

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80835**

This is to certify that: **JIM D SCARROW**
3184 S 1900 E
WENDELL, ID 83355

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-10446	WR/DECREED	3/15/1961	0.090 cfs	N/A	N/A	3.0	UNNAMED STREAM
36-15094	WR/DECREED	3/15/1961	0.610 cfs	N/A	N/A	20.4	WASTE WATER
37-3155	WR/DECREED	5/14/1934	0.500 cfs	N/A	25.0	48.6	SOUTH FORK BIRCH CREEK
37-795	WR/DECREED	6/30/1878	0.700 cfs	N/A	N/A	48.6	BIRCH CREEK, SOUTH FORK BIRCH CREEK
37-796	WR/DECREED	6/30/1880	0.700 cfs	N/A	N/A	48.6	BIRCH CREEK, SOUTH FORK BIRCH CREEK
37-798	WR/DECREED	6/30/1878	0.640 cfs	N/A	42.0	48.6	BIRCH CREEK, SOUTH FORK BIRCH 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>
36-10446	NO	NO	YES	NO	NO	NO
36-15094	NO	NO	YES	YES	NO	NO
37-3155	NO	NO	YES	NO	NO	NO
37-795	NO	NO	YES	NO	NO	NO
37-796	NO	NO	YES	NO	NO	NO
37-798	NO	NO	YES	NO	NO	NO

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>
36-10446	36-10446	0.090 cfs	N/A	0.5	118.7	N/A	N/A	N/A	N/A	N/A
36-15094	36-15094	0.610 cfs	N/A	17.9	118.7	N/A	N/A	N/A	N/A	N/A
37-3155	37-3155	0.500 cfs	N/A	22.5	118.7	N/A	N/A	N/A	N/A	N/A
37-795	37-795	0.700 cfs	N/A	46.1	118.7	N/A	N/A	N/A	N/A	N/A
37-796	37-796	0.700 cfs	N/A	46.1	118.7	N/A	N/A	N/A	N/A	N/A
37-798	37-798	0.640 cfs	N/A	39.5	118.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.240 cfs	N/A	46.1	118.7		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 80835

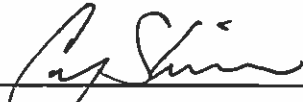
IN FILE # 36-10446

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80835

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 30th day of January, 2017.



Southern Region Manager



WATER RIGHT NO. 37-795**As Modified by Transfer No. 80835**

In accordance with the approval of Transfer No. 80835, Water Right No. 37-795 is now described as follows:

Right Holder: JIM D SCARROW
3184 S 1900 E
WENDELL, ID 83355

Priority Date: 6/30/1878

Source: BIRCH CREEK
Source: SOUTH FORK BIRCH CREEK

Tributary: SNAKE RIVER
Tributary: BIRCH CREEK

BENEFICIAL USE

IRRIGATION
STOCKWATER
MITIGATION BY NON-USE

From

03/15
01/01
03/15

to 11/15
to 12/31
to 11/15

Diversion Rate

0.660 cfs
0.050 cfs
0.040 cfs
0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

BIRCH CREEK NWSESE
SOUTH FORK BIRCH CREEK NESWSW

Sec 34 Twp 06S Rge 13E GOODING County
Sec 35 Twp 06S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34													2.9			39.0	41.9
06S	13E	35											36.0						36.0
07S	13E	1							6.0										6.0
									L 4										
07S	13E	2			6.8	28.0													34.8
					L 2	L 1													

Right Acre Limit: 46.1

POU Total Acres: 118.7

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	2			X	X													
					L 2	L 1													

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34																X	

Transfer No. 80835

WATER RIGHT NO. 37-795
As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 46.1 acres within the authorized place of use in a single irrigation season.
2. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 when combined shall not exceed the irrigation of 46.1 acres.
3. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 are limited to the irrigation of a specific 46.1 acres within the 118.7 acre place of use authorized by this right in a single irrigation season. The specific 46.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 46.1 acres to be irrigated within the 118.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 36-17070. To prevent injury to other water right holders, the right holder shall cease diverting 0.04 cfs of this right from Birch Creek and the South Fork of Birch Creek for the irrigation of 2.5 acres as described by the mitigation by non-use portion of this right.

If the mitigation portion of this right is used for any purpose, then water shall not be diverted under Right 36-17070. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 36-17070 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

5. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
7. 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. 130.
8. 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).
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 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-10446**As Modified by Transfer No. 80835**

In accordance with the approval of Transfer No. 80835, Water Right No. 36-10446 is now described as follows:

Right Holder: JIM D SCARROW
3184 S 1900 E
WENDELL, ID 83355

Priority Date: 3/15/1961

Source: UNNAMED STREAM

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION
MITIGATION BY NON-USE

From

02/15
02/15

To

to 11/30
to 11/30

Diversion Rate

0.020 cfs
0.070 cfs
0.090 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM L1 (SWSENE) Sec 2 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34													2.9			39.0	41.9
06S	13E	35											36.0						36.0
07S	13E	1							6.0										6.0
									L 4										
07S	13E	2			6.8	28.0													34.8
					L 2	L 1													

Right Acre Limit: 0.5

POU Total Acres: 118.7

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	2			X	X													
					L 2	L 1													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.5 acres within the authorized place of use in a single irrigation season.
2. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 when combined shall not exceed the irrigation of 46.1 acres.

Transfer No. 80835

WATER RIGHT NO. 36-10446

As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

3. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 are limited to the irrigation of a specific 46.1 acres within the 118.7 acre place of use authorized by this right in a single irrigation season. The specific 46.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 46.1 acres to be irrigated within the 118.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 36-17070. To prevent injury to other water right holders, the right holder shall cease diverting 0.07 cfs of this right from the unnamed stream for the irrigation of 2.5 acres as described by the mitigation by non-use portion of this right.

If the mitigation portion of this right is used for any purpose, then water shall not be diverted under Right 36-17070. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 36-17070 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

5. 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. 130.
6. 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).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-15094**As Modified by Transfer No. 80835**

In accordance with the approval of Transfer No. 80835, Water Right No. 36-15094 is now described as follows:

Right Holder: JIM D SCARROW
3184 S 1900 E
WENDELL, ID 83355

Priority Date: 3/15/1961

Source: WASTE WATER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION
MITIGATION BY NON-USE

From
02/15
02/15
To
to 11/30
to 11/30

Diversion Rate
0.540 cfs
0.070 cfs
0.610 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER L4 (SWNW) Sec 1 Twp 07S Rge 13E GOODING County
WASTE WATER L4 (SWNW) Sec 1 Twp 07S Rge 13E GOODING County
WASTE WATER L1 (NESENE) Sec 2 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34													2.9			39.0	41.9
06S	13E	35											36.0						36.0
07S	13E	1							6.0										6.0
									L4										
07S	13E	2			6.8	28.0													34.8
					L2	L1													

Right Acre Limit: 17.9

POU Total Acres: 118.7

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	2			X	X													
					L2	L1													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 17.9 acres within the authorized place of use in a single irrigation season.

Transfer No. 80835

WATER RIGHT NO. 36-15094
As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

2. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 when combined shall not exceed the irrigation of 46.1 acres.
3. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 are limited to the irrigation of a specific 46.1 acres within the 118.7 acre place of use authorized by this right in a single irrigation season. The specific 46.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 46.1 acres to be irrigated within the 118.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 36-17070. To prevent injury to other water right holders, the right holder shall cease diverting 0.07 cfs of this right from the waste water source for the irrigation of 2.5 acres as described by the mitigation by non-use portion of this right.

If the mitigation portion of this right is used for any purpose, then water shall not be diverted under Right 36-17070. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 36-17070 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

5. 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. 130.
6. 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).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-796**As Modified by Transfer No. 80835**

In accordance with the approval of Transfer No. 80835, Water Right No. 37-796 is now described as follows:

Right Holder: JIM D SCARROW
3184 S 1900 E
WENDELL, ID 83355

Priority Date: 6/30/1880

Source: BIRCH CREEK
Source: SOUTH FORK BIRCH CREEK

Tributary: SNAKE RIVER
Tributary: BIRCH CREEK

BENEFICIAL USE

IRRIGATION
MITIGATION BY NON-USE

From

03/15
03/15

To

to 11/15
to 11/15

Diversion Rate

0.660 cfs
0.040 cfs
0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

BIRCH CREEK NWSESE
SOUTH FORK BIRCH CREEK NESWSW

Sec 34 Twp 06S Rge 13E GOODING County
Sec 35 Twp 06S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34													2.9			39.0	41.9
06S	13E	35											36.0						36.0
07S	13E	1							6.0										6.0
									L 4										
07S	13E	2			6.8	28.0													34.8
					L 2	L 1													

Right Acre Limit: 46.1
POU Total Acres: 118.7

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	2			X	X													
					L 2	L 1													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 46.1 acres within the authorized place of use in a single irrigation season.

Transfer No. 80835

WATER RIGHT NO. 37-796
As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

2. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 when combined shall not exceed the irrigation of 46.1 acres.
3. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 are limited to the irrigation of a specific 46.1 acres within the 118.7 acre place of use authorized by this right in a single irrigation season. The specific 46.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 46.1 acres to be irrigated within the 118.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 36-17070. To prevent injury to other water right holders, the right holder shall cease diverting 0.04 cfs of this right from Birch Creek and the South Fork of Birch Creek for the irrigation of 2.5 acres as described by the mitigation by non-use portion of this right.

If the mitigation portion of this right is used for any purpose, then water shall not be diverted under Right 36-17070. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 36-17070 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

5. 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. 130.
6. 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).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-798**As Modified by Transfer No. 80835**

In accordance with the approval of Transfer No. 80835, Water Right No. 37-798 is now described as follows:

Right Holder: JIM D SCARROW
3184 S 1900 E
WENDELL, ID 83355

Priority Date: 6/30/1878

Source: BIRCH CREEK
Source: SOUTH FORK BIRCH CREEK

Tributary: SNAKE RIVER
Tributary: BIRCH CREEK

BENEFICIAL USE

IRRIGATION
MITIGATION BY NON-USE

From

03/15
03/15

To

to 11/15
to 11/15

Diversion Rate

0.600 cfs
0.040 cfs
0.640 cfs

LOCATION OF POINT(S) OF DIVERSION

BIRCH CREEK NWSESE
SOUTH FORK BIRCH CREEK NESWSW

Sec 34 Twp 06S Rge 13E GOODING County
Sec 35 Twp 06S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34													2.9			39.0	41.9
06S	13E	35											36.0						36.0
07S	13E	1							6.0										6.0
									L 4										
07S	13E	2			6.8	28.0													34.8
					L 2	L 1													

Right Acre Limit: 39.5

POU Total Acres: 118.7

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	2			X	X													
					L 2	L 1													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39.5 acres within the authorized place of use in a single irrigation season.

Transfer No. 80835

WATER RIGHT NO. 37-798

As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

2. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 when combined shall not exceed the irrigation of 46.1 acres.
3. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 are limited to the irrigation of a specific 46.1 acres within the 118.7 acre place of use authorized by this right in a single irrigation season. The specific 46.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 46.1 acres to be irrigated within the 118.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 36-17070. To prevent injury to other water right holders, the right holder shall cease diverting 0.04 cfs of this right from Birch Creek and the South Fork of Birch Creek for the irrigation of 2.5 acres as described by the mitigation by non-use portion of this right.

If the mitigation portion of this right is used for any purpose, then water shall not be diverted under Right 36-17070. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 36-17070 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

5. 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. 130.
6. 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).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-3155**As Modified by Transfer No. 80835**

In accordance with the approval of Transfer No. 80835, Water Right No. 37-3155 is now described as follows:

Right Holder: JIM D SCARROW
3184 S 1900 E
WENDELL, ID 83355

Priority Date: 5/14/1934

Source: SOUTH FORK BIRCH CREEK **Tributary:** BIRCH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.450 cfs
STOCKWATER	01/01	to 12/31	0.050 cfs
MITIGATION BY NON-USE	03/15	to 11/15	0.050 cfs
			0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK BIRCH CREEK NESWSW Sec 35 Twp 06S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34													2.9			39.0	41.9
06S	13E	35											36.0						36.0
07S	13E	1							6.0										6.0
									L 4										
07S	13E	2			6.8	28.0													34.8
					L 2	L 1													

Right Acre Limit: 22.5

POU Total Acres: 118.7

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	2			X	X													
					L 2	L 1													

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34													X			X	
07S	13E	2			X	X													
					L 2	L 1													

Transfer No. 80835

WATER RIGHT NO. 37-3155
As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

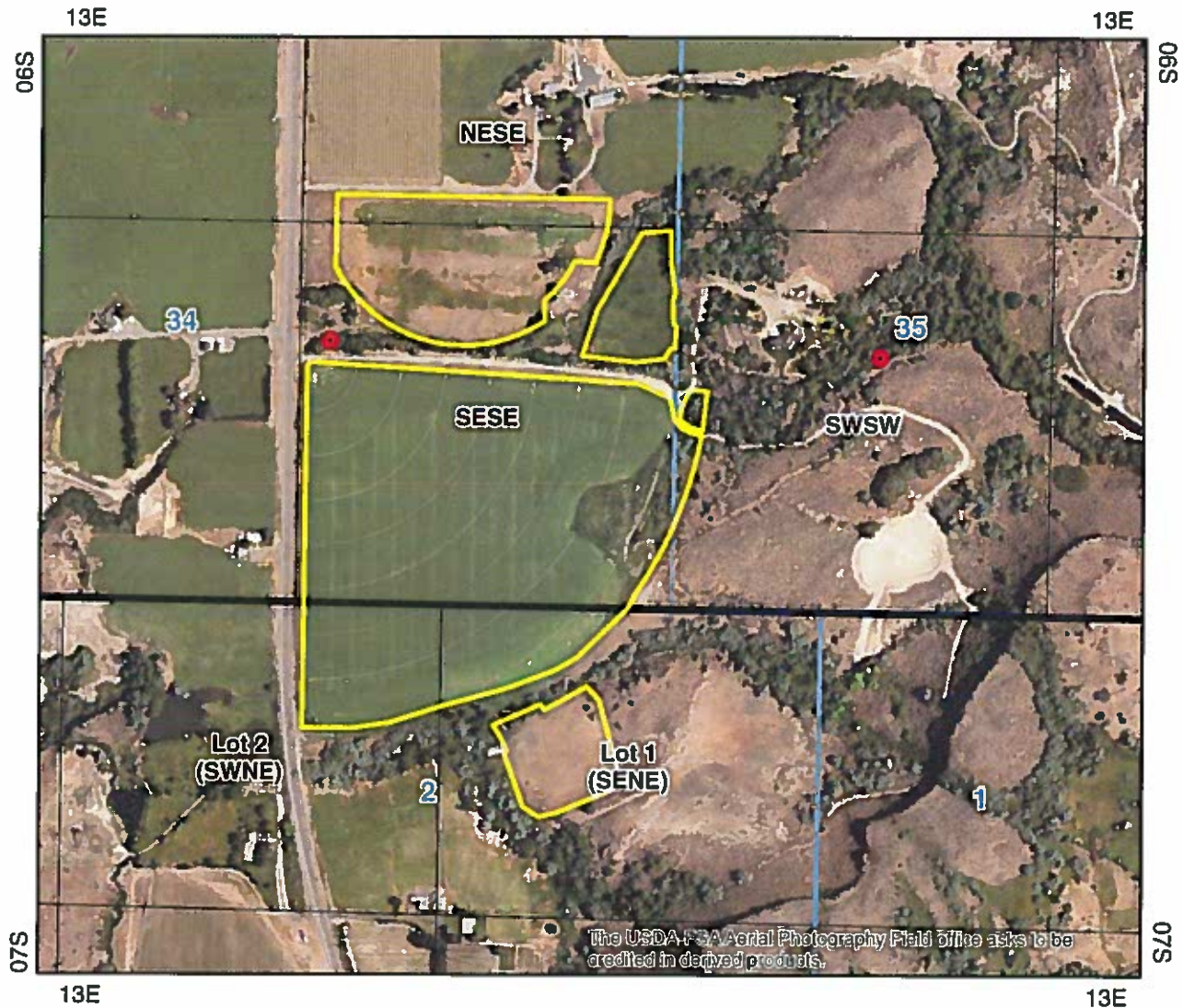
1. This right is limited to the irrigation of 22.5 acres within the authorized place of use in a single irrigation season.
2. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 when combined shall not exceed the irrigation of 46.1 acres.
3. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, and 36-15094 are limited to the irrigation of a specific 46.1 acres within the 118.7 acre place of use authorized by this right in a single irrigation season. The specific 46.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 46.1 acres to be irrigated within the 118.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 36-17070. To prevent injury to other water right holders, the right holder shall cease diverting 0.05 cfs of this right from the South Fork of Birch Creek for the irrigation of 2.5 acres as described by the mitigation by non-use portion of this right.

If the mitigation portion of this right is used for any purpose, then water shall not be diverted under Right 36-17070. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 36-17070 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

5. 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. 130.
6. 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).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
37-795, 37-796, and 37-798

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



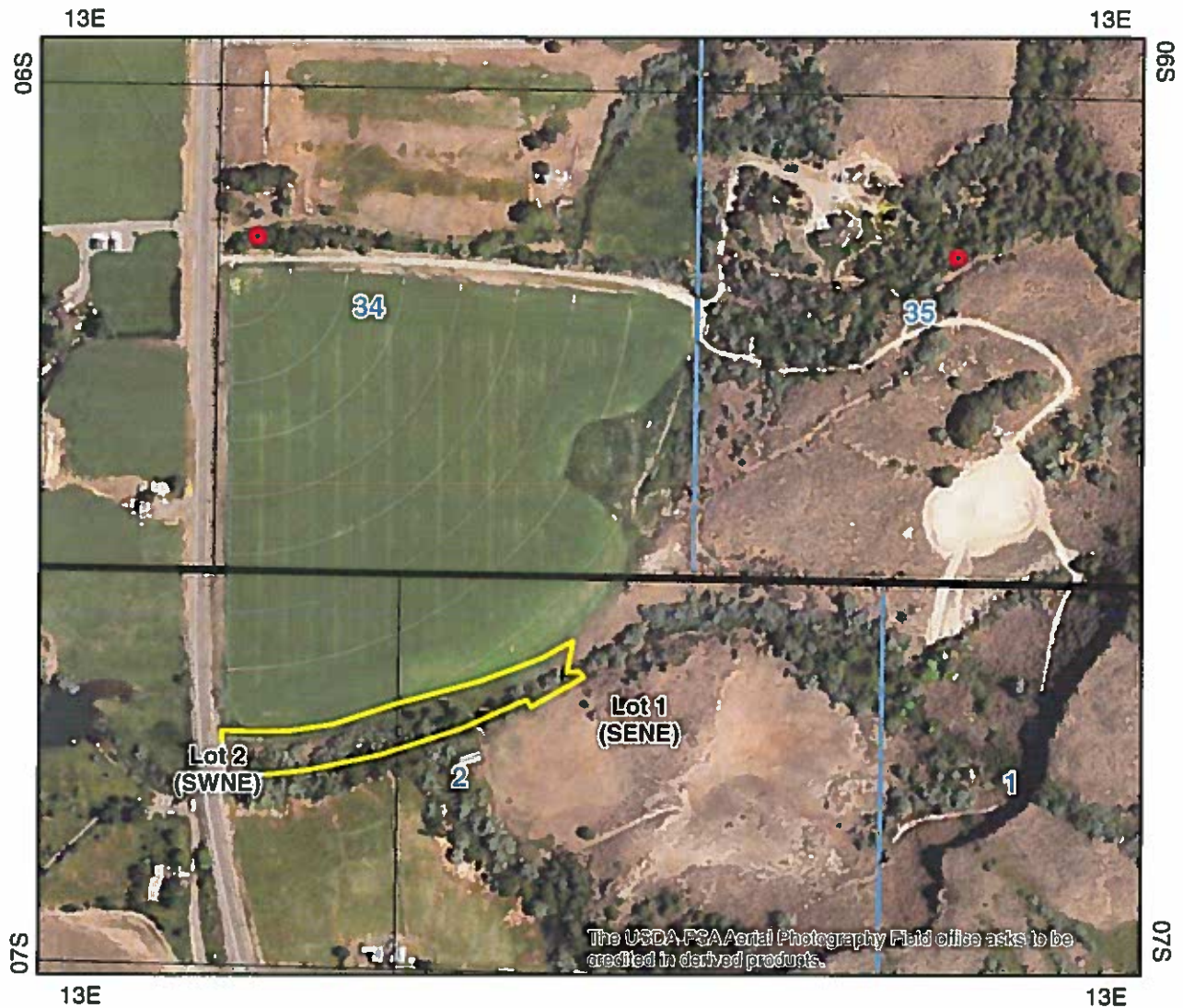
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
37-795, 37-796, and 37-798

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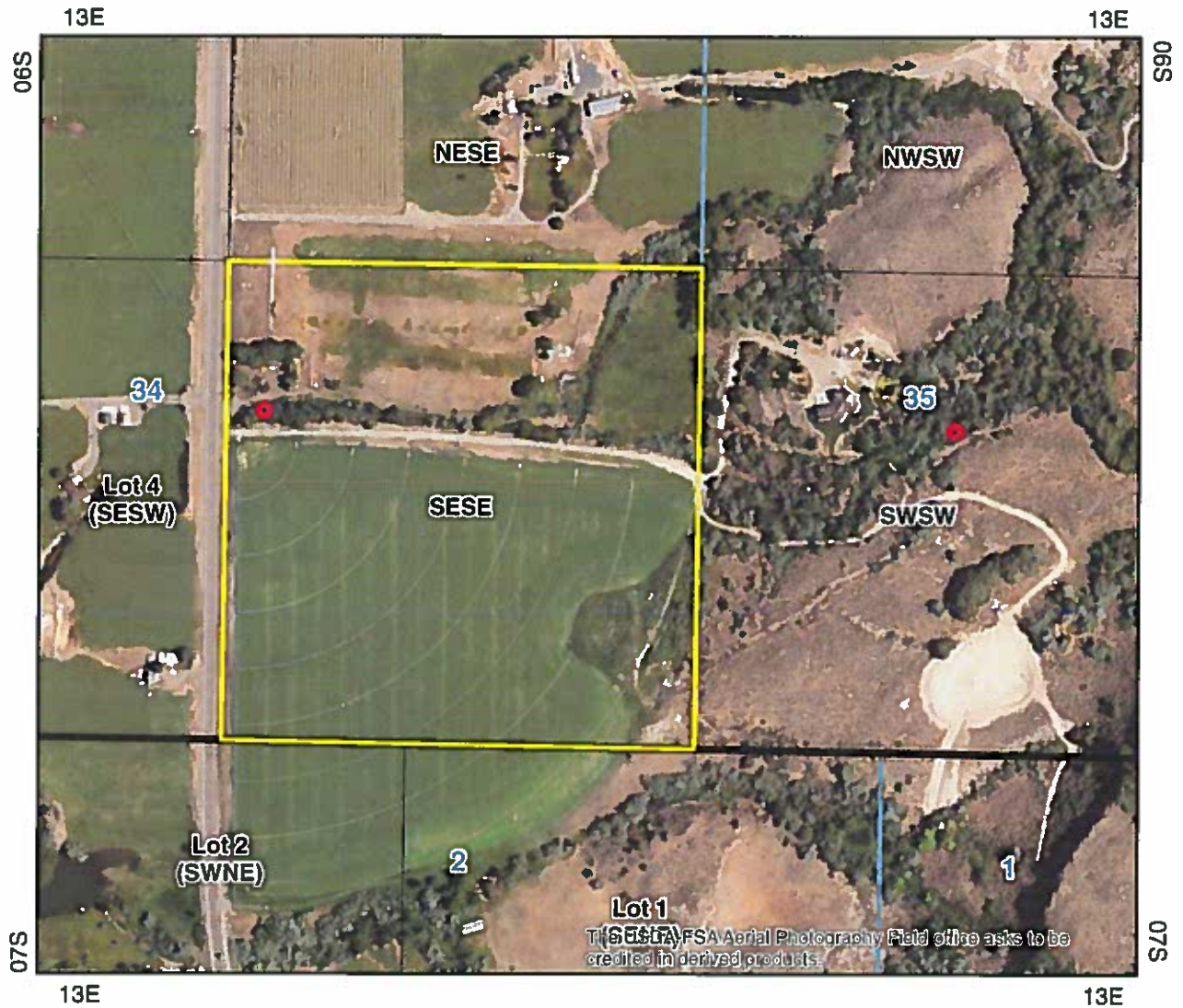
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.05 0.1 0.2 Miles



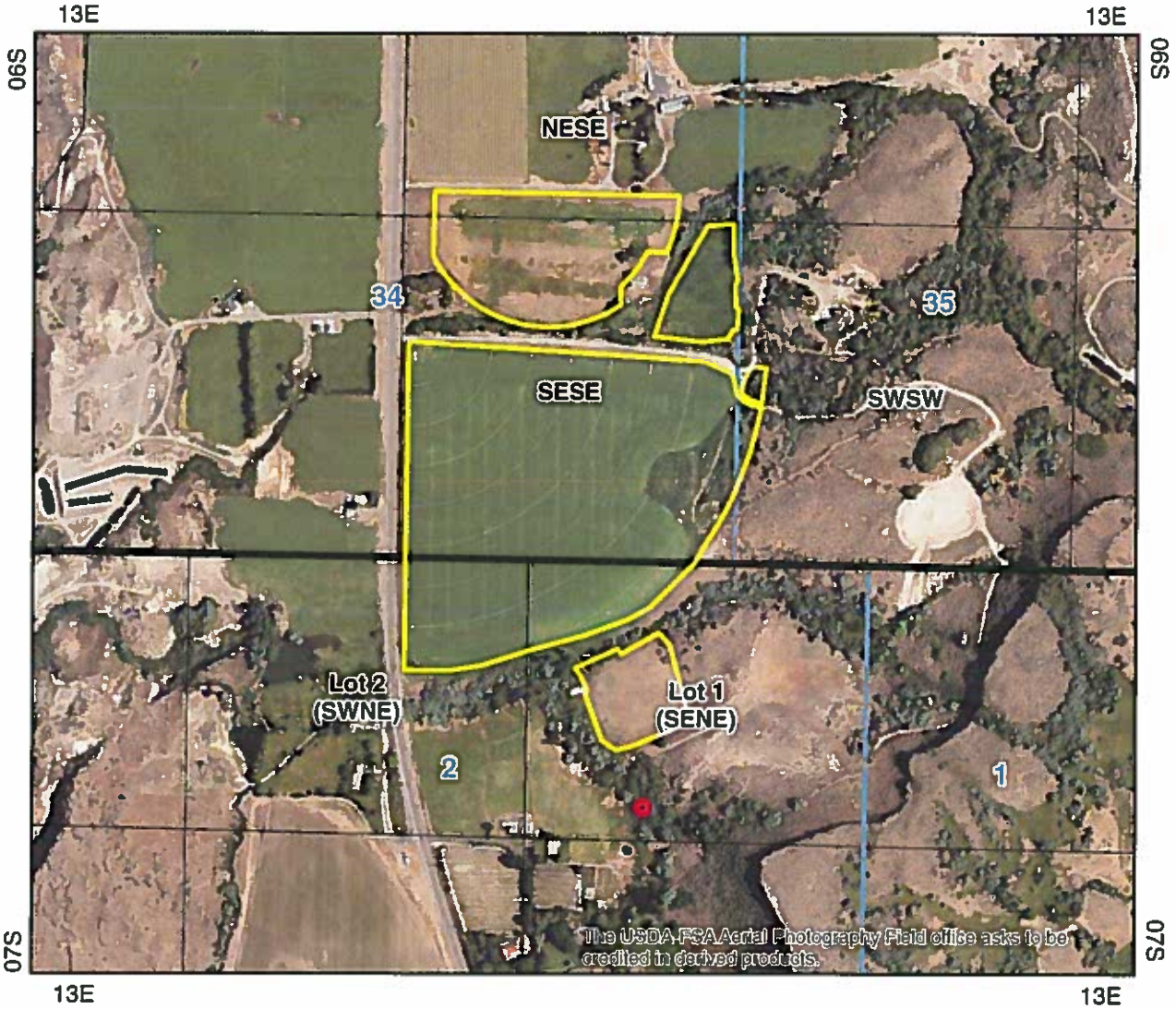
State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
37-795

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



State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
36-10446

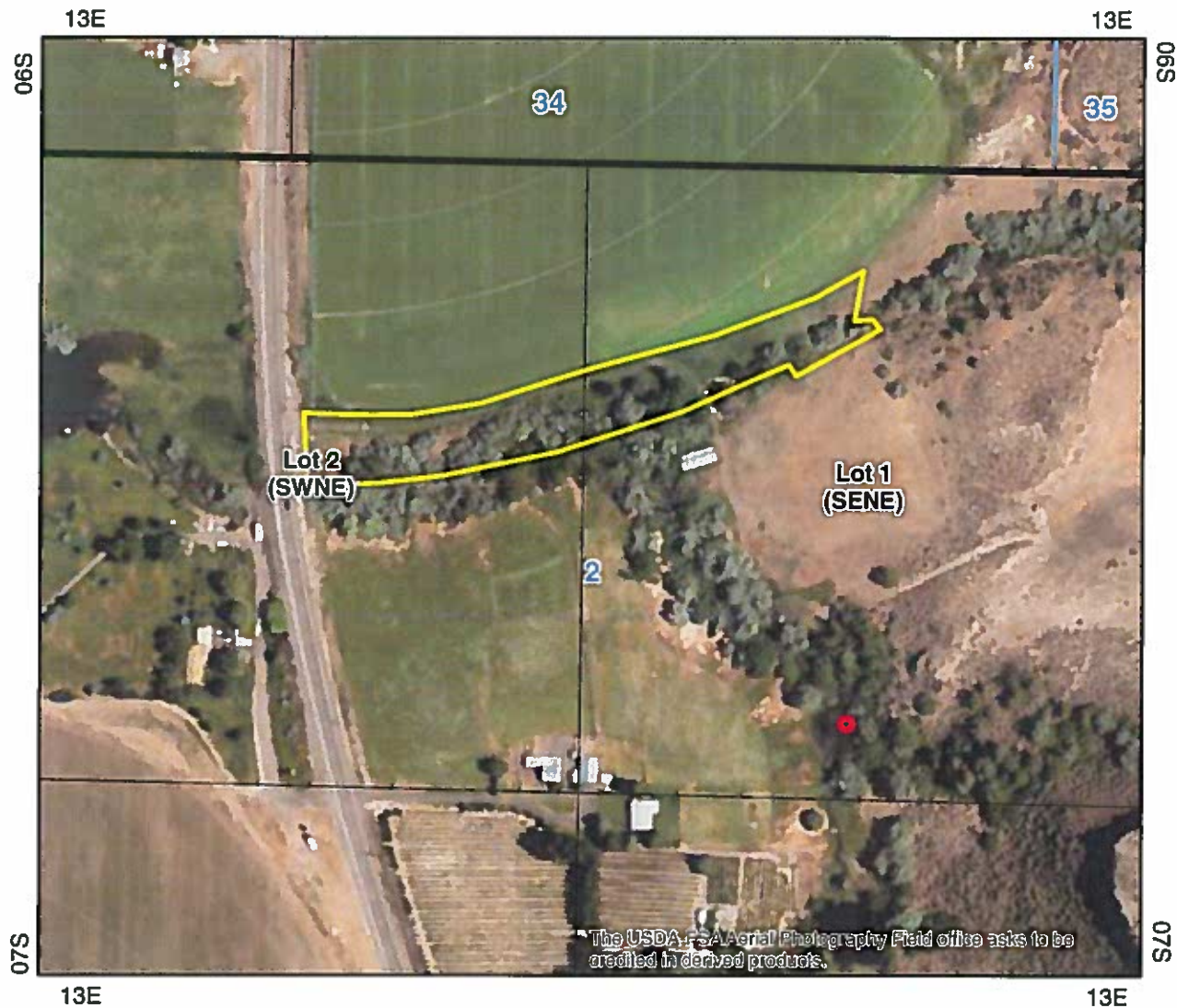
This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
36-10446

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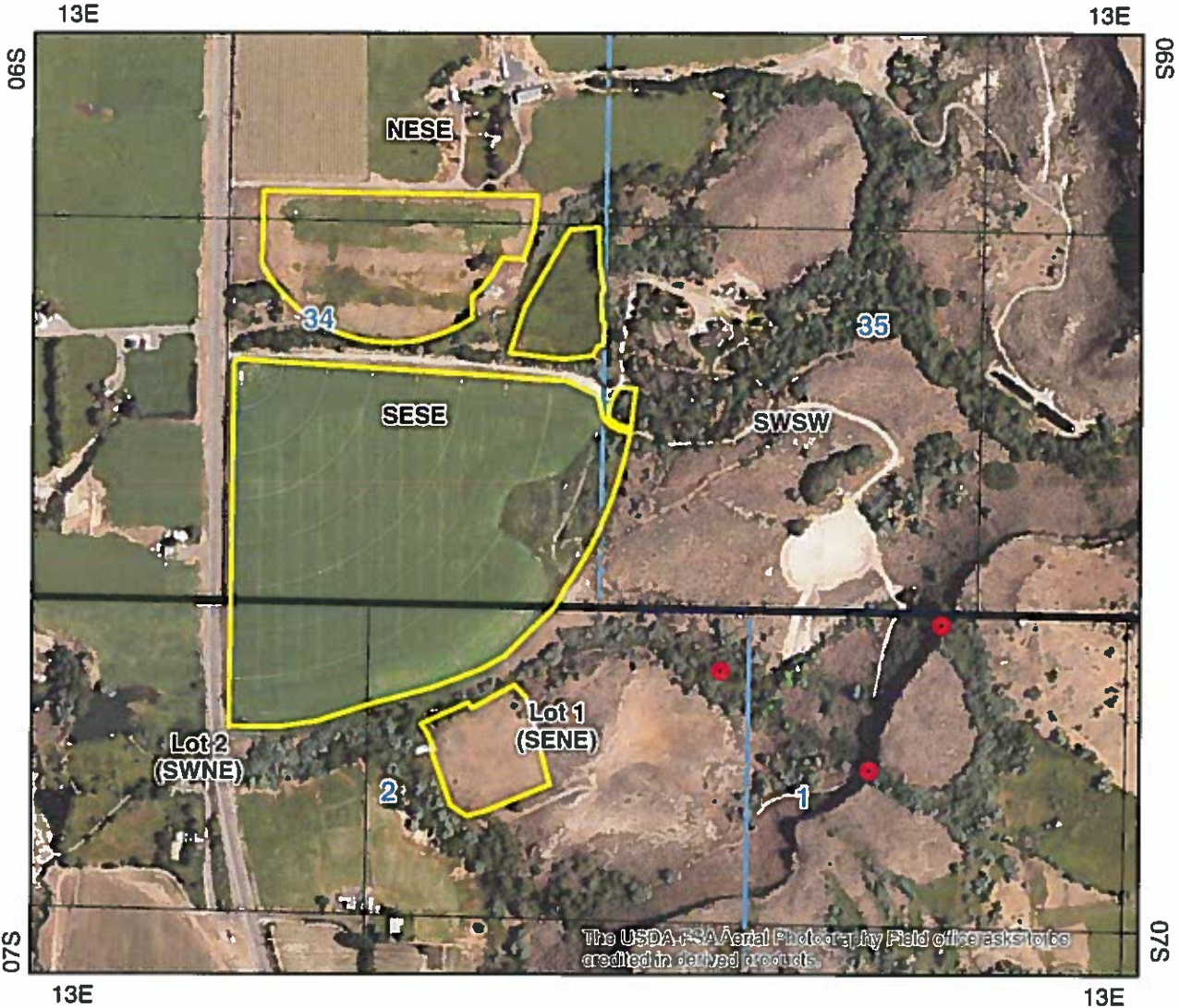
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
36-15094

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