

* CHANGE IN NATURE OF USE *

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of Applicant Clinger Enterprises Inc. Phone _____Post Office address 230 Harvard Avenue, Rexburg, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0037 Decreed to Clinger Enterprises, Inc.
in case of No. 4948 Proposed Findings of Water Rights in Lemhi River Basin
dated in Dec. 30, 1982 in 7th Judicial District Court county of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Big Timber Creek tributary to Lemhi River

4. Date of priority 09-01-1874

5. Water is used for the following purposes:

amount 3.36 cfs for Irrigation purposes from 3-15 to 11-15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.36 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33
Township 16N Range 26E, B.M., in Lemhi County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16N	26E	20									25	40	25				7		97
		29		37	26				30	30	13				2	29			167
		30	40		40	40	40			40	10				40	36			286

Total number of acres to be irrigated 550

9. Describe any other water rights used for the same purpose as described above 74-0039A was
decreed to the same place of use.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No. If yes, describe in item D, REMARKS.

SCANNED
JUN 23 2003FILED
MAR 03 1988

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0039A Decreed to Clinger Enterprises Inc.
(Name)
 In case of No. 4948 Proposed Findings of Water Rights in Lemhi River Basin
 dated in 12/30/1982 in 7th Judicial District Court county of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Big Timber Creek tributary to Lemhi River

4. Date of priority 06-10-1901

5. Water is used for the following purposes:

amount 2.54 cfs for Irrigation purposes from 3-15 to 11-15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.54 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is NW 1/4 of NW 33
 Township 16N Range 26E, B.M., in Lemhi County
 Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	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	26E	29		37	26				30	30	13				2	29			167
		20										25	40	25			7		97
		30	40		40	40	40			40	10				40	36			286

Total number of acres to be irrigated 550

9. Describe any other water rights used for the same purpose as described above 74-0037 was
 decreed to the same place of use.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

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TRANSFERRED

transferred

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is ~~owned~~ by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	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	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

*2-18-87 KCW

1. General Information
 - 5.88 cfs Irrigation *
 - 0.02 cfs stockwater (limited to 2.8 afa)*
 - a. Amount of water to be diverted 5.90 c.f.s. &/or _____ acre feet
 - b. Description of diverting works wooden headgate
 - c. Describe the reasons for the proposed changes applicant is transferring one miners
inch for use by Roger & Penny Ogden as a concessions for continuing to
exercise a water right exchange involving rights 74-0996 & 74-0031.

2. Change in point of diversion NO CHANGE
 - Point of diversion NW 1/4 NW 1/4, Section 33 Township 16N
26E, B.M., Lemhi County
 - Additional points _____

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Land in the NE 1/4 SE 1/4 Section 29 is being dewatered and will cease being
irrigated. Water historically used to irrigate this land will be
diverted by Roger & Penny Ogden pursuant to a memorandum agreement
dated March 15, 1986.

