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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69194

This is to certify that: BENJAMIN T CORSON
HCR 61 BOX 193
BONNERS FERRY ID 83805
(208)267-2174

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
98-2010	WR/License	02/01/1910	2.80 cfs		140.0	140.0	SNYDER CREEK, SPRING

Purpose of Transfer (Changes Proposed)

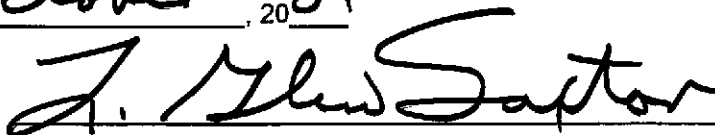
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
98-2010	YES	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
98-2010	98-7807	0.94 cfs	130.1 af	43.0	43.0	98-7808	0.40 cfs	60.6 af	20.0	20.0
TOTALS		0.94 cfs	130.1 af	43.0	43.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 98-7807
As Modified by Transfer No. 69194

In accordance with the approval of Transfer No. 69194, Water Right No. 98-7807 is now described as follows.

Right Holder: BENJAMIN T CORSON And
 LINDA M CORSON
 HCR 61 BOX 193
 BONNERS FERRY ID 83805

Priority Date: 02/01/1910

Source: SNYDER CREEK

Tributary: MOYIE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.86 CFS	129.0 AF
DOMESTIC	01/01 to	12/31	0.04 CFS	0.6 AF
STOCKWATER	01/01 to	12/31	0.04 CFS	0.5 AF
			0.94 CFS	130.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SNYDER CREEK NENENE Sec. 26 Twp 64N Rge 02E BOUNDARY
 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		
64N 02E 23																	3.0	3.0
64N 02E 26	40.0																	40.0

Total Acres: 43

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		
64N 02E 23																	X	

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
64N 02E 23																	X	

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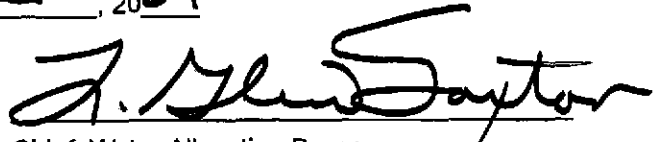
WATER RIGHT NO. 98-7807
As Modified by Transfer No. 69194

CONDITIONS OF APPROVAL

1. Irrigation of 70.0 acres previously authorized under Right 98-2010 has been forfeited by more than five (5) years of non-use. Irrigation of 43.0 acres is authorized under Right 98-7807.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau

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SEP 25 2002

Right Holder: DENIS JOHNSON And
CINDY JOHNSON
HCR 61 BOX 192
BONNERS FERRY ID 83805

Source: SPRING
SNYDER CREEK

Tributary: SINKS
MOYIE RIVER

LOCATION OF POINT(S) OF DIVERSION:

SPRING **SWNW** **Sec. 25 Twp 64N Rge 02E** **BOUNDARY**
County

Total Acres: 20

[illegible]

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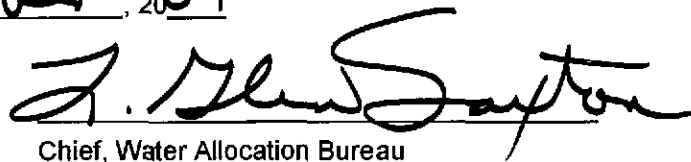
WATER RIGHT NO. 98-7808
As Modified by Transfer No. 69194

CONDITIONS OF APPROVAL

1. Approval of Transfer 69194 is not a confirmation of the validity of this water right.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. Spring source known locally as Monks Spring.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau

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FEB 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

November 15, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BENJAMIN T CORSON
LINDA CORSON
HCR 61 BOX 193
BONNERS FERRY, ID 83805

Re: Transfer No. 69194

Dear Mr. And Mrs. Corson:

The Idaho Department of Water Resources (Department) has received your petition for reconsideration of the preliminary order approving the transfer referenced above. As I understand your petition, you are objecting to the portion of Water Right No. 98-2010 that is now recorded as 98-7808 in the name of Denis and Cindy Johnson.

First, I would like to clarify the transfer approval and the purpose of the documents issued as the preliminary order. The original water right, License No. 98-2010, was issued in 1911 for 2.8 cfs to irrigate 140 acres of land. When property is subdivided, appurtenant water rights are conveyed along with the property unless specifically excluded as part of the sale. In this case, your portion of the original water right would be 2.4 cfs for irrigation of 120 acres and the Johnsons' portion would be 0.4 cfs for 20 acres. This assumes that the water right (or part thereof) has not been lost due to forfeiture or abandonment. A water right can be forfeited through non-use for a period of five years or more.

In processing a transfer application such as yours, the Department generally focuses on the portion of the water right being transferred. Your application proposed a change to the portion of License No. 98-2010 under your ownership (designated as Water Right No. 98-7807). Since the license was not previously split to reflect multiple owners for the original place of use, the license was split as part of the transfer approval.

The un-transferred portion of License No. 98-2010 (Johnsons' portion) was not the focus of the Department's review and consequently did not include a review for forfeiture or any determination of the validity of the right. Please note the condition of approval on the document for Water Right No. 98-7808 stating that the "Approval of Transfer No. 69194 is not a confirmation of the validity of this water right." In addition, the original license did not authorize uses other than irrigation or domestic; a transfer application would be required before a change in the point of diversion, place of use, nature of use or period of use could be authorized. A transfer proceeding would include a review of the validity of the right at that time.

The preliminary order approving your transfer was issued by the Department on October 17, 2001 and mailed to you on October 30, 2001. The Department's Rule of Procedure No. 730 provides that a preliminary order will become final unless a party petitions for reconsideration within fourteen (14) days of the service date of the order. The fourteen-day period expired after November 13, 2001. Since your petition for reconsideration was not received by the Department until November 15, 2001, the preliminary order approving the transfer has become final. Rule 730 also provides that if the

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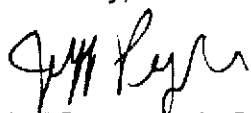
NOV 15 2001

preliminary order becomes final, you may appeal the final order to district court as described in the information sheet included with your transfer approval.

Since the transfer approval is not considered a determination of the validity of Water Right No. 98-7808, you may have other recourse if you feel, at any time, that your water rights are being injured by other water users. I encourage you to work with our Northern Region office if problems arise regarding your water use.

If you need additional information regarding this issue, please feel free to contact the Department.

Sincerely,



Jeff Peppersack, Section Manager
Water Right Permits Section

Cc: Denis and Cindy Johnson

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SEP 2 5 1999

Memorandum

From: Jeff Peppersack

November 5, 2001

To: Water Right File No. 98-2010
Transfer No. 69194

Re: Phone Call from Linda Corson Regarding Transfer Approval

Linda Corson called to inquire about the "remaining portion" shown under the approval of transfer no. 69194. She indicated that land has not been irrigated for many years, if ever, under the portion of the water right designated as 98-7808 in the name of Denis and Cindy Johnson. She also indicated that the apparent approval of water to the Johnson property could create a problem because the water is very limited in the area.

I explained that she should file a petition for reconsideration if she disagrees with the approval. The approval was mailed on October 29, 2001.

30 *JP*

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SEP 27 2001

MEMORANDUM

TO: FILE 98-07807
FROM: VAULT
RE: TRANSFER # 69194
DATE: 10.29.01

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 98-2010

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FEB 25 2002