

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72184

This is to certify that: CLAYTON TREE FARM LLC
PO BOX 68
WILDER ID 83669
(208)482-6600

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. A summary of the changes is also listed below. 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>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-21471	WR/Decreed	01/01/1909	0.14 cfs	7.9 af	N/A	N/A	GROUND WATER
63-10578	WR/License	03/02/1988	2.00 cfs	666.0 af	148.0	189.0	GROUND WATER

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>
63-21471	NO	YES	NO	NO	NO	NO
63-10578	NO	YES	NO	NO	NO	NO

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>
63-21471	63-21471	0.14 cfs	7.9 af	N/A	N/A		N/A	N/A	N/A	N/A
63-10578	63-10578	2.00 cfs	666.0 af	148.0	189.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.14 cfs	673.9 af	148.0	189.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15th day of December, 20 05



Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 63-10578

WATER RIGHT NO. 63-10578
As Modified by Transfer No. 72184

In accordance with the approval of Transfer No. 72184, Water Right No. 63-10578 is now described as follows.

Right Holder: CLAYTON TREE FARM LLC
 PO BOX 68
 WILDER ID 83669

Priority Date: March 02, 1988

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	2.00 CFS	666.0 AF
			2.00 CFS	666.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNW	Sec. 13 Twp 04N	Rge 05W CANYON County
GROUND WATER	SWNW	Sec. 13 Twp 04N	Rge 05W CANYON 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					
04N	05W	12																	36.0
04N	05W	13					39.0	39.0	36.0	39.0									153.0

Total Acres: 189

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. After specific notification by the Department, the right holder shall measure the diversion 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.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-10578 and 63-21471 shall not exceed 2.14 cfs, nor total combined annual volume of 673.9 af.

WATER RIGHT NO. 63-10578
As Modified by Transfer No. 72184

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right is limited to the irrigation of 148.0 acres within the place of use described above in a single irrigation season.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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 15th day of December, 2005



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-21471
As Modified by Transfer No. 72184

In accordance with the approval of Transfer No. 72184, Water Right No. 63-21471 is now described as follows.

Right Holder: CLAYTON TREE FARM LLC
 PO BOX 68
 WILDER ID 83669

Priority Date: January 01, 1909

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 to	12/31	0.04 CFS	1.2 AF
STOCKWATER	01/01 to	12/31	0.10 CFS	6.7 AF
			0.14 CFS	7.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNW	Sec. 13 Twp 04N	Rge 05W CANYON County
GROUND WATER	SWNW	Sec. 13 Twp 04N	Rge 05W CANYON County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 05W 13							X										

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 05W 13							X										

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 63-21471
As Modified by Transfer No. 72184

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall measure the diversion 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.
6. The total instantaneous diversion of water from all points of diversion under Rights 63-10578 and 63-21471 shall not exceed 2.14 cfs, nor total combined annual volume of 673.9 af.
7. The quantity of water under this right shall not exceed 13,000 gallons per day.
8. The quantity of water decreed for this water right is not a determination of historical beneficial use.
9. Domestic use is for 1 home.

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 15th day of December, 20 05



Chief, Water Allocation Bureau