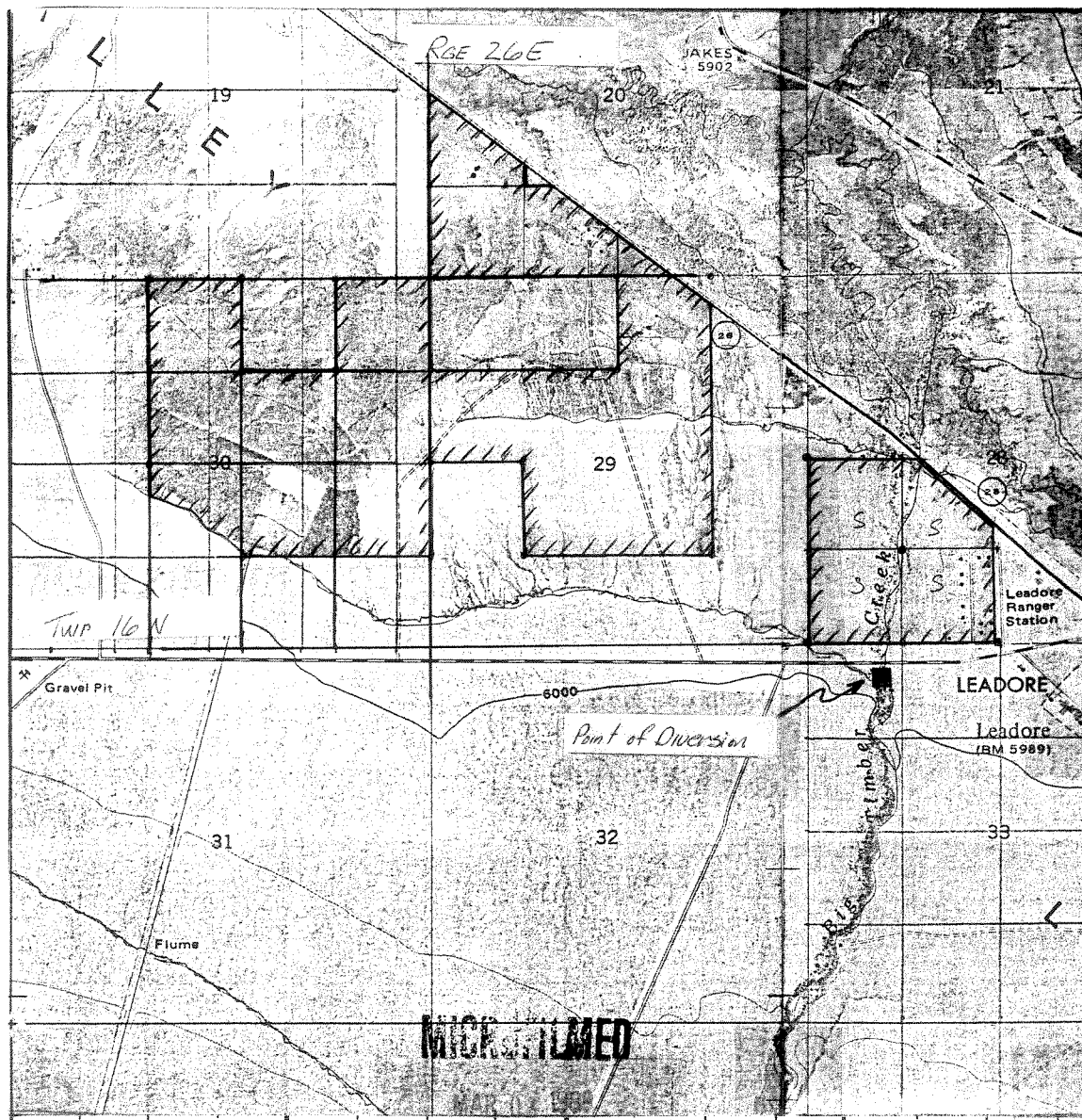
MAR 03 1988

c. Describe the location or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated 548

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



Scale: 1 inch = 1 mile. Draw plan in ink.

Received by MD Date 10-24-86 Protest filed by MAR 03 1988
Prelim. check by KCW Fee \$50.00
Received by MD ⁴¹⁰⁶³ Date 2-20-87
Published in Recorder Herald Copies of protest forwarded by _____
Pub. dates 3-19 + 3-26-87 Hearing held by _____ Date _____
Watermaster recommendation requested on WD 7440 Recommended for approval denial
3-27-87 rec'd. 4-06-87 by RDC Jim G.S.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Application For Transfer of Water Right
Supplemental Information for
CHANGE IN NATURE OF USE

1. Fully complete Form 222. Type or print in ink "CHANGE IN NATURE OF USE" at the top of page 1. If no change in point of diversion or place of use is desired, so note under items C.2 and/or C.3 C.

2. Describe fully the new use to which the water is intended to be applied:

a. Nature of use: Stockwater on the property of Roger & Penny Ogden.

b. Rate of flow: 0.02cfs or the flow through a one inch diameter pipe
whichever is less.

c. Hours per day and days per year that the flow will be diverted: 24 hours
per day when irrigation water is available from the ditch, 245 days max.

d. Season of use: 3/15 to 11/15

e. Return flows from the use: (quantity and quality of return flows, and location of discharge):

None

3. Describe positive and negative effects on other waterusers predicted to result from the proposed change in nature of use. There will be no effects on other users because these rights will continue to be delivered by the watermaster as if there had been no change. Mr. Ogden will take his entitlement from the ditch downstream from the weir so water for both uses will be included when measuring the quantity of water delivered under rights 74-0037 and 74-0039A.

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FEB 18 1987

Department of Water Resources
Eastern District Office

OLIDATED TAX NOTICE AND RECEIPT
HI COUNTY, STATE OF IDAHO 1985
 COURTHOUSE DR., SALMON, 83467
 NE (208) 756-2816 REAL PROPERTY

VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
4,845	3-00	RP16N26E290002A	6789
4,845L		NW4 W2NE4 N2SW4 N2SE4 FR NE4NE4 29 16 26	
5.000			
8.000		CLINGER ENT INC 230 HARVARD AVE REXBURG, IDAHO 83440	
NT CERT.			

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE	.000001	.04	FULL PAYMEN
COUNTY	.002350	105.40	TAX 242
SCHOOL DIST 292	.003047	136.64	PEN.
			SUB TOT.
			INT.
			TOT.
			1ST INSTALLM
			TAX 121
			PEN.
			SUB TOT.
			INT.
			TOT.
			2ND INSTALLM
			TAX 121
			PEN.
			SUB TOT.
			INT.
			TOT.
TOTAL	.005398	242.08	

FOR FURTHER INFORMATION REGARDING TAX PAYMENT,
 PLEASE READ REVERSE SIDE OF THIS BILL***THANK YOU

MICROFILMED

MAR 03 1988

Law Offices of

ST. CLAIR, HILLER, WOOD, McGRATH, ST. CLAIR & BAKER

A Partnership Composed of Professional Corporations

FIRST SECURITY BANK BUILDING

POST OFFICE BOX 29

IDAHO FALLS, IDAHO 83402

(208) 522-2350

July 11, 1986

MORTON B. HILLER *
THEODORE V. WOOD *
STEPHEN J. McGRATH *
RICHARD T. ST. CLAIR *
DWIGHT E. BAKER *
KEVIN T. SULLIVAN
ALAN C. STEPHENS
MARVIN M. SMITH
WILLIAM R. DALLING
DEAN DALLING
STEPHEN H. TELFORD

Legal Assistant
RICHARD E. SCHUMAN

*Professional Corporation

FORMERLY

ST. CLAIR, HILLER, WOOD &
McGRATH, CHARTERED

CLERGY ST. CLAIR (1871-1957)

PAUL T. PETERSON (1892-1967)

of Counsel

ROBERT W. ST. CLAIR

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JUL 11 1986

Department of Water Resources
Eastern District Office

Mr. Ernest Carlson
Assistant Regional Supervisor
Water Resource Board
150 Shoup Avenue
Idaho Falls, Idaho 83402

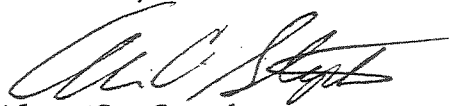
Re: Application for Exchange
of Water Rights
#74-0996 and #74-0031

Dear Mr. Carlson:

Please find enclosed a copy of the Memorandum Agreement between Clinger Enterprises, Inc., and Roger and Penny Ogden regarding the transfer of approximately one inch of water under water rights #74-0037 and #74-0039A. The original agreement has been filed with the Lemhi County Recorder's office.

