

RECEIVED

MAR 05 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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Transfer No. 74610

Receipt No. 503007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information CHATBURN BROTHERS INC
BOX 26
ALBION ID 83311
(208)673-6660

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-14108	WR/Decreed	1.95			97.4	HOWELL CREEK
45-13624	WR/Decreed	1.95			97.4	UNNAMED STREAM

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-14108	NO	YES	YES	NO	NO	NO
45-13624	NO	NO	NO	NO	NO	NO

Describe the reason for the proposed changes

This application proposes to dry up 32 acres on the east side of Howell Creek so that 32 acres can be irrigated on the west side. WR 45-13624 currently appurtenant to the same 32 acres being dried up under 45-323 will be abandoned through this transfer process. The water available under WR 45-13624 is not readily available.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

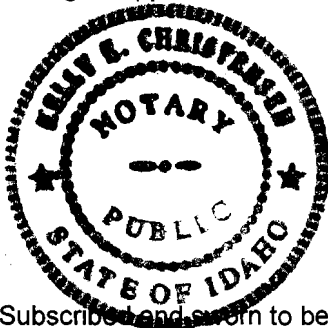
	Rate	Acre Limit	Total Acres	Volume
45-14108	0.64 cfs		32.0	
45-13624	1.31 cfs		65.4	
TOTAL				

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Kelly Christensen
(Signature of Applicant)

President
(Title or Office)

Subscribed and sworn to before me this 5 day of Mar, 2008

Kelly K Christensen
(Notary Public)

My commission expires 4-2-2010

Transfer No. 74610

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

Current Water Right No. 45-14108

Priority Date: October 13, 1878

Origin: Water Right

Basis: Decreed

Status: Active

Source: HOWELL CREEK**Tributary:** MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.95 CFS		
STOCKWATER	04/01 10/31	0.05 CFS		
	Total Diversion	1.95 CFS		

Source and Point(s) of Diversion:

HOWELL CREEK L2 (SWNWNE) Sec. 4 Twp 12S Rge 25E CASSIA 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	
11S 25E 33		12.0	8.8		34.0	.8	4.8	37.0									97.4

Total Acres: 97.4

Conditions/Remarks:

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 97.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-323 and 45-13624.

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5. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

At the place of use 32 acres of currently irrigated land will no longer be irrigated.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 74610

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

Current Water Right No. 45-13624

Priority Date: April 12, 1892

Origin: Water Right

Basis: Decreed

Status: Active

Source: UNNAMED STREAM**Tributary:** HOWELL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.95 CFS		
	Total Diversion	1.95 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM SESENE Sec. 33 Twp 11S Rge 25E CASSIA County

UNNAMED STREAM SWNESE Sec. 33 Twp 11S Rge 25E CASSIA 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	
11S	25E	33		12.0	8.8		34.0	.8	4.8	37.0									97.4

Total Acres: 97.4

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 97.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-323 and 45-13624.
- 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.
- The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Documentation of Ownership of the Current Place of Use

N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

the associated 32 acres that are being transferred under the Howell Cr right will be abandoned along with the diversion rate for those acres for this right.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-14108

Priority Date: October 13, 1878

Origin: Water Right

Basis: Decreed

Status: Active

Source: HOWELL CREEK**Tributary:** MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.64 CFS		
	Total Diversion	0.64 CFS		

Source and Point(s) of Diversion:

HOWELL CREEK SWNW Sec. 33 Twp 11S Rge 25E CASSIA County

Describe the proposed diversion system**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	
11S	25E	33						18.0	14.0										32.0

Total Acres: 32

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-13624

Priority Date: April 12, 1892

Origin: Water Right

Basis: Decreed

Status: Active

Source: UNNAMED STREAM**Tributary:** HOWELL CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.31 CFS		
	Total Diversion	1.31 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM SESENE Sec. 33 Twp 11S Rge 25E CASSIA County

UNNAMED STREAM SWNESE Sec. 33 Twp 11S Rge 25E CASSIA County

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S 25E 33		9.2	8.8		27.0	.4		20.0									65.4

