

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004271064
\$ 00.33⁵
NOV 03 2009
MAILED FROM ZIP CODE 83702

CLEMENT, LARRY & ZANE
780 W HWY 26
BLACKFOOT, ID 83221

35-13494

637 NFE 1 909C 00 11/06/09
RETURN TO SENDER
CLEMENT
110 N 900 W
BLACKFOOT ID 83221-5343
RETURN TO SENDER

IXHCG5472000000



updated per Janet
Larry deceased



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 13, 2009

Janet & Zane Clement
253 N 1000 W
Blackfoot, Id 83221

Dear Mrs. Clement:

I have enclosed copies of what I have found as your water rights.

Before we can modify our records to reflect your ownership of all or a portion of the property of the water right referenced above, we need to have a Notice of Change in Water Right Ownership form completed and returned with the appropriate support data and filing fee. I have enclosed a copy of this form along with a database report for the listed water right for your convenience.

Please note that Idaho Code 42-248 requires water right owners to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. **Failure to report these changes could result in a \$100.00 late filing fee.**

If you need assistance or have any questions regarding this matter, please contact the State Office or your Regional Office at 208 525-7161.

Sincerely,

Christine Roberts
Idaho Dept. of Water Resources
Water Distribution



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 2, 2009

TO: Water Right Holder in the Eastern Snake Plain Aquifer

Re: Notice of Potential Curtailment of Ground Water Rights in the Eastern Snake Plain Aquifer

Dear Water Right Holder:

This letter is provided to inform you that you are the water right holder of record for one or more water rights that could be subject to curtailment during 2010. The enclosed map depicts areas of potential curtailment based on three water right calls, described below. The delivery calls were made under the Idaho Department of Water Resources' (IDWR) Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11). The calls apply to ground water rights for irrigation, commercial, industrial, municipal, non-exempt domestic uses, and other consumptive uses. Non-consumptive uses and culinary in-house uses of water are not subject to curtailment under the orders.

