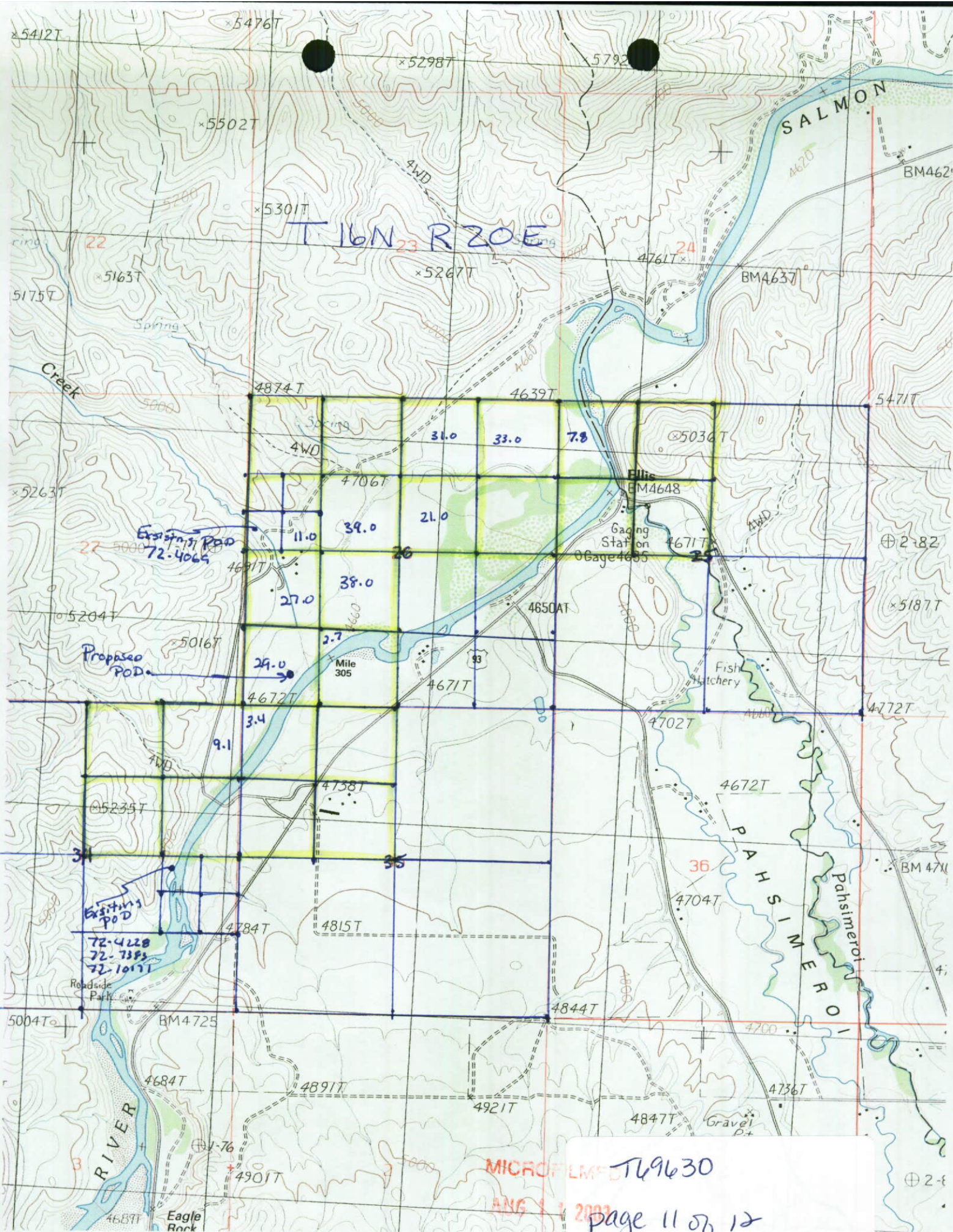




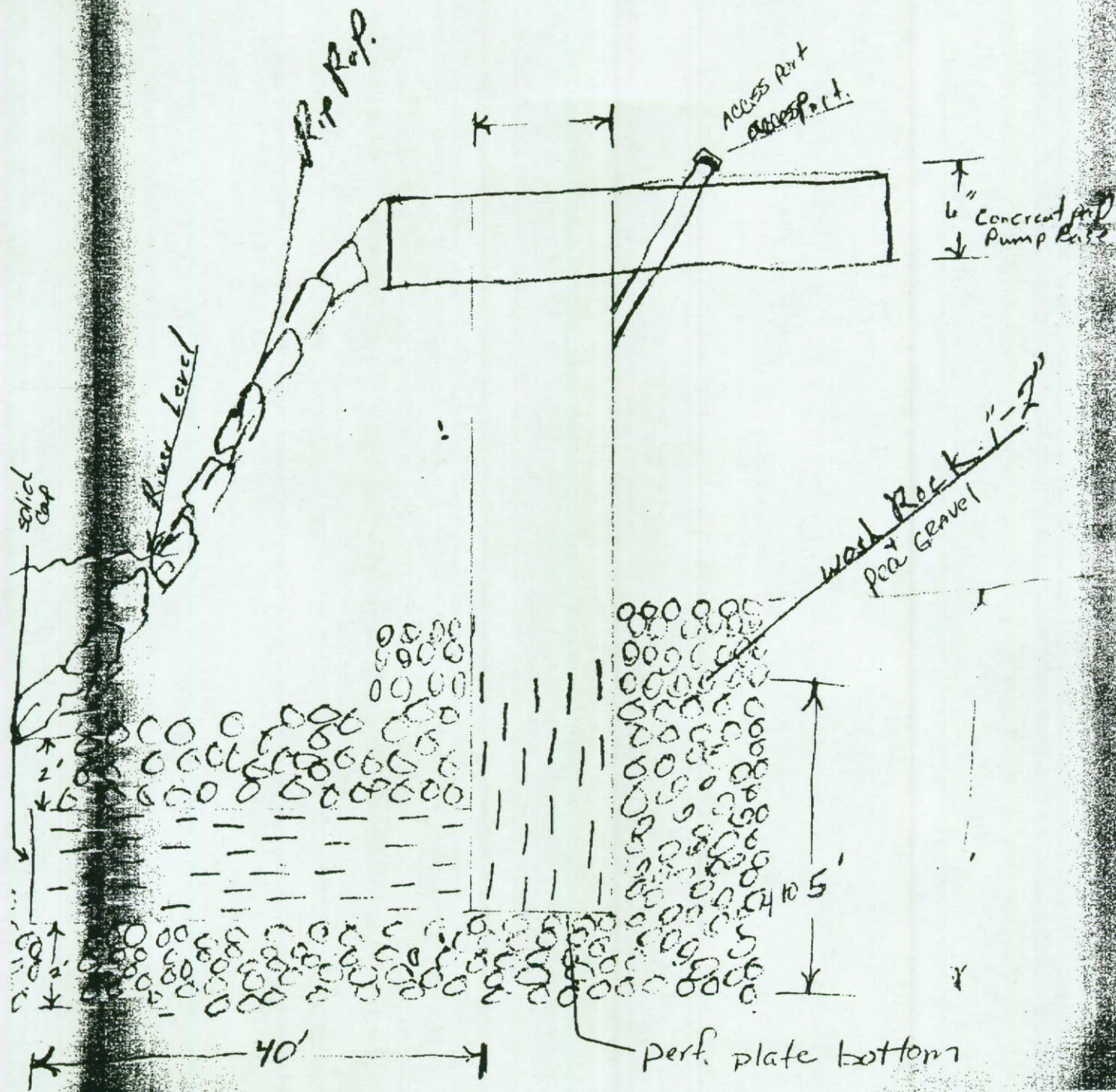
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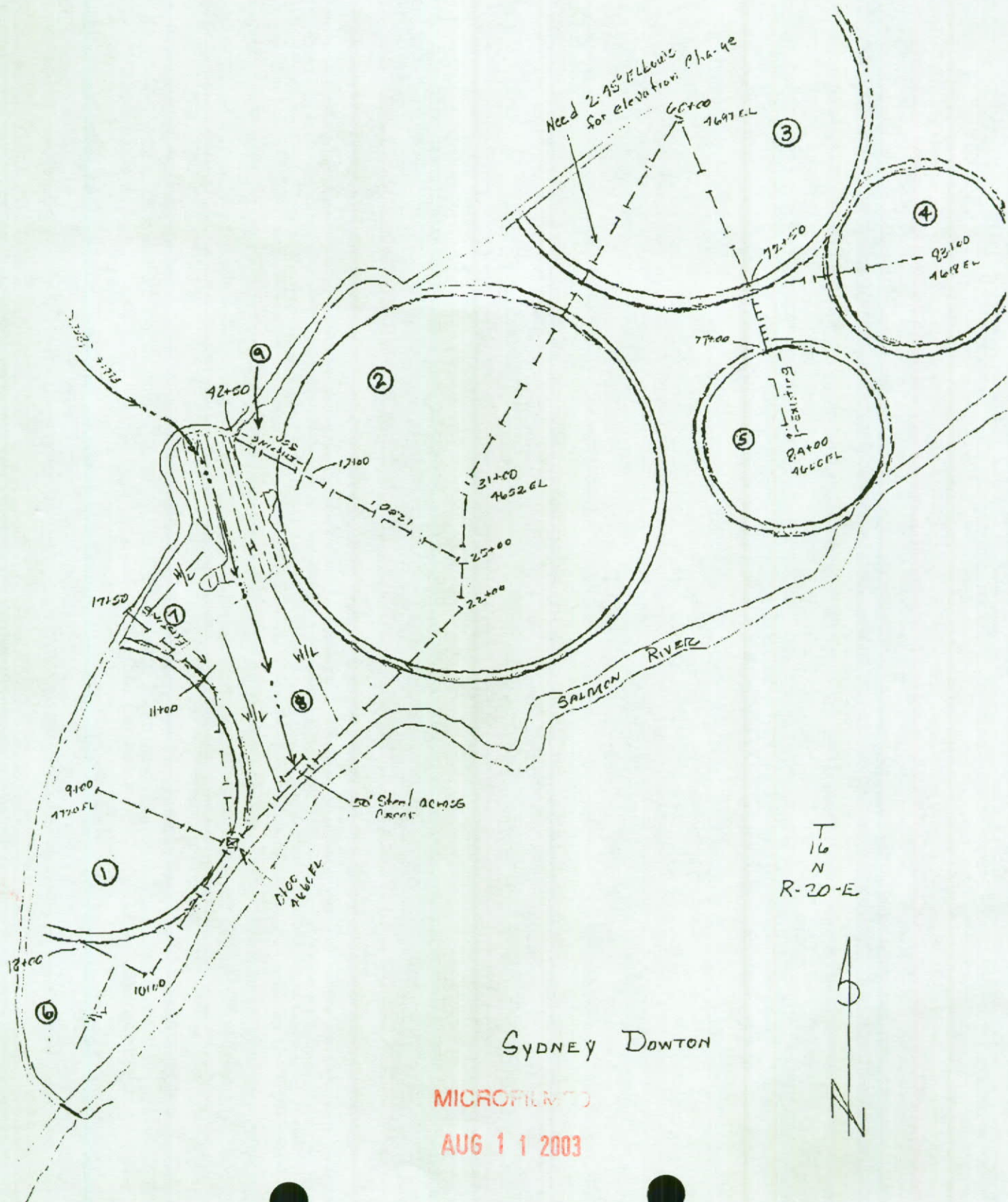
page 11 of 12



1- dug diversion  
12" -  
1- dug diversion  
16"



Sydney Downton



T  
16  
N  
R-20-E

Sydney Downton

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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 69630**

This is to certify that: SYDNEY L DOWTON AND/OR  
 KAREN A DOWTON  
 PO BOX 7  
 ELLIS ID 832350007  
 (208)876-4225