Total Acres: 65.4

Move to
Here

Dry up
Left
Over
Dry up

No. C 70534	Due no later than August 31, 2007 Annual Report Form		2. Registered Agent and Office NO PO BOX JEFF CHATBURN 1250 EAST 850 SOUTH ALBION, ID 83311																		
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address - Correct in this box, if applicable CHATBURN BROTHERS, INC. JEFF CHATBURN PO BOX 25 ALBION, ID 83311		3. New Registered Agent Signature																		
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors. <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 10%;"><u>Office held</u></th> <th style="text-align: left; width: 20%;"><u>Name</u></th> <th style="text-align: left; width: 35%;"><u>Street or P.O. Address</u></th> <th style="text-align: left; width: 15%;"><u>City</u></th> <th style="text-align: left; width: 10%;"><u>State</u></th> <th style="text-align: left; width: 10%;"><u>Zip</u></th> </tr> </thead> <tbody> <tr> <td>President</td> <td>Jeff Chatburn</td> <td>P.O. Box 25</td> <td>Albion</td> <td>Id.</td> <td>83311</td> </tr> <tr> <td>Secy.</td> <td>Tammy Chatburn</td> <td>" "</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	President	Jeff Chatburn	P.O. Box 25	Albion	Id.	83311	Secy.	Tammy Chatburn	" "			
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President	Jeff Chatburn	P.O. Box 25	Albion	Id.	83311																
Secy.	Tammy Chatburn	" "																			
5. Organized Under the Laws of: IDAHO C 70534		6. Signature <u><i>Jeff Chatburn</i></u> Date <u>8-21-07</u> Name (Typed or Printed) <u>Jeff Chatburn</u> Title <u>President</u>																			

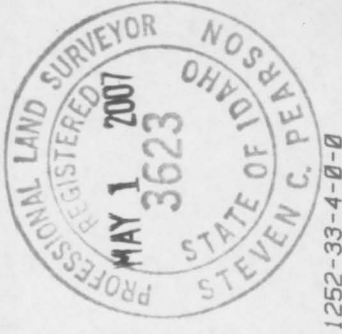
Issued 06/01/2007

Do Not Tape or Staple

200708000550

NORTHWEST CORNER
SECTION 33
fnd 5/8" rebar w/
3" aluminum cap
c.p. rec. 6 OCT. 1988
inst. no. 198192

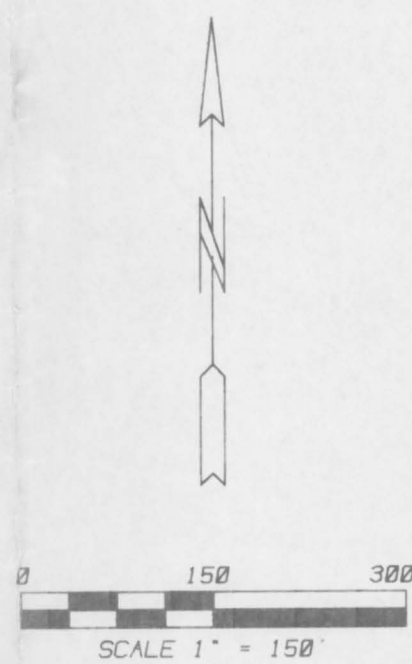
NORTH 1/4 CORNER
SECTION 33
fnd U.S.GLO iron
pipe w/ brass cap
c.p. rec. 10 JAN. 2007
inst. no. 313192



DESERT WEST LAND SURVEYS

1751 OVERLAND AVE. BURLEY, IDAHO 83318
JOB NO.: 0077-0781
DATE: 30 APR. 2007
DRAWN BY: [initials]
CHECKED BY: [initials]
PHONE: 208-678-7112

PROPERTY SURVEY
for
JEFF CHATBURN



BASIS OF BEARING = GPS ORIENTATION TO NORTH

SECTION BREAKDOWN
SCALE 1" = 1200'



PARCEL 2
33.07 ACRES+/-

PARCEL 1
10.33 ACRES+/-

DELBERT BENNETT JR. PROPERTY

WEST 1/4 CORNER
SECTION 33
fnd 5/8" rebar w/
3" aluminum cap
c.p. rec. 13 MAY 1991
inst. no. 213390

CERTIFICATE OF SURVEY

I, Steven C. Pearson, a Registered Professional Land Surveyor, Idaho License No. 3623, do hereby certify that this Record of Survey has been prepared from a survey made on the ground under my supervision and that this map is an accurate representation of said survey.

NOTE

- o - SET IRON PIN (1/2" x 24" rebar)
w/ L.S. no. attached.
 - - NO CORNER SET.
- OTHER SURVEY CONTROL FOUND
OR SET AS NOTED.

SECTION 33
T. 11 S., R. 25 E., B.M.
CASSIA COUNTY, IDAHO