance of 101.92 feet to **THE TRUE POINT OF BEGINNING**

EXCEPTING THEREFROM the following described parcel of land. A parcel of land located in U.S. government lot 5, Section 25, Township 11 North, Range 16 East, Boise Meridian, and in U.S. government Lot 6, Section 30, Township 11 North, Range 17 East, Boise Meridian, being a portion of the lands described in deed instrument 0199803, of the records of Custer county more particularly described as follows:

Commencing at the Southeast corner of section 25, Township 11 North, Range 16 East, Boise Meridian, Thence North 00°00'00" East along the East line of Section 25, a distance of 1171.18 feet, to a point on the south boundary line of said deed instrument 0199803, **THE TRUE POINT OF BEGINNING**; Thence South 81°24'00" East, a distance of 155.52 feet; Thence North 34°11'22", East a distance of 302.98 feet; Thence North 73°39'59" West, a distance of 675.15 feet to a point in an existing fence line; Thence South 22°51'59" West, along said fence line, a distance of 177.07 feet to a point of non-tangency of a 35.00 foot radius curve, concave to the southeast, from said point the radius bears, South 04°39'54" West; Thence southeasterly and southerly along said 35.00 foot radius curve, through a central angle of 84°35'06", and an arc distance of 51.67 feet, to a point of tangency; Thence South 00°45'00 East, a distance of 158.85 feet; Thence South 80°57'49" East, a distance of 259.50 feet; Thence South 80°31'06" East a distance of 103.59 feet, more or less to a point on the East boundary line of said Section 25; Thence South 00°00'00" East a distance of 3.00 feet to **THE TRUE POINT OF BEGINNING**

COMPRISING 34.36 ACRES MORE OR LESS

SUBJECT TO: All easements as depicted on Record of Survey map recorded in the records of Custer County as instrument 189492 and Record of Survey map recorded in the records of Custer County as instrument 213733

239922

LEGAL DESCRIPTION

GOVT. LOT 5 SECTION 25 T. 11 N. R. 16 E. B.M.

GOVT. LOT 6 SECTION 30 T. 11 N. R. 17 E. B.M.

A parcel of land located in U.S. government Lot 5, Section 25, Township 11 North, Range 16 East, Boise Meridian, and U.S. government Lot 6, Section 30, Township 11 North, Range 17 East, Boise Meridian, Custer County Idaho, being a portion of deed instrument 0199803, and all of deed instrument 0200187, of the records of Custer County, as depicted on Record of Survey map recorded in the records of Custer County as instrument 189492, more particularly described as follows:

Commencing at the Southeast corner of section 25, Township 11 North, Range 16 East, Boise Meridian, Thence North $00^{\circ}00'00''$ East along the East line of Section 25, a distance of 1171.18 feet, to a point on the south boundary line of said deed instrument 0199803, **THE TRUE POINT OF BEGINNING**; Thence South $81^{\circ}24'00''$ East, a distance of 155.52 feet; Thence North $34^{\circ}11'22''$, East a distance of 909.16 feet; Thence South $74^{\circ}45'03''$ East, a distance of 614.50 feet; Thence North $00^{\circ}01'00''$ West, a distance of 914.15 feet, to a point on the north boundary line of government Lot 6; Thence South $89^{\circ}42'03''$ West, along the North line of government Lot 6, a distance of 1257.27 feet, to the West quarter corner of Section 30; Thence North $89^{\circ}50'15''$ West, along the north line of government Lot 5, a distance of 270.25 feet to the northwest corner of said deed instrument 0199803; Thence South $25^{\circ}15'00''$ East, a distance of 67.68 feet; Thence South $25^{\circ}16'23''$ East, a distance of 75.89 feet; Thence South $04^{\circ}51'39''$ East, a distance of 128.70 feet; Thence South $26^{\circ}53'00''$ East, a distance of 163.50 feet; Thence South $72^{\circ}43'00''$ East, a distance 366.82 feet; Thence South $17^{\circ}17'00''$ West, a distance of 237.50 feet; Thence North $72^{\circ}43'00''$ West, a distance of 366.82 feet; Thence North $65^{\circ}09'00''$ West, a distance of 153.81 feet to a point in the center of Thompson Creek; Thence South $11^{\circ}57'06''$ West, along the center of Thompson Creek, a distance of 18.74 feet, to a point on the north boundary line of deed instrument 0200187; Thence North $65^{\circ}09'00''$ West, a distance of 43.72 feet to the northwest corner of said deed instrument 0200187; Thence South $20^{\circ}52'17''$ West, along the west boundary of deed instrument 0200187, a distance of 110.19 feet to the southwest corner of said deed; Thence South $63^{\circ}31'38''$ East along the south boundary line of deed instrument 0200187, a distance of 7.88 feet, more or less to a point in the center of Thompson Creek, the same being a point on the westerly boundary line of deed instrument 0199803; Thence South $15^{\circ}47'55''$ West, along the center of Thompson Creek, a distance of 77.07 feet; Thence South $10^{\circ}09'51''$ West, along the westerly boundary line of said deed instrument 0199803, a distance of 520.15 feet, to a point of cusp of a 45.00 foot radius curve, concave to the southeast, from said point the radius bears South $79^{\circ}50'09''$ East; Thence northeasterly and easterly along said 45.00 foot radius curve, through a central angle of $79^{\circ}40'09''$ and an arc distance of 62.57 feet, to a point of tangency; Thence North $89^{\circ}50'00''$ East, a distance of 83.00 feet, to a point of curvature of a 35.00 foot radius curve, concave to the southwest; Thence southeasterly and southerly along said 35.00 foot radius curve, through a central angle of $89^{\circ}25'00''$

LEGAL DESCRIPTION

GOVT. LOT 5 SECTION 25 T. 11 N. R. 16 E. B.M.

GOVT. LOT 6 SECTION 30 T. 11 N. R. 17 E. B.M.

A parcel of land located in U.S. government Lot 5, Section 25, Township 11 North, Range 16 East, Boise Meridian, and in U.S. government Lot 6, Section 30, Township 11 North, Range 17 East, Boise Meridian, Custer County Idaho, being a portion of the lands described in deed instrument 0199803, of the records of Custer county more particularly described as follows:

Commencing at the Southeast corner of section 25, Township 11 North, Range 16 East, Boise Meridian, Thence North 00°00'00" East along the East line of Section 25, a distance of 1171.18 feet, to a point on the south boundary line of said deed instrument 0199803, **THE TRUE POINT OF BEGINNING**; Thence South 81°24'00" East, a distance of 155.52 feet; Thence North 34°11'22", East a distance of 302.98 feet; Thence North 73°39'59" West, a distance of 675.15 feet to a point in an existing fence line; Thence South 22°51'59" West, along said fence line, a distance of 177.07 feet to a point of non-tangency of a 35.00 foot radius curve, concave to the southeast, from said point the radius bears, South 04°39'54" West; Thence southeasterly and southerly along said 35.00 foot radius curve, through a central angle of 84°35'06", and an arc distance of 51.67 feet, to a point of tangency; Thence South 00°45'00" East, a distance of 158.85 feet; Thence South 80°57'49" East, a distance of 259.50 feet; Thence South 80°31'06" East a distance of 103.59 feet, more or less to a point on the East boundary line of said Section 25; Thence South 00°00'00" East a distance of 3.00 feet to **THE TRUE POINT OF BEGINNING**.

SUBJECT TO: All easements as depicted on Record of Survey map recorded in the records of Custer County as instrument 189492 and record of Survey map recorded in the records of Custer County as instrument 213733.

Quit Claim Deed

For Value Received, Sandra L. Turner, the Grantor, does hereby convey, release, remise, and forever quit claim, without any warranties of any type or nature including those of title and the right to convey unto Danny L. Turner and Cheryl R. Turner, as husband and wife, the Grantees, whose current address 1656 State Hwy 46, Gooding, Idaho 83330, the following described Real Property:

See the attached description

Put together with any appurtenances.

Dated:

May 8th 2013

STATE OF IDAHO)

:SS

County of Gooding)

X Sandra L. Turner
Turner, Sandra L

On this 8th Day of May, 2013, before me, a notary public in and for said State, personally appeared Sandra L. Turner, known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

Deanna Lenker

Notary Public for Idaho

Residing at: Gooding Id

My Commission Expires: 1-26-16





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 10, 2013

DOUGLAS L ELGAN
CLARELYN ELGAN
4785 N 1115 E
BUHL, ID 83316

DANNY TURNER
CHERYLL TURNER
1656 HWY 46
GOODING, ID 83330

RE: Transfer No. 78559
Water Right No(s). 72-4159A, 72-4159D

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 **CHALLIS MESSENGER on 5/16/2013 and 5/23/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 3, 2013**).

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,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 09, 2013 3:52 PM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger Cover Letter.docx; Challis Messenger Ad.docx

Attached please find (1) legal notice being submitted for publication on May 16th & 23rd, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

May 9, 2013

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

RE: Transfer No. 78559
Water Right No(s): 72-4159A, 72-4159D

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 June 3, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78559**

DOUGLAS L and CLARELYN ELGAN, 4785 N 1115 E , BUHL, ID 83316; DANNY and CHERYLL TURNER, 1656 HWY 46, GOODING, ID 83330; have filed Application No. 78559 for changes to the following water rights within CUSTER County(s): Right No(s). 72-4159A, 72-4159D; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for two Thompson Creek irrigation water rights that allow for the diversion of up to 0.76 cfs for the irrigation of 22.4 acres of land by moving the location to a new pump diversion approximately 0.3 mile downstream from the currently authorized diversion location. The new diversion will be located approximately 5.7 miles west and 0.4 miles south of Clayton.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 3, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 16th & 23rd, 2013



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 9, 2013

ADRIANNE HALL-MAYDOLE
WATER DISTRICT #72-D
HC 67 BOX 327
CLAYTON, ID 83227

RE: Transfer No. 78559
Water Right No(s): 72-4159A & 72-4159D

Dear Ms. Hall-Maydole:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 9, 2013

IDAHO DEPT OF FISH & GAME
PO BOX 1336
SALMON, ID 83467

RE: Application for Transfer No. 78559

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**June 3, 2013**).

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant
Southern Region

Enclosure(s)

cc: Tom Bassista, IDFG Idaho Falls

MEMORANDUM

Date: May 9, 2013
To: Transfer 78559 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the point of diversion for two Thompson Creek irrigation water rights, 72-4159A and 72-4159D, that allow for the diversion of up to 0.76 cfs for the irrigation of 22.4 acres of land by moving the location to a new pump diversion approximately 0.3 mile downstream from the currently authorized diversion location. The new diversion will be located approximately 5.7 miles west and 0.4 miles south of Clayton. The transfer should result in all of the rights being moved from the ditch to the new diversion location. Note that the IDWR Water Right layer shows right 72-4159F also being diverted from the existing point of diversion. However, the identified place of use for right 72-4159F is on the other side of the creek so it is clearly not diverted and delivered via the existing 72-4159A and 72-4159D ditch. Note that the water rights are located within Subdistrict 72D within Water District 170. Also note that as part of the transfer approval the place of use for right 72-4159D will be adjusted to reflect more accurate acre locations (due to the availability of better technology since the issuance of the decree). IDWR records identify 0.09 cfs of each of the rights as being used for conveyance losses but it appears that the conditions were recommended as explanatory remarks and were not actually on the face of the decrees.

- **Authority to File:**

The Elgans are listed as current owners on IDWR record 72-4159A. Quitclaim deeds have been included that convey the land and appurtenances associated with right 72-4159D to Danny and Cheryll Turner.

- **Water Right Validity:**

Water rights involved with this transfer were decreed in the SRBA in December of 2000. Review of aerial photography appears to support recent use of the rights involved with this transfer. In addition, water master records indicate that the water rights were delivered in 2009.

- **Injury to Other Water Rights:**

None anticipated. The transfer should result in all of the rights being moved from the ditch to the new diversion located downstream.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No negative impact anticipated. Application will be subject to public notice. Moving the point of diversion downstream should result in more water being available in a 0.3 mile stretch of a sensitive fishery area.

- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water. Eliminating the leaky conveyance ditch should result in a conservation of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Annual Summary for Water District 72D Clayton Area Sub-district 72216001 - D - THMC1

DISCHARGE, CUBIC FEET PER SECOND, CALENDAR YEAR 01/01/2009 - 12/31/2009

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	--	--	--	--	--	1.87	0.88	0.00	0.00	0.00	--	--
2	--	--	--	--	--	1.86	0.82	0.00	0.00	0.00	--	--
3	--	--	--	--	--	1.85	0.76	0.00	0.00	0.00	--	--
4	--	--	--	--	--	1.84	0.69	0.00	0.00	0.00	--	--
5	--	--	--	--	--	1.83	0.63	0.00	0.00	0.00	--	--
6	--	--	--	--	--	1.82	0.57	0.00	0.00	0.00	--	--
7	--	--	--	--	--	1.81	0.50	0.00	0.00	0.00	--	--
8	--	--	--	--	--	1.80	0.44	0.00	0.00	0.00	--	--
9	--	--	--	--	--	1.79	0.38	0.00	0.00	0.00	--	--
10	--	--	--	--	--	1.78	0.31	0.00	0.00	0.00	--	--
11	--	--	--	--	--	1.77	0.25	0.00	0.00	0.00	--	--
12	--	--	--	--	--	1.76	0.19	0.00	0.00	0.00	--	--
13	--	--	--	--	--	1.75	0.13	0.00	0.00	0.00	--	--
14	--	--	--	--	--	1.74	0.06	0.00	0.00	0.00	--	--
15	--	--	--	--	--	1.73	0.00	0.00	0.00	0.00	--	--
16	--	--	--	--	--	1.72	0.00	0.00	0.00	0.00	--	--
17	--	--	--	--	--	1.71	0.00	0.00	0.00	0.00	--	--
18	--	--	--	--	--	1.70	0.00	0.00	0.00	0.00	--	--
19	--	--	--	--	2.00	1.64	0.00	0.00	0.00	0.00	--	--
20	--	--	--	--	1.99	1.57	0.00	0.00	0.00	0.00	--	--
21	--	--	--	--	1.98	1.51	0.00	0.00	0.00	0.00	--	--
22	--	--	--	--	1.97	1.45	0.00	0.00	0.00	0.00	--	--
23	--	--	--	--	1.96	1.39	0.00	0.00	0.00	0.00	--	--
24	--	--	--	--	1.95	1.32	0.00	0.00	0.00	0.00	--	--
25	--	--	--	--	1.94	1.26	0.00	0.00	0.00	0.00	--	--
26	--	--	--	--	1.93	1.20	0.00	0.00	0.00	0.00	--	--
27	--	--	--	--	1.92	1.13	0.00	0.00	0.00	0.00	--	--
28	--	--	--	--	1.91	1.07	0.00	0.00	0.00	0.00	--	--
29	--	--	--	--	1.90	1.01	0.00	0.00	0.00	0.00	--	--
30	--	--	--	--	1.89	0.94	0.00	0.00	0.00	0.00	--	--
31	--	--	--	--	1.88	--	0.00	0.00	--	--	--	--
Total:	--	--	--	--	25.2	47.6	6.61	0.00	0.00	0.00	--	--
Mean:	--	--	--	--	1.94	1.59	0.21	0.00	0.00	0.00	--	--
Min:	--	--	--	--	1.88	0.94	0.00	0.00	0.00	0.00	--	--
Max:	--	--	--	--	2.00	1.87	0.88	0.00	0.00	0.00	--	--
AC-FT:	--	--	--	--	50.0	94.5	13.1	0.00	0.00	0.00	--	--

CALENDAR YEAR 01/01/2009 - 12/31/2009

TOTAL CFS: 79.5

TOTAL AC-FT: 157.6