Sincerely,

ST. CLAIR, HILLER, WOOD,
McGRATH, ST. CLAIR & BAKER



Alan C. Stephens

ACS:blg
Enclosure

cc: Roger Ogden

INDEXED

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Department of Water Resources
Eastern District Office

MEMORANDUM AGREEMENT

WHEREAS, CLINGER ENTERPRISES, INC., an Idaho corporation, along with MARJORIE McREA and EARL McREA, husband and wife, have requested to exchange certain public waters of the State of Idaho, under exchange No. 74-0996/0031; and

WHEREAS, ROGER OGDEN has filed an objection thereto;

In order to resolve the dispute between the parties, CLINGER ENTERPRISES, INC. and ROGER OGDEN and PENNY OGDEN, agree to compromise as follows:

1. That Clinger Enterprises, Inc. will transfer one inch of its water right to real property in the County of Lemhi, State of Idaho, more particularly described as follows:

W $\frac{1}{2}$ SW $\frac{1}{4}$, FR E $\frac{1}{2}$ SW $\frac{1}{4}$, FR NW $\frac{1}{4}$, Section 28, Township 16 North, Range 26, East of the Boise Meridian, County of Lemhi, State of Idaho.

2. That said transfer will take the form of a one inch pipe running from Big Timber Creek, Clinger Diversion, north of the Farm to Market Road, within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 16 North, Range 26, East of the Boise Meridian, which pipe will take the one inch of water to the real property owned by the Ogdens as above described.

3. That the Ogdens would have the right to that one inch of water at all times that Clinger Enterprises Inc. has the right to

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MAR 03 1988

water in the Big Timber Creek, Clinger Diversion, under water right numbers 74-0037 and 74-0039A.

4. Clinger Enterprises, Inc. understands that it will be required by the Idaho State Water Board to transfer one inch of water right from approximately 1.8 acres of land in order to accomplish the said transfer. The one inch of water right will be transferred from the following described real property:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 6 North, Range 26
East of the Boise Meridian, County of Lemhi,
State of Idaho

5. In exchange for the transfer of one inch of water, as above stated, the Ogdens agree to withdraw their protest to the aforementioned requested exchange.

DATED this 15TH day of MARCH, 1986.

Roger K. Ogden
Roger Ogden

Penny J. Ogden
Penny Ogden

DATED this 2ND day of APRIL, 1986.

CLINGER ENTERPRISES, INC.

By Zella Armstrong
Zella Armstrong
Its: President

ATTEST:

Argus Clinger
Argus Clinger
Secretary

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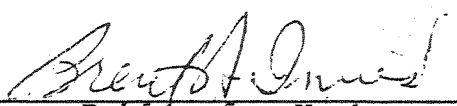
MAR 03 1988

STATE OF UTAH)
) ss.
County of DAVIS)

On this 2ND day of April, 1986, before me, the undersigned, a Notary Public in and for the State of Utah, personally appeared ROGER OGDEN and PENNY OGDEN, known to me to be the persons who executed the foregoing instrument.

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)

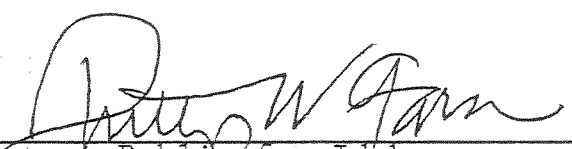

Notary Public for Utah BRENT W INNES
Residing at: NOTARY
My Commission Expires: COMMISSION EXPIRES
22 APRIL 1989

STATE OF IDAHO)
) ss.
County of Madison)

On this 30 day of May, 1986, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared ZELLA ARMSTRONG, known to me to be the president of CLINGER ENTERPRISES, INC. and who executed the foregoing 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)


Notary Public for Idaho
Residing at: Reubens Idaho
My Commission Expires: 10/91

NOTARIZED

MAR 03 1988

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
NO: 74-0037/0039A

Notice is hereby given that Clinger Enterprises Inc., Rexburg, Idaho, has applied to the Department of Water Resources for a change in the Nature of Use and place of use of water from Big Timber Creek Tributary to Lemhi River. The right sought to be changed is evidenced by Decree No. 74-0037 & 74-0039A Decreed to Clinger Enterprises, Inc., in the First Proposed Findings, of Water Rights in Lemhi River Basin, No. 4948, dated 12/30/1982 in 7th Judicial District Court, and is recorded as follows:

74-0037 AMOUNT: 3.36 cfs PRIORITY: Sept. 1, 1874

The water is used to irrigate 550 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

74-0039A AMOUNT: 2.54 cfs PRIORITY: June 10, 1901

The Point of Diversion for both rights is NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 16N, R. 26E, B.M., Lemhi County.

