

Form 222
12-92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

JUN 03 2004

Department of Water Resources
Eastern RegionName of Applicant Richard I. Clayton Phone (208) 523-0620Post Office address % Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130 Idaho Falls, ID 83405**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The water from this water right transfer will be used for irrigation of pasture, trees, landscaping etc.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>23-16A</u>	<u>June 1, 1891</u>	<u>.04 cfs</u>	<u>Irrigation</u>	<u>April 1</u> to <u>November 1</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .04 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Rainey Creek tributary to South Fork of the Snake River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	1	1N	43E	Bonneville	None

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	43E	01		2															2

Total Acres 2

71526

6. General Information:

- a. Description of diversion system 3 - 5 hp pump on South bank of Rainey Creek.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes _____ No X _____. 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
2 acres will be dried up at the former place of use.
- d. Remarks:
See attached copies of Water Rights Sale Agreement and unrecorded Quitclaim Deed.

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 _____, 2000.

71526

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-16A V1

WATER RIGHT NUMBER: 23-16A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HERBERT L BEAM
	, ID
Original Owner	WEEKS BROTHERS C/O STEVE WEEKS PO BOX 25 SWAN VALLEY, ID 83449 (208)483-3361
Current Owner	RENELL WEEKS FARMS INC PO BOX 98 SWAN VALLEY, ID 83449 (208)483-3344

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAINEY CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.750 CFS	
	<u>Total Diversion:</u>	1.750 CFS	

Location of Point(s) of Diversion

RAINEY CREEK	SW1/4NE1/4NE1/4	Sec. 7,	Twp 01N,	Rge 44E, B.M.
BONNEVILLE 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	
01N	43E	1													25.0			29.0	54.0
01N	44E	6									19.0	38.0	.7						57.7
											L 6	L 7							

Total Acres: 111.7

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-16A V1

3. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 23-48D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.23 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 23-16A, 23-48D, 23-98D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 111.7 ACRES IN A SINGLE IRRIGATION SEASON.
3. Quantity THIS RIGHT WHEN COMBINED WITH RIGHT NO.23-48D SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
4. Explanatory RIGHT NOS. 23-16A, 23-48D, 23-98D ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 87.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number: 01
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C)

- amount 0.04 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	1	1N	43E	Bonneville	None

- Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	43E	01		2															2

Total Acres 2

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

- amount 1.71 for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

- Point(s) of Diversion:

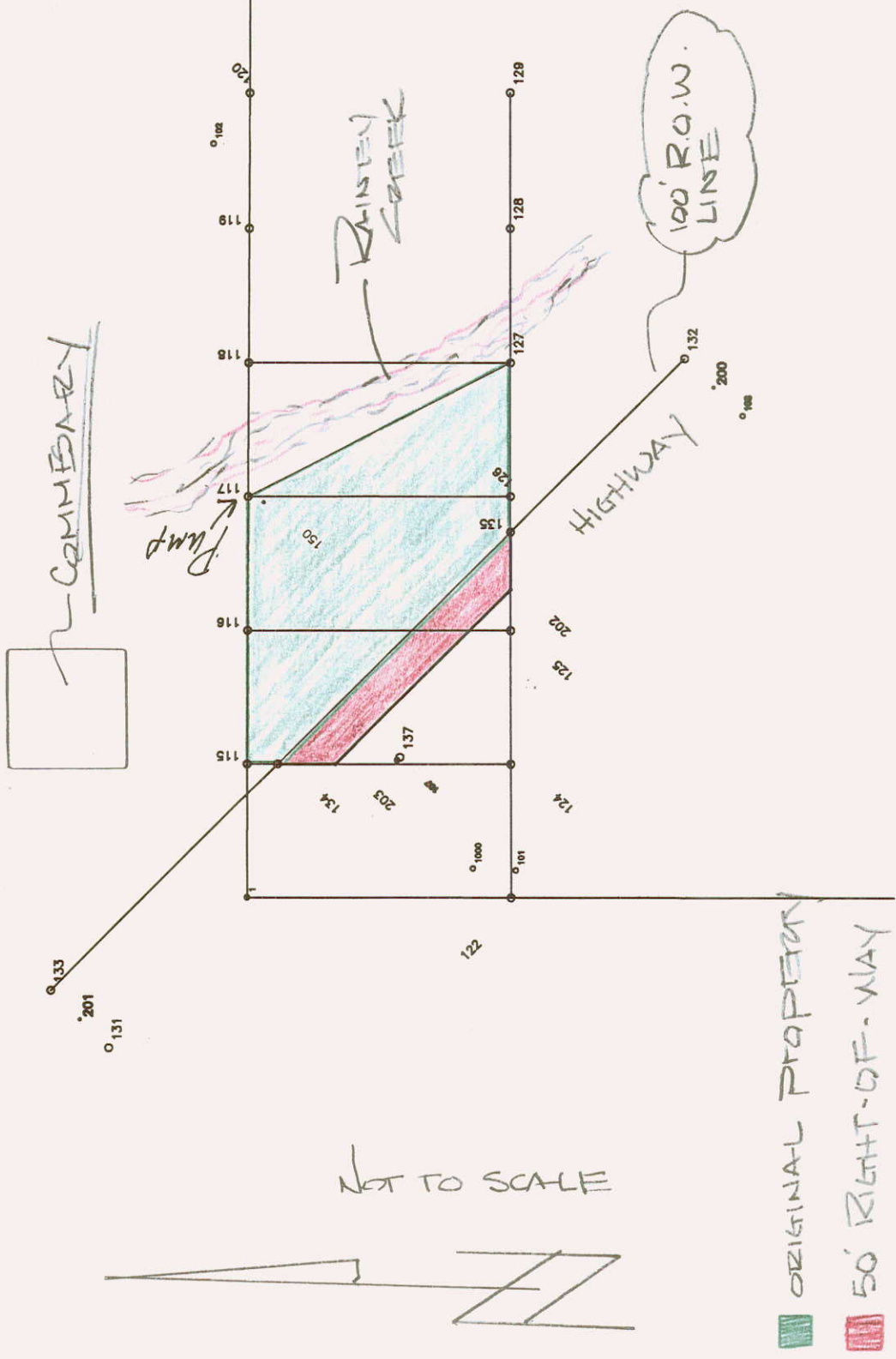
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	7	1N	44E	Bonneville	None

- Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	43E	1													25			29	54
	44E	6									18	37	.7						55.7

Total Acres 109.7

DICK CAYTON JR.
PETE OTTINO



B. CHANGES IN NATURE OF USE

- I hereby asset 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.

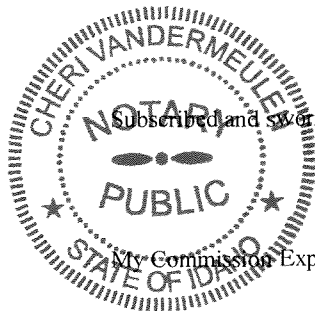
in this application may result in voiding its approval.


(Signature of Applicant)

Subscribed and sworn to before me this 1st day of June, 2000

Cheri Vanderveulen
Notary Public
Residing at: Idaho Falls, Idaho

My Commission Expires 1 July 2009

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and _____ attachments

Received by SC Date 6/3/04 Protest filed by _____

Prelim. check by WBJ Fee 6/3/04

Received by SC EO29910 Date 6/4/2004 WBJ

Published in Post Register. Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

71524

WATER RIGHTS SALE AGREEMENT

THIS AGREEMENT is made and entered into this 17th day of May, 2004, by and between Renell Weeks Farms, Inc., an Idaho Corporation, of PO Box 98, Swan Valley, Idaho 83449, herein referred to as "WEEKS", and Richard I. Clayton and Diane R. Clayton, husband and wife, of PO Box 156, Swan Valley, Idaho 83449, herein referred to "CLAYTONS",

WITNESSETH:

THAT FOR AN IN CONSIDERATION of the payment by CLAYTONS to WEEKS of the sum of One Thousand Dollars (\$1,000.00) cash, lawful money of the United States of America, receipt whereof is hereby acknowledged by WEEKS, and the terms and provisions hereof, the parties hereto agree as follows:

1. WEEKS is the record title holder of the following described real property situate in Bonneville County, Idaho, to wit:

Township 1N., Range 43, E., B.M.

