

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/19/2022

Water Right 37-22462 AFTER Ownership Change Split

Owner Type **Name and Address**
Current Owner BRIAN CLARK
634 3RD AVE W
GOODING, ID 83330-1014
(208) 539-0046

Current Owner JENNIFER J CLARK
634 3RD AVE W
GOODING, ID 83330-1014
(208) 539-0046

Priority Date: 6/27/1883

Basis: Decreed

Status: Active

Source
SOLDIER CREEK

Tributary
CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion:

SOLDIER CREEK	NWNWSW	Sec. 3, Twp 01S, Rge 14E, CAMAS County
SOLDIER CREEK	SENWSW	Sec. 3, Twp 01S, Rge 14E, CAMAS County
SOLDIER CREEK	SWSENE	Sec. 33, Twp 01N, Rge 14E, CAMAS County

Place Of Use:

IRRIGATION within CAMAS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	14E	3							6.2										6.2

Right Acre Limit: 3.90
POU Total Acres: 6.2

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. R43 In the future, the right holder may be required to maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
3. 223 This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/19/2022

- statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.
4. X59 Points of diversion in Sec. 3, T01S, R14E are located within Lots 1 and 11, Mountain View Acres Subdivision.
 5. X27 This right is limited to the irrigation of 3.9 acres within the place of use described above in a single irrigation season.
 6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 7. X35 Rights 37-22462 and 37-21287 when combined shall not exceed the irrigation of 5.25 acres within the place of use described above in a single irrigation season.
 8. T19 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.
 9. X60 Place of use is located within Lots 7 and 8 Block 2 of Mountain View Too Subdivision.
 10. R05 Use of water under this right may 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. 37B.
 11. To mitigate for moving the point of diversion downstream and to prevent injury to senior water right holders, 0.02 cfs of rights 37-22462, 37-23291, 37-23301, 37-23352 and 37-23388 shall remain undiverted in Soldier Creek for conveyance loss. Also, 0.01 cfs shall continue to be diverted into the ditch starting in the SWSENE Sec. 33, T01N, R14E for conveyance loss in the ditch to avoid injury to other ditch users as a result of the approval of Transfer No. 71197.
 12. Rights 37-22462, 37-23291, 37-23301, 37-23352 and 37-23388 are limited to a maximum diversion rate of 0.23 cfs at the points of diversion in Sec. 3, T01S, R14E.
 13. Rights 37-21287, 37-22462, 37-23290, 37-23291, 37-23300, 37-23301, 37-23351, 37-23352, 37-23387 and 37-23388 when combined shall not exceed a total diversion rate of 0.37 cfs at the points of diversion in Sec. 3, T01S, R14E.
 14. 029 Approval of Transfer No. 71197 does not authorize the construction or use of any in-stream impoundment, not existing on the date of its approval at the site of the pump diversions, in such a manner that would impede fish migration or that would increase thermal degradation on Soldier Creek. Prior to the diversion and use of water under this approval, the right holder shall screen all pump intakes with 1/4 inch or smaller mesh to prevent entrainment of fish.
 15. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Comments:

1 amerritt 12/18/2009 Transferred Right
This is now a approved transfer, transfer number = 71197

2 djones 2/24/2014 Water Right

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/19/2022

Original WR parts 37-50A and 50B were claimed and decreed as 50C, 50E, 13187, 13195, 13198, 21298, 21796, 21801, 22461 and 22462.

3	jbitzenburg	4/16/2021	Split Right
Split into 37-23291.			
4	jbitzenburg	4/16/2021	POU
Updated Shape			
5	jbitzenburg	6/11/2021	Split Right
Split into 37-23301.			
6	jbitzenburg	6/11/2021	POU
Updated Shape			
7	wmills	10/25/2021	Split Right
Split into 37-23352.			
8	wmills	10/25/2021	POU
Updated Shape			
9	wmills	10/18/2022	Split Right
Split into 37-23388.			
10	wmills	10/18/2022	POU
Updated Shape			

Dates and Other Information:

Decreed Date: 6/15/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 37B
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

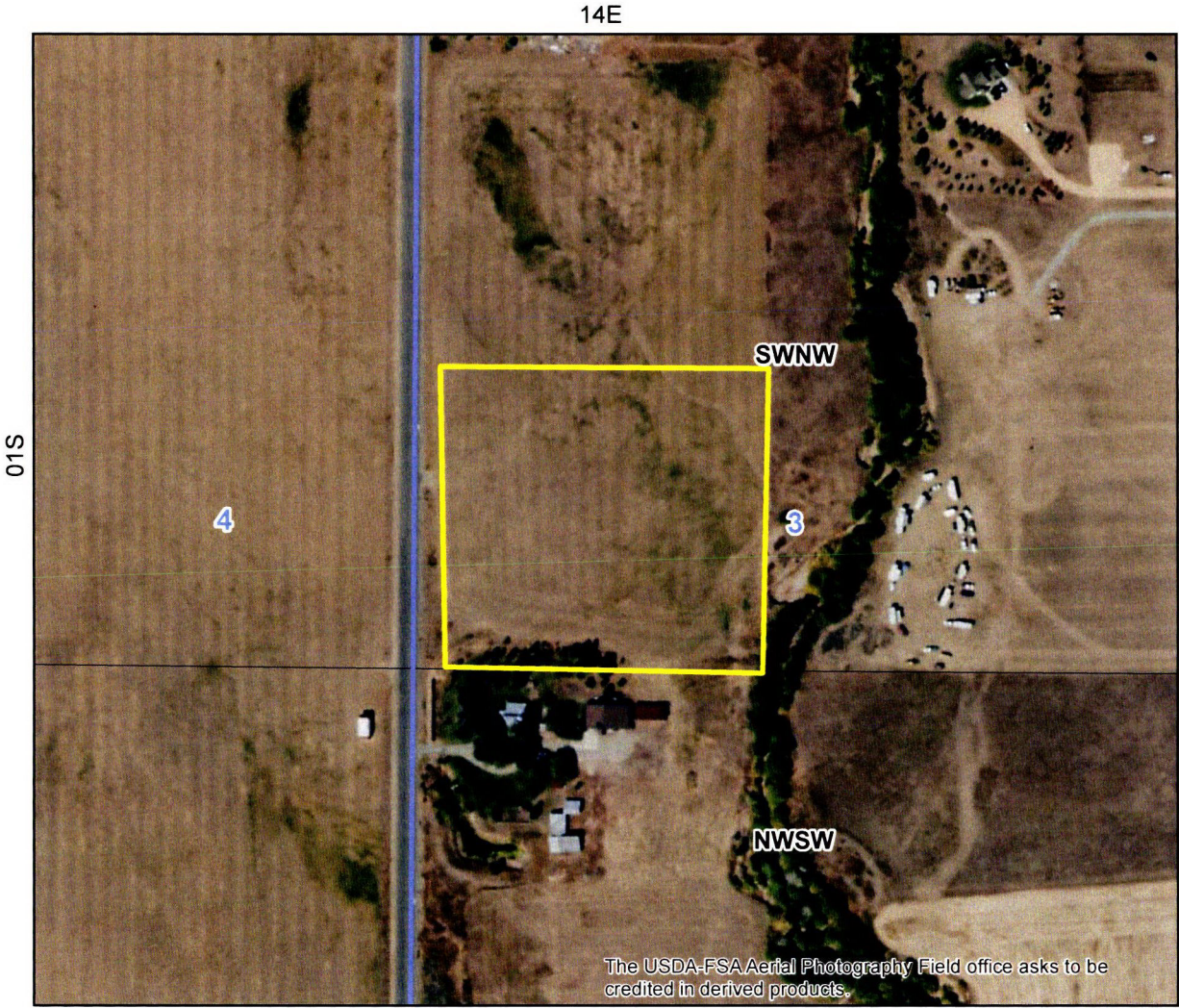
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right AFTER Ownership Change Split
37-22462

This map depicts the IRRIGATION place of use boundary for this water right and is solely for illustrative purposes.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles



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<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRIAN CLARK 634 3RD AVE W GOODING, ID 83330-1014 (208) 539-0046
Current Owner	JENNIFER J CLARK 634 3RD AVE W GOODING, ID 83330-1014 (208) 539-0046
Original Owner	JOHN L BAXTER , ID
Original Owner	REX MC DONALD , ID

Priority Date: 6/27/1883

Basis: Decreed

Status: Active

Source
SOLDIER CREEK

Tributary
CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.110 CFS	
	<u>Total Diversion</u>		0.110 CFS	

Source and Point(s) of Diversion:

SOLDIER CREEK	NWNWSW	Sec. 3, Twp 01S, Rge 14E, CAMAS County
SOLDIER CREEK	SENWSW	Sec. 3, Twp 01S, Rge 14E, CAMAS County
SOLDIER CREEK	SWSENE	Sec. 33, Twp 01N, Rge 14E, CAMAS County

Place Of Use:

IRRIGATION within CAMAS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	14E	3							6.2		4.9	4.1							15.2

Right Acre Limit: 9.50
POU Total Acres: 15.2

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/18/2022

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. R43 In the future, the right holder may be required to maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
3. 223 This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.
4. X59 Points of diversion in Sec. 3, T01S, R14E are located within Lots 1 and 11, Mountain View Acres Subdivision.
5. X27 This right is limited to the irrigation of 9.5 acres within the place of use described above in a single irrigation season.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. X35 Rights 37-22462 and 37-21287 when combined shall not exceed the irrigation of 12.8 acres within the place of use described above in a single irrigation season.
8. T19 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.
9. X60 Place of use is located within Lot 11 of Mountain View Acres Subdivision, and within Lots 7 and 8 Block 2 of Mountain View Too Subdivision.
10. R05 Use of water under this right may 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. 37B.
11. To mitigate for moving the point of diversion downstream and to prevent injury to senior water right holders, 0.02 cfs of this right shall remain undiverted in Soldier Creek for conveyance loss. Also, 0.01 cfs shall continue to be diverted into the ditch starting in the SWSENE Sec. 33, T01N, R14E for conveyance loss in the ditch to avoid injury to other ditch users as a result of the approval of Transfer No. 71197.
12. Rights 37-22462, 37-23291, 37-23301, 37-23351 and 37-23352 are limited to a maximum diversion rate of 0.23 cfs at the points of diversion in Sec. 3, T01S, R14E.
13. Rights 37-21287, 37-22462, 37-23290, 37-23291, 37-23300, 37-23301, 37-23351 and 37-23352 when combined shall not exceed a total diversion rate of 0.37 cfs at the points of diversion in Sec. 3, T01S, R14E.
14. 029 Approval of Transfer No. 71197 does not authorize the construction or use of any in-stream impoundment, not existing on the date of its approval at the site of the pump diversions, in such a manner that would impede fish migration or that would increase thermal degradation on Soldier Creek. Prior to the diversion and use of water under this approval, the right holder shall screen all pump intakes with 1/4 inch or smaller mesh to prevent entrainment of fish.
15. R63 This right when combined with all other rights shall provide no more than 0.02

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/18/2022

cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Comments:

1 amerritt 12/18/2009 Transferred Right
This is now a approved transfer, transfer number = 71197

2 djones 2/24/2014 Water Right
Original WR parts 37-50A and 50B were claimed and decreed as 50C, 50E, 13187, 13195, 13198, 21298, 21796, 21801, 22461 and 22462.

3 jbitzenburg 4/16/2021 Split Right
Split into 37-23291.

4 jbitzenburg 4/16/2021 POU
Updated Shape

5 jbitzenburg 6/11/2021 Split Right
Split into 37-23301.

6 jbitzenburg 6/11/2021 POU
Updated Shape

7 wmills 10/25/2021 Split Right
Split into 37-23352.

8 wmills 10/25/2021 POU
Updated Shape

Dates and Other Information:

Decreed Date: 6/15/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 37B
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

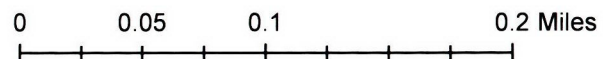
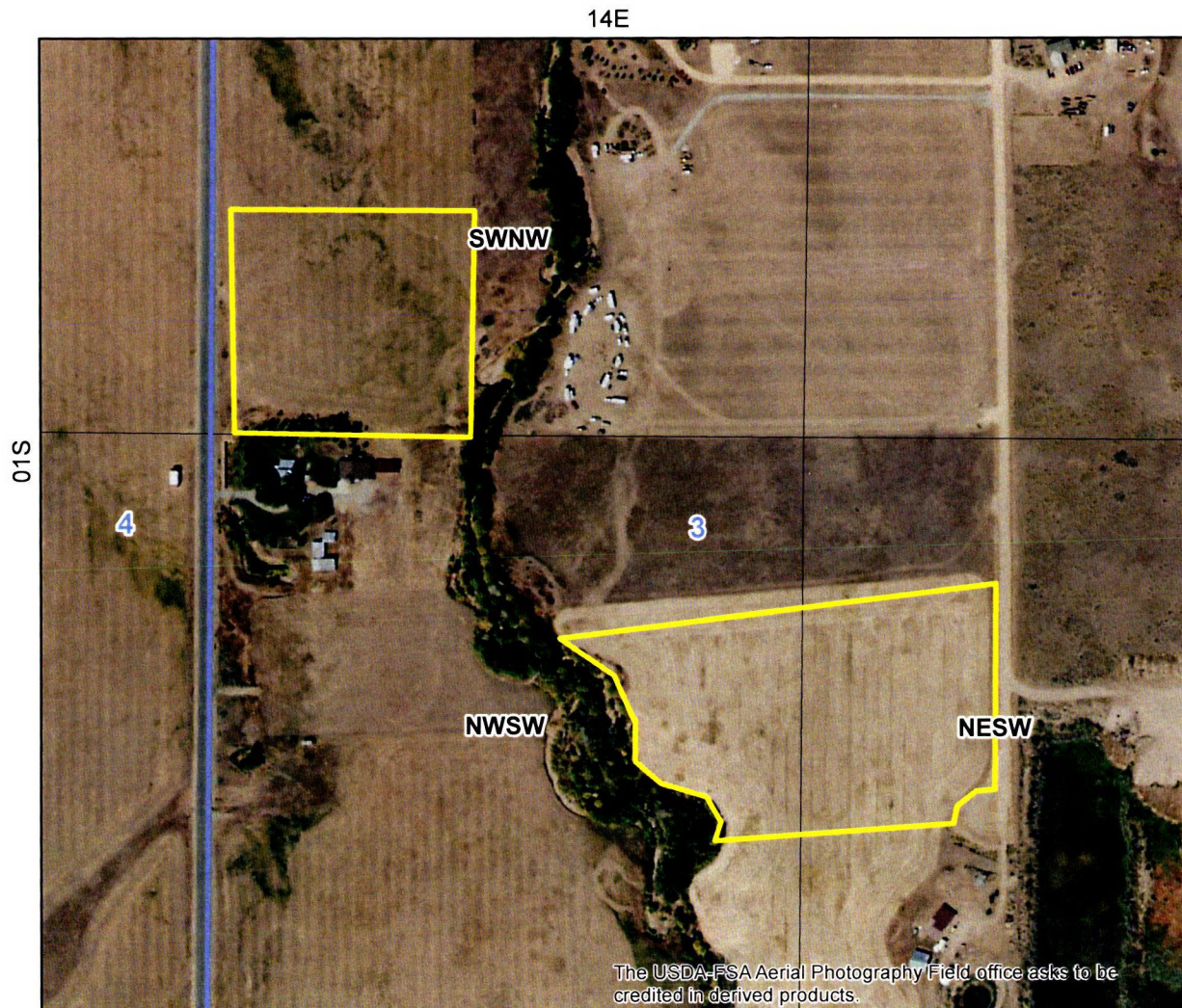
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Proof Report

10/18/2022

N/A

State of Idaho
Department of Water Resources
Water Right BEFORE Ownership Change Split
37-22462

This map depicts the IRRIGATION place of use boundary for this water right and is solely for illustrative purposes.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 05 2022

DEPT. OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-21287	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-22461	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-22462	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Brian Clark and Jennifer J. Clark
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Wesley Flacker and Paula Flacker
New owner(s) as listed on the conveyance document

747 E. Curling Dr

Mailing address

208-869-8456

Telephone

Boise

City

wflacker@hotmail.com

Email

Name connector ☐ and ☐ or

ID

State

83702

Zip

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: June 24, 2022
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
- o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- o \$25 per undivided water right.
 - o \$100 per split water right.
 - o No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Title, if applicable: _____ Date: 6-28-22

Signature of new owner/claimant

Wesley Flacker

Print name

Signature: [Signature] Title, if applicable: _____ Date: 6-28-22

Signature of new owner/claimant

Paula Flacker

Print name

Received by: SG/SG Date: 7/5/22 For IDWR Office Use Only: 5039409 Receipt No. 5039323 Receipt Amt. \$150.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9: _____ Approved by: [Signature] Processed by: [Signature] Date: 10-18-22

SUPPORT DATA
IN FILE # 37-21287

SCANNED
NOV 29 2022