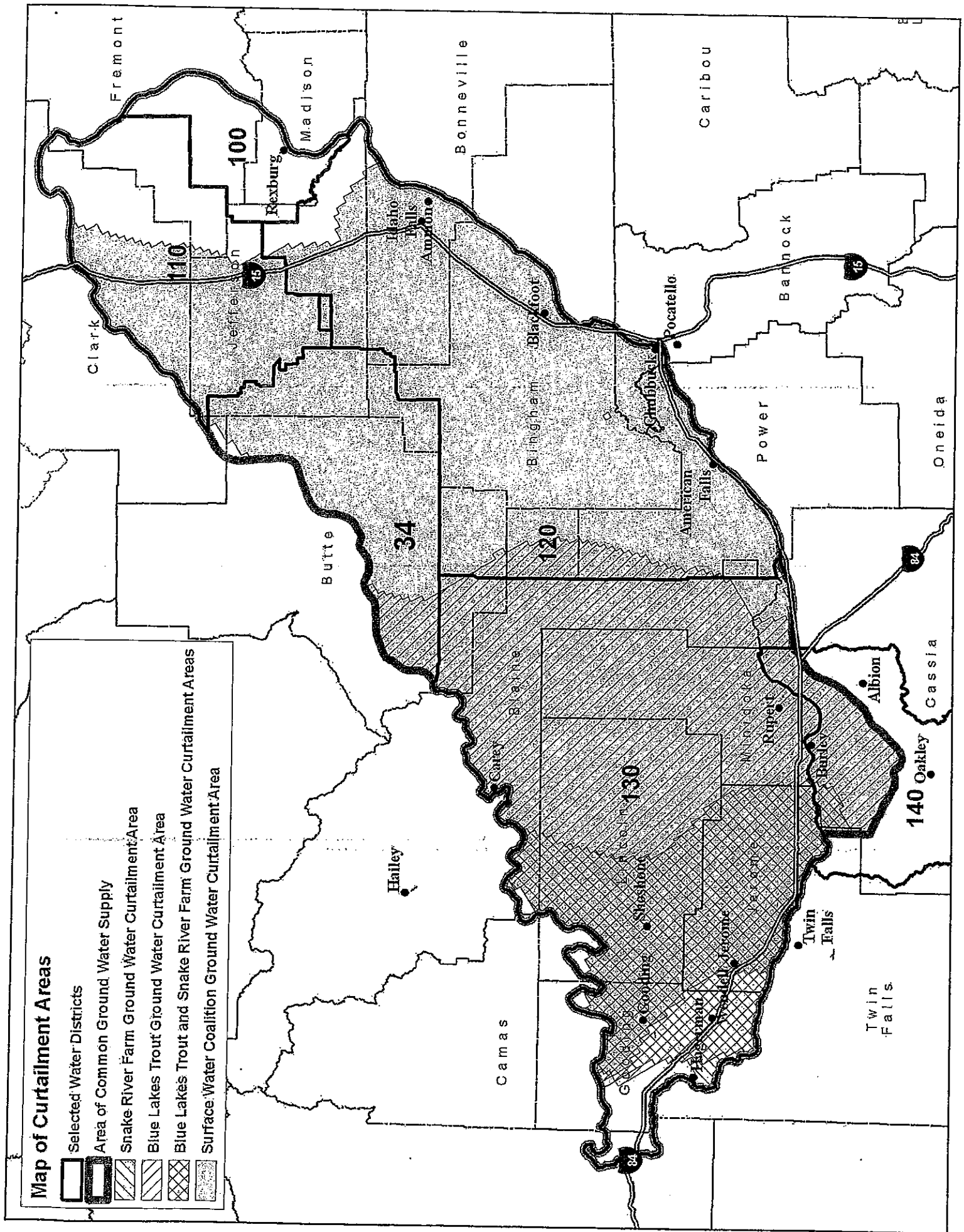
Clear Springs Call

Clear Springs Foods, Inc. (Clear Springs) holds several water rights for fish propagation at its Snake River Farm facility near Buhl. These rights authorize the diversion of water from springs tributary to Clear Lakes located in the Buhl Gage to Thousand Springs reach east of Buhl. An order issued on July 8, 2005, determined that diversion and use of ground water under water rights with junior priority dates causes material injury to Clear Springs' water right no. 36-04013B (February 4, 1964). A copy of the order can be found on the IDWR website at:
<http://www.idwr.idaho.gov/Calls/Spring%20Users%20Calls/Clear%20Springs%20Order%2007-08-05.pdf>.

As of 2009, the fifth and final year of phased curtailment, junior ground water users were required to provide 39 cfs of replacement water to the Buhl Gage to Thousand Springs reach, or 2.68 cfs of direct and suitable quality replacement water to the Clear Springs Snake River Farm facility (6.9 percent of 38.9 cfs), or a combination thereof. In 2009, Clear Springs and the Idaho Ground Water Appropriators, Inc. (IGWA), who represent the North Snake and Magic Valley Ground Water Districts, agreed upon a level of mitigation to be implemented by IGWA during the 2009 and 2010 calendar years, pending a hearing and determination of a permanent mitigation plan filed by IGWA to provide direct delivery of ground water to Clear Springs via a pipeline over the canyon rim. In July of 2009, IDWR found that IGWA was not providing all of the mitigation that it had agreed to and IDWR subsequently ordered curtailment of certain junior priority ground water rights. IGWA then filed a motion with the Idaho Fifth District Court to stay IDWR's curtailment order. District Court Judge John Melanson conditionally granted IGWA's request for stay on August 24, 2009. Judge Melanson has since granted requests by Clear Springs seeking clarification of his conditional stay order. The Court has scheduled a second status conference on this matter for November 6, 2009.

Pending further clarification or decision from the District Court, IDWR may require curtailment of ground water rights having a priority date junior to August 11, 1990 if IGWA provides no additional mitigation in 2010 as it did in 2009.

Water users are further advised that IDWR has scheduled a hearing on December 7, 2009 regarding IGWA's pipeline mitigation plan. If the mitigation plan is not approved, ground water rights junior to February 4, 1964 could be subject to curtailment.



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13494

WATER RIGHT NUMBER: 35-13494

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ZANE CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)-684-4879
Current Owner	LARRY J CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)684-4287

Priority Date: 12/10/1971

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>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.200 CFS	40.00 AF
	<u>Total Diversion:</u>	0.200 CFS	40.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 14, Twp 02S, Rge 34E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	14															31.0	39.0	70.0
02S	34E	23	38.0	37.0	4.4	6.6													86.0

Total Acres: 156

Dates and Other Information:

Decreed Date: 8/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7193

WATER RIGHT NUMBER: 35-7193

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ZANE CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)-684-4879
Current Owner	LARRY J CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)684-4287

Priority Date: 12/10/1971

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>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.440 CFS	592.00 AF
	<u>Total Diversion:</u>	2.440 CFS	592.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 14, Twp 02S, Rge 34E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	14															29.0	39.0	68.0
02S	34E	23	37.0	36.0	2.0	3.0													78.0

Total Acres: 146

Dates and Other Information:

Decreed Date: 1/25/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-12195

WATER RIGHT NUMBER: 35-12195

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ZANE CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)684-4879
Current Owner	JANET CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)684-4879

Priority Date: 01/01/1969

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>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4SW1/4	Sec. 14, Twp 02S, Rge 34E, B.M.
BINGHAM County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	14																	

Dates and Other Information:

Decreed Date: 11/28/1997

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7426

WATER RIGHT NUMBER: 35-7426

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ZANE CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)-684-4879
Current Owner	LARRY J CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)684-4287

Priority Date: 06/14/1974

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>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 21, Twp 02S, Rge 34E, B.M.
BINGHAM County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	21																	

Dates and Other Information:

Decreed Date: 10/31/1997

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-12193

WATER RIGHT NUMBER: 35-12193

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY J CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)684-4287
Current Owner	ZANE CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)-684-4879

Priority Date: 01/01/1935

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SE1/4	Sec. 14, Twp 02S, Rge 34E, B.M.
BINGHAM County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	14																	X

Dates and Other Information:

Decreed Date: 11/28/1997

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-12196

WATER RIGHT NUMBER: 35-12196

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CALVIN G LLOYD 383 N 840 W BLACKFOOT, ID 83221-5282 (208)684-4440
Current Owner	KIMBERLY LLOYD 383 N 840 W BLACKFOOT, ID 83221-5282 (208)684-4440
Directors Report Owner	ZANE CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)684-4879
Directors Report Owner	SHAN CLEMENT 780 W HWY 26 BLACKFOOT, ID 83221 (208)684-4879

*Maybe not
Involved?*

Priority Date: 03/15/1976

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4NW1/4

Sec. 27, Twp 01N, Rge 32E, B.M.

BINGHAM County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	32E	27						X											

PARCEL NO. RP0071601

Dates and Other Information:

Decreed Date: 11/28/1997