Section 1, SE1/4 less 6.45 acres.

Township 1N., Range 44, E., B.M.

Section 4, SW1/4 NE1/4, SE1/4, NW1/4, NE1/4 SW1/4, NW1/4 SE1/4

Section 5, 0.26 acres NE1/4 SE1/4

Section 6, Lots 6 and 7, less 6.31 acres

2. WEEKS is also the holder of water right number 23-16A, for 1.75 cfs of the waters of Rainey Creek, a tributary of the South Fork Snake River, with a priority of June 1, 1891, for the irrigation of 91 acres of land, a portion of which is appurtenant to some of the above described real property of WEEKS.

3. CLAYTONS are the record title holders of the following described real property situate in Bonneville County, Idaho, to wit:

Beginning at a point that is N89°40'00"W along the section line 1,980.25 feet and S00°04'35" W 319.11 feet from the northeast corner of Section 1, Township 1N., Range 43, east of the Boise Meridian, Bonneville County, Idaho, said point of beginning being the southeast corner of U.S. Government Lot 20 of said section; running thence N27°12'52"W 359.91 feet to the northeast corner of U.S.

Government Lot 21 of said section; thence N89°40'00"W along said section line 330.04 feet to the northwest corner of U.S. Government Lot 22 of said section; thence S00°05'11"W along the west line of said Lot 22, a distance of 35.54 feet more or less to the northeasterly right-of-way line of U.S. Highway 26; thence southeasterly along said right-of-way line 405.79 feet more or less to a point that bears N89°5'25"W from the point of beginning, said point being on the south line of said Lot 21; thence S89°58'25"E 207.16 feet more or less to the point of beginning.

There is presently no water right appurtenant to said real property.

4. CLAYTONS have agreed to purchase from WEEKS and WEEKS have agreed to sell to CLAYTONS 0.04 cfs of the above described water right for the consideration set forth above. The conveyance of said water right shall be by Quitclaim Deed in the form attached hereto as Exhibit A, the original of which has been executed simultaneously with the execution hereof and delivered by WEEKS to CLAYTONS, but which shall not be recorded until the transfer proceeding described herein before the Idaho Department of Water Resources has been successfully completed and the transfer has been formally approved.
5. CLAYTONS shall, at their own proper costs and expense, initiate and prosecute to its conclusion the appropriate proceeding before the Idaho Department of Water Resources under Idaho Code §§ 42-108 and 42-222, to change the portion of the above described water right they have hereby purchased to become appurtenant to and available for use on CLAYTONS real property described above. WEEKS agree to assist and cooperate with CLAYTONS to successfully complete the transfer of such 0.04 cfs of right number 23-16A to the above described real property of CLAYTONS, and this agreement constitutes the formal consent of WEEKS to said transfer.
6. In the event the proposed transfer is denied by the Idaho Department of Water Resources, or for reasons satisfactory to CLAYTONS said transfer becomes infeasible or unacceptable, then, upon written notice of such from CLAYTONS to WEEKS, WEEKS shall refund the One Thousand Dollar (\$1,000.00) purchase price to CLAYTONS within thirty (30) days of such notice.
7. This agreement shall inure to the benefit of and be binding upon the heirs, successors in interest and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Renell Weeks Farms, Inc.

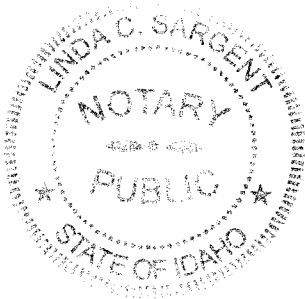
Renell Weeks Farms Inc.
By: Renell Weeks
Its: Pres.

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 27th day of May, 2004, before me a notary public in and for said State, personally appeared Renell Weeks known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)



Linda C. Sargent
Notary Public for Idaho
Residing at: Shaw Valley, ID
My commission expires: 11/3/06

Richard I. Clayton Jr.
Richard I. Clayton Jr.

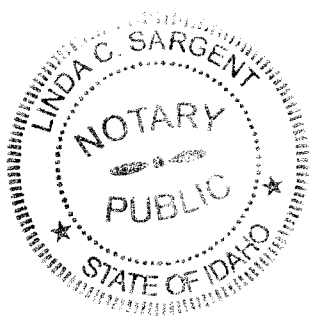
Diane R. Clayton
Diane R. Clayton

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 17th day of May, 2004, before me a notary public in and for said State, personally appeared Richard I. Clayton and Diane R. Clayton, husband and wife, known or identified to me (or proved to me on the oath of Richard I. Clayton and Diane R. Clayton, husband and wife,) to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)



Linda C. Sargent
Notary Public for Idaho
Residing at: 1111 1st St. N.
My commission expires: 11/1/05

EXHIBIT A

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this 17th day of May, 2004, between Renell Weeks Farms, Inc., referred to herein as the "GRANTOR" and Richard I. Clayton and Diane R. Clayton, husband and wife, whose mailing address is PO Box 156, Swan Valley, Idaho 83449, hereinafter referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Bonneville, State of Idaho, to-wit:

0.04 cfs of water right number 23-16A

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular

includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Renell Weeks Farms, Inc.

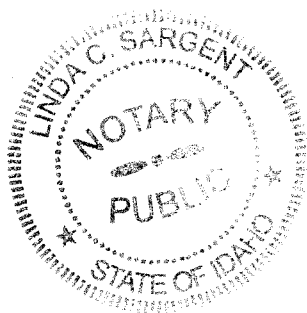
Renell Weeks Farms Inc.
By: Renell Weeks
Its: President

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 17 day of May, 2004, before me a notary public in and for said State, personally appeared Renell Weeks known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)



Linda C. Sargent
Notary Public for Idaho
Residing at: Shaw Valley, ID
My commission expires: 11/3/06

G:\WPDATA\KWF\10667 CLAYTON, DICK\Weeks Agreement.wpd.cdv

**QUITCLAIM DEED
FOR
WATER RIGHTS**

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0.04 cfs of water right number 23-16A

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TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Renell Weeks Farms, Inc.

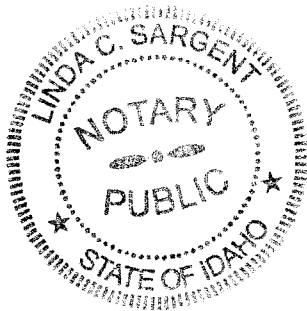
Renell Weeks Farms, Inc.
By: Renell Weeks
Its: President

STATE OF IDAHO)
)ss.
County of Bonneville)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)



Linda C. Sargent
Notary Public for Idaho
Residing at: Summit, Idaho
My commission expires: 11/3/11

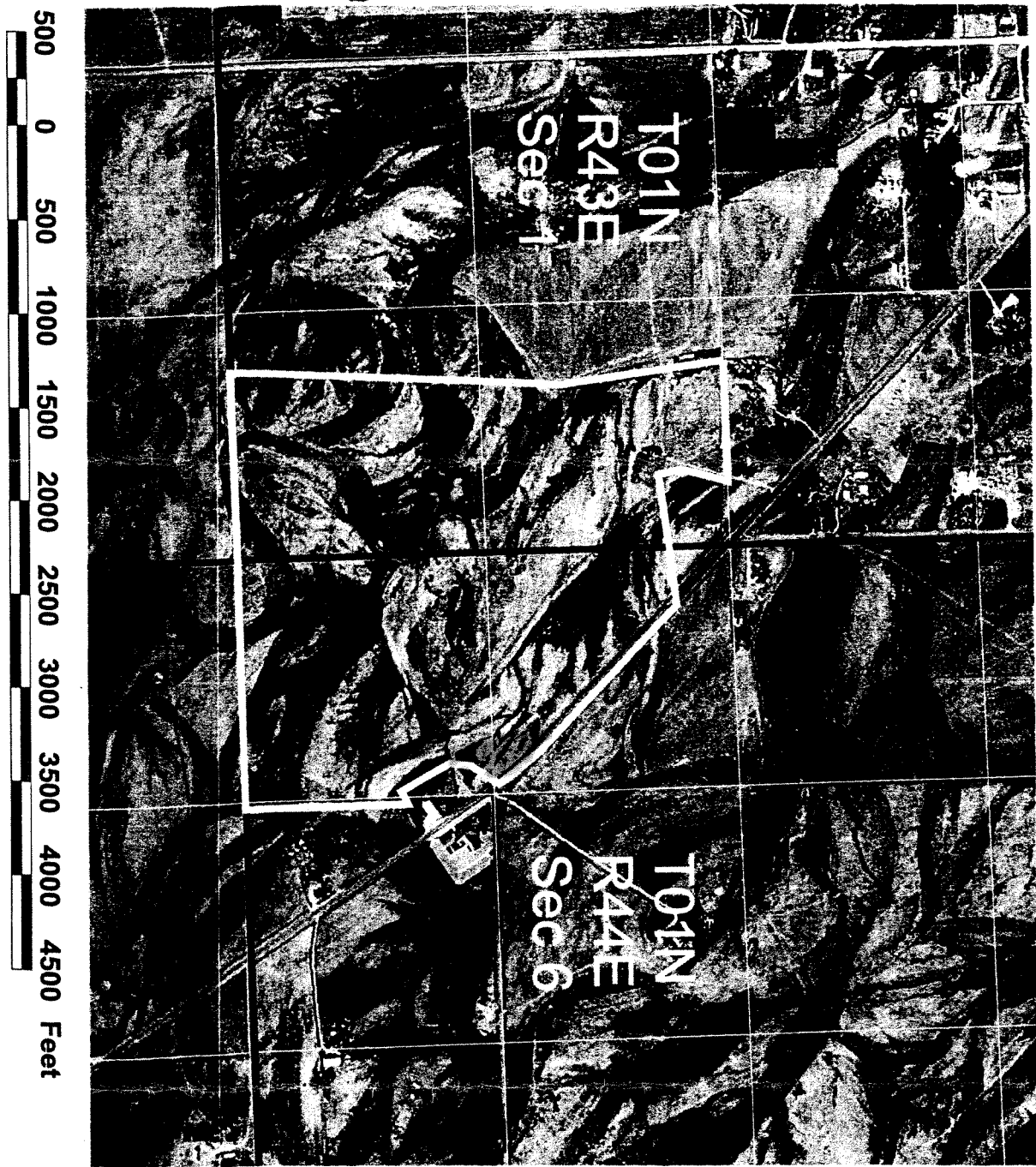
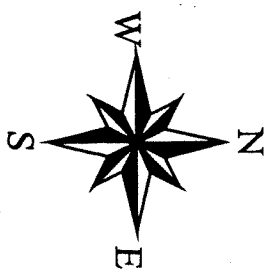
G:\WPDATA\KWF\10667 CLAYTON, DICK\QCD.wpd.cdv

Weeks - Clayton Transfer

ATTACHMENT T 71524
9 OF 10

= Reduced

☐ 23-16ashp.shp
Sections
QQ

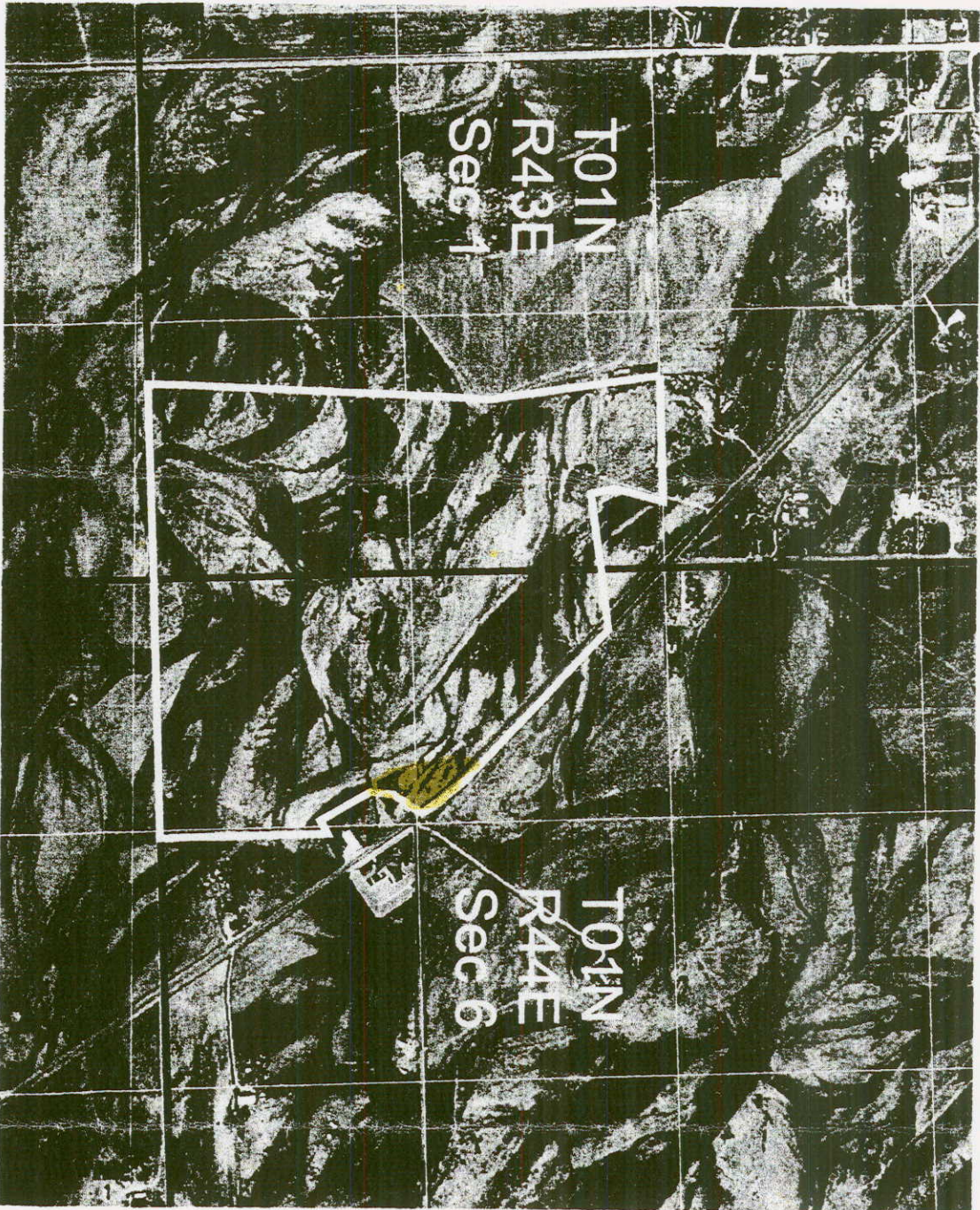


Weeks - Clayton Transfer

= New Place of use



Weeks - Clayton Transfer



= Reduced

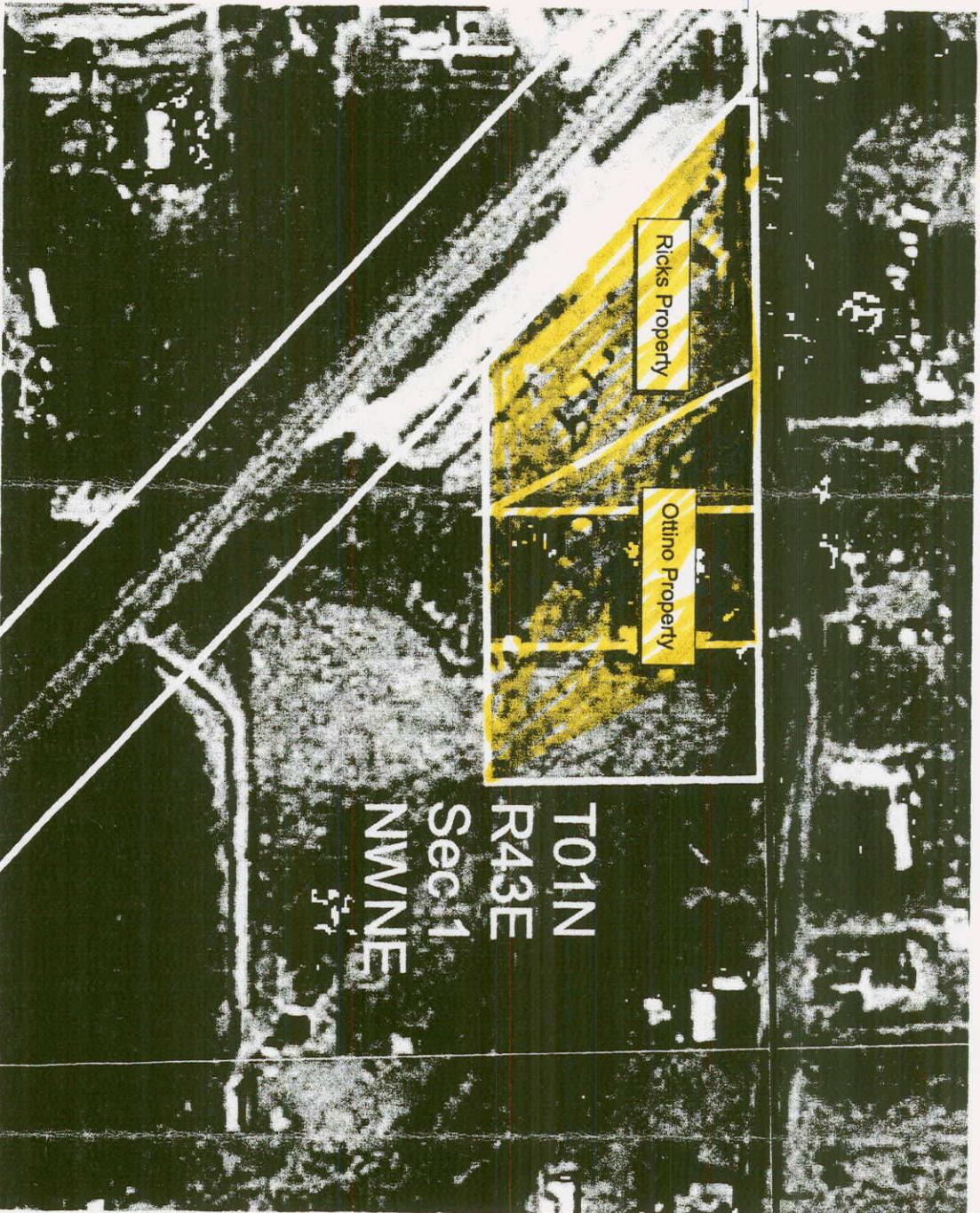
23-16ashp.shp
☐ Sections
 QQ



Weeks - Clayton Transfer

ATTACHMENT T 71524
10 OF 10

= Area Place of use



☐ Tax Lot boundaries, shp
☐ Sections
aa

