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SEP 21 2005

Page 1 of 7STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES Eastern RegionTransfer No. 72361

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

NOV 03 2005

Department of Water Resources
Eastern RegionName of applicant Jimmie L. Dowton Phone 208-876-4264
Post Office address HC 62 Box 2320, May, Idaho 83253

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Transfer irrigation water to Asthetics/Wildlife Pond.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>73-87</u>	<u>5/1/1900</u>	<u>7.20</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
		<u>0.33</u>	<u>Asthetics/Wildlife Pond</u>	<u>1/1</u> to <u>12/31</u>
				to _____
				to _____

2. Total amount of water being transferred _____ cubic feet per second and/or 0.33 acre-feet per annum.3. Source of water Pahsimeroi River tributary to Salmon River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	21	15N	21E	Custer	Original for Irrigation
	NE	SE	SE	17	15N	21E		POD for Pond

5. Lands irrigated or place of use: Same as recommendation of directors report, less .2 acres.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15N	21E	16											4.6						4.6
15N	21E	17									26.0		1.9		17.0	35.0	24.8		104.7
15N	21E	20	25.0	2.6															27.6
15N	21E	21					1.2	34.0	.9	2.2									38.3

5. Pond T17N, R21E, Sec. 17, SESE Asthetics/Wildlife Pond Total acres 175.2

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PART 1

6. General Information:

a. Description of diversion system The river channel has been widened slightly to allow the pond/river to be widened.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Irrigated lands will be reduced by 0.2 acres and will no longer be irrigated.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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Page 1

Transfer No. 72361
 Receipt No. _____

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

Current Water Right No. 73-87

Priority Date: 05/01/1900

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: PAHSIMEROI RIVER

Tributary to: SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	7.20 CFS		
	Total Diversion	7.20 CFS		

Source and Point(s) of Diversion:

PAHSIMEROI RIVER SENW 15N 21E 21 CUSTER

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	
15N 21E 16											4.6						4.6
15N 21E 17								26.0				1.9	17.0	35.0	25.0		104.9
15N 21E 20	25.0	2.6															27.6
15N 21E 21					1.2	34.0	.9	2.2									38.3

Total Acres: 175.4

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.

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Page 2

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

Transfer No. 72361
Receipt No. _____

Current Water Right No. 73-87

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?

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

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

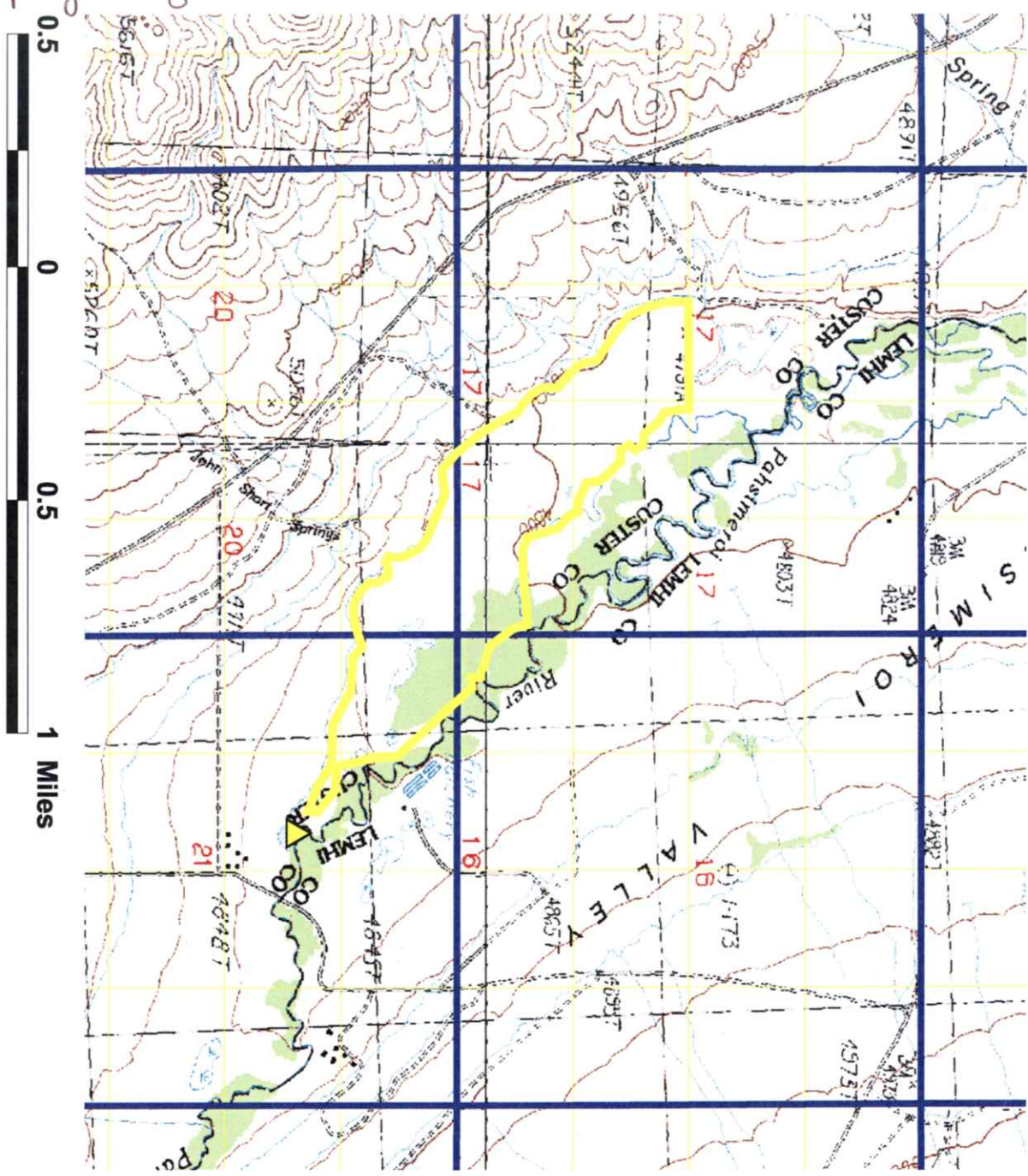
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Downton Transfer

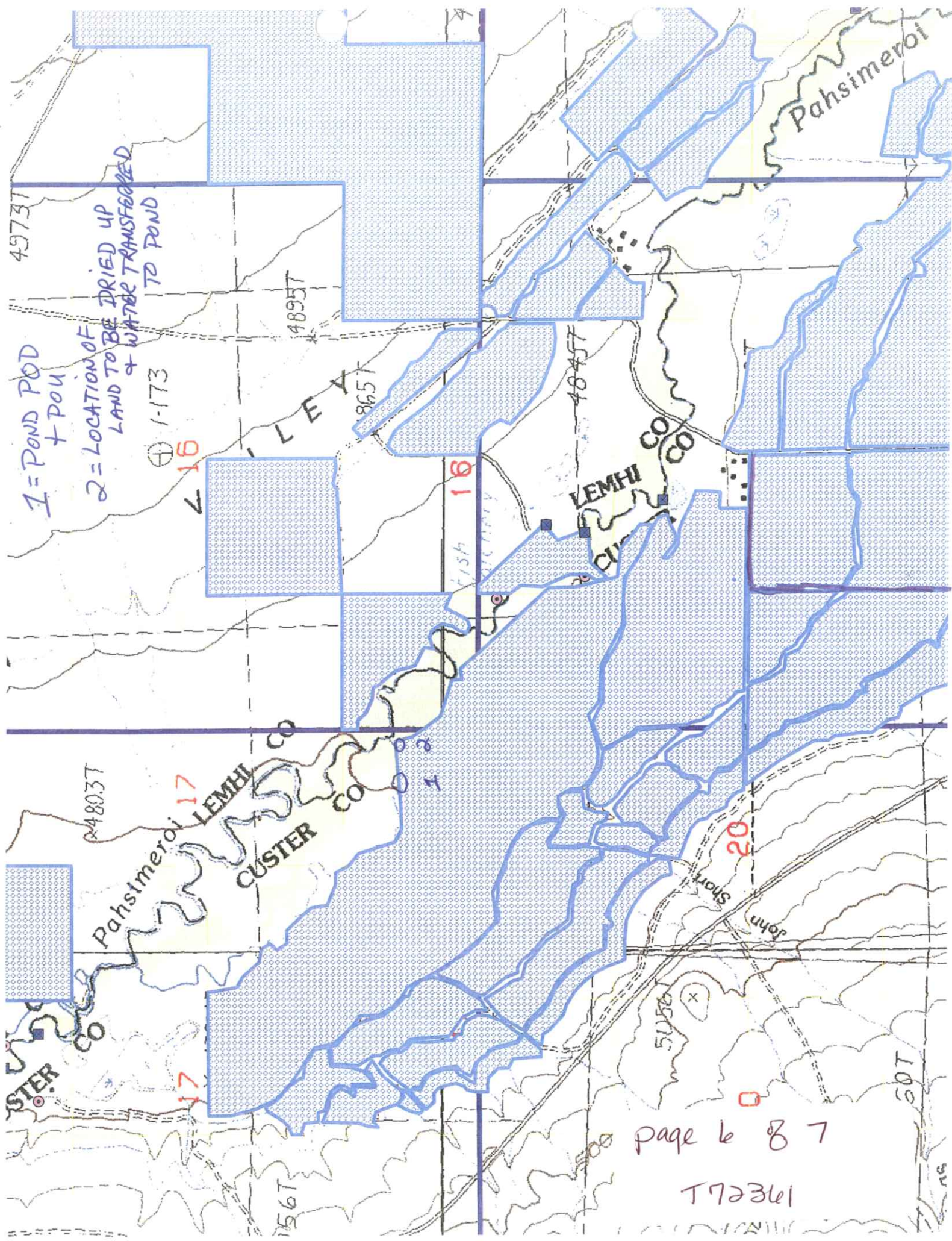
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- 73-87pod.shp
- 73-87.shp
- Sections
- QA





PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Asthetics/Wildlife Pond	0.007	Run of River	1/1 to 12/31
				to

2. Quantity and quality of return flows and location of discharge:

N/A

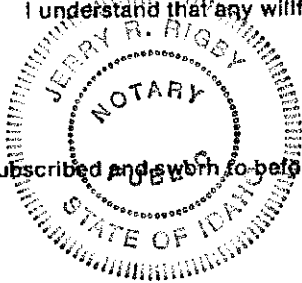
3. Describe effects on other water uses resulting from the proposed change:

No effects on other water users as a result of pond.0.2 acres of land will no longer be irrigated.

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.

Subscribed and sworn to before me this 21st day of September, 19 2005.

James L. Dowton

(Signature of Applicant) James Dowton

(Notary Public)

My commission expires 11-09-05**FOR DEPARTMENT USE ONLY**Transfer contains 7 pages and 10 attachmentsReceived by 9/21/05 Date _____ Protest filed by _____Prelim. check by RW Fee _____Receipted by SC Date 9/21/05 EO 31277 - \$100.00Published in Challis Messenger Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on 10/21/05 Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

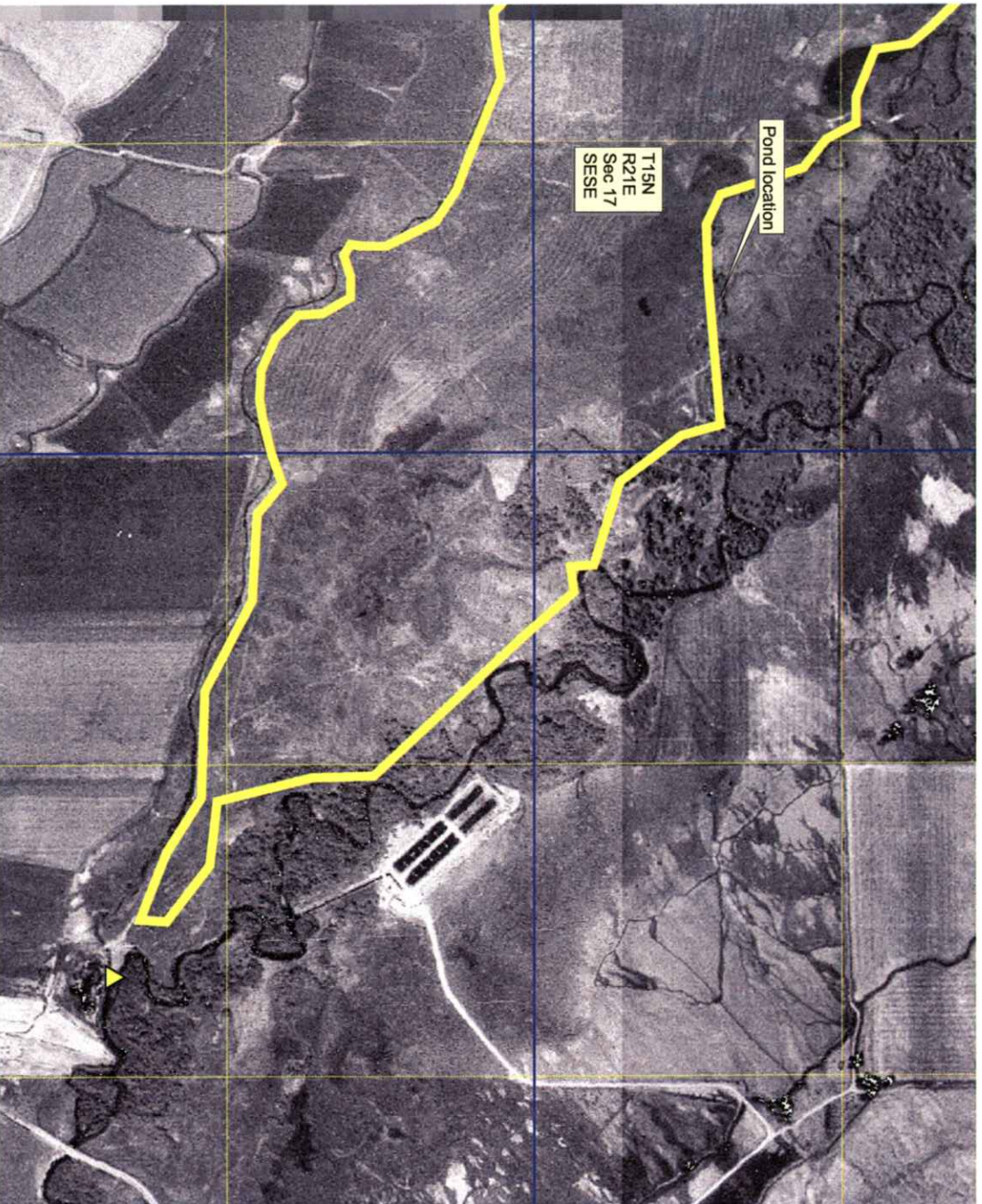
Downton, 73-87



TPHJR
2004



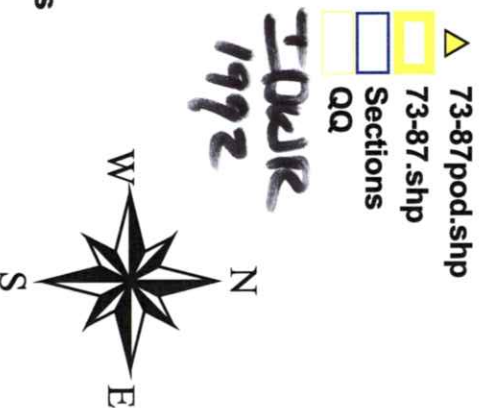
Dowton, 73-87



T15N
R21E
Sec 17
SESE

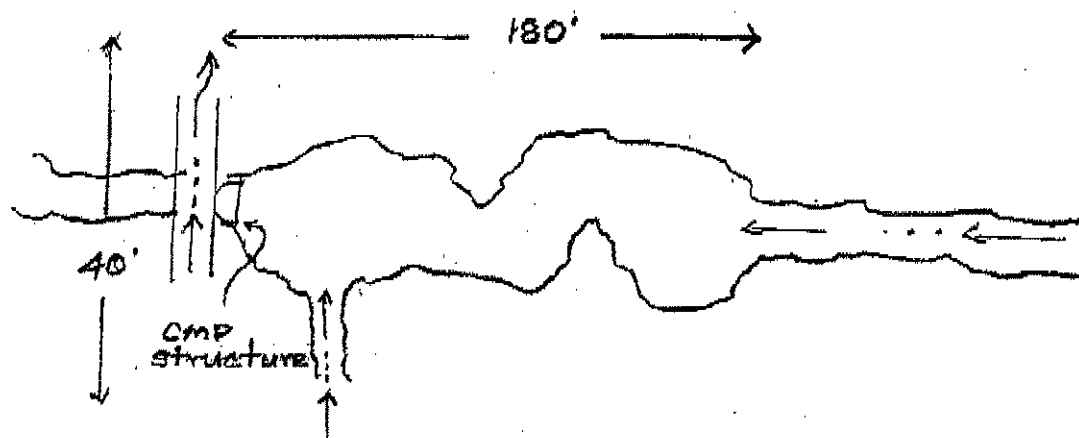
Pond location

0.3 0 0.3 0.6 Miles



876-4264

ID-ENG-313D 3/77



15
N
R. 21 E
Sec 17

PONDED AREA:

180' Length
40' Wide
2' deep (Average)

POND:

- Surface Area = 0.165 Ac
- Capacity = 0.33 Ac ft = 107,530 gal.
(1 Ac ft = 325,851 gal.)

Jim and Maria Dowton	
- Pond -	
Custer Sweet Custer Co. ID	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed by _____	Approved by _____
Drawn by _____	Check by _____
Traced by _____	Scale _____
Calculated by _____	Sheet No. _____

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ATTACHMENT 3 OF 10

Pond Consumptive Use Calculations
Climate Station: May, Idaho 105685
Jimmy Dowton Transfer

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Annual FWW Evaporation (inches)*	30	30	30	30	30	30	30	30	30	30	30	30	30
Monthly Distribution (%)**	1	2	4	7	12	15	19	16	11	6	4	3	100
Monthly FWS Evaporation (in/mo)	0.3	0.6	1.2	2.1	3.6	4.5	5.7	4.8	3.3	1.8	1.2	0.9	30
Avg. Total Precipitation (in/mo)**	0.43	0.28	0.3	0.56	1.22	1.36	0.71	0.7	0.74	0.44	0.5	0.5	7.74
Pond Loss (Evap. - Precip., in)	0	0	0.9	1.54	2.38	3.14	4.99	4.1	2.56	1.36	0	0	20.97
Pond Surface Area (acres)	0.165	0.165	0.165	0.165	0.165	0.165	0.165	0.165	0.165	0.165	0.165	0.165	1.98
Total Pond Loss (ac-in)	0.0	0.0	0.1	0.3	0.4	0.5	0.8	0.7	0.4	0.2	0.0	0.0	3.5
Total Pond Loss (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3

Note: for months where precipitation exceeds evaporation, the resultant pond loss is set to zero

Irrigation Consumption		Crop
Mean Irrig. Requirement (in/seas.)***	28.3	Pasture
Mean Irrig. Requirement (ft/seas.)***	2.36	
Acres to dry up for pond use	0.12	

Note: Pasture irrigation requirement was used rather than alfalfa hay since it was shown to be higher and that pasture was more likely to be present at the actual location.

*Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.

**Data obtained from the Western Regional Climate Center, Monthly Climate Summary, Period of Record 9/1/1905 to 5/31/1974. See attached.

***Appendix E of the University of Idaho report: "Estimating Consumptive Irrigation Requirements for Crops in Idaho" published in 1983 by R. G. Allen and C. E. Brockway. See attached.

May Consumptive Use from Allen and Brockway 83

** Monthly average daily (mm/day) and Seasonal Totals (mm) **

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
ETr									
MEAN ETr	1.15	4.14	5.68	7.15	7.81	6.26	4.54	2.79	1208.
STDV ETr	0.41	0.46	0.47	0.48	0.32	0.34	0.41	0.31	47.
Alfalfa Hay									
MEAN CU			4.35	6.39	6.40	4.65	2.23		735.
MEAN IR			3.54	5.30	5.89	4.15	1.80		631.
STDEV CU			0.36	0.43	0.26	0.25	0.20		28.
STDEV IR			0.59	0.85	0.47	0.58	0.50		41.
Pasture									
MEAN CU	1.41	3.94	5.50	6.02	4.82	3.49	2.15	835.	
MEAN IR	1.12	3.19	4.51	5.54	4.34	3.04	1.89	720.	
STDEV CU	0.16	0.33	0.37	0.25	0.26	0.32	0.24	29.	
STDEV IR	0.30	0.55	0.76	0.44	0.57	0.58	0.40	41.	

2.74 ft

End of Data Set

Dawson Transfer

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ATTACHMENT 5 OF 10

Downton Transfer
MAY, IDAHO (105685)**Period of Record Monthly Climate Summary****Period of Record : 8/ 1/1948 to 3/31/2005**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	30.5	38.5	47.7	58.1	67.6	76.5	86.0	84.5	74.6	62.2	43.7	32.2	58.5
Average Min. Temperature (F)	6.3	12.2	20.8	27.3	34.7	41.4	45.7	44.0	36.1	27.4	18.2	9.1	26.9
Average Total Precipitation (in.)	0.43	0.28	0.30	0.56	1.22	1.36	0.71	0.70	0.74	0.44	0.50	0.50	7.74
Average Total SnowFall (in.)	5.1	2.8	2.1	1.2	0.4	0.0	0.0	0.0	0.0	0.4	2.5	5.0	19.4
Average Snow Depth (in.)	2	2	0	0	0	0	0	0	0	0	0	1	1

Percent of possible observations for period of record.

Max. Temp.: 77.3% Min. Temp.: 77.3% Precipitation: 77.7% Snowfall: 76.9% Snow Depth: 74.8%

Check [Station Metadata](#) or [Metadata graphics](#) for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.eduT 72361
ATTACHMENT 6 OF 10