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> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 72-4069      | WR/Decreed          | 06/01/1915      | 0.42 cfs    |               | 21.2         | 265.0        | ELLIS CREEK   |
| 72-4228      | WR/Decreed          | 06/01/1919      | 8.91 cfs    |               | 99.0         | 265.0        | SALMON RIVER  |
| 72-7383      | WR/Decreed          | 05/02/1980      | 2.35 cfs    | 410.6 af      | 117.3        | 265.0        | SALMON RIVER  |
| 72-10171     | WR/Decreed          | 06/01/1982      | 0.97 cfs    |               | 48.7         | 265.0        | SALMON RIVER  |

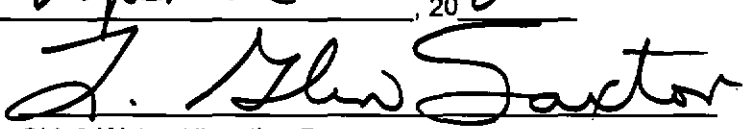
**Purpose of Transfer (Changes Proposed)**

| <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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 72-4069               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 72-4228               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 72-7383               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 72-10171              | NO           | NO         | NO         | YES            | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 72-4069               | <b>72-4069</b>                   | 0.42 cfs             | 87.0 af                | 21.2              | 265.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 72-4228               | <b>72-4228</b>                   | 8.91 cfs             | 353.2 af               | 99.0              | 265.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 72-7383               | <b>72-7383</b>                   | 2.35 cfs             | 410.6 af               | 117.3             | 265.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 72-10171              | <b>72-10171</b>                  | 0.97 cfs             | 170.4 af               | 48.7              | 265.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>TOTALS</b>         |                                  | <b>11.68 cfs</b>     | <b>947.0 af</b>        | <b>265.0</b>      | <b>265.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 8<sup>th</sup> day of April, 2002  
  
 Chief, Water Allocation Bureau

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AUG 1 1 2002

**WATER RIGHT NO. 72-4069**  
**As Modified by Transfer No. 69630**

In accordance with the approval of Transfer No. 69630, Water Right No. 72-4069 is now described as follows.

**Right Holder:** KAREN A DOWTON AND/OR  
 SYDNEY L DOWTON  
 PO BOX 7  
 ELLIS ID 83235

**Priority Date:** 06/01/1915

**Source:** ELLIS CREEK  
 \* GROUND WATER

**Tributary:** SALMON RIVER  
 ELLIS CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01 to    | 10/31     | 0.42 CFS              | 74.2 AF       |
| STOCKWATER            | 01/01 to    | 12/31     | 0.23 CFS              | 12.8 AF       |
|                       |             |           | 0.42 CFS              | 87.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

ELLIS CREEK SWSWNW Sec. 26 Twp 16N Rge 20E CUSTER County

\* GROUND WATER Lot 9 SESWSW Sec. 26 Twp 16N Rge 20E CUSTER 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 |        |
| 16N 20E 25  |             |      |             |    |    | 7.8<br>L 2 |      |      |      |      |             |            |    |             |    |    | 7.8    |
| 16N 20E 26  | 33.0<br>L 1 | 31.0 | 21.0<br>L 3 |    |    |            | 11.0 | 39.0 | 38.0 | 27.0 | 29.0<br>L 9 | 2.7<br>L 7 |    | 13.0<br>L 4 |    |    | 244.7  |
| 16N 20E 34  | 9.1<br>L 1  |      |             |    |    |            |      |      |      |      |             |            |    |             |    |    | 9.1    |
| 16N 20E 35  |             |      |             |    |    | 3.4<br>L 2 |      |      |      |      |             |            |    |             |    |    | 3.4    |

Total Acres: 265

**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 |        |
| 16N 20E 25  |          |    |          |    |    | X<br>L 2 |    |    |    |    |          |          |    |          |    |    |        |
| 16N 20E 26  | X<br>L 1 | X  | X<br>L 3 |    |    |          | X  | X  | X  | X  | X<br>L 9 | X<br>L 7 |    | X<br>L 4 |    |    |        |
| 16N 20E 34  | X<br>L 1 |    |          |    |    |          |    |    |    |    |          |          |    |          |    |    |        |
| 16N 20E 35  |          |    |          |    |    | X<br>L 2 |    |    |    |    |          |          |    |          |    |    |        |

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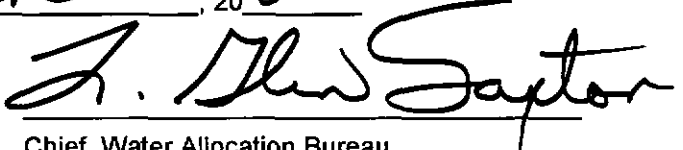
**WATER RIGHT NO. 72-4069**  
**As Modified by Transfer No. 69630**

**CONDITIONS OF APPROVAL**

- \*1. Diversion of ground water is limited to those times water is available for diversion under this right and priority from Ellis Creek at the point of diversion described above.
2. This right is limited to the irrigation of 21.2 acres within the place of use described above in a single irrigation season.
- \*3. Rights 72-4069, 72-4228, 72-7383 and 72-10171 when combined shall not exceed a total diversion rate of 11.68 cfs from surface water diversions or 6.45 cfs from ground water diversion, a total annual maximum diversion volume of 947.0 af at the field headgate, for the irrigation of 265.0 acres and stockwater use.
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. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The appropriator is entitled to the quantity of water described for stock water purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

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 8<sup>th</sup> day of April, 2002

  
Chief, Water Allocation Bureau

MICROFILMED

AUG 11 2003

**WATER RIGHT NO. 72-4228**  
**As Modified by Transfer No. 69630**

In accordance with the approval of Transfer No. 69630, Water Right No. 72-4228 is now described as follows.

**Right Holder:** KAREN A DOWTON AND/OR  
 SYDNEY L DOWTON  
 PO BOX 7  
 ELLIS ID 83235

**Priority Date:** 06/01/1919

**Source:** SALMON RIVER  
 \* GROUND WATER

**Tributary:** SNAKE RIVER  
 SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 01/01 to    | 12/31     | 0.02 CFS              | 6.7 AF        |
| IRRIGATION            | 04/01 to    | 10/31     | 8.91 CFS              | 346.5 AF      |
|                       |             |           | 8.91 CFS              | 353.2 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

SALMON RIVER Lot 5 NWNESE Sec. 34 Twp 16N Rge 20E CUSTER County

\* GROUND WATER Lot 9 SESWSW Sec. 26 Twp 16N Rge 20E CUSTER County

**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 |        |
| 16N 20E 25  |         |    |         |    |    | X<br>L2 |    |    |    |    |         |         |    |         |    |    |        |
| 16N 20E 26  | X<br>L1 | X  | X<br>L3 |    |    |         | X  | X  | X  | X  | X<br>L9 | X<br>L7 |    | X<br>L4 |    |    |        |
| 16N 20E 34  | X<br>L1 |    |         |    |    |         |    |    |    |    |         |         |    |         |    |    |        |
| 16N 20E 35  |         |    |         |    |    | X<br>L2 |    |    |    |    |         |         |    |         |    |    |        |

**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 |        |
| 16N 20E 25  |            |      |            |    |    | 7.8<br>L2 |      |      |      |      |            |           |    |            |    |    | 7.8    |
| 16N 20E 26  | 33.0<br>L1 | 31.0 | 21.0<br>L3 |    |    |           | 11.0 | 39.0 | 38.0 | 27.0 | 29.0<br>L9 | 2.7<br>L7 |    | 13.0<br>L4 |    |    | 244.7  |
| 16N 20E 34  | 9.1<br>L1  |      |            |    |    |           |      |      |      |      |            |           |    |            |    |    | 9.1    |
| 16N 20E 35  |            |      |            |    |    | 3.4<br>L2 |      |      |      |      |            |           |    |            |    |    | 3.4    |

Total Acres: 265

**CONDITIONS OF APPROVAL**

- \*1. Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Salmon River at the point of diversion described above.
2. This right is limited to the irrigation of 99.0 acres within the place of use described above in a single irrigation season.

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**WATER RIGHT NO. 72-4228**  
**As Modified by Transfer No. 69630**

**CONDITIONS OF APPROVAL**

3. Right 72-10171 is an enlargement of Right 72-4228 pursuant to Section 42-1426, Idaho Code.
- \*4. Rights 72-4228 and 72-10171 when combined shall not exceed a total diversion rate of 8.91 cfs from the Salmon River or 6.45 cfs from ground water.
- \*5. Rights 72-4069, 72-4228, 72-7383 and 72-10171 when combined shall not exceed a total diversion rate of 11.68 cfs from surface water diversions or 6.45 cfs from ground water diversion, a total annual maximum diversion volume of 947.0 af at the field headgate, for the irrigation of 265.0 acres and stockwater use.
6. 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.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The appropriator is entitled to the quantity of water described for stock water purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.
9. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

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 8<sup>th</sup> day of April, 2002

  
Chief, Water Allocation Bureau

MICROFILMED  
AUG 11 2003

**WATER RIGHT NO. 72-7383**  
**As Modified by Transfer No. 69630**

In accordance with the approval of Transfer No. 69630, Water Right No. 72-7383 is now described as follows.

**Right Holder:** KAREN A DOWTON AND/OR  
 SYDNEY L DOWTON  
 PO BOX 7  
 ELLIS ID 83235

**Priority Date:** 05/02/1980

**Source:** SALMON RIVER  
 \* GROUND WATER

**Tributary:** SNAKE RIVER  
 SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | to 10/15  | 2.35 CFS              | 410.6 AF      |
|                       |             |           | 2.35 CFS              | 410.6 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

SALMON RIVER Lot 5 NWNESE Sec. 34 Twp 16N Rge 20E CUSTER County

\* GROUND WATER Lot 9 SESWSW Sec. 26 Twp 16N Rge 20E CUSTER 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 |        |
| 16N 20E 25       |      |      |      |    | 7.8 |    |      |      |      |      |      |     |    |      |    |    | 7.8    |
|                  |      |      |      |    | L 2 |    |      |      |      |      |      |     |    |      |    |    |        |
| 16N 20E 26       | 33.0 | 31.0 | 21.0 |    |     |    | 11.0 | 39.0 | 38.0 | 27.0 | 29.0 | 2.7 |    | 13.0 |    |    | 244.7  |
|                  | L 1  |      | L 3  |    |     |    |      |      |      |      | L 9  | L 7 |    | L 4  |    |    |        |
| 16N 20E 34       | 9.1  |      |      |    |     |    |      |      |      |      |      |     |    |      |    |    | 9.1    |
|                  | L 1  |      |      |    |     |    |      |      |      |      |      |     |    |      |    |    |        |
| 16N 20E 35       |      |      |      |    | 3.4 |    |      |      |      |      |      |     |    |      |    |    | 3.4    |
|                  |      |      |      |    | L 2 |    |      |      |      |      |      |     |    |      |    |    |        |
| Total Acres: 265 |      |      |      |    |     |    |      |      |      |      |      |     |    |      |    |    |        |

**CONDITIONS OF APPROVAL**

- \*1. Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Salmon River at the point of diversion described above.
2. This right is limited to the irrigation of 117.3 acres within the place of use described above in a single irrigation season.
- \*3. Rights 72-4069, 72-4228, 72-7383 and 72-10171 when combined shall not exceed a total diversion rate of 11.68 cfs from surface water diversions or 6.45 cfs from ground water diversion, a total annual maximum diversion volume of 947.0 af at the field headgate, for the irrigation of 265.0 acres and stockwater use.
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.

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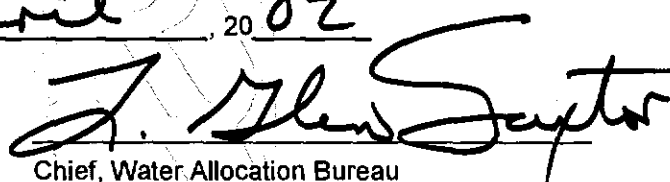
**WATER RIGHT NO. 72-7383**  
**As Modified by Transfer No. 69630**

**CONDITIONS OF APPROVAL**

5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03-19-2001.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. 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.

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 8<sup>th</sup> day of April, 2002

  
Chief, Water Allocation Bureau

MICROFILMED  
AUG 11 2003

**WATER RIGHT NO. 72-10171**  
**As Modified by Transfer No. 69630**

In accordance with the approval of Transfer No. 69630, Water Right No. 72-10171 is now described as follows.

**Right Holder:** KAREN A DOWTON AND/OR  
 SYDNEY L DOWTON  
 PO BOX 7  
 ELLIS ID 83235

**Priority Date:** 06/01/1982

**Source:** SALMON RIVER  
 \* GROUND WATER

**Tributary:** SNAKE RIVER  
 SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.97 CFS              | 170.4 AF      |
|                       |             |           | 0.97 CFS              | 170.4 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

SALMON RIVER Lot 5 NWNESE Sec. 34 Twp 16N Rge 20E CUSTER County

\* GROUND WATER Lot 9 SESWSW Sec. 26 Twp 16N Rge 20E CUSTER 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 |        |
| 16N 20E 25       |             |      |             |    |    | 7.8<br>L 2 |      |      |      |      |             |            |    |             |    |    | 7.8    |
| 16N 20E 26       | 33.0<br>L 1 | 31.0 | 21.0<br>L 3 |    |    |            | 11.0 | 39.0 | 38.0 | 27.0 | 29.0<br>L 9 | 2.7<br>L 7 |    | 13.0<br>L 4 |    |    | 244.7  |
| 16N 20E 34       | 9.1<br>L 1  |      |             |    |    |            |      |      |      |      |             |            |    |             |    |    | 9.1    |
| 16N 20E 35       |             |      |             |    |    | 3.4<br>L 2 |      |      |      |      |             |            |    |             |    |    | 3.4    |
| Total Acres: 265 |             |      |             |    |    |            |      |      |      |      |             |            |    |             |    |    |        |

**CONDITIONS OF APPROVAL**

- \*1. Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Salmon River at the point of diversion described above.
2. This right is limited to the irrigation of 48.7 acres within the place of use described above in a single irrigation season.
3. Right 72-10171 is an enlargement of Right 72-4228 pursuant to Section 42-1426, Idaho Code.
- \*4. Rights 72-4228 and 72-10171 when combined shall not exceed a total diversion rate of 8.91 cfs from the Salmon River or 6.45 cfs from ground water.
- \*5. Rights 72-4069, 72-4228, 72-7383 and 72-10171 when combined shall not exceed a total diversion rate of 11.68 cfs from surface water diversions or 6.45 cfs from ground water diversion, a total annual maximum diversion volume of 947.0 af at the field headgate, for the irrigation of 265.0 acres and stockwater use.

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AUG 11 2003

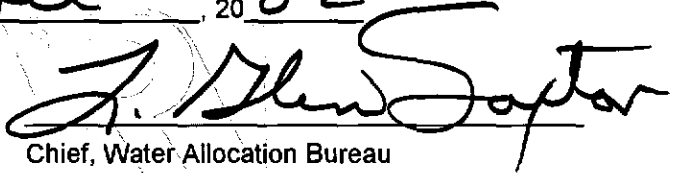
**WATER RIGHT NO. 72-10171**  
**As Modified by Transfer No. 69630**

**CONDITIONS OF APPROVAL**

6. 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.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

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 8<sup>th</sup> day of April, 2002

  
Chief, Water Allocation Bureau

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Page 1 of 12Department of Water Resources  
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources Transfer No. 69630  
Eastern Region

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Sydney L. & Karen A. Dowton Phone (208) 876-4225Post Office address PO Box 7 Ellis ID. 83235

## 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 change source
2. Describe the reason for the proposed changes transfer will eliminate <sup>two</sup> surface water diversions and provide flow to reconnect Ellis Creek to Salmon River

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

| 1.       | Right Number    | Priority          | Amount<br>(cfs/ac-ft)             | Nature<br>of Use                        | Period of Use                                                |
|----------|-----------------|-------------------|-----------------------------------|-----------------------------------------|--------------------------------------------------------------|
| Decree - | <u>72-4069</u>  | <u>06/01/1915</u> | <u>.33 cfs</u><br><u>.42 cfs</u>  | <u>stock water</u><br><u>irrigation</u> | <u>01-01</u> to <u>12-31</u><br><u>04-01</u> to <u>10-31</u> |
| Decree - | <u>72-4228</u>  | <u>06/01/1919</u> | <u>8.91 cfs</u><br><u>.02 cfs</u> | <u>irrigation</u><br><u>stock water</u> | <u>04-01</u> to <u>10-31</u><br><u>01-01</u> to <u>12-31</u> |
| Decree - | <u>72-7383</u>  | <u>05/02/1980</u> | <u>2.35 cfs</u>                   | <u>irrigation</u>                       | <u>04-05</u> to <u>10-15</u>                                 |
| Decree - | <u>72-10171</u> | <u>06/01/1982</u> | <u>.97 cfs</u>                    | <u>irrigation</u>                       | <u>04-01</u> to <u>10-31</u>                                 |

2. Total amount of water being transferred 12.65 11.68 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water groundwater tributary to N/A

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| 9   | SE  | SW  | SW  | 26   | 16N  | 20E  | Custer | well                     |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4     |        |            |        | NW 1/4 |           |        |        | SW 1/4 |        |            |           | SE 1/4 |        |            |        | Totals |
|------|------|------|------------|--------|------------|--------|--------|-----------|--------|--------|--------|--------|------------|-----------|--------|--------|------------|--------|--------|
|      |      |      | NE 1/4     | NW 1/4 | SW 1/4     | SE 1/4 | NE 1/4 | NW 1/4    | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4     | SE 1/4    | NE 1/4 | NW 1/4 | SW 1/4     | SE 1/4 |        |
| 16N  | 20E  | 25   |            |        |            |        |        | L2<br>7.8 |        |        |        |        |            |           |        |        |            |        | 7.8    |
|      |      | 26   | L1<br>33.0 | 31.0   | L3<br>21.0 |        |        |           | 11.0   | 39.0   | 39.0   | 27.0   | L9<br>29.0 | L7<br>2.7 |        |        | L4<br>13.0 |        | 244.7  |
|      |      | 34   | L1<br>9.1  |        |            |        |        |           |        |        |        |        |            |           |        |        |            |        | 9.1    |
|      |      | 35   |            |        |            |        |        | L2<br>3.4 |        |        |        |        |            |           |        |        |            |        | 3.4    |
|      |      |      |            |        |            |        |        |           |        |        |        |        |            |           |        |        |            |        |        |
|      |      |      |            |        |            |        |        |           |        |        |        |        |            |           |        |        |            |        |        |
|      |      |      |            |        |            |        |        |           |        |        |        |        |            |           |        |        |            |        |        |
|      |      |      |            |        |            |        |        |           |        |        |        |        |            |           |        |        |            |        |        |
|      |      |      |            |        |            |        |        |           |        |        |        |        |            |           |        |        |            |        |        |

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Total acres 265.0

**PART 1**

**8. General Information:**

a. Description of diversion system well, pump, mainline + pivots

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes 2 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:

place of use will remain the same

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

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

Current Water Right No. 72-4069

Priority Date: 06/01/1915

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: ELLIS CREEK Tributary to: Trib  
SALMON RIVER

| Beneficial Use  | From To     | Diversion Rate | Volume | Subuse Code |
|-----------------|-------------|----------------|--------|-------------|
| STOCKWATER      | 01/01 12/31 | 0.23 CFS       |        |             |
| IRRIGATION      | 04/01 10/31 | 0.42 CFS       |        |             |
| Total Diversion |             | 0.42 CFS       |        |             |

Source and Point(s) of Diversion:

| Source      | Twp | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|-------------|-----|-------|---------|-------------------|-----|--------|
| ELLIS CREEK | 16N | 20E   | 26      | SWSWNW            |     | 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 |        |
| 16N 20E 25  |      |      |    |      | 7.8 |    |      |      |      |      |      |     |      |    |    |    | 7.8    |
|             |      |      |    |      | L2  |    |      |      |      |      |      |     |      |    |    |    |        |
| 16N 20E 26  | 33.0 | 31.0 |    | 21.0 |     |    | 11.0 | 39.0 | 38.0 | 27.0 | 29.0 | 2.7 | 13.0 |    |    |    | 244.7  |
|             | L1   |      |    | L3   |     |    |      |      |      |      | L9   | L7  | L4   |    |    |    |        |
| 16N 20E 34  | 9.1  |      |    |      |     |    |      |      |      |      |      |     |      |    |    |    | 9.1    |
|             | L1   |      |    |      |     |    |      |      |      |      |      |     |      |    |    |    |        |
| 16N 20E 35  |      |      |    |      | 3.4 |    |      |      |      |      |      |     |      |    |    |    | 3.4    |
|             |      |      |    |      | L2  |    |      |      |      |      |      |     |      |    |    |    |        |

Total Acres: 265

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.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 21.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04228, 72-07383 & 72-10171.

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Page 2

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

Current Water Right No. 72-4069

4. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
5. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
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?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer **NONE**

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 2**

**Current Water Right No.** 72-4228

**Priority Date:** 06/01/1919

**Origin:** Adjudication Recommendation

**Basis:** Beneficial Use

**Status:** Active

**Source:** SALMON RIVER Tributary to: Trib  
SNAKE RIVER

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01 10/31     | 8.91 CFS              |               |                    |
| STOCKWATER            | 1/01 12/31     | 0.02 CFS              |               |                    |
| Total Diversion       |                | 8.91 CFS              |               |                    |

Source and Point(s) of Diversion:

| <u>Source</u> | <u>Twp</u> | <u>Range</u> | <u>Section 1/4 of 1/4 of 1/4</u> | <u>Lot</u> | <u>County</u> |
|---------------|------------|--------------|----------------------------------|------------|---------------|
| SALMON RIVER  | 16N        | 20E          | 34                               | NWNESE     | 5 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 |        |
| 16N 20E 25  |             |      |             |    |    | 7.8<br>L 2 |      |      |      |      |             |            |    |             |    |    | 7.8    |
| 16N 20E 26  | 33.0<br>L 1 | 31.0 | 21.0<br>L 3 |    |    |            | 11.0 | 39.0 | 38.0 | 27.0 | 29.0<br>L 9 | 2.7<br>L 7 |    | 13.0<br>L 4 |    |    | 244.7  |
| 16N 20E 34  | 9.1<br>L 1  |      |             |    |    |            |      |      |      |      |             |            |    |             |    |    | 9.1    |
| 16N 20E 35  |             |      |             |    |    | 3.4<br>L 2 |      |      |      |      |             |            |    |             |    |    | 3.4    |

Total Acres: 265

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 99.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

Current Water Right No. 72-4228

4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04069, 72-07383 & 72-10171.
5. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
6. RIGHT NO. 72-10171 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
7. USE OF THIS RIGHT WITH RIGHT NO. 72-10171 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.91 CFS.
8. 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?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer **NONE**

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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Page 1

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

Current Water Right No. 72-10171

Priority Date: 06/01/1982

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: SALMON RIVER Tributary to: Trib  
SNAKE RIVER

| Beneficial Use  | From To     | Diversion Rate | Volume | Subuse Code |
|-----------------|-------------|----------------|--------|-------------|
| IRRIGATION      | 04/01 10/31 | 0.97 CFS       |        |             |
| Total Diversion |             | 0.97 CFS       |        |             |

Source and Point(s) of Diversion:

| Source       | Twp | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|--------------|-----|-------|---------|-------------------|-----|--------|
| SALMON RIVER | 16N | 20E   | 34      | NWNESE            | 5   | 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 |        |
| 16N 20E 25  |             |      |             |    |    | 7.8<br>L 2 |              |    |      |      |             |            |    |             |    |    | 7.8    |
| 16N 20E 26  | 33.0<br>L 1 | 31.0 | 21.0<br>L 3 |    |    |            | 11.0<br>39.0 |    | 38.0 | 27.0 | 29.0<br>L 9 | 2.7<br>L 7 |    | 13.0<br>L 4 |    |    | 244.7  |
| 16N 20E 34  | 9.1<br>L 1  |      |             |    |    |            |              |    |      |      |             |            |    |             |    |    | 9.1    |
| 16N 20E 35  |             |      |             |    |    | 3.4<br>L 2 |              |    |      |      |             |            |    |             |    |    | 3.4    |

Total Acres: 265

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.
2. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 72-04228 PURSUANT TO SECTION 42-1426, IDAHO CODE.
3. THIS RIGHT IS FOR AN ENLARGEMENT OF 48.7 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
4. USE OF THIS RIGHT WITH RIGHT NO. 72-04228 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.91 CFS.

