

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69672

This is to certify that: JAMES B BROWNLEE Or  
MARY ANGELIA BROWNLEE  
PO BOX 195  
CARMEN ID 83262  
(208)756-2362

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>      |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|--------------------|
| 75-14007     | AJC/License         | 10/02/1960      | 0.26 cfs    | 52.17 af      | N/A               | 13.0               | GOLWAY GULCH CREEK |
| 75-14009     | AJC/License         | 09/07/1940      | 0.26 cfs    | 32.49 af      | N/A               | 13.0               | SMOUT CREEK        |

**Purpose of Transfer (Changes Proposed)**

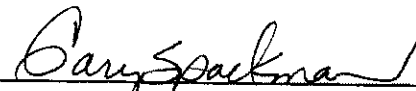
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 75-14007              | NO           | NO         | YES        | NO             | NO                   | YES                  |
| 75-14009              | NO           | NO         | YES        | NO             | NO                   | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 75-14007              | <b>75-14007</b>                  | 0.26 cfs             | 45.5 af                | N/A               | 12.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 75-14009              | <b>75-14009</b>                  | 0.26 cfs             | 45.5 af                | N/A               | 12.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.52 cfs</b>      | <b>45.5 af</b>         | <b>12.0</b>       | <b>12.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 13<sup>th</sup> day of November, 2003

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 75-14009**  
**As Modified by Transfer No. 69672**

In accordance with the approval of Transfer No. 69672, Water Right No. 75-14009 is now described as follows.

**Right Holder:** JAMES B BROWNLEE And  
 MARY ANGELIA BROWNLEE  
 PO BOX 195  
 CARMEN ID 83262

**Priority Date:** September 07, 1940

**Source:** SMOUT CREEK

**Tributary:** FREEMAN CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01 to    | 11/01     | 0.24 CFS              | 42.0 AF       |
| MITIGATION            | 04/01 to    | 11/01     | 0.02 CFS              | 3.5 AF        |
|                       |             |           | 0.26 CFS              | 45.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

SMOUT CREEK SWNENE Sec. 31 Twp 23N Rge 23E LEMHI County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |        |
| 23N 23E 31  |           |           |           |           |           |           |           | 12.0      |           |           |           |           |           |           |           |           | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.

Year 1 and beyond the diversion and use of water under the rights are limited to 0.48 cfs, 42.0 afa and 12.0 acres (1 acre left unirrigated).

2. 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. 75D.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. 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.

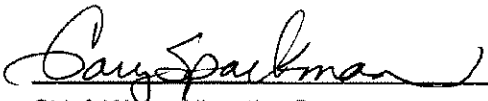
**WATER RIGHT NO. 75-14009**  
**As Modified by Transfer No. 69672**

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 13<sup>th</sup> day of November, 2003

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 75-14007**  
**As Modified by Transfer No. 69672**

In accordance with the approval of Transfer No. 69672, Water Right No. 75-14007 is now described as follows.

**Right Holder:** JAMES B BROWNLEE And  
 MARY ANGELIA BROWNLEE  
 PO BOX 195  
 CARMEN ID 83262

**Priority Date:** October 02, 1960

**Source:** GOLWAY GULCH CREEK      **Tributary:** FREEMAN CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| MITIGATION            | 05/01       | to 09/01  | 0.02 CFS              | 3.5 AF        |
| IRRIGATION            | 05/01       | to 09/01  | 0.24 CFS              | 42.0 AF       |
|                       |             |           | 0.26 CFS              | 45.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GOLWAY GULCH CREEK NENENW      Sec. 33 Twp 23N Rge 23E LEMHI County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |        |
| 23N 23E 31  |           |           |           |           |           |           |           | 12.0      |           |           |           |           |           |           |           |           | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.

Year 1 and beyond the diversion and use of water under the rights are limited to 0.48 cfs, 42.0 afa and 12.0 acres (1 acre left unirrigated).

2. 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. 75D.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. 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.

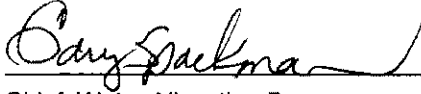
**WATER RIGHT NO. 75-14007**  
**As Modified by Transfer No. 69672**

**CONDITIONS OF APPROVAL**

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 05/01 and after 09/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 13<sup>th</sup> day of November, 20 03

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69672

This is to certify that: JAMES B BROWNLEE Or  
MARY ANGELIA BROWNLEE  
PO BOX 195  
CARMEN ID 83262  
(208)756-2362

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>      |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|--------------------|
| 75-14007     | AJC/License         | 10/02/1960      | 0.26 cfs    | 52.17 af      | N/A               | 13.0               | GOLWAY GULCH CREEK |
| 75-14009     | AJC/License         | 09/07/1940      | 0.26 cfs    | 32.49 af      | N/A               | 13.0               | SMOUT CREEK        |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 75-14007              | NO           | NO         | YES        | NO             | NO                   | YES                  |
| 75-14009              | NO           | NO         | YES        | NO             | NO                   | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 75-14007              | <b>75-14007</b>                  | 0.26 cfs             | 45.5 af                | N/A               | 12.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 75-14009              | <b>75-14009</b>                  | 0.26 cfs             | 45.5 af                | N/A               | 12.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.52 cfs</b>      | <b>45.5 af</b>         | <b>12.0</b>       | <b>12.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 13<sup>th</sup> day of November, 2003

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 75-14009**  
**As Modified by Transfer No. 69672**

In accordance with the approval of Transfer No. 69672, Water Right No. 75-14009 is now described as follows.

**Right Holder:** JAMES B BROWNLEE And  
 MARY ANGELIA BROWNLEE  
 PO BOX 195  
 CARMEN ID 83262

**Priority Date:** September 07, 1940

**Source:** SMOUT CREEK

**Tributary:** FREEMAN CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.24 CFS              | 42.0 AF       |
| MITIGATION            | 04/01       | to 11/01  | 0.02 CFS              | 3.5 AF        |
|                       |             |           | 0.26 CFS              | 45.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

SMOUT CREEK SWNE Sec. 31 Twp 23N Rge 23E LEMHI 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 |        |
| 23N | 23E | 31  |    |    |    |    |    |    |    | 12.0 |    |    |    |    |    |    |    |    | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.  
  
 Year 1 and beyond the diversion and use of water under the rights are limited to 0.48 cfs, 42.0 afa and 12.0 acres (1 acre left unirrigated).
2. 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. 75D.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. 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.

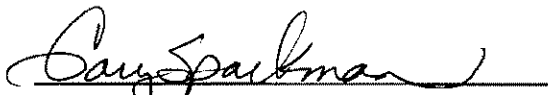
**WATER RIGHT NO. 75-14009**  
**As Modified by Transfer No. 69672**

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 13<sup>th</sup> day of November, 2003

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 75-14007**  
**As Modified by Transfer No. 69672**

In accordance with the approval of Transfer No. 69672, Water Right No. 75-14007 is now described as follows.

**Right Holder:** JAMES B BROWNLEE And  
 MARY ANGELIA BROWNLEE  
 PO BOX 195  
 CARMEN ID 83262

**Priority Date:** October 02, 1960

**Source:** GOLWAY GULCH CREEK      **Tributary:** FREEMAN CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| MITIGATION            | 05/01       | to 09/01  | 0.02 CFS              | 3.5 AF        |
| IRRIGATION            | 05/01       | to 09/01  | 0.24 CFS              | 42.0 AF       |
|                       |             |           | 0.26 CFS              | 45.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GOLWAY GULCH CREEK NENENW      Sec. 33 Twp 23N Rge 23E LEMHI County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 23N 23E 31  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | 12.0   |
|             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

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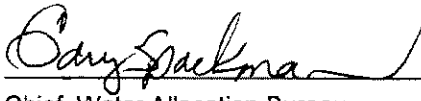
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**As Modified by Transfer No. 69672**

**CONDITIONS OF APPROVAL**

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Dated this 13<sup>th</sup> day of November, 2003

  
Chief, Water Allocation Bureau

EAST AS

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69672

This is to certify that: JAMES B BROWNLEE Or  
MARY ANGELIA BROWNLEE  
PO BOX 195  
CARMEN ID 83262  
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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.

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|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|--------------------|
| 75-14007     | AJC/License         | 10/02/1960      | 0.26 cfs    | 52.17 af      | N/A               | 13.0               | GOLWAY GULCH CREEK |
| 75-14009     | AJC/License         | 09/07/1940      | 0.26 cfs    | 32.49 af      | N/A               | 13.0               | SMOUT CREEK        |

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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 75-14007              | NO           | NO         | YES        | NO             | NO                   | YES                  |
| 75-14009              | NO           | NO         | YES        | NO             | NO                   | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 75-14007              | 75-14007                         | 0.26 cfs             | 45.5 af                | N/A               | 12.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 75-14009              | 75-14009                         | 0.26 cfs             | 45.5 af                | N/A               | 12.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.52 cfs</b>      | <b>45.5 af</b>         | <b>12.0</b>       | <b>12.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 13<sup>th</sup> day of November, 2003

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 75-14009**  
**As Modified by Transfer No. 69672**

In accordance with the approval of Transfer No. 69672, Water Right No. 75-14009 is now described as follows.

**Right Holder:** JAMES B BROWNLEE And  
 MARY ANGELIA BROWNLEE  
 PO BOX 195  
 CARMEN ID 83262

**Priority Date:** September 07, 1940

**Source:** SMOUT CREEK

**Tributary:** FREEMAN CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.24 CFS              | 42.0 AF       |
| MITIGATION            | 04/01       | to 11/01  | 0.02 CFS              | 3.5 AF        |
|                       |             |           | 0.26 CFS              | 45.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

SMOUT CREEK SWNENE Sec. 31 Twp 23N Rge 23E LEMHI 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 |        |
| 23N 23E 31  |    |    |    |    |    |    |    | 12.0 |    |    |    |    |    |    |    |    | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.

Year 1 and beyond the diversion and use of water under the rights are limited to 0.48 cfs, 42.0 afa and 12.0 acres (1 acre left unirrigated).

2. 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. 75D.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. 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.

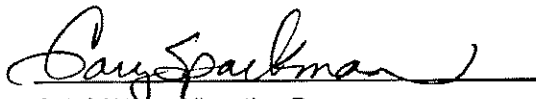
**WATER RIGHT NO. 75-14009**  
**As Modified by Transfer No. 69672**

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 13<sup>th</sup> day of November, 2003

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 75-14007**  
**As Modified by Transfer No. 69672**

In accordance with the approval of Transfer No. 69672, Water Right No. 75-14007 is now described as follows.

**Right Holder:** JAMES B BROWNLEE And  
 MARY ANGELIA BROWNLEE  
 PO BOX 195  
 CARMEN ID 83262

**Priority Date:** October 02, 1960

**Source:** GOLWAY GULCH CREEK      **Tributary:** FREEMAN CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| MITIGATION            | 05/01       | to 09/01  | 0.02 CFS              | 3.5 AF        |
| IRRIGATION            | 05/01       | to 09/01  | 0.24 CFS              | 42.0 AF       |
|                       |             |           | 0.26 CFS              | 45.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GOLWAY GULCH CREEK NENENW      Sec. 33 Twp 23N Rge 23E LEMHI 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 |        |
| 23N 23E 31  |    |    |    |    |    |    |    | 12.0 |    |    |    |    |    |    |    |    | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.  
  
 Year 1 and beyond the diversion and use of water under the rights are limited to 0.48 cfs, 42.0 afa and 12.0 acres (1 acre left unirrigated).
2. 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. 75D.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. 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.

**WATER RIGHT NO. 75-14007**  
**As Modified by Transfer No. 69672**

**CONDITIONS OF APPROVAL**

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 05/01 and after 09/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 13<sup>th</sup> day of November, 2003

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

EAS

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 69672

This is to certify that: JAMES B BROWNLEE Or  
MARY ANGELIA BROWNLEE  
PO BOX 195  
CARMEN ID 83262  
(208)756-2362

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>      |
|---------------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|--------------------|
| 75-14007            | AJC/License         | 10/02/1960      | 0.26 cfs    | 52.17 af      | N/A               | 13.0               | GOLWAY GULCH CREEK |
| <del>75-14009</del> | AJC/License         | 09/07/1940      | 0.26 cfs    | 32.49 af      | N/A               | 13.0               | SMOUT CREEK        |

Purpose of Transfer (Changes Proposed)

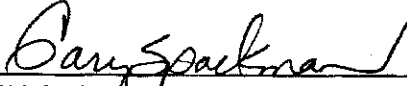
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 75-14007              | NO           | NO         | YES        | NO             | NO                   | YES                  |
| 75-14009              | NO           | NO         | YES        | NO             | NO                   | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 75-14007              | 75-14007                         | 0.26 cfs             | 45.5 af                | N/A               | 12.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 75-14009              | 75-14009                         | 0.26 cfs             | 45.5 af                | N/A               | 12.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.52 cfs</b>      | <b>45.5 af</b>         | <b>12.0</b>       | <b>12.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 13<sup>th</sup> day of November, 2003

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 75-14009**  
**As Modified by Transfer No. 69672**

In accordance with the approval of Transfer No. 69672, Water Right No. 75-14009 is now described as follows.

**Right Holder:** JAMES B BROWNLEE And  
 MARY ANGELIA BROWNLEE  
 PO BOX 195  
 CARMEN ID 83262

**Priority Date:** September 07, 1940

**Source:** SMOUT CREEK

**Tributary:** FREEMAN CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.24 CFS              | 42.0 AF       |
| MITIGATION            | 04/01       | to 11/01  | 0.02 CFS              | 3.5 AF        |
|                       |             |           | 0.26 CFS              | 45.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

SMOUT CREEK SWNENE Sec. 31 Twp 23N Rge 23E LEMHI County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |      | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|------|----|----|----|----|----|----|----|----|--------|
| 23N | 23E | 31  | NE | NW | SW | SE | NE | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE | 12.0   |
|     |     |     |    |    |    |    |    |    |    | 12.0 |    |    |    |    |    |    |    |    | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.

Year 1 and beyond the diversion and use of water under the rights are limited to 0.48 cfs, 42.0 afa and 12.0 acres (1 acre left unirrigated).

2. 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. 75D.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. 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.

**WATER RIGHT NO. 75-14009**  
**As Modified by Transfer No. 69672**

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 13<sup>th</sup> day of November, 2003

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 75-14007**  
**As Modified by Transfer No. 69672**

In accordance with the approval of Transfer No. 69672, Water Right No. 75-14007 is now described as follows.

**Right Holder:** JAMES B BROWNLEE And  
 MARY ANGELIA BROWNLEE  
 PO BOX 195  
 CARMEN ID 83262

**Priority Date:** October 02, 1960

**Source:** GOLWAY GULCH CREEK      **Tributary:** FREEMAN CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| MITIGATION            | 05/01       | to 09/01  | 0.02 CFS              | 3.5 AF        |
| IRRIGATION            | 05/01       | to 09/01  | 0.24 CFS              | 42.0 AF       |
|                       |             |           | 0.26 CFS              | 45.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GOLWAY GULCH CREEK NENENW      Sec. 33 Twp 23N Rge 23E LEMHI County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 23N 23E 31  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.  
  
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4. 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.

**WATER RIGHT NO. 75-14007**  
**As Modified by Transfer No. 69672**

**CONDITIONS OF APPROVAL**

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 05/01 and after 09/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
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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 13<sup>th</sup> day of November, 20 03

  
\_\_\_\_\_  
Chief, Water Allocation Bureau