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RECEIVED
FEB 10 2004

Transfer No. 71051

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Clint Bitton Phone 208-588-2238
208-588-7870

Office address Trail Creek Rd. Mackay, Id 83251

PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

Describe the reason for the proposed changes This diversion is hard to maintain
The point that we are applying for has better headrig
and there is less shrink when we use this ditch

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
34-00772	1904	1.16	Irrigation	5/1 to 10/15
34-00771	1912	3.22	" "	5/1 to 10/15
34-00770	1904	1.16	" "	5/1 to 10/15

2. Total amount of water being transferred 6.42 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Lost River tributary to Sinks
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
Current	NE	NE	SE	1	8N	21E	Custer	Ingram
Proposed	NE	NW	NW	12	8N	21E	Custer	Chilly Canal

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	
9N	22E	21									10								10
9N	22E	21											40						40
9N	22E	21														40			40
9N	22E	21															30		30
9N	22E	28	40																40
9N	22E	28		40															40
9N	22E	28					40												40
9N	22E	28						40											40
9N	22E	28							40										40
9N	22E	28									40								40

Total Acres 320

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General Information:

Description of diversion system Wooden Head Gate

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. 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:
NA

d. Remarks:
NA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

and the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

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Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-772

WATER RIGHT NUMBER: 34-772

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PRISCILLA VANCE
Current Owner	DICKEY, ID ESTHER BITTON STAR RT MACKAY, ID 83251 (208)588-2233
Current Owner	CLINTON BITTON 6344 TRAIL CREEK RD MACKAY, ID 83251 (208)588-2233
Original Owner	CLAY VANCE , ID

Priority Date: 10/14/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	1.600 CFS	
<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER NE1/4NE1/4SE1/4 Sec. 1, Twp 08N, Rge 21E, B.M.
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	
09N	22E	21									10.0				40.0				120.0
09N	22E	28	40.0	40.0			40.0		40.0		40.0								200.0

Total Acres: 320

Conditions of Approval:

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

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-772

2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.
4. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH INGRAM DITCH.

Comments:

1. DCARLSON 9/25/1996 REFORMATTED/ FLAG DROPPED
Comment: THESE RIGHTS ARE JUST C03/C05 CHANGES NOT EXPANSION.
2. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. dshaff 8/22/2003 POU Remark Removed
Comment: The partial decree did not contain the POU Remark
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 320 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00348, 34-00770 AND 34-00771.

SubCase:

SubCase Number: 34-772
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 3/26/1998
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 2/26/1993 Objection Status: Withdrawn or Dismissed

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-771 V2

WATER RIGHT NUMBER: 34-771 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CLAY VANCE
	, ID
Current Owner	CLINTON BITTON 6344 TRAIL CREEK RD MACKAY, ID 83251 (208)588-2233
Current Owner	ESTHER BITTON STAR RT MACKAY, ID 83251 (208)588-2233
Original Owner	PRISCILLA VANCE DICKY, ID

Priority Date: 12/04/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	3.220 CFS	
	<u>Total Diversion:</u>	3.220 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER NE1/4NE1/4SE1/4 Sec. 1, Twp 08N, Rge 21E, B.M.
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	
09N	22E	21									10.0			40.0			40.0	30.0	120.0
09N	22E	28	40.0	40.0			40.0	40.0			40.0								200.0

Total Acres: 320

Conditions of Approval:

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

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-771 V2

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4. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH INGRAM DITCH.

Comments:

1. DCARLSON 7/30/1991 COPIED FROM REMARKS

Comment: THIS NOTICE RECOMBINES DECREED RIGHTS 34-00771A AND 34-00771B THAT WERE FORMED FROM TRANSFER. ALL OF THE WATER ORIGINALLY DECREED UNDER 34-00771 IS NOW USED ON PLACE OF USE OWNED BY CLAIMANT.

2. DCARLSON 9/25/1996 REFORMATTED/DROPPED D FLAG

Comment: THIS RIGHT WITH OTHERS SHOULD BE A C03/C05 NOT AN EXPANSION D.

3. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

4. dshaff 8/22/2003 POU Remark Removed

Comment: The partial decree did not contain the POU remark
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 320 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00348, 34-00770 AND 34-00772.

SubCase:

SubCase Number: 34-771

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 3/26/1998

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 2/26/1993 Objection Status: Withdrawn or Dismissed

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-770

WATER RIGHT NUMBER: 34-770

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CLAY VANCE
	, ID
Current Owner	ESTHER BITTON STAR RT MACKAY, ID 83251 (208)588-2233
Original Owner	PRISCILLA VANCE
	DICKEY, ID
Current Owner	CLINTON BITTON 6344 TRAIL CREEK RD MACKAY, ID 83251 (208)588-2233

Priority Date: 06/20/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER NE1/4NE1/4SE1/4 Sec. 1, Twp 08N, Rge 21E, B.M.
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	
09N	22E	21									10.0			40.0			40.0	30.0	120.0
09N	22E	28	40.0	40.0			40.0	40.0			40.0								200.0

Total Acres: 320

Conditions of Approval:

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

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-770

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Remarks:

1. Explanatory WATER IS DELIVERED THROUGH INGRAM DITCH.

Comments:

1. DCARLSON 9/25/1996 REFORMATTED/ DROPPED FLAG(D/C01)

Comment: THIS RIGHT WITH THE OTHER RIGHTS WOULDNT BE AN EXPANSION, IT WOULD BE JUST A C05 CHANGE. POD LOCATION WAS ALSO CHANGED C03.

2. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

3. dshaff 8/22/2003 POU Remark Removed

Comment: The partial decree for this right did not contain the POU Remark
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 320 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00348, 34-00771 AND 34-00772.

SubCase:

SubCase Number: 34-770

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 3/26/1998

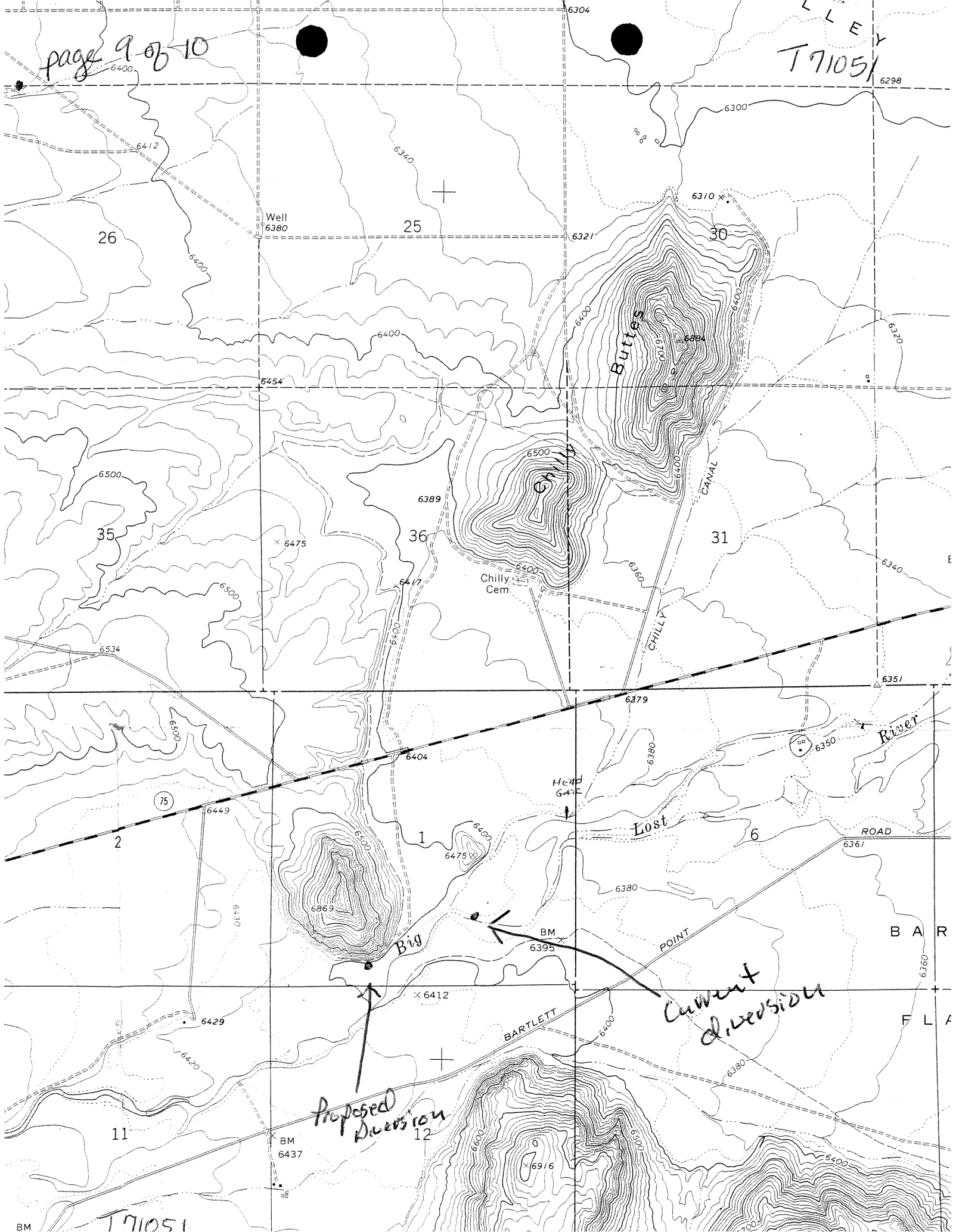
Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 2/26/1993 Objection Status: Withdrawn or Dismissed

T7105



PART 3

CHANGES IN NATURE OF USE

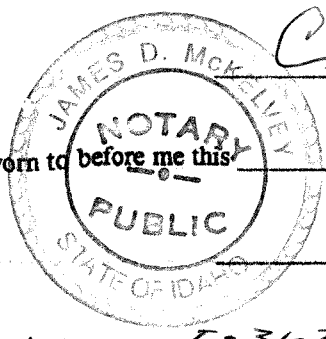
New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
NA			to to

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

3. Describe effects on other water uses resulting from the proposed change:
Should help Everyone with reduction of Shrink

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 9th day of February, 20 04
James D. McKelvey
(Notary Public)
My commission expires 5-31-2006



FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 3 attachments
Received by _____ Date _____ Protest filed by _____
Prelim. Check by _____ Fee _____
Receipted by DC Date 2/10/2004 E029523
Published in Challis Messenger
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
_____ received _____ by _____
Copy of transfer sent to lien holder _____

2/9/04

RECEIVED

FEB 10 2004

Department of Water Resources
Eastern Region

Dear Rodger,

I will be helping Clint during
this process. If you need anything
Call me 588,2820 or 589-3016. My
Address is below.

Thanks

Herb Whitworth
5425 Hi-Way 93
Mackay, Id

83251

1/26/04

PMO100 - PARCEL MASTER INQUIRY

PARCEL: RP 09N22E214201 A

F9=MS
F17=DDBITTON, CLINTON
& BITTON, ESTHER A
FAMILY LIMITED PARTNERSHIP

6344 TRAIL CREEK ROAD

MACKAY ID 83251

LEGAL DESCRIPTION

TRACTS 155,766

E2SW4, S2SE4

SEC 21 T9N R22E

ProVal Area Number 1

CODE AREA 45-0000 OWNER CD

PARC TYPE AG LOC CODE 322

EFFDATE 12211983 EXPDATE

PREV PARCEL

X For parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
4	2001	165000	AC	41250				
5	2001	110930	AC	6100				

TOTALS

275930

47350

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

1/26/04

PMO100 - PARCEL MASTER INQUIRY

P.1/4
16:23:02

PARCEL: RP 09N22E280001 A

F9=MS

F17=DD

LEGAL DESCRIPTION

BITTON, CLINTON
& BITTON, ESTHER A
FAMILY LIMITED PARTNERSHIP

N2NE4, NE4NW4

SW4NW4, NW4SW4

SEC 28 T9N R22E

ProVal Area Number 1

6344 TRAIL CREEK ROAD

CODE AREA 45-0000 OWNER CD

PARC TYPE AG LOC CODE 322

MACKAY ID 83251

EFFDATE 12211983 EXPDATE

PREV PARCEL

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
2	2001	47000	AC	18570				
4	2001	153000	AC	38250				

TOTALS

200000

56820

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU