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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 72184

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant CLAYTON TREE FARM LLC Phone 208-482-6600
Post Office address P.O. Box 68 Wilder, ID 83676

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 EXISTING WELL CAUSED IN. CAN NOT BE REUSED.

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
63-10578	3/02/88	2.00	Irrigation	3/15 to 11/15
21971	1/1/1909	.04	Domestic	1/1 to 12/31
		.10	Stock	1/1 to 12/31
				to

2. Total amount of water being transferred 2.11 cubic feet per second and/or 673.9 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres _____

PART 1

6. General Information:

a. Description of diversion system DRILLED WELL WITH PIPE LINE GRAVITY SYSTEM.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

NO CHANGE

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____.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 63-10578

Priority Date: 03/02/1988

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.00 CFS	666.0 AFA	
Total Diversion		2.00 CFS	666.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNW 04N 05W 13 CANYON

GROUND WATER NWNW 04N 05W 13 CANYON

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	
04N 05W 12											36.0						36.0
04N 05W 13					39.0	39.0	36.0	39.0									153.0

Total Acres: 189

Conditions/Remarks:

1. 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.
2. 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.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 63-10578

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. 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.
8. 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. This right is limited to the irrigation of 148.0 acres within the place of use described above in a single irrigation season.

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

n/a - place of use is not changing

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 63-21471

Priority Date: 01/01/1909
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01 12/31	0.04 CFS	1.2 AFA	
STOCKWATER	01/01 12/31	0.10 CFS	6.7 AFA	
Total Diversion		0.14 CFS	7.9 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNW	04N 05W	13	CANYON
GROUND WATER	SWNW	04N 05W	13	CANYON

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	
04N 05W 13							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	
04N 05W 13							X										

Conditions/Remarks:

1. PARCEL NO. IR36800-000-0 STOCKWATER, 500 RANGE CATTLE PROPERTY ALSO KNOWN AS 21622 TRAVIS RD., WILDER.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 63-21471

4. THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE YEAR OF THE DATE OF THIS APPROVAL OR 6/17/03.
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.
6. DOMESTIC USE IS FOR 1 HOME.

Documentation of Ownership of the Current Place of Use
Warranty Deed

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

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

Two wells will be connected by existing ditch to allow irrigation of trees in process.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

See Attachment A

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

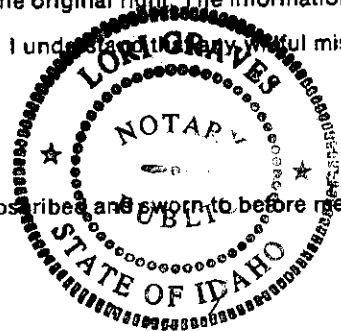
2. Quantity and quality of return flows and location of discharge:

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

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 _____ day of _____, 19____.



William C. Clough Manager LLC
(Signature of Applicant)

2nd day of Aug, 19____.

Lori Graves
(Notary Public)

My commission expires 6/18/2010

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 1 attachments

Received by JW Date 8/2/05 Protest filed by _____

Prelim. check by SC Fee \$290⁰⁰ / 40⁰⁰ _____

Received by EX-#W033041 Date 08/02/05 _____

Published in _____ Copies of protest forwarded by _____

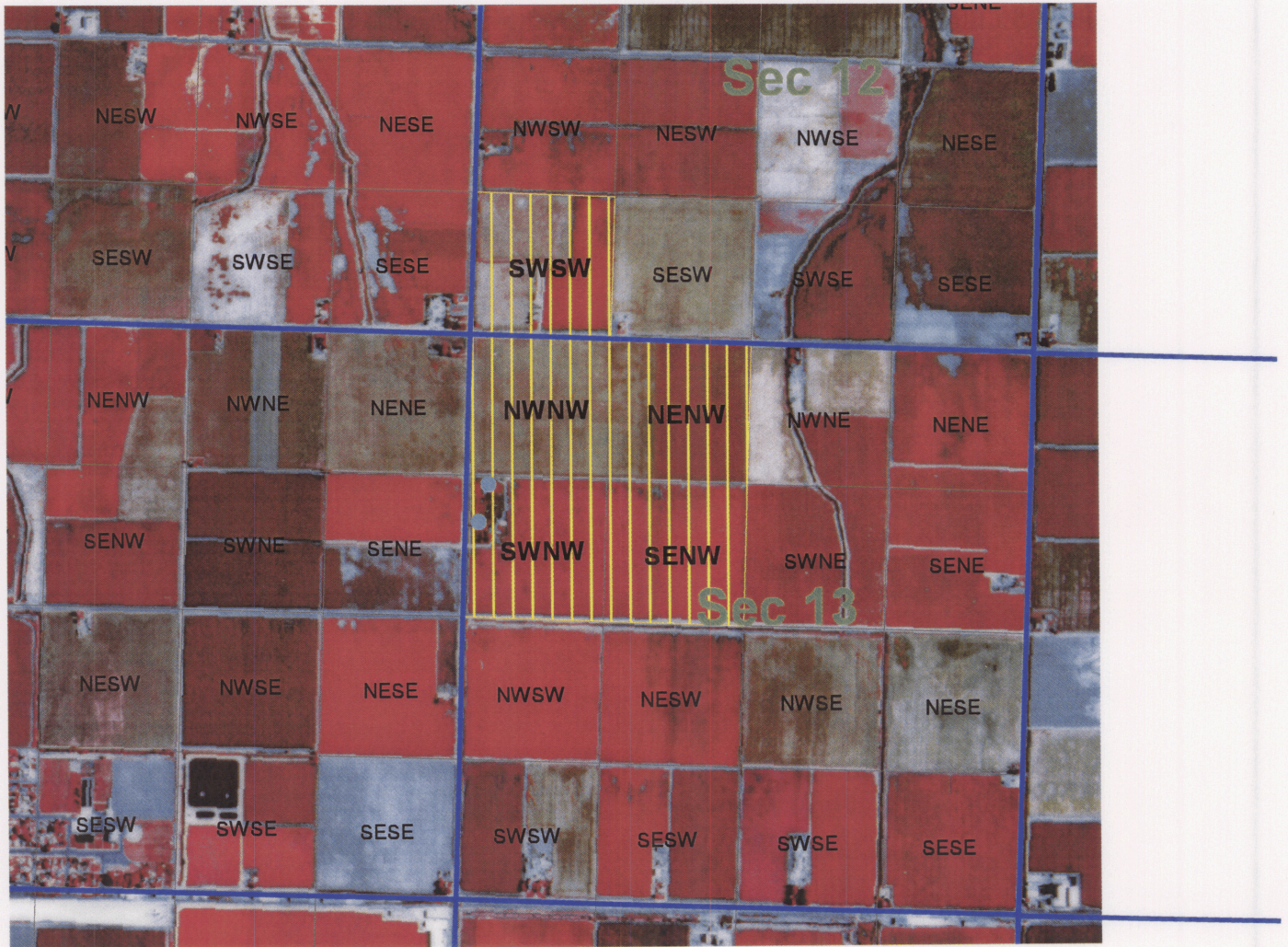
Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Clayton Tree Farm Transfer 72184



- Points of Diversion
- Place of Use
- Section lines



Attachment A