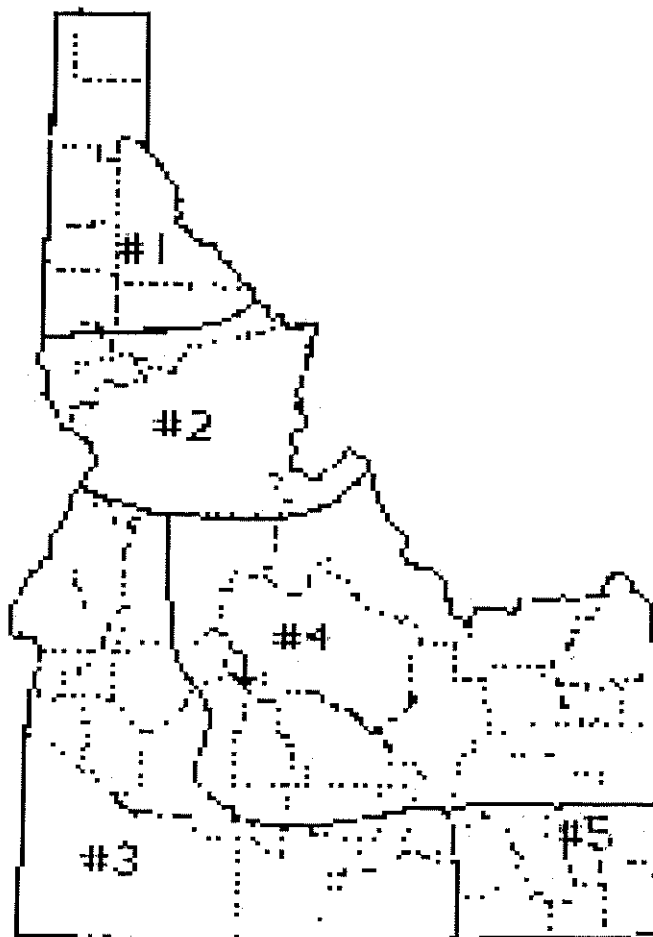
Downton Transfe

MONTHLY SHALLOW POND EVAPORATION IN IDAHO

Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111
(http://snow.ag.uidaho.edu/publications/pond_evap/pond.html#TABLE%201)

TABLE 1. Monthly shallow lake evaporation percentages for Idaho to be used with the map showing regions of monthly FWS evaporation

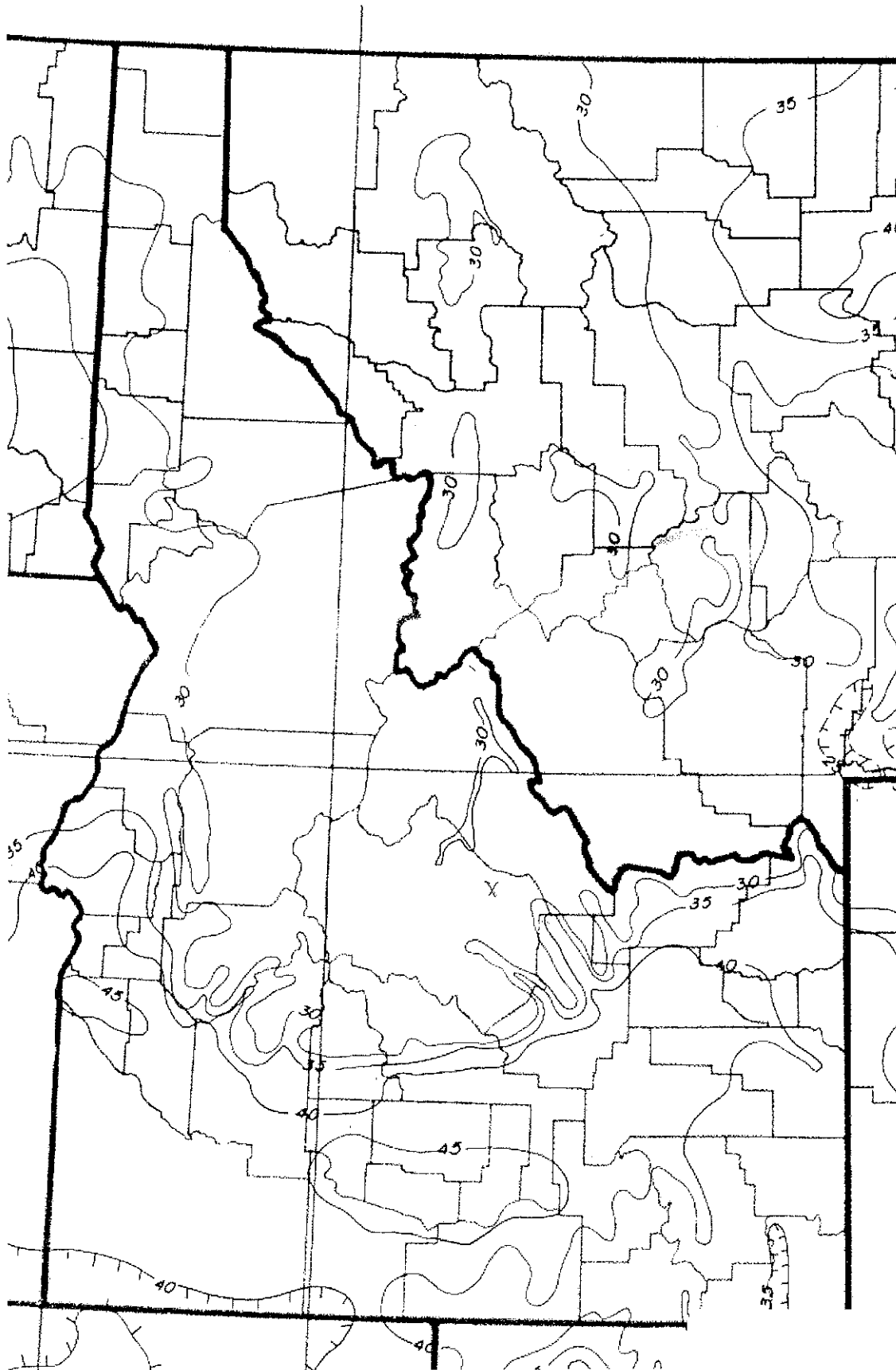
Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	1.0	1.5	3	9	12	14	19	18	11	6	4	1.5
2	0.5	1.5	3	8	12	15	19	17	11	6	4	3
3	0.5	1.5	4	8	14	15	17	16	10	6	5	3
4	1.0	2.0	4	7	12	15	19	16	11	6	4	3
5	1.0	3.0	5	10	12	14	16	15	10	6	5	3