The water is used to irrigate 550 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 16N, R. 26E, B.M. for 548 acres. Only 0.02 cfs (limited to 2.8 afa) will be used for stockwatering purposes. The use of water for stockwatering purposes will be limited to when irrigation water is being diverted under rights 74-0037 & 740039A, within the SW $\frac{1}{4}$, Sec. 28, T. 16N, R. 26E, B.M.

TO BE CHANGED AS
FOLLOWS

Only 5.88 cfs of the water will be used for Irrigation purposes within the W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 16N, R. 26E, B.M. for 548 acres. Only 0.02 cfs (limited to 2.8 afa) will be used for stockwatering purposes. The use of water for stockwatering purposes will be limited to when irrigation water is being diverted under rights 74-0037 & 740039A, within the SW $\frac{1}{4}$, Sec. 28, T. 16N, R. 26E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402

on or before April 6, 1987.

A. Kenneth Dunn
Director

Published March 19 &
26, 1987.

3-19-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

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MAR 30 1987

Department of Water Resources
Eastern District Office

JERRY G. ROSIN, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Department of Water Resources, Proposed water
right, Case no. 74-0037/0039A a true

printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated March 19, 1987
and ending with the issue dated March 26, 1987.

Subscribed and sworn to before me, this twenty seventh
day of March, 1987.

MAR 03 1988

Terl Armstrong
Notary Public for the State of Idaho
Residing at Salmon, Idaho

Publication Fee \$ 57.33

SOURCE: Timber Creek and Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED		BASIS OF RIGHT and REMARKS
				From	To					
74-0037	CLINGER ENTERPRISES, INC. 230 Harvard Ave. Rexburg, Idaho	9 -1 -1874	Irrigation	4/1	11/1	3.36	NW $\frac{1}{4}$ NW $\frac{1}{4}$, S.33 T16N, R26E	Sec. 20	25.0	Decree Big Timber Creek
								NW $\frac{1}{4}$ SW $\frac{1}{4}$,	40.0	
								SW $\frac{1}{4}$ SW $\frac{1}{4}$,	25.0	
								SE $\frac{1}{4}$ SW $\frac{1}{4}$,	7.0	
								SW $\frac{1}{4}$ SE $\frac{1}{4}$,		
								Sec. 29		
								NW $\frac{1}{4}$ NE $\frac{1}{4}$,	37.0	
								SW $\frac{1}{4}$ NE $\frac{1}{4}$,	25.7	
								SW $\frac{1}{4}$ NW $\frac{1}{4}$,	30.0	
								SE $\frac{1}{4}$ NW $\frac{1}{4}$,	30.0	
								NE $\frac{1}{4}$ SW $\frac{1}{4}$,	13.2	
								NE $\frac{1}{4}$ SE $\frac{1}{4}$,	1.5	
								NW $\frac{1}{4}$ SE $\frac{1}{4}$,	28.6	
								Sec. 30		
								NE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.0	
								SW $\frac{1}{4}$ NE $\frac{1}{4}$,	40.0	
								SE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.0	
								NE $\frac{1}{4}$ NW $\frac{1}{4}$,	40.0	
								SE $\frac{1}{4}$ NW $\frac{1}{4}$,	40.0	
								NE $\frac{1}{4}$ SW $\frac{1}{4}$,	9.6	
								NE $\frac{1}{4}$ SE $\frac{1}{4}$,	40.0	
								NW $\frac{1}{4}$ SE $\frac{1}{4}$,	36.4	
								T16N, R26E		
									549.0	

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MAR 03 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 12, 1988

RE: Transfer of Water Right Nos. 74-0037/0039A

Clinger Enterprises Inc.
230 Harvard Ave.
Rexburg, ID 83440

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 3307). Be sure to note any conditions of approval as listed on the final page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

SCANNED
JUN 23 2003

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MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEETINITIAL REVIEW BY: KCC

1. Right number 74-0037 Applicant Clinger Enterprises, Inc.
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
- ☒ Other CHANGE IN NATURE OF USE

