State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177
Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 25, 2019

HERB WHITWORTH JR
5425 HWY 93
MACKAY ID 83251

Re: Transfer No: 83587
Water Right No(s).: 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, 34-14019

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be

Support Data
In File # 34-364

sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

James Cefalo
Regional Manager

CC:

METROPOLITAN LIFE INSURANCE COMPANY
AGRICULTURAL INVESTMENTS
10801 MASTIN BLVD STE 930
OVERLAND PARK KS 66210

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83587

This is to certify that: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

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 Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
34-10164	WR/DECREED	6/1/1875	5.200 cfs	N/A	260.0	786.0	BIG LOST RIVER
34-10166	WR/DECREED	4/1/1912	3.140 cfs	N/A	N/A	786.0	BIG LOST RIVER
34-10167	WR/DECREED	4/15/1890	6.340 cfs	N/A	N/A	222.0	THOUSAND SPRINGS CREEK
34-14019	WR/DECREED	4/15/1902	8.800 cfs	N/A	N/A	699.0	BIG LOST RIVER
34-364	WR/DECREED	4/1/1908	2.100 cfs	N/A	N/A	786.0	BIG LOST RIVER
34-755	WR/DECREED	6/1/1887	2.400 cfs	N/A	120.0	786.0	BIG LOST RIVER
34-757	WR/DECREED	6/1/1888	1.200 cfs	N/A	60.0	786.0	BIG LOST RIVER
34-758	WR/DECREED	6/1/1898	2.400 cfs	N/A	120.0	786.0	BIG LOST RIVER
34-764	WR/DECREED	5/8/1907	1.300 cfs	N/A	N/A	786.0	BIG LOST RIVER
34-766	WR/DECREED	5/1/1885	7.160 cfs	N/A	N/A	354.0	ELKHORN CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-10164	NO	YES	YES	NO	NO	NO
34-10166	NO	NO	YES	NO	NO	NO
34-10167	NO	NO	YES	NO	NO	NO
34-14019	NO	NO	YES	NO	NO	NO
34-364	NO	NO	YES	NO	NO	NO
34-755	NO	YES	YES	NO	NO	NO
34-757	NO	YES	YES	NO	NO	NO
34-758	NO	YES	YES	NO	NO	NO
34-764	NO	NO	YES	NO	NO	NO
34-766	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-10164	34-10164	5.200 cfs	N/A	260.0	591.0	N/A	N/A	N/A	N/A	N/A
34-10166	34-10166	3.140 cfs	N/A	N/A	591.0	N/A	N/A	N/A	N/A	N/A
34-10167	34-10167	6.340 cfs	N/A	222.0	591.0	N/A	N/A	N/A	N/A	N/A
34-14019	34-14019	8.800 cfs	N/A	N/A	591.0	N/A	N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83587

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-364	34-364	2.100 cfs	N/A	N/A	591.0	N/A	N/A	N/A	N/A	N/A
34-755	34-755	2.400 cfs	N/A	120.0	591.0	N/A	N/A	N/A	N/A	N/A
34-757	34-757	1.200 cfs	N/A	60.0	591.0	N/A	N/A	N/A	N/A	N/A
34-758	34-758	2.400 cfs	N/A	120.0	591.0	N/A	N/A	N/A	N/A	N/A
34-764	34-764	1.300 cfs	N/A	N/A	591.0	N/A	N/A	N/A	N/A	N/A
34-766	34-766	7.160 cfs	N/A	354.0	591.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**26.540 cfs**	**N/A**	**591.0**	**591.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 25th day of October, 2019.

Regional Manager

WATER RIGHT NO. 34-10167

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-10167 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 4/15/1890

Source: THOUSAND SPRINGS CREEK **Tributary:** BIG LOST RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	5/01	to	10/15	6.340 cfs
STOCKWATER	1/01	to	12/31	0.020 cfs
				6.340 cfs

LOCATION OF POINT(S) OF DIVERSION

THOUSAND SPRINGS CREEK	L2 (SENWNE)	Sec 3	Twp 08N Rge 22E	CUSTER County
THOUSAND SPRINGS CREEK	SWSENW	Sec 34	Twp 09N Rge 22E	CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31.0	39.0		17.0	12.0							99.0
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

Right Acre Limit: 222.0
POU Total Acres: 591.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						X	X		X	X							
								L 4											
08N	22E	3	X	X	X	X	X	X		X									
			L 1	L 2			L 3	L 4											
09N	22E	33				X									X			X	
09N	22E	34							X	X	X	X	X	X			X	X	
09N	22E	35											X						
													L 8						

Transfer No. 83587

WATER RIGHT NO. 34-10167

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 222 acres within the authorized place of use in a single irrigation season.

2. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

4. 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. 34.

5. 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(s).

6. 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.

7. 1.91 cfs of this right is limited to use for conveyance losses in delivery of this right.

8. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

9. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

10. The appropriator is entitled to the quantity of water decribed for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.

11. Stockwater use is for 800 cattle.

12. This right does not grant any right-of-way or easement across the land of another.

13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

15. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-14019

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-14019 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 4/15/1902

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	05/01	to	10/15	8.800 cfs
				8.800 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SESWSE Sec 32 Twp 09N Rge 22E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31	39		17	12							99
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

POU Total Acres: 591.0

CONDITIONS OF APPROVAL

1. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

3. 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. 34.

WATER RIGHT NO. 34-14019

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

4. 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(s).

5. Water is delivered through Longhurst Ditch.

6. 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.

7. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-757

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-757 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 6/1/1888

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	5/01	to	10/15	1.200 cfs
				1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER	SESW	Sec 1	Twp 08N Rge 21E	CUSTER County
BIG LOST RIVER	SESWSE	Sec 32	Twp 09N Rge 22E	CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31	39		17	12							99
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

Right Acre Limit: 60.0
POU Total Acres: 591.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season.

2. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 34-757

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

4. 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. 34.

5. 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(s).

6. Water is delivered through the Longhurst Ditch until all the 1902 or later priority date water is no longer delivered; after that water is delivered through the Chilly Canal.

7. 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.

8. This right does not grant any right-of-way or easement across the land of another.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-764

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-764 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 5/8/1907

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	5/01	to	10/15	1.300 cfs
				1.300 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SESWSE Sec 32 Twp 09N Rge 22E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31	39		17	12							99
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

POU Total Acres: 591.0

CONDITIONS OF APPROVAL

1. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

3. 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. 34.

4. 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(s).

Transfer No. 83587

WATER RIGHT NO. 34-764

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

5. Water is delivered through Longhurst Ditch.

6. 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.

7. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-10166

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-10166 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 4/1/1912

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	5/01	to	10/15	3.140 cfs
				3.140 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SESWSE Sec 32 Twp 09N Rge 22E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31	39		17	12							99
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

POU Total Acres: 591.0

CONDITIONS OF APPROVAL

1. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

3. 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. 34.

WATER RIGHT NO. 34-10166

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

4. 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(s).

5. Water is delivered through Longhurst Ditch.

6. 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.

7. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-364

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-364 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 4/1/1908

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	5/01	to	10/15	2.100 cfs
				2.100 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SESWSE Sec 32 Twp 09N Rge 22E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31	39		17	12							99
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

POU Total Acres: 591.0

CONDITIONS OF APPROVAL

1. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

3. 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. 34.

4. 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(s).

Transfer No. 83587

WATER RIGHT NO. 34-364

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

5. Water is delivered through Longhurst Ditch.

6. 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.

7. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-755

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-755 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 6/1/1887

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	5/01	to	10/15	2.400 cfs
				2.400 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER	SESW	Sec 1	Twp 08N Rge 21E	CUSTER County
BIG LOST RIVER	SESWSE	Sec 32	Twp 09N Rge 22E	CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31	39		17	12							99
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

Right Acre Limit: 120.0
POU Total Acres: 591.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 120 acres within the authorized place of use in a single irrigation season.

2. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 34-755

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

4. 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. 34.

5. 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(s).

6. Water is delivered through the Longhurst Ditch until all the 1902 or later priority date water is no longer delivered; after that water is delivered through the Chilly Canal.

7. 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.

8. This right does not grant any right-of-way or easement across the land of another.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-758

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-758 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 6/1/1898

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	5/01	to	10/15	2.400 cfs
				2.400 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER	SESW	Sec 1	Twp 08N Rge 21E	CUSTER County
BIG LOST RIVER	SESWSE	Sec 32	Twp 09N Rge 22E	CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31	39		17	12							99
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

Right Acre Limit: 120.0
POU Total Acres: 591.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 120 acres within the authorized place of use in a single irrigation season.

2. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 34-758

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

4. 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. 34.

5. 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(s).

6. Water is delivered through the Longhurst Ditch until all the 1902 or later priority date water is no longer delivered; after that water is delivered through the Chilly Canal.

7. 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.

8. This right does not grant any right-of-way or easement across the land of another.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-766

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-766 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 5/1/1885

Source: ELKHORN CREEK **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	1/01	to	12/31	0.060 cfs
IRRIGATION	5/01	to	10/15	7.080 cfs
STOCKWATER	1/01	to	12/31	0.020 cfs
				7.160 cfs

LOCATION OF POINT(S) OF DIVERSION

ELKHORN CREEK	SESW	Sec 26 Twp 09N Rge 22E CUSTER County
ELKHORN CREEK	NWNW	Sec 35 Twp 09N Rge 22E CUSTER County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N	22E	34																X	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31	39		17	12							99
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

Right Acre Limit: 354.0
POU Total Acres: 591.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						X	X		X	X							
								L 4											
08N	22E	3	X	X	X	X	X	X		X									
			L 1	L 2			L 3	L 4											
09N	22E	33				X									X			X	

Transfer No. 83587

WATER RIGHT NO. 34-766

As Modified by Transfer No. 83587

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N	22E	34							X	X	X	X	X	X			X	X	
09N	22E	35											X						
													L 8						

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 354 acres within the authorized place of use in a single irrigation season.
2. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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. 34.
5. 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(s).
6. 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.
7. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
8. The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
9. Domestic use is for 2 homes.
10. Stockwater use is for 500 cattle.
11. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 34-766

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

15. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-10164

As Modified by Transfer No. 83587

In accordance with the approval of Transfer No. 83587, Water Right No. 34-10164 is now described as follows:

Right Holder: HERB WHITWORTH JR
5425 HWY 93
MACKAY, ID 83251

Priority Date: 6/1/1875

Source: BIG LOST RIVER **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	5/01	to	10/15	5.200 cfs
STOCKWATER	1/01	to	12/31	0.020 cfs
				5.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER	SESW	Sec 1	Twp 08N Rge 21E	CUSTER County
BIG LOST RIVER	SESWSE	Sec 32	Twp 09N Rge 22E	CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						31.0	39.0		17.0	12.0							99.0
								L 4											
08N	22E	3	40	41	28	31	28	20		31									219
			L 1	L 2			L 3	L 4											
09N	22E	33				29.0									2.5			1.5	33.0
09N	22E	34							37.0	9.6	34.0	39.0	25.0	40.0			35.0	17.0	236.6
09N	22E	35											3.4						3.4
													L 8						

Right Acre Limit: 260.0
POU Total Acres: 591.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	22E	2						X	X		X	X							
								L 4											
08N	22E	3	X	X	X	X	X	X		X									
			L 1	L 2			L 3	L 4											
09N	22E	33				X									X			X	
09N	22E	34							X	X	X	X	X	X			X	X	
09N	22E	35											X						
													L 8						

Transfer No. 83587

WATER RIGHT NO. 34-10164

As Modified by Transfer No. 83587

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 260 acres within the authorized place of use in a single irrigation season.

2. Rights 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, and 34-14019 when combined shall not exceed a total diversion rate of 26.54 cfs and the irrigation of 591 acres.

3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

4. 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. 34.

5. 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(s).

6. Water is delivered through the Longhurst Ditch until all the 1902 or later priority date water is no longer delivered; after that water is delivered through the Chilly Canal.

7. 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.

8. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

9. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

10. Stockwater use is for 800 cattle.

11. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

12. This right does not grant any right-of-way or easement across the land of another.

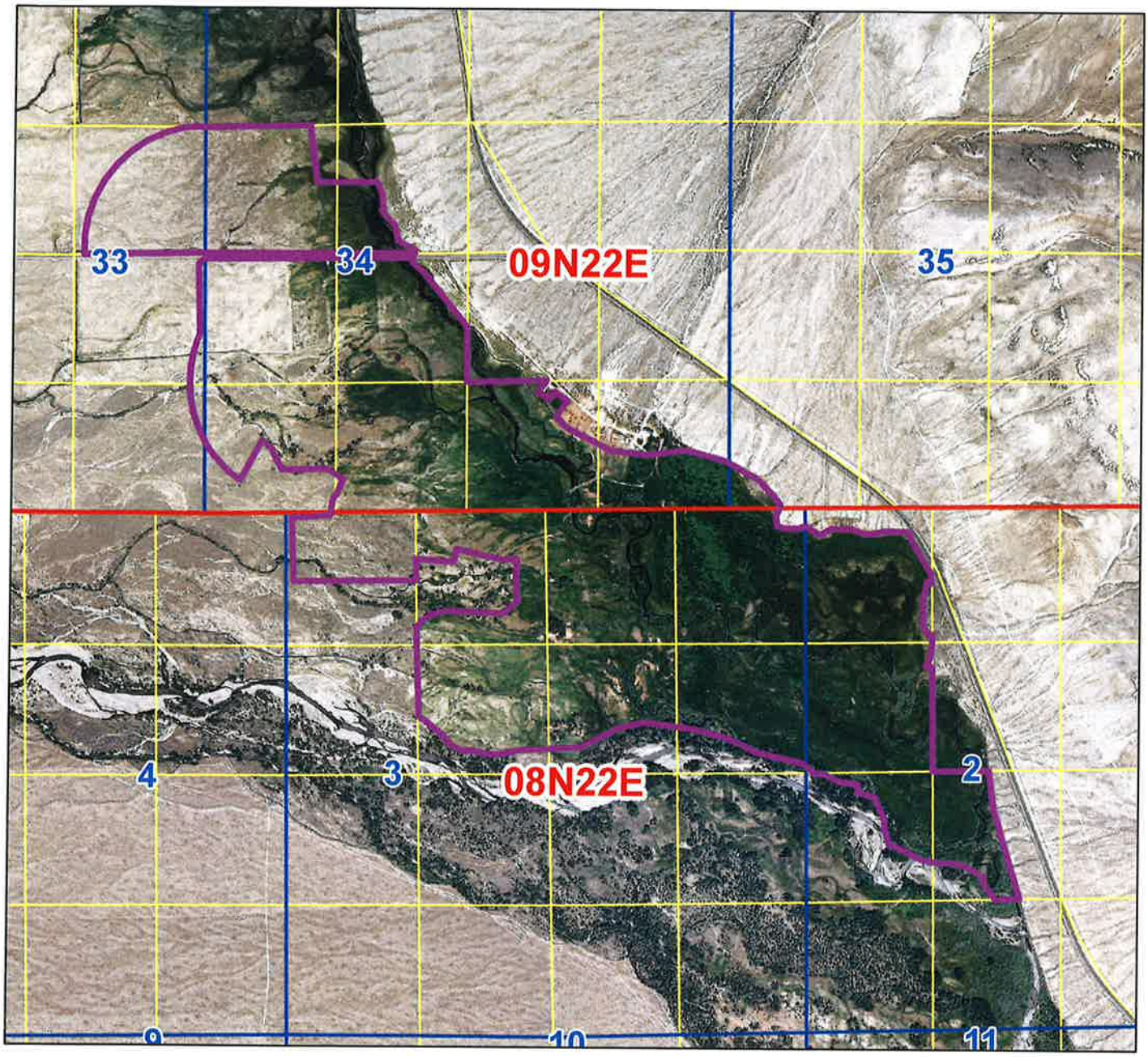
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

15. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 83587
(Irrigation and Stockwater)

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POU
- Township/Range
- Sections
- QQ

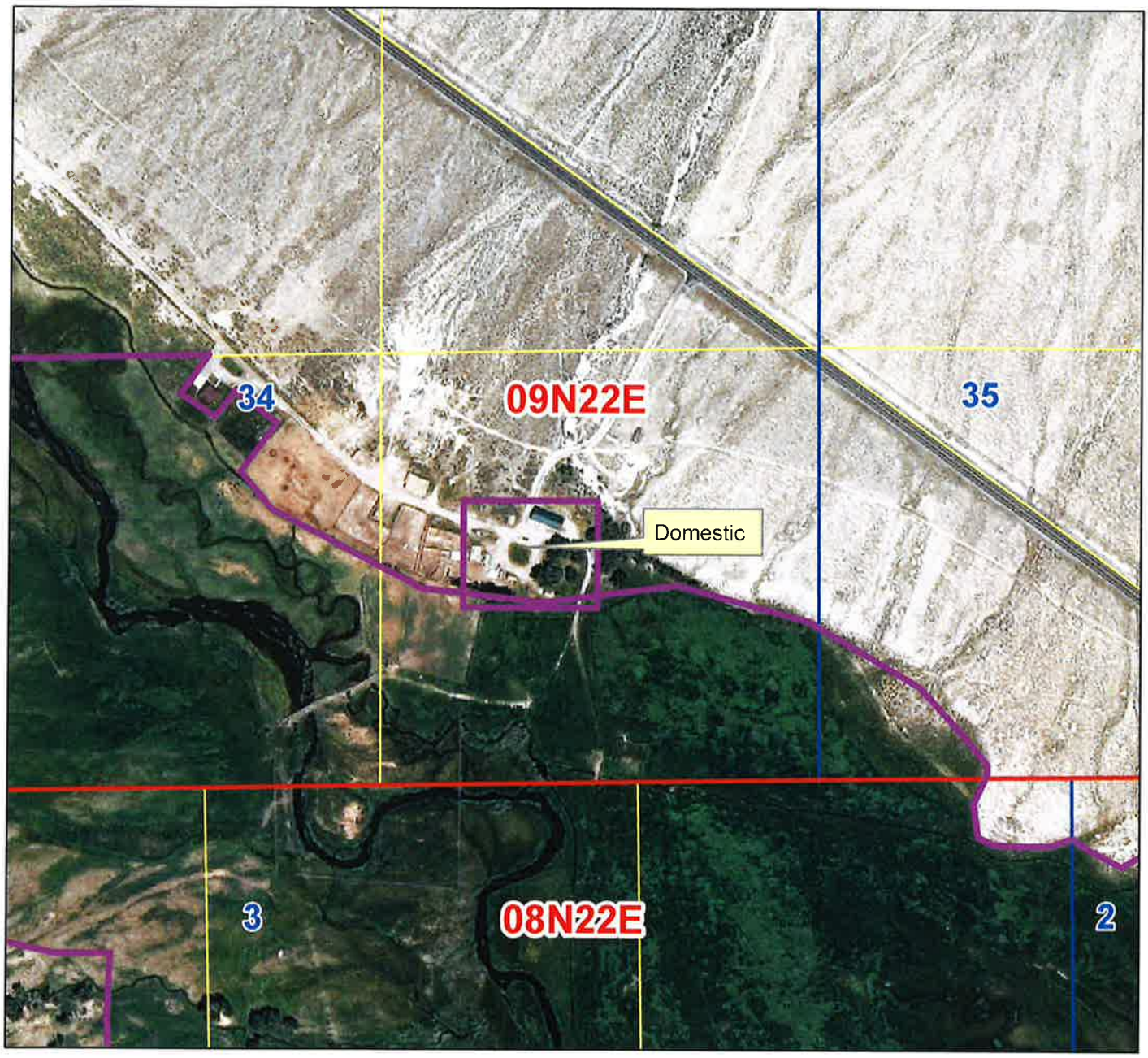
0 1,000 2,000 4,000 Feet

N
W E
S

Date: 10/25/2019

Attachment to Transfer Approval 83587 (Domestic)

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POU
- Township/Range
- Sections
- QQ

0 310 620 1,240 Feet

N
W E
S

Date: 10/25/2019

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83587
Water Right No(s).: 34-364, 34-755, 34-757, 34-758, 34-764, 34-766, 34-10164, 34-10166, 34-10167, 34-14019

HERB WHITWORTH JR
5425 HWY 93
MACKAY ID 83251

METROPOLITAN LIFE INSURANCE COMPANY
AGRICULTURAL INVESTMENTS
10801 MASTIN BLVD STE 930
OVERLAND PARK KS 66210

Christina Henman
Administrative Assistant