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

Current Water Right No. 72-10171

5. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04228, 72-07383 & 72-04069.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 48.7 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?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer **NONE**

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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Page 1

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

Current Water Right No. 72-7383

Priority Date: 05/02/1980

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: SALMON RIVER Tributary to: Trib  
SNAKE RIVER

| Beneficial Use  | From To     | Diversion Rate | Volume    | Subuse Code |
|-----------------|-------------|----------------|-----------|-------------|
| IRRIGATION      | 04/15 10/15 | 2.35 CFS       | 410.6 AFA |             |
| Total Diversion |             | 2.35 CFS       | 410.6 AFA |             |

Source and Point(s) of Diversion:

| Source       | Twp | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|--------------|-----|-------|---------|-------------------|-----|--------|
| SALMON RIVER | 16N | 20E   | 34      | NWNESE            | 5   | 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 |        |
| 16N 20E 25  |             |             |             |    |    | 7.8<br>L 2 |             |      |      |      |             |            |    |             |    |    | 7.8    |
| 16N 20E 26  | 33.0<br>L 1 | 31.0<br>L 1 | 21.0<br>L 3 |    |    |            | 11.0<br>L 3 | 39.0 | 38.0 | 27.0 | 29.0<br>L 9 | 2.7<br>L 7 |    | 13.0<br>L 4 |    |    | 244.7  |
| 16N 20E 34  | 9.1<br>L 1  |             |             |    |    |            |             |      |      |      |             |            |    |             |    |    | 9.1    |
| 16N 20E 35  |             |             |             |    |    | 3.4<br>L 2 |             |      |      |      |             |            |    |             |    |    | 3.4    |

Total Acres: 265

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04228, 72-04069 & 72-10171.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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Page 2

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

Current Water Right No. 72-7383

4. 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.

Documentation of Ownership of the Current Place of Use

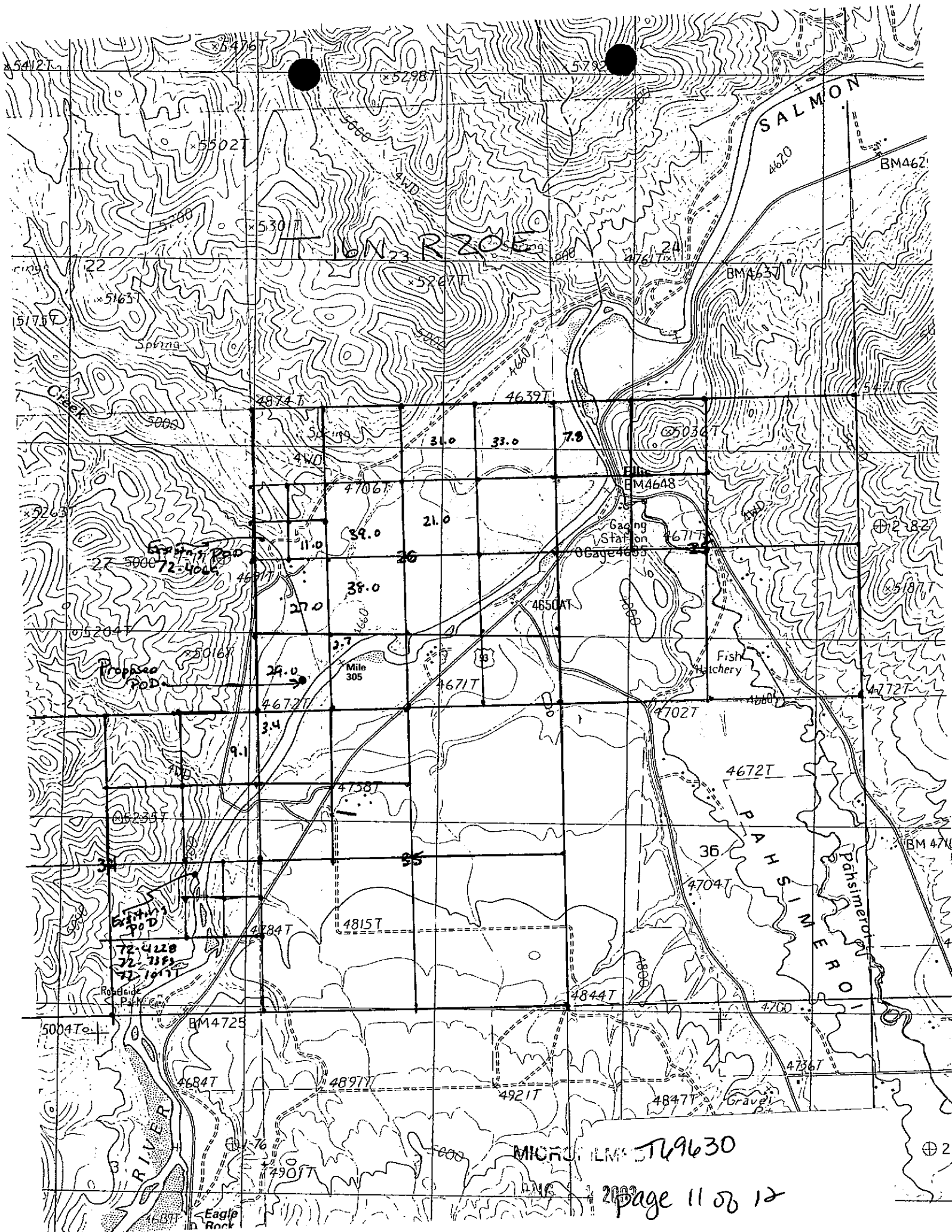
Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer **NONE**

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

| 1 | New Nature of Use | Amount<br>(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 5<sup>th</sup> day of December, 19 2001.

Robert E. Dorn  
(Signature of Applicant)

Robert E. Dorn  
(Notary Public)

My commission expires 02/16/07

**FOR DEPARTMENT USE ONLY**Transfer contains 12 pages and 4 attachmentsReceived by HWT Date 12-19-01 Protest filed by \_\_\_\_\_Prelim. check by \_\_\_\_\_ Fee 730.00Received by HWT #E027345 Date 12-20-01Published in Challis Messenger, Post Register, Times News, ID Statesman & Lewiston Tribune  
Copies of protest forwarded by \_\_\_\_\_Pub. dates Jan 10 & 17, 2002 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

MICROFILMED

4/15 1 1 2003

CHRIS JAMES  
CUSTER COUNTY ASSESSOR  
PO BOX 597  
HALLIS, ID 83226

2001

**ASSESSMENT NOTICE**

& ESTIMATE OF TAX

THIS IS NOT A BILL.  
DO NOT PAY.

PARCEL DESCRIPTION:

LOT 2  
SEC 35 T16N R20E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

DOWTON S M JR

PO BOX 7  
ELLIS

ID 83235

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 16N20E353010 A

**ASSESSED VALUE OF YOUR PROPERTY**

| CURRENT DESCRIPTION         | LOTS/ACRES | LAST YEAR'S VALUE | CURRENT YEAR'S VALUE |
|-----------------------------|------------|-------------------|----------------------|
| 3 DRY GRAZING               | 9.600 AC   | 480               | 480                  |
| SUBTOTAL:                   |            | 480               | 480                  |
| LESS HOMEOWNERS EXEMPTION:  |            |                   |                      |
| NET TAXABLE PROPERTY VALUE: |            | 480               | 480                  |

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

**ESTIMATED PROPERTY TAXES**

| TAXING DISTRICTS             | LAST YEAR'S TAXES | CURRENT YEAR'S ESTIMATED TAXES | PHONE NUMBER | DATE OF PUBLIC BUDGET HEARING |
|------------------------------|-------------------|--------------------------------|--------------|-------------------------------|
| COUNTY                       | .98               | .98                            | 208-879-2360 | 09/04/2001                    |
| SCHOOL 181                   | 1.66              | 1.66                           | 208-879-4231 | 06/11/2001                    |
| ID. CUSTER FIRE              | .08               | .08                            | 208-879-1234 | 08/27/2001                    |
| I. C. HOSP                   | .38               | .38                            | 208-879-2883 | 08/16/2001                    |
| SUBTOTAL:                    |                   | 3.10                           |              |                               |
| FEES:                        |                   | 3.10                           |              |                               |
| TOTAL PROPERTY TAXES & FEES: |                   | 3.10                           |              |                               |

THIS IS NOT A BILL, DO NOT PAY  
See the back of this Notice for details.

PAGE 1 OF 1

ATTACHMENT T 69630  
1 OF 4

HRIS JAMES  
USTER COUNTY ASSESSOR  
O BOX 597  
HALLIS, ID 83226

2001

**ASSESSMENT NOTICE**  
& ESTIMATE OF TAX

THIS IS NOT A BILL  
DO NOT PAY.

PARCEL DESCRIPTION:  
LOT 2  
SEC 25 T16N R20E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

DOWTON S M JR  
PO BOX 7  
ELLIS

ID 83235

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 16N20E253010 A

**ASSESSED VALUE OF YOUR PROPERTY**

| CURRENT DESCRIPTION         | LOTS/ACRES | LAST YEAR'S VALUE | CURRENT YEAR'S VALUE |
|-----------------------------|------------|-------------------|----------------------|
| 4 MEADOW                    | 16.700 AC  | 4,208             | 4,208                |
| SUBTOTAL:                   |            | 4,208             | 4,208                |
| LESS HOMEOWNERS EXEMPTION:  |            |                   |                      |
| NET TAXABLE PROPERTY VALUE: |            | 4,208             | 4,208                |

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

**ESTIMATED PROPERTY TAXES**

| TAXING DISTRICTS             | LAST YEAR'S TAXES | CURRENT YEAR'S ESTIMATED TAXES | PHONE NUMBER | DATE OF PUBLIC BUDGET HEARING |
|------------------------------|-------------------|--------------------------------|--------------|-------------------------------|
| COUNTY                       | 8.70              | 8.70                           | 208-879-2360 | 09/04/2001                    |
| SCHOOL 181                   | 14.58             | 14.58                          | 208-879-4231 | 06/11/2001                    |
| CO. CUSTER FIRE              | .82               | .82                            | 208-879-1234 | 08/27/2001                    |
| I. C. HOSP                   | 3.36              | 3.36                           | 208-879-2883 | 08/16/2001                    |
| MICROFILMED                  |                   |                                |              |                               |
| SUBTOTAL:                    | 27.46             | 27.46                          |              |                               |
| FEES:                        |                   |                                |              |                               |
| TOTAL PROPERTY TAXES & FEES: | 27.46             | 27.46                          |              |                               |

THIS IS NOT A BILL. DO NOT PAY.  
See the back of this Notice for details.

PAGE 1 OF 1

T 69630  
ATTACHMENT 2 OF 4

CHRIS JAMES  
CUSTER COUNTY ASSESSOR  
PO BOX 597  
CHALLIS, ID 83226

2001

**ASSESSMENT NOTICE**

& ESTIMATE OF TAX

THIS IS NOT A BILL.  
DO NOT PAY.

**PARCEL DESCRIPTION:**

LOTS 1,3,4,7,9  
NW4NE4,S2NW4,N2SW4  
SEC 26 T16N R20E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

DOWTON S M JR

PO BOX 7  
ELLIS

ID 83235

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 16N20E260001 A

**ASSESSED VALUE OF YOUR PROPERTY**

| CURRENT DESCRIPTION         | LOTS/ACRES | LAST YEAR'S VALUE | CURRENT YEAR'S VALUE |
|-----------------------------|------------|-------------------|----------------------|
| 1 IRRIG AG                  | 139.170 AC | 88,790            | 88,790               |
| 4 MEADOW                    | 22.720 AC  | 5,725             | 5,725                |
| 5 DRY GRAZING               | 180.560 AC | 9,028             | 9,028                |
| 0 HOMESITE                  | 2.000 AC   | 22,000            | 22,000               |
| 1 RESID BLDG'S              |            | 192,200           | 192,200              |
| 2 FARM BLDG'S               |            | 32,142            | 32,142               |
| SUBTOTAL:                   |            | 349,885           | 349,885              |
| LESS HOMEOWNERS EXEMPTION:  |            | 50,000            | 50,000               |
| NET TAXABLE PROPERTY VALUE: |            | 299,885           | 299,885              |

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

**ESTIMATED PROPERTY TAXES**

| TAXING DISTRICTS             | LAST YEAR'S TAXES | CURRENT YEAR'S ESTIMATED TAXES | PHONE NUMBER | DATE OF PUBLIC BUDGET HEARING |
|------------------------------|-------------------|--------------------------------|--------------|-------------------------------|
| COUNTY                       | 620.62            | 620.62                         | 208-879-2300 | 09/04/2001                    |
| SCHOOL 181                   | 1,040.06          | 1,040.06                       | 208-879-4231 | 06/11/2001                    |
| J. CUSTER FIRE               | 58.50             | 58.50                          | 208-879-1234 | 08/27/2001                    |
| J. C. HOSP                   | 239.90            | 239.90                         | 208-879-2883 | 08/16/2001                    |
| MICROFILMED<br>AUG 11 2003   |                   |                                |              |                               |
| SUBTOTAL:                    | 1,959.08          | 1,959.08                       |              |                               |
| FEES:                        | 150.00            | 150.00                         |              |                               |
| TOTAL PROPERTY TAXES & FEES: | 2,109.08          | 2,109.08                       |              |                               |

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

PAGE 1 OF 1

ATTACHMENT

T 69630  
3 OF 4

CHRIS JAMES  
CUSTER COUNTY ASSESSOR  
PO BOX 597  
HALLIS, ID 83226

2001

**ASSESSMENT NOTICE**

& ESTIMATE OF TAX

THIS IS NOT A BILL.  
DO NOT PAY.

**PARCEL DESCRIPTION:**

LOT 1  
SEC 34 T16N R20E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

**PARCEL ADDRESS:**

DOWTON S M JR

PO BOX 7  
ELLIS

ID 83235

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 16N20E340001 A

**ASSESSED VALUE OF YOUR PROPERTY**

| CURRENT DESCRIPTION                | LOTS/ACRES | LAST YEAR'S VALUE | CURRENT YEAR'S VALUE |
|------------------------------------|------------|-------------------|----------------------|
| 5 DRY GRAZING                      | 39.500 AC  | 1,975             | 1,975                |
| <b>SUBTOTAL:</b>                   | 39.500     | 1,975             | 1,975                |
| <b>LESS HOMEOWNERS EXEMPTION:</b>  |            |                   |                      |
| <b>NET TAXABLE PROPERTY VALUE:</b> |            | 1,975             | 1,975                |

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

**ESTIMATED PROPERTY TAXES**

| TAXING DISTRICTS                        | LAST YEAR'S TAXES | CURRENT YEAR'S ESTIMATED TAXES | PHONE NUMBER | DATE OF PUBLIC BUDGET HEARING |
|-----------------------------------------|-------------------|--------------------------------|--------------|-------------------------------|
| COUNTY                                  | 4.08              | 4.08                           | 208-879-2360 | 09/04/2001                    |
| SCHOOL 181                              | 6.34              | 6.34                           | 208-879-4231 | 06/11/2001                    |
| NO. CUSTER FIRE                         | .38               | .38                            | 208-879-1234 | 08/27/2001                    |
| N. C. HOSP                              | 1.58              | 1.58                           | 208-879-2883 | 08/16/2001                    |
| <b>SUBTOTAL:</b>                        | 12.88             | 12.88                          |              |                               |
| <b>FEES:</b>                            |                   |                                |              |                               |
| <b>TOTAL PROPERTY TAXES &amp; FEES:</b> | 12.88             | 12.88                          |              |                               |

**THIS IS NOT A BILL. DO NOT PAY.**

See the back of this Notice for details.

PAGE 1 OF 1

ATTACHMENT

T 69630  
4 OF 4

RECEIVED

FEB - 8 2001

Department of Water Resources

2001 FEB -7 AM 8:48

FILED  
TWIN FALLS CO., IDAHO  
SRBA

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**In Re SRBA**

**ORDER OF PARTIAL DECREE**

**Case No. 39576**

**For Water Right 72-04069**

On December 29, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 72-04069 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED FEB - 7 2001



ROGER BURDICK  
Presiding Judge of the  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 72-04069

2001 FEB -7 AM 8:48

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS:

KAREN A DOWTON  
SYDNEY M DOWTON  
PO BOX 7  
ELLIS, ID 83235

SOURCE:

ELLIS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY:

0.42 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER  
DESCRIBED FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT  
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.  
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE:

06/01/1915

POINT OF DIVERSION:

T16N R20E S26

SWSNW

Within Custer County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Irrigation  
Stockwater

PERIOD OF USE

04-01 TO 10-31  
01-01 TO 12-31

QUANTITY

0.42 CFS  
0.23 CFS

PLACE OF USE:

Irrigation

T16N R20E S25 LOT 02 (NWNW) 7.8  
S26 LOT 01 (NENE) 33.0  
LOT 03 (SWNE) 21.0  
SENE 39.0  
NWSW 27.0  
LOT 07 (SESW) 2.7  
S34 LOT 01 (NENE) 9.1  
S35 LOT 02 (NWNW) 3.4  
265.0 Acres Total

Within Custer County

NWNE 31.0  
SWNW 11.0  
NESW 38.0  
LOT 09 (SWSW) 29.0  
LOT 04 (NWSE) 13.0

Stockwater

Same as Irrigation

Within Custer County

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 21.2 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS 72-04228, 72-07383 AND 72-10171  
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES  
IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

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. I.C. SECTION 42-1412(6).

MICROFILMED

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

RECEIVED

FEB - 8 2001

Department of Water Resources

2001 FEB 07 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

CERTIFICATE OF MAILING

Case No. 39576

Water Right(s) : 72-04069

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 72-04069 was mailed  
on February 07, 2001, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

KAREN A DOWTON  
SYDNEY M DOWTON  
Represented by:  
WILLIAM G. MYERS III  
PO BOX 2527  
BOISE, ID 83701-2527  
Phone: 208-342-5000

DIANA DELANEY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

PAGE 1  
02/07/01

AUG 11 2003

MEMORANDUM

Date: January 23, 2003

To: Transfer Nos. 69636 and 69630

From: Jeff Peppersack

Re: Proposed Diversion Construction – Jerry Foster

The attached is a diagram of plan for construction of diversion works for one or both of these transfers (details provided by Jerry Foster were limited). The transfers approved a change in points of diversion from the river to wells near the river. Apparently the wells are not working out due to poor production so the driller, Jerry Foster, has proposed excavation near the banks of the river as diagrammed.

I called Jerry Foster to let him know that the change would be ok regarding water right concerns as long as the locations are still consistent with the authorized water rights. I indicated that he should discuss the proposal with Rob Brochu with Army Corps prior to proceeding to discuss any 404 permit concerns.

MICROFILMED  
AUG 11 2003

Attention : MARK SLIFKA

From : Jerry Foster - Driller  
768 - 2677

Pages 2 including this.

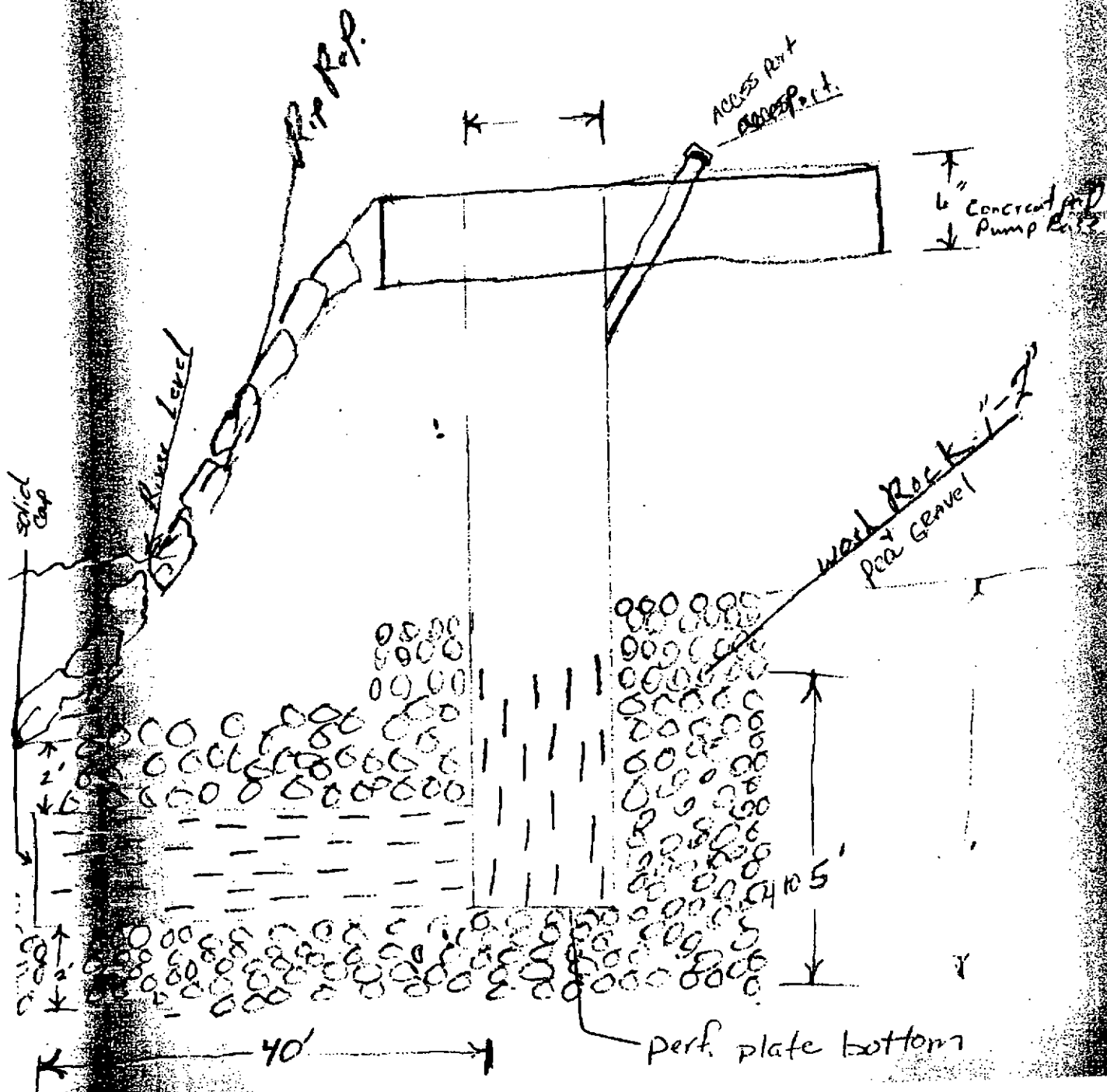
RECEIVED

JAN 21 2003

Department of Water Resources

MICROFILMED

AUG 11 2003



MICROFILMED

AUG 1 1 2003



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 9, 2002

SYDNEY L DOWTON  
KAREN A DOWTON  
PO BOX 7  
ELLIS ID 83235 0007

RE: Transfer No.: 69630 - Water Rights 72-4069, 72-4228, 72-7383, 72-10171  
Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

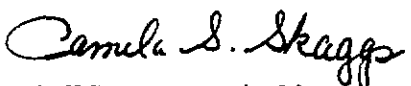
The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

  
for Jeff Peppersack, Manager  
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED

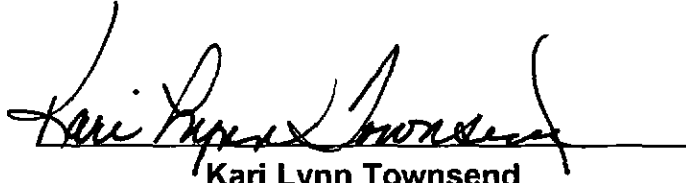
AUG 11 2003

**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 69630 - WATER RIGHTS 72-4069, 72-4228, 72-7383, 72-10171**

**SYDNEY L DOWTON  
KAREN A DOWTON  
PO BOX 7  
ELLIS ID 83235-0007**

  
Kari Lynn Townsend  
Secretary

**MICROFILMED**

**AUG 11 2003**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED  
AUG 11 2003

### FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED  
AUG 11 2003

**From: SYDNEY DOWTON**

**Fax number: 208 878-4225**

**To: Idaho Department Water Res.**

**Attention: Pam**

**Fax number: 208 327-7866**

**Message:**

**Following will be the correct acres and the GPM  
needed for the change of POD.**

**2 PAGES TO FOLLOW**

**MICROFILMED**

**AUG 11 2003**

**SYDNEY & KAREN DOWTON**

The sprinkler system designed for this farm is serving:

338 acres and requires 2893 gallons

**ATTACHED MAP:**

| <u>Field</u>          | <u>Gallons</u> |
|-----------------------|----------------|
| #1 1/2 Circle Pivot   | 290            |
| #2 Full Circle Pivot  | 1003           |
| #3 1/2 Circle Pivot   | 455            |
| #4 Full Circle Pivot  | 255            |
| #5 Full Circle Pivot  | 210            |
| #6 Wheel / Hand lines | 135            |
| #7 Hand lines         | 125            |
| #8 Wheel lines        | 320            |
| #9 Hand lines         | 100            |
| <b>TOTAL</b>          | <b>2893</b>    |

Total cropland acres on this farm = 386 acres  
(From Farm Service Agency)

Acres under sprinkler = 338 acres  
Remaining under surface irrigation = 48 acres

$386 \text{ ac} / 50 \text{ MI} = 7.72 \text{ CFS} \times 450 \text{ gal.} = 3474 \text{ gallons}$

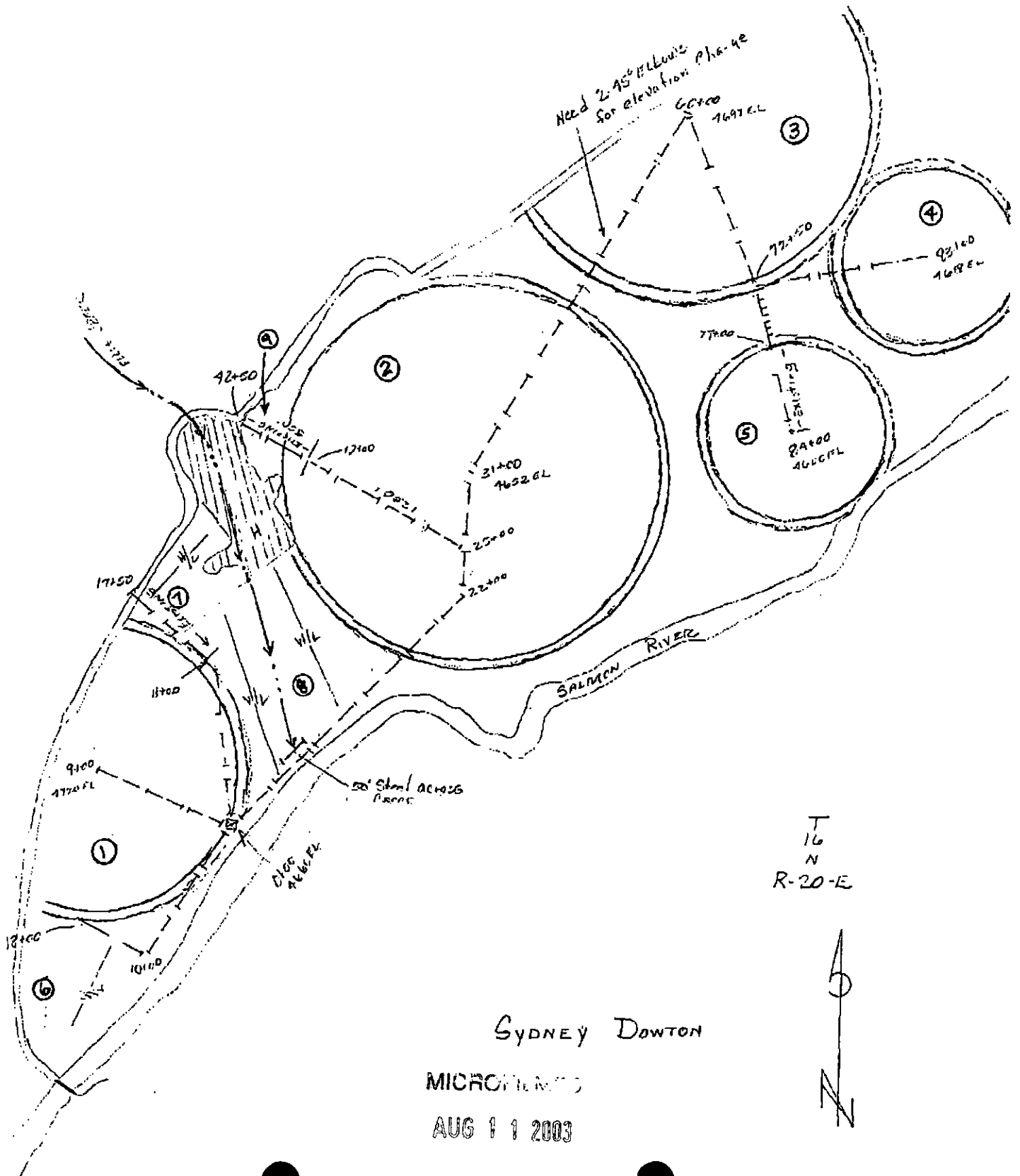
*Joleen K. McCandless* 4/5/02

Joleen K. McCandless  
Soil Conservation Technician  
USDA - NRCS

MICROFILMED

AUG 11 2003

Sydney Downton



Sydney Downton

MICROFILMED

AUG 11 2003

# TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 69630

DATE REVIEWED 3-26-2002 CB

SPLIT      POD      ADD POD ☒ Retain Surface Source + P/D (High div. rate 72-4228)  
POU      PERIOD      or NATURE      of USE

ALL OF RIGHT(S) ☒ Water Right C=SRBA Claim R=SRBA Recommendation

|            |   |   |   |   |
|------------|---|---|---|---|
| W/72-4069  | / | / | / | / |
| W/72-4228  | / | / | / | / |
| W/72-7383  | / | / | / | / |
| W/72-10171 | / | / | / | / |

PART OF RIGHTS(S)

(Unchanged)

(Changed)

|   |    |   |   |
|---|----|---|---|
| / | to | / | / |
| / | to | / | / |
| / | to | / | / |
| / | to | / | / |
| / | to | / | / |
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| / | to | / | / |
| / | to | / | / |
| / | to | / | / |

Standard Season 4-1 to 10-31

Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☒ Use (3) W61 Season (4)      Rate (5)      Volume

(6)      Source (7)      P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map  
Salmon-Clearwater + Wilderness Area Moratoriums SRBA/tax notices/region review  
(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion  
WM/Rcvd      SRBA Partial Decrees w/limits

- (3) Extended Season (W61) 72-7383 - Licensed 4-15 to 10-15
- (4) Gw diversion limited to 2893 gpm per SCS system plan = 6.45 cfs  
Rt 72-4228 as Sr.Rt. from Salmon R. reduced to 6.45 cfs for Gw diversion.
- (5) Standard IRR Vol. STOCK Vol based on # claimed + < 13,000 gpd limit
- (6) Add Gw trib to Salmon River
- (7) Add well

Gw diversion limited to availability from original source.

3-8-02 Memo of Concerns by Ron C. - Norm Y. advises processing with standard conditions.

Conditions/Remarks D46, W27, W35, R59, O1Q, T07, T08, T19, W53  
72-7383) W61 STOCK) N01, W62  
72-10171) Enlargement

WRs for Update Comments NA

Database Updated to Reflect Final Action 4-8-2002 CB

Add Bob Foster to approval e-mail

Overlapping Rt Evaluation on back this page.

Priority (1915) 72-4069 23 lbs stock 950 R cattle 12.8 af 74.2 " 42 af 87.0 af

(1919) 72-4228 .02 lbs stock 500 R cattle 4.7 af 346.5 " 353.2 af

(1982) 72-10171 .97 lbs stock 48.7 acres 170.4 af 8.91 af 8.91 af

(1980) 72-1383 2.35 lbs stock 117.3 acres 410.6 af 11.26 lbs 6.69 lbs

Combined Rts. Limits Salmon R. Rts. 6.69 lbs 11.26 lbs 927.5 af 4.7 = 934.2 af

Transfer Total 6.69 lbs 11.68 lbs 265 acres 927.5 af 19.5 " 947.0 af

72-4228 sr Salmon R. rt provides all GW rate - Reduced from 8.91 to 6.69 lbs. SCS IRR system requires 3000 gpm = 6.69 lbs

Combined Rts & sources limited to 6.69 lbs gw / 265 acres / (927.5 af IRR) 947.0 af Total

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

12-21-01

T#69630

FINAL REVIEW BY: HWT

RECEIVED

MAR 13 2002

Department of Water Resources

Right number 72-4069 Applicant SxD Doughton

Type of right: ☒ Decree ☐ License ☐ Claim ☐ SRBA Recommendation

Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s)  
☐ Change place of use ☒ Other Change Source

Check:

a. ☒ Source ☐ Priority ☒ Amount ☐ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments \_\_\_\_\_

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) \_\_\_\_\_

k. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? \_\_\_\_\_

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on \_\_\_\_\_ Received on \_\_\_\_\_

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny See 3-8-02 Memo by Ron Carlson.

3. Conditions\* \_\_\_\_\_

4. By \_\_\_\_\_ Date \_\_\_\_\_

69630

MEMORANDUM TO FILE

DATE: March 8, 2002  
TO: FILE T 69630 Dowton  
FROM: Ron Carlson *RC*  
RE: Concerns

RECEIVED

MAR 13 2002

Department of Water Resources

In my opinion the change proposed in these transfers should not be approved. My concern has nothing to do with issues related to injury or enlargement. My concern relates to precedent and the fact that I think the proposed change represents inconsistent and therefore bad state water policy. At the very least it complicates water administration and regulation in potentially profound ways. I understand that similar changes have been made in the past. If I had the opportunity to comment on those other proposals to change surface rights to ground water rights I opposed them too. Unless the department is willing to re-think the conclusions about conjunctive management that appear to have already been made, allowing the changes proposed in T69636 is, in my opinion, indefensible. However, if IDWR took the position that a water right is an absolute entitlement to water, meaning if a water user's surface water supply dries up he can transfer to a groundwater source, (if he wanted to pay the money to drill a well) or vice versa, (abandon a well and go to a surface water source) then I have no problem with this transfer.

If water rights can be changed from surface water to groundwater on the Salmon there should be nothing to prevent from being done on the Snake. The problem is, we are not telling people they have to "chase their water into the ground". Consequently, the department is pressing forward with requiring mitigation plans, water measurement, and water districts to regulate groundwater. The current philosophy is; we have to protect the surface water user's original source of supply from unseen forces and depletions. How do we administer a surface water right that has been changed to a groundwater source? Is a mitigation plan needed as part of the transfer? A 1916 water right is normal, at most, only good for a few days on the Snake River but it would be the best right in the aquifer. It also likely would represent a significant improvement in water supply, that is, it would likely result in expanded beneficial uses.

Given current state policy, I believe the applicants should have simply applied for a permit and the surface water rights that are currently being changed should have been assigned to the Water Board. The board then could have used those rights as a basis for instream flows or even in establishing minimum instream flows. In any case we have taken an approach that makes sense, and, more important, does not degrade our ability to supervise the distribution of water in a manner the treats water right priorities consistently.

MICROFILMED

AUG 9 2003

## MEMORANDUM

**DATE:** March 18, 2002

**TO:** Transfer Applications 69630 and 69636

**FROM:** Shelley W. Keen *SWK*

**RE:** Request from Bob Foster

---

Bob Foster in IDWR's Salmon office has asked to be kept apprised of the progress of Transfer Applications 69630 and 69636. Please notify him of any Department action to approve or deny these applications.

MICROFILMED

AUG 11 2002

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FEB 04 2002

Department of Water Resources  
Eastern Region

# Proof of Publication

## The Post Register

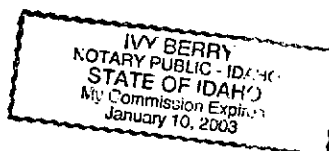
State of Idaho  
County of Bonneville

I, ~~Lynn Winter~~ or Danae Jacobsen, first being duly sworn, depose and say: That I am the ~~Production Supervisor~~ or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 17TH day of JANUARY 2002, last publication having been made on the 24TH day of JANUARY 2002 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

*D. Jacobsen*

Subscribed and sworn to before me, this 30TH day of JANUARY 2002



*Ivy Berry*  
Notary Public

My commission expires January 10, 2003

MICROFILMED  
AUG 11 2003

**NOTICE OF  
PROPOSED CHANGE  
OF WATER RIGHT  
TRANSFER NO. 69630**

SYDNEY L DOWTON and/or KAREN  
A DOWTON, PO BOX 7, ELLIS ID  
83235, has filed Application No.  
69630 for changes to the following  
water rights within CUSTER County:

**Right No. 72-4069**

Priority 6/1/1915

Source ELLIS CREEK

Use STOCKWATER 0.42 CFS

Total Amount 0.42 CFS

Point(s) of Diversion  
SWSWNW S26 T16N R20E

Place of Use

S25 T16N R20E

S26 T16N R20E

S34 T16N R20E

S35 T16N R20E

**Right No. 72-7383**

Priority 5/2/1980

Source SALMON RIVER

Use IRRIGATION (265 acres)  
2.35 CFS 410.6 AFA

Total Amount 2.35 CFS 410.6 AFA

Point(s) of Diversion  
L5 NWNESE S34 T16N R20E

Place of Use

S25 T16N R20E

S26 T16N R20E

S34 T16N R20E

S35 T16N R20E

**Right No. 72-4228**

Priority 6/1/1919

Source SALMON RIVER

Use IRRIGATION (265 acres)  
8.91 CFS

STOCKWATER 8.91 CFS

Total Amount 8.91 CFS

Point(s) of Diversion  
L5 NWNESE S34 T16N R20E

Place of Use

S25 T16N R20E

S26 T16N R20E

S34 T16N R20E

S35 T16N R20E

**Right No. 72-10171**

Priority 6/1/1982

Source SALMON RIVER

Use IRRIGATION (265 acres)  
0.97 CFS

Total Amount 0.97 CFS

Point(s) of Diversion  
L5 NWNESE S34 T16N R20E

Place of Use

S25 T16N R20E

S26 T16N R20E

S34 T16N R20E

S35 T16N R20E

The purpose of the transfer is to  
change a portion of the above rights  
as follows:

The applicant is changing the  
source of these rights to a well  
located in the SWSW (L-9) SEC 26  
T16N R20E. The reasons are to help  
Ellis Creek re-connect to the Salmon  
River and to eliminate a diversion on  
the Salmon River.

Protests may be submitted based on  
the criteria of Sec 42-222, Idaho  
Code.

Any protest against the proposed  
change must be filed with the  
Department of Water Resources,  
Eastern Region, 900 N Skyline Dr,  
Ste A, Idaho Falls ID 83402, together  
with a protest fee of \$25.00 for each  
application on or before February  
04, 2002. The protestant must also  
send a copy of the protest to the  
applicant.

KARL J DREHER, Director  
Published: January 17, 24, 2002

**MICROFILMED**

**AUG 11 2003**

**TRIBUNE PUBLISHING COMPANY, INC.**

The Lewiston Morning Tribune  
505 C St., P.O.Box 957  
Lewiston, Idaho 83501  
(208) 743-9411

**LEGAL ADVERTISING  
INVOICE**

SOLD TO: IDAHO DEPT. OF WATER RESOURCES  
900 N. SKYLINE  
IDAHO FALL ID 83402

Date 01/24/2002

INVOICE NO. 284658

Account No. 446600

Description 284658NOTICE OF PROPOS

Times 2

Lines 61

**RECEIVED**

Tab. Lines

**JAN 28 2002**

\$ 196.42

Department of Water Resources  
Eastern Region

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.  
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

284658

TRANSFER NO.69630  
SYDNEY L DOWTON and/or KAREN A DOWTON, PO BOX 7, ELLIS  
ID 83235, has filed Application No. 69630 for changes to the following  
water rights within CUSTER County:

Right No. 72-4069

Priority 6/1/1915  
Source ELLIS CREEK  
Use STOCKWATER 0.42 CFS  
IRRIGATION (265 acres)  
Total Amount 0.42 CFS  
Point(s) of Diversion SWSWNW S26 T16N R20E  
Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

Right No. 72-7383

Priority 5/2/1980  
Source SALMON RIVER  
Use IRRIGATION (265 acres) 2.35 CFS 410.6 AFA  
Total Amount 2.35 CFS 410.6 AFA  
Point(s) of Diversion L5 NWNESE S34 T16N R20E  
Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

Right No. 72-4228

Priority 6/1/1919  
Source SALMON RIVER  
Use IRRIGATION (265 acres) 8.91 CFS  
STOCKWATER  
Total Amount 8.91 CFS  
Point(s) of Diversion L5 NWNESE S34 T16N R20E  
Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

Right No. 72-10171

Priority 6/1/1982  
Source SALMON RIVER  
Use IRRIGATION (265 acres) 0.97 CFS  
Total Amount 0.97 CFS  
Point(s) of Diversion L5 NWNESE S34 T16N R20E  
Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

The purpose of the transfer is to change a portion of the above rights  
as follows:

The applicant is changing the source of these rights to a well located  
in the SWSW (L-9) SEC 26 T16N R20E. The reasons are to help Ellis  
Creek re-connect to the Salmon River and to eliminate a diversion on  
the Salmon River.

Protests may be submitted based on the criteria of Sec 42-222, Idaho  
Code.

Any protest against the proposed change must be filed with the De-  
partment of Water Resources, Eastern Region, 900 N Skyline Dr, Ste  
A, Idaho Falls ID 83402, together with a protest fee of \$25.00 for each  
application on or before February 04, 2002. The protestant must also  
send a copy of the protest to the applicant.

KARL J DREHER, Director Published on January 17 and 24, 2002

**AFFIDAVIT OF PUBLICATION**

Karen Lewis, being duly sworn, deposes and  
says, I am the Legal Clerk of the Tribune  
Publishing Company, a corporation organized and existing  
under and by virtue of the laws of the State of Idaho,  
publishers of the LEWISTON MORNING TRIBUNE, a news-  
paper of general circulation published at Lewiston, Nez Perce  
County, Idaho; That the said Lewiston Morning Tribune is  
an established newspaper and has been published regularly  
and issued regularly at least once a day for more than 21  
consecutive years next immediately preceding the first  
publication of this notice, and has been so published  
uninterrupted for said period; that the 284658NOTICE OF  
attached hereto and which is made a part of this affidavit  
was published in the said Lewiston Morning Tribune,  
2 time(s). Publication being on  
01/17, or once a WEEK  
for 2 consecutive WEEK  
the first publication thereof being on the 01/17/2002,  
and the last publication thereof being on the 01/24/2002,  
and said 284658NOTICE OF was so published in the  
regular and entire issue of said newspaper and was not in a  
supplement thereof and was so published in every issue and  
number of the said paper, during the period and times of  
publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 25th day of Jan in the year  
of 2002, before me a Notary Public, personally  
appeared Karen J Lewis, known or identified  
to me to be the person whose name subscribed to the  
within instrument, and being by me first duly sworn,  
declared that the statements therein are true, and  
acknowledged to me that he executed the same.

Sheryl M Lentz

Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires June 4, 03

MICROFILM

AUG 11 2003

# The Idaho Statesman

RECEIVED

JAN 28 2002

P.O. Box 40, Boise, Idaho 83707-0040

Department of Water Resources  
Eastern Region

## LEGAL ADVERTISING PROOF OF PUBLICATION

|                                                                                               |         |                                |                                                                                                                 |           |         |   |       |
|-----------------------------------------------------------------------------------------------|---------|--------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------|---------|---|-------|
| Account #                                                                                     | DTI#    | Identification                 | Amount                                                                                                          |           |         |   |       |
| 100564                                                                                        | 591886  | PROPOSED CHANGE OF WATER RIGHT | \$251.50                                                                                                        |           |         |   |       |
| Attention:                                                                                    | P.O. #  | Run Dates                      |                                                                                                                 |           |         |   |       |
| SHARLA COX                                                                                    | 69630   | JANUARY 17, 24, 2002           |                                                                                                                 |           |         |   |       |
| IDAHO DEPT. WATER RESOURCES EAST<br>900 N. SKYLINE DR., SUITE A<br>IDAHO FALLS, ID 83402-1718 |         |                                | Number of Lines<br>71 X 2                                                                                       |           |         |   |       |
|                                                                                               |         |                                | <table border="1"> <tr> <td>Affidavit</td> <td>Legal #</td> </tr> <tr> <td>1</td> <td>12367</td> </tr> </table> | Affidavit | Legal # | 1 | 12367 |
| Affidavit                                                                                     | Legal # |                                |                                                                                                                 |           |         |   |       |
| 1                                                                                             | 12367   |                                |                                                                                                                 |           |         |   |       |

### LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 69630

SYDNEY L DOWTON and/or KAREN A DOWTON, PO BOX 7, ELLIS ID 83235, has filed Application No. 69630 for changes to the following water rights within CUSTER County:  
Right No. 72-4069

Priority 6/1/1915  
Source ELLIS CREEK  
Use STOCKWATER  
0.42 CFS  
(265 acres)  
0.42 CFS  
Total Amount  
Point(s) of Diversion SWSWNW S26 T16N R2OE  
Place of Use S25 T16N R2OE  
S26 T16N R2OE  
S34 T16N R2OE  
S35 T16N R2OE

Right No. 72-7383

Priority 5/2/1980  
Source SALMON RIVER  
Use IRRIGATION  
(265 acres) 2.35 CFS 410.6 AFA  
2.35 CFS 410.6 AFA  
Total Amount  
Point(s) of Diversion L5 NWNESE S34 T16N R2OE  
Place of Use S25 T16N R2OE  
S26 T16N R2OE  
S34 T16N R2OE  
S35 T16N R2OE

Right No. 72-4228

Priority 6/1/1919  
Source SALMON RIVER  
Use IRRIGATION  
STOCKWATER  
(265 acres) 8.91 CFS  
8.91 CFS  
Total Amount  
Point(s) of Diversion L5 NWNESE S34 T16N R2OE  
Place of Use S25 T16N R2OE  
S26 T16N R2OE  
S34 T16N R2OE  
S35 T16N R2OE

Right No. 72-10171

Priority 6/1/1982  
Source SALMON RIVER  
Use IRRIGATION  
(265 acres) 0.97 CFS  
0.97 CFS  
Total Amount  
Point(s) of Diversion L5 NWNESE S34 T16N R2OE  
Place of Use S25 T16N R2OE  
S26 T16N R2OE  
S34 T16N R2OE  
S35 T16N R2OE

The purpose of the transfer is to change a portion of the above rights as follows:  
The applicant is changing the source of these rights to a well located in the SWSW (L-9) SEC 26 T16N R2OE. The reasons are to help Ellis Creek re-connect to the Salmon River and to eliminate a diversion on the Salmon River.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.  
Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 for each application on or before February 04, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,  
Director

Pub. Jan. 17, 24, 2002

12367

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single  
☐ consecutive daily ☐ odd skip  
insertion(s)

beginning issue of: JANUARY 17, 2002

ending issue of: JANUARY 24, 2002

*Janice Hildreth*

STATE OF IDAHO )  
SS

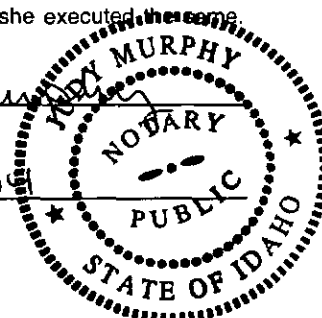
COUNTY OF ADA )

On this 24 day of JANUARY in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission expires: 1/6/05

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AUG 11 2003



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JAN 25 2002

Department of Water Resources  
Eastern Region

**AFFIDAVIT OF PUBLICATION**

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the  
Challis Messenger, a weekly newspaper, pub-  
lished at Challis, Idaho, do solemnly swear that  
the notice hereto attached and made a part here-  
of, was published in the regular and entire issue  
of the Challis Messenger for 2  
consecutive weeks, commencing with the issue  
dated Jan 17 2002 and ending with  
the issue dated Jan 24 2002.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 24<sup>th</sup> day of January in the  
year of 2002 before me, a Notary Public,  
personally appeared Ruth E. Burchill  
known or identified to me to be the person  
whose name subscribed to the within instru-  
ment, and being by me first duly sworn, declared  
that the statements therein are true, and ac-  
knowledge to me that he executed the same.

Notary Public for Idaho  
Residing at Challis

My commission expires: 4/30/04

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT**

**TRANSFER NO. 69630**

**SYDNEY L. DOWTON and/or  
KAREN A. DOWTON, PO BOX 7.**

**ELLIS ID 83235, has filed  
Application No. 69630 for  
changes to the following water  
rights within CUSTER County:**

**Right No. 72-4069**

Priority: 6/1/1915  
Source: ELLIS CREEK  
Use: STOCKWATER 0.42 cfs  
IRRIGATION (265 acres)  
Total Amount: 0.42 cfs  
Point(s) of Diversion: SWSWNW

**S26T16N R20E**  
Place of Use: S25 T16N R20E

**S26 T16N R20E**

**S34 T16N R20E**

**S35 T16N R20E**

**Right No. 72-7383**

Priority: 5/2/1980  
Source: SALMON RIVER  
Use: IRRIGATION (265  
acres) 2.35 CFS 410.6 AFA  
Total Amount: 2.35 CFS 410.6  
AFA

Point(s) of Diversion: L5  
**NWNESE S34 T16N R20E**

Place of Use: S25 T16N R20E

**S26 T16N R20E**

**S34 T16N R20E**

**S35 T16N R20E**

**Right No. 72-4228**

Priority: 6/1/1919  
Source: SALMON RIVER  
Use: IRRIGATION (265 acres)  
8.91 cfs  
STOCKWATER  
Total Amount: 8.91 cfs

Point(s) of Diversion: L5  
**NWNESE S34 T16N R20E**

Place of Use: S25 T16N R20E

**S26 T16N R20E**

**S34 T16N R20E**

**S35 T16N R20E**

**Right No. 72-10171**

Priority: 6/1/1982  
Source: SALMON RIVER  
Use: IRRIGATION (265 acres)  
0.97 cfs  
Total Amount: 0.97 cfs

Point(s) of Diversion: L5  
**NWNESE S34 T16N R20E**

Place of Use: S25 T16N R20E

**S26 T16N R20E**

**S34 T16N R20E**  
**S35 T16N R20E**

The purpose of the transfer is to  
change a portion of the above  
rights as follows:

The applicant is changing the  
source of these rights to a well lo-  
cated in the SWSW (L-9) SEC 26  
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based on the criteria of Sec 42-  
222, Idaho Code.

Any protest against the pro-  
posed change must be filed with  
the Department of Water Resourc-  
es, Eastern Region, 900 N Skyline  
Dr, Ste. A, Idaho Falls ID 83402,  
together with a protest fee of \$25.  
for each application on or before  
February 4, 2002. The protestant  
must also send a copy of the  
protest to the applicant.

KARL J DREHER, Director  
Pub: Jan. 17 & 24, 2002.

MICROFILMED

AUG 11 2002

RECEIVED

JAN 25 2002

Department of Water Resources  
Eastern Region

No 43616

# Affidavit of Publication

STATE OF IDAHO }  
COUNTY OF TWIN FALLS } SS.

I, Hubey Culbertson being first duly sworn upon oath, depose  
and say that I am Principal Clerk of the TIMES-NEWS, published daily at,  
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping  
attached, was published in the regular and entire issue of said newspaper, and not in any supplement  
thereof, for two consecutive weeks  
commencing with the issue dated January 17, 2002,  
and ending with the issue dated January 24, 2002.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho  
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily  
except Monday, both of which newspapers prior to consolidation had been published under said names in said city and  
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-  
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at  
which time said newspaper began daily publication under said name in said city and county continuously and un-  
interruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated  
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to  
be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO  
COUNTY OF TWIN FALLS

On this 24th day of January in the year 2002, before me,  
a Notary Public, personally appeared Hubey Culbertson  
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first  
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

LINDA CAPPS-McGUIRE  
NOTARY PUBLIC  
STATE OF IDAHO

Linda Capps McGuire  
Notary Public for Idaho  
Residing at Twin Falls, Idaho.  
My commission expires: 4-19-03 APR 19 2003  
MICROFILMED

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT TRANSFER NO. 69630**

SYDNEY L. DOWTON and/or KAREN A. DOWTON,  
PO BOX 7, ELLIS ID 83235, has filed Application No.  
69630 for changes to the following water rights within  
CUSTER County:

**Right No. 72-4069**

Priority 6/1/1915  
Source ELLIS CREEK  
Use STOCKWATER 0.42 CFS  
IRRIGATION (265 acres)  
Total Amount 0.42 CFS  
Point(s) of Diversion SWSWNW S26 T16N R20E  
Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

**Right No. 72-7383**

Priority 5/2/1980  
Source SALMON RIVER  
Use IRRIGATION (265 acres) 2.35 CFS  
410.6 AFA  
Total Amount 2.35 CFS 410.6 AFA  
Point(s) of Diversion L5 NWNESE S34 T16N R20E  
Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

**Right No. 72-4228**

Priority 6/1/1919  
Source SALMON RIVER  
Use IRRIGATION (265 acres) 8.91 CFS  
STOCKWATER  
Total Amount 8.91 CFS  
Point(s) of Diversion L5 NWNESE S34 T16N R20E  
Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

**Right No. 72-10171**

Priority 6/1/1982  
Source SALMON RIVER  
Use IRRIGATION (265 acres) 0.97 CFS  
Total Amount 0.97 CFS  
Point(s) of Diversion L5 NWNESE S34 T16N R20E  
Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

The purpose of the transfer is to change a portion of the  
above rights as follows:

The applicant is changing the source of these rights to  
a well located in the SWSW (L-9) SEC 26 T16N R20E.  
The reasons are to help Ellis Creek re-connect to the  
Salmon River and to eliminate a diversion on the Salmon  
River.

Protests may be submitted based on the criteria of Sec  
42-222, Idaho Code.

Any protest against the proposed change must be filed  
with the Department of Water Resources, Eastern  
Region, 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402  
together with a protest fee of \$25.00 for each application  
on or before February 4, 2002. The protestant must also  
send a copy of the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: January 17 and 24, 2002



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 08, 2002

SYDNEY L DOWTON  
KAREN A DOWTON  
PO BOX 7  
ELLIS ID 83235

RE: Application for Transfer No 69630  
Water Right No(s) 72-4069 72-7383 72-4228 72-10171

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Challis Messenger, Times News, Idaho Statesman, Lewiston Morning News and the Post Register on January 17 and 24, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

  
Harold W Jones  
Water Right Supervisor

HWJ:sc

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AUG 11 2003



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

January 06, 2002  
EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**Legal Notice Department**  
LEWISTON MORNING TRIBUNE  
505 C ST PO BOX 957  
LEWISTON ID 83501

RE: Transfer No. 69630  
Water Right No(s). 72-4069 72-7383 72-4228 72-10171

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 4, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant

*mailed  
1/9/02  
sc*

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AUG 11 2003



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 08, 2002

Legal Notice Department  
IDAHO STATESMAN  
PO BOX 40  
BOISE ID 83707

RE: Transfer No. 69630  
Water Right No(s). 72-4069 72-7383 72-4228 72-10171

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 4, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant

*e-mailed  
1/9/02  
sc*

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AUG 11 2003



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 08, 2002

**Legal Notice Department**

Challis Messenger

PO Box 405

Challis ID 83226

RE: Transfer No. 69630

Water Right No(s). 72-4069 72-7383 72-4228 72-10171

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 4, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant

*mailed  
1/9/02  
sc*

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AUG 11 2003



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

January 08, 2002  
EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**Legal Notice Department**  
POST-REGISTER  
PO BOX 1800  
IDAHO FALLS ID 83402

RE: Legal Ads

**Dear Cathy Von Borstel:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 4, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant

*Mailed  
1/9/02  
sc*

MICROFILMED

AUG 11 2003



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

January 08, 2002  
EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Legal Notice Department  
TIMES NEWS  
PO BOX 548  
TWIN FALLS ID 83303

RE: Transfer No. 69630  
Water Right No(s). 72-4069 72-7383 72-4228 72-10171

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 4, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant

*mailed  
1/9/02  
se*

MICROFILMED

AUG 11 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69630

SYDNEY L DOWTON and/or KAREN A DOWTON, PO BOX 7, ELLIS ID 83235, has filed Application No. 69630 for changes to the following water rights within CUSTER County:

Right No. 72-4069

Priority 6/1/1915

Source ELLIS CREEK

Use STOCKWATER 0.42 CFS  
IRRIGATION (265 acres)

Total Amount 0.42 CFS

Point(s) of Diversion SWSWNW S26 T16N R20E

Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

Right No. 72-7383

Priority 5/2/1980

Source SALMON RIVER

Use IRRIGATION (265 acres) 2.35 CFS 410.6 AFA

Total Amount 2.35 CFS 410.6 AFA

Point(s) of Diversion L5 NWNESE S34 T16N R20E

Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

Right No. 72-4228

Priority 6/1/1919

Source SALMON RIVER

Use IRRIGATION (265 acres) 8.91 CFS  
STOCKWATER

Total Amount 8.91 CFS

Point(s) of Diversion L5 NWNESE S34 T16N R20E

Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

Right No. 72-10171

Priority 6/1/1982

Source SALMON RIVER

Use IRRIGATION (265 acres) 0.97 CFS

Total Amount 0.97 CFS

Point(s) of Diversion L5 NWNESE S34 T16N R20E

Place of Use S25 T16N R20E  
S26 T16N R20E  
S34 T16N R20E  
S35 T16N R20E

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AUG 11 2003

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is changing the source of these rights to a well located in the SWSW (L-9) SEC 26 T16N R20E. The reasons are to help Ellis Creek re-connect to the Salmon River and to eliminate a diversion on the Salmon River.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 for each application on or before February 04, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 17 and 24, 2002

MINOR CHANGES

AUG 11 2003