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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69336

This is to certify that: D & B TREE FARM
PO BOX 2541
HAILEY ID 83333
(208)788-3161

DAVID DAWSON
PO BOX 2541
HAILEY ID 83333
(208)788-3161

HAILEY NURSERY
PO BOX 2541
HAILEY ID 83333
(208)788-3161

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-15671	WR/Decreed	10/18/1968	1.31 cfs	N/A	89.9	164.5	GROUND WATER
36-15673	WR/Decreed	12/03/1966	1.02 cfs	N/A	51.1	164.5	GROUND WATER
36-15675	WR/Decreed	02/18/1971	0.56 cfs	N/A		164.5	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-15671	YES	YES	YES	NO	YES	YES
36-15673	YES	YES	YES	NO	YES	YES
36-15675	YES	YES	YES	NO	YES	YES

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>
36-15671	37-21117	0.06 cfs	11.7 af	N/A	N/A	36-15715	1.25 cfs	N/A	85.5	156.5
36-15673	37-21118	0.05 cfs	6.7 af	N/A	N/A	36-15717	0.97 cfs	N/A	48.6	156.5
36-15675	37-20950	0.03 cfs	3.1 af	N/A	N/A	36-15713	0.53 cfs	N/A	N/A	156.5
COMBINED										
TOTALS		0.09 cfs	21.5 af	N/A	N/A		1.78 cfs	626 afa	N/A	156.5

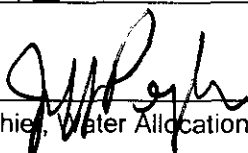
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69336

Detailed Water Right Description(s) attached

Dated this 11 day of June, 2003


For Chief, Water Allocation Bureau

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JUL 26 2003

WATER RIGHT NO. 37-20950
As Modified by Transfer No. 69336

In accordance with the approval of Transfer No. 69336, Water Right No. 37-20950 is now described as follows.

Right Holder: DAVID DAWSON
 PO BOX 2541
 HAILEY ID 83333

Priority Date: February 18, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.03 CFS	3.1 AF
			0.03 CFS	3.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSW Sec. 33 Twp 05S Rge 15E GOODING County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	33											X	X					

CONDITIONS OF APPROVAL

- Beginning on the date of approval of Transfer 69336, Rights 37-20950, 37-21117 and 37-21118 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of acknowledgement with the Department prior to changing the annual diversion volume each time a change according to the schedule is required.

 Years 1 through 5 the rights are limited to 21.5 afa.
 Years 6 through 10 the rights are limited to 18.1 afa.
 Years 11 and beyond the rights are limited to 14.0 afa.
- Prior to the diversion and use of water under Transfer approval 69336, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
- Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
- A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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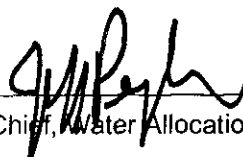
WATER RIGHT NO. 37-20950
As Modified by Transfer No. 69336

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Commercial use is for a tree farm nursery located in the SWSW and SESW, S33, T5S, R15E.
7. Use of water under this right may be affected by an agreement between the protestant and the right holder.
8. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from this transfer approval. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
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 11 day of June, 2003

For 
Chief, Water Allocation Bureau

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WATER RIGHT NO. 37-21118
As Modified by Transfer No. 69336

In accordance with the approval of Transfer No. 69336, Water Right No. 37-21118 is now described as follows.

Right Holder: DAVID DAWSON
 PO BOX 2541
 HAILEY ID 83333

Priority Date: December 03, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.05 CFS	6.7 AF
			0.05 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSW Sec. 33 Twp 05S Rge 15E GOODING County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	33											X	X					

CONDITIONS OF APPROVAL

1. Rights 37-21117 and 37-21118 when combined shall not exceed a total diversion rate of 0.06 cfs.
2. Beginning on the date of approval of Transfer 69336, Rights 37-20950, 37-21117 and 37-21118 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of acknowledgement with the Department prior to changing the annual diversion volume each time a change according to the schedule is required.

Years 1 through 5 the rights are limited to 21.5 afa.
 Years 6 through 10 the rights are limited to 18.1 afa.
 Years 11 and beyond the rights are limited to 14.0 afa.
3. Prior to the diversion and use of water under Transfer approval 69336, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

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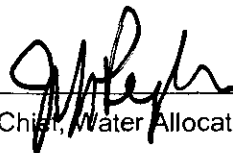
WATER RIGHT NO. 37-21118
As Modified by Transfer No. 69336

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Commercial use is for a tree farm nursery located in the SWSW and SESW, S33, T5S, R15E.
8. Use of water under this right may be affected by an agreement between the protestant and the right holder.
9. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from this transfer approval. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 11 day of June, 2003

For 
Chief, Water Allocation Bureau

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FILED IN 2003

WATER RIGHT NO. 37-21117
As Modified by Transfer No. 69336

In accordance with the approval of Transfer No. 69336, Water Right No. 37-21117 is now described as follows.

Right Holder: DAVID DAWSON
 PO BOX 2541
 HAILEY ID 83333

Priority Date: October 18, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.06 CFS	11.7 AF
			0.06 CFS	11.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSW Sec. 33 Twp 05S Rge 15E GOODING County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 15E 33											X	X					

CONDITIONS OF APPROVAL

1. Rights 37-21117 and 37-21118 when combined shall not exceed a total diversion rate of 0.06 cfs.
2. Beginning on the date of approval of Transfer 69336, Rights 37-20950, 37-21117 and 37-21118 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of acknowledgement with the Department prior to changing the annual diversion volume each time a change according to the schedule is required.

 Years 1 through 5 the rights are limited to 21.5 afa.
 Years 6 through 10 the rights are limited to 18.1 afa.
 Years 11 and beyond the rights are limited to 14.0 afa.
3. Prior to the diversion and use of water under Transfer approval 69336, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

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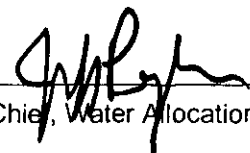
WATER RIGHT NO. 37-21117
As Modified by Transfer No. 69336

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Commercial use is for a tree farm nursery located in the SWSW and SESW, S33, T5S, R15E.
8. Use of water under this right may be affected by an agreement between the protestant and the right holder.
9. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from this transfer approval. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 11 day of June, 20 03



For Chief, Water Allocation Bureau

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WATER RIGHT NO. 36-15713
As Modified by Transfer No. 69336

In accordance with the approval of Transfer No. 69336, Water Right No. 36-15713 is now described as follows.

Right Holder: VIVIAN K LARSEN
 129 S 2900 E
 PAUL ID 83347

JOHN C LARSEN
 129 S 2900 E
 PAUL ID 83347

Priority Date: February 18, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.53 CFS	
			0.53 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

GROUND WATER NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA 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	
08S	22E	19			13.3	15.6					20.0			4.8	24.5		22.5		100.7
08S	22E	30		21.2				34.6											55.8

Total Acres: 156.5

CONDITIONS OF APPROVAL

1. Rights 36-15713, 36-15715 and 36-15717 when combined shall not exceed a total diversion rate of 1.78 cfs, a total annual maximum diversion volume of 626 af at the field headgate, and the irrigation of 156.5 acres.
2. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the originating approval/SRBA partial decree date.

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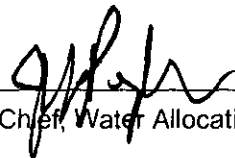
WATER RIGHT NO. 36-15713
As Modified by Transfer No. 69336

CONDITIONS OF APPROVAL

4. Rights 36-15713, 36-15715, 36-15717, 36-16104, 36-16106 and 36-16108 are all diverted through the point(s) of diversion described above.
5. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. 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 11 day of June, 20 03


For Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15715
As Modified by Transfer No. 69336

In accordance with the approval of Transfer No. 69336, Water Right No. 36-15715 is now described as follows.

Right Holder: VIVIAN K LARSEN
 129 S 2900 E
 PAUL ID 83347

JOHN C LARSEN
 129 S 2900 E
 PAUL ID 83347

Priority Date: October 18, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	1.25 CFS	
			1.25 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

GROUND WATER NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA 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	
08S 22E 19			13.3	15.6					20.0			4.8	24.5		22.5		100.7
08S 22E 30		21.2					34.6										55.8

Total Acres: 156.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 85.5 acres within the place of use described above in a single irrigation season.
2. Rights 36-15715 and 36-15717 when combined shall not exceed 1.25 cfs.
3. Rights 36-15713, 36-15715 and 36-15717 when combined shall not exceed a total diversion rate of 1.78 cfs, a total annual maximum diversion volume of 626 af at the field headgate, and the irrigation of 156.5 acres.
4. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.

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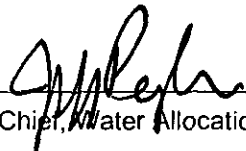
WATER RIGHT NO. 36-15715
As Modified by Transfer No. 69336

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the originating approval/SRBA partial decree date.
6. Rights 36-15713, 36-15715, 36-15717, 36-16104, 36-16106, and 36-16108 are all diverted through the point(s) of diversion described above.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. 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 11 day of June, 20 03

For 
Chief, Water Allocation Bureau

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WATER RIGHT NO. 36-15717
As Modified by Transfer No. 69336

In accordance with the approval of Transfer No. 69336, Water Right No. 36-15717 is now described as follows.

Right Holder: VIVIAN K LARSEN
 129 S 2900 E
 PAUL ID 83347

JOHN C LARSEN
 129 S 2900 E
 PAUL ID 83347

Priority Date: December 03, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	0.97 CFS	
			0.97 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

GROUND WATER NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA 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	
08S	22E	19			13.3	15.6					20.0			4.8	24.5		22.5		100.7
08S	22E	30		21.2					34.6										55.8

Total Acres: 156.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 48.6 acres within the place of use described above in a single irrigation season.
2. Rights 36-15715 and 36-15717 when combined shall not exceed 1.25 cfs.
3. Rights 36-15713, 36-15715, and 36-15717 when combined shall not exceed a total diversion rate of 1.78 cfs, a total annual maximum diversion volume of 626 af at the field headgate, and the irrigation of 156.5 acres.
4. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.

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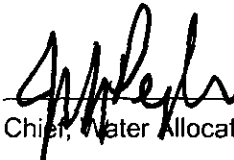
WATER RIGHT NO. 36-15717
As Modified by Transfer No. 69336

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the originating approval/SRBA partial decree date.
6. Rights 36-15713, 36-15715, 36-15717, 36-16104, 36-16106, and 36-16108 are all diverted through the point(s) of diversion described above.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. 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 11 day of June, 20 03

For 
Chief, Water Allocation Bureau

MICROFILMED

JUL 23 2003

MEMORANDUM

TO: FILE ³⁷~~37~~-21118
FROM: VAULT
RE: TRANSFER # 69336
DATE: 6.12.03

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Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 36-15671

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