Regions of Monthly FWS Evaporation

Denton Transfer

Annual FWS Evaporation Map



CORRECTION GRANT DEED

FOR VALUE RECEIVED, Jimmie Lee Dowton, As Personal Representative of the Estate of **Clara E. Dowton**, deceased, with the Estate pending in the Seventh Judicial District of the State of Idaho, in and for the County of Lemhi, Case No. SP00-60, hereinafter called "Grantor," does hereby grant, bargain, confirm, and convey unto, **Jimmie Lee Dowton**, also known as Jimmie L. Dowton, individually, of HC 62 Box 2320, May, Idaho, and his successors, heirs, personal representatives, and assigns forever, hereinafter called "Grantee", the undivided one-half interest of Clara E. Dowton in and to the following described real property in Lemhi and Custer Counties, Idaho, to-wit:

Twp. 15 N., Rge. 21 E., Boise Meridian:

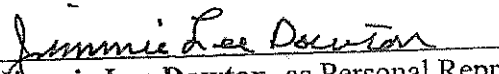
- 2x40 = 80*
- Sec. 16: SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$
- Sec. 17: E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ *5x40 = 200*
- Sec. 20: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ - *6x40 = 240 acres*
120 acres approved by B.L.M.; NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
- Sec. 21: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ *5x40 = 200 acres*
6.7 acres: NE $\frac{1}{4}$ NW $\frac{1}{4}$, (South of Pahsimeroi River) *6.7 acres*

Together with all water and water rights, ditch and ditch rights, improvements and range privileges used in connection therewith

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

THIS CORRECTION GRANT DEED is given to correct an error in the description on Section 17 on that Grant Deed dated December 19, 2001 and recorded on December 21, 2001 as Instrument No. 0224093, records of Custer County, Idaho and recorded on December 31, 2001 as Instrument No. 249247, records of Lemhi County, Idaho.

DATED This ____ day of August, 2002.


Jimmie Lee Dowton, as Personal Representative
of the Estate of Clara E. Dowton

SCHEDULE B - Continued

Order No. 10726

Policy No. J 950056

17. Mortgage and Fixture Filing to secure an original indebtedness of \$368,000.00, and any other amounts and/or obligations secured thereby.
Recorded: September 27, 2002 Instrument No. 225671
Mortgagor: Jimmie Lee Dowton (a/k/a Jimmie L. Dowton) and Maria Elena Dowton, husband and wife
Mortgagee: Zions First National Bank

Assigned to U.S. Bank National Association, as Custodian/Trustee, by instrument recorded September 27, 2002, as Instrument No. 225672.