4. 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. ☒ Check description of point(s) of diversion.d. ☒ Check description of place of use.e. ☒ Check map (shows p.d. and p.u. after transfer).f. ☒ Check for correct signature, notarization, and fee.g. ☒ Check proof of ownership of right &/or land from which water is transferred.h. ☒ Check for expansion in use of right. Comments Nonei. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

j. ☒ Is use within a Watermaster District? ☐ Yes ☐ NoIf yes, what district? 74W

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 8-27-87 Received on 4-06-87

2. Is transfer published correctly? ☒ Yes ☐ No3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve2. ☐ Deny204, P023. Conditions* Subject to watermaster's order # 74WAdequate headgates & measuring devices shallbe permanently installed & maintainedDate 4/13/874-21-87

* All uses within Watermaster Districts require special conditions.

Department of Water Resources

APR 17 1987

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 74-0037/0039A

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APR 6 1987

Department of Water Resources
Eastern District Office

WATER DISTRICT 74-W

WATERMASTER Darrell K. Treasure

DATE: 4/2/87

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Darrell Treasure
Watermaster

MICROFILMED

MAR 03 1988

April 29, 1987

Allan Purcell
Box 15
Leadore, Idaho 83464

RE: Application for transfer of water rights 74-0037 & 74-0039A,
Clinger Enterprises

Dear Mr. Purcell:

In a letter dated April 9, 1987 you expressed a desire to protest the above captioned application should it propose to change the point of diversion.

A review of the application reveals the entire right will continue to be diverted at the historic point of diversion. There should be no change in the watermaster's procedure for regulating the water rights.

With regard to protesting the application, the final date of protest was April 6. Your letter was not received until April 10, and therefore could not be accepted as a protest.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

MICROFILMED

MAR 03 1988

Leadore, Idaho
April 9, 1987

State of Idaho
Department of Water Resources
150 Shoup
Idaho Falls Idaho 83464

Dear Sir,

I am writing, concerning the irrigation change of use, of Clinger Enterprises with their water right out of Big Timber Creek, Ident. No. 74-0039A.

I do not object to the change of use on their deeded land. However, if this change in any way changes the point of diversion of their ditch in any way, I wish to protest the change.

Sincerely,

Allan Purcell
Allan Purcell

Betty M. Purcell
Kerry Purcell

RECEIVED

MAY 15 1987

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Department of Water Resources

MAR 03 1988

RECEIVED

APR 10 1987

Department of Water Resources
Eastern District Office

March 27, 1987

RE: Application for Transfer No. 74-0037/0039A CLINGER ENTERPRISES INC.

Mr. Darrell K. Treasure, Watermaster
Water District No. 74-W
P.O. Box 165
Leadore, ID 83464

Dear Mr. Treasurer

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office on or before April 6, 1987.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

MICROFILMED

MAR 03 1988

March 20, 1987

Clinger Enterprises, Inc.
230 Harvard Avenue
Pexburg, Idaho 83440

RE: Transfer Application no. 74-0037 & 74-0039A

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your Transfer application. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application in the Recorder Herald. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed is receipt No. 41063 for the amount of \$50.00.

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

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/md

RECEIVED
MAR 23 1988

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 11, 1987

The Recorder-Herald
P. O. Box 310
Salmon, Idaho 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before APRIL 6, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

RECORDED

MAR 03 1988

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-0037/0039A

Notice is hereby given that Clinger Enterprises Inc., Rexburg, Idaho, has applied to the Department of Water Resources for a change in the Nature of Use and place of use of water from Big Timber Creek Tributary to Lemhi River. The right sought to be changed is evidenced by Decree No. 74-0037 & 74-0039A Decreed to Clinger Enterprises, Inc., in the First Proposed Findings of Water Rights in Lemhi River Basin, No. 4948, dated 12/30/1982 in 7th Judicial District Court, and is recorded as follows:

74-0037 AMOUNT: 3.36 cfs PRIORITY: Sept. 1, 1874

The water is used to irrigate 550 acres within the NW1/4SW1/4, S1/2SW1/4, SW1/4SE1/4, Sec. 20, W1/2NE1/4, S1/2NW1/4, NE1/4SW1/4, N1/2SE1/4, Sec. 29, NE1/4NE1/4, S1/2NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4.

74-0039A AMOUNT: 2.54 cfs PRIORITY: June 10, 1901

The Point of Diversion for both rights is NW1/4NW1/4, Sec. 33, T. 16N, R. 26E, B.M., Lemhi County.

The water is used to irrigate 550 acres within the W1/2NE1/4, S1/2NW1/4, NE1/4SW1/4, N1/2SE1/4, Sec 29, W1/2SW1/4, SE1/4SW1/4, SW1/4SE1/4, Sec. 20, E1/2NE1/4, SW1/4NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4, Sec. 30.

RECEIVED

MAR 03 1988

TO BE CHANGED AS FOLLOWS

Only 5.88 cfs of the water will be used for Irrigation purposes within the W1/2NE1/4, S1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4, Sec. 29, E1/2NE1/4, SW1/4NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4, Sec. 30, NW1/4SW1/4, S1/2SW1/4, SW1/4SE1/4, Sec. 20, T. 16N, R. 26E, B.M. for 548 acres. Only 0.02 cfs (limited to 2.8 afa) will be used for stockwatering purposes. The use of water for stockwatering purposes will be limited to when irrigation water is being diverted under rights 74-0037 & 74-0039A, within the SW1/4, Sec. 28, T. 16N, R. 26E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before April 6 1987.

A. Kenneth Dunn

Director

Published March 19 & 26, 1987

RECEIVED

MAR 03 1988

Notice is hereby given that Clinger Enterprises Inc., Rexburg, Idaho, has applied to the Department of Water Resources for a change in the Nature of Use and place of use of water from Big Timber Creek Tributary to Lemhi River. The right sought to be changed is evidenced by Decree No. 74-0037 & 74-0039A Decreed to Clinger Enterprises, Inc., in the First Proposed Findings, of Water Rights in Lemhi River Basin, No. 4948, dated 12/30/1982 in 7th Judicial District Court, and is recorded as follows:

74-0037 AMOUNT: 3.36
cfs PRIORITY: Sept. 1, 1874

The water is used to irrigate 550 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

74-0039A AMOUNT: 2.54
cfs PRIORITY: June 10, 1901

The Point of Diversion for both rights is NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 16N, R. 26E, B.M., Lemhi County.

The water is used to irrigate 550 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30. TO BE CHANGED AS

FOLLOWS

Only 3.88 cfs of the water will be used for irrigation purposes within the W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 16N, R. 26E, B.M. for 548 acres. Only 0.02 cfs (limited to 2.8 afa) will be used for stockwatering purposes. The use of water for stockwatering purposes will be limited to when irrigation water is being diverted under rights 74-0037 & 740039A within the SW $\frac{1}{4}$, Sec. 28, T. 16N, R. 26E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before April 6, 1987.

A. Kenneth Dunn
Director

Published March 19 & 26, 1987.

3-19-2tc

February 13, 1987

Clinger Enterprises
C/O Zella Armstrong
230 Howard Ave.
Rexburg, Idaho 83440

Dear Ms. Armstrong:

In order to complete the review of the transfer of a water right and change in nature of use for water rights 74-0037 and 74-0039A, proof of ownership of the NE1/4SE1/4, Sec. 29, T. 16N, R. 26E, must be established. This can be established by providing a copy of last year's tax notice for the above described property.

Upon receipt of proof of ownership of the land processing will continue. Feel free to contact this office for any assistance that you may need.

Sincerely,

Keith C. Wilson
Sr. Resource Agent

KCW/md

MICROFILMED

MAR 03 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

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FEB 18 1987

Department of Water Resources
Eastern District Office

February 13, 1987

Clinger Enterprises
C/O Zella Armstrong
230 Howard Ave.
Rexburg, Idaho 83440

Dear Ms. Armstrong:

In order to complete the review of the transfer of a water right and change in nature of use for water rights 74-0037 and 74-0039A, proof of ownership of the NE1/4SE1/4, Sec. 29, T. 16N, R. 26E, must be established. This can be established by providing a copy of last year's tax notice for the above described property.

Upon receipt of proof of ownership of the land processing will continue. Feel free to contact this office for any assistance that you may need.

Sincerely,

Keith C. Wilson
Sr. Resource Agent

KCW/md

Dept. of Water Resources :
Gentlemen:

Enclosed please find a copy of tax notice of the above described property.

We hope this will give you the information you need.

Thank you, Clinger Enterprises,

Zella Armstrong

MICROFILMED

MAR 03 1988



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

RECEIVED

JAN 28 1987

Department of Water Resources
Eastern District Office

December 30, 1986

Roger Ogden
1160 North 150 East
Layton, Utah 84041

RE: Application for Transfer of Water Rights 74-0037/74-0039A,
Clinger Enterprises, Inc.

Dear Mr. Ogden:

The enclosed application for transfer has been initiated by
Clinger Enterprises, Inc. pursuant to an agreement between you
and the corporation dated March 15, 1985.

The intent of the application is to provide you with water and
thereby resolve your objections to the application for exchange
of water rights 74-0996/74-0031 filed by Marjorie and Earl McRea.

Though payment of the filing fee for the transfer application
was not addressed in the March 15, 1986 agreement it was our
understanding from notes taken at the conference held in Leadore
on January 30, 1986 that you were to pay the filing fee of
\$50.00.

Your prompt attention to payment of the fee would be appreciated
and would allow us to proceed with processing of the application
for transfer.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

Enclosure

cc: Alan C. Stephens

RECEIVED

MAR 03 1988

October 24, 1986

Clinger Enterprises, Inc.
c/o Zella Armstrong
230 Harvard Avenue
Rexburg, Idaho

Dear Ms. Armstrong:

A copy of the memorandum agreement between Clinger Enterprises Incorporated and Roger and Penny Ogden was sent to this office with a request by Allen C. Stevens that an application for transfer be prepared pursuant to that agreement.

After reviewing the memorandum agreement I prepared the enclosed application. This application essentially changes the nature of use for approximately one miners inch of water from irrigation to stock water. The irrigation water was appurtenant to two acres in the NE1/4SE1/4 of Sec. 29, T. 16N. R. 26E. Based on the application it would become appurtenant to Mr. Ogden's property in the SW1/4 of Section 28 for stockwater usage.

If you have any questions concerning the application or there are changes you feel should be made please call me. Should your review indicate the application is in conformance with the agreement then you will need to sign the application in the presence of a notary and return it to this office. It is my understanding that Mr. Ogden has consented to pay the filing fee on the application. Once its returned with your signature, I will therefore contact Mr. Ogden's attorney to make arrangements for payment of the fee.

Your prompt attention to this matter would be appreciated. It will help us expedite processing of the transfer application and also reinstate administrative consideration of the exchange application filed by Marjorie and Earl McCrae in June of 1985.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

Enclosure

cc: Allen C. Stevens

INDEXED

MAR 03 1988

July 7, 1986

RE: Application for Exchange of Water Rights
No. 74-0996 and 74-0031

Mr. Roger Ogden
Box 132
Leadore, ID 83464

Dear Mr. Ogden:

On January 30, 1986, the Department of Water Resources conducted an administrative conference on your protest against the above captioned application for exchange. Based on the information presented at the conference it was the Department's understanding that you would pursue preparation of an application for transfer to change the nature of use and place of use for approximately one inch of water under water rights 74-0037 and 74-0039A in the name of Clinger Enterprises, Inc.

Those present at the conference agreed action on the exchange application should be deferred while you pursued transferring a portion of the Clinger right. To keep our file on the exchange current, we would like a status report on what action has taken place regarding the application for transfer and when you expect the application will be filed with the Department. If it appears it will be some time before the application is filed, the McReas' may wish to proceed with administrative action on their application for exchange.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Alan C. Stephens, Attorney

MICROFILMED

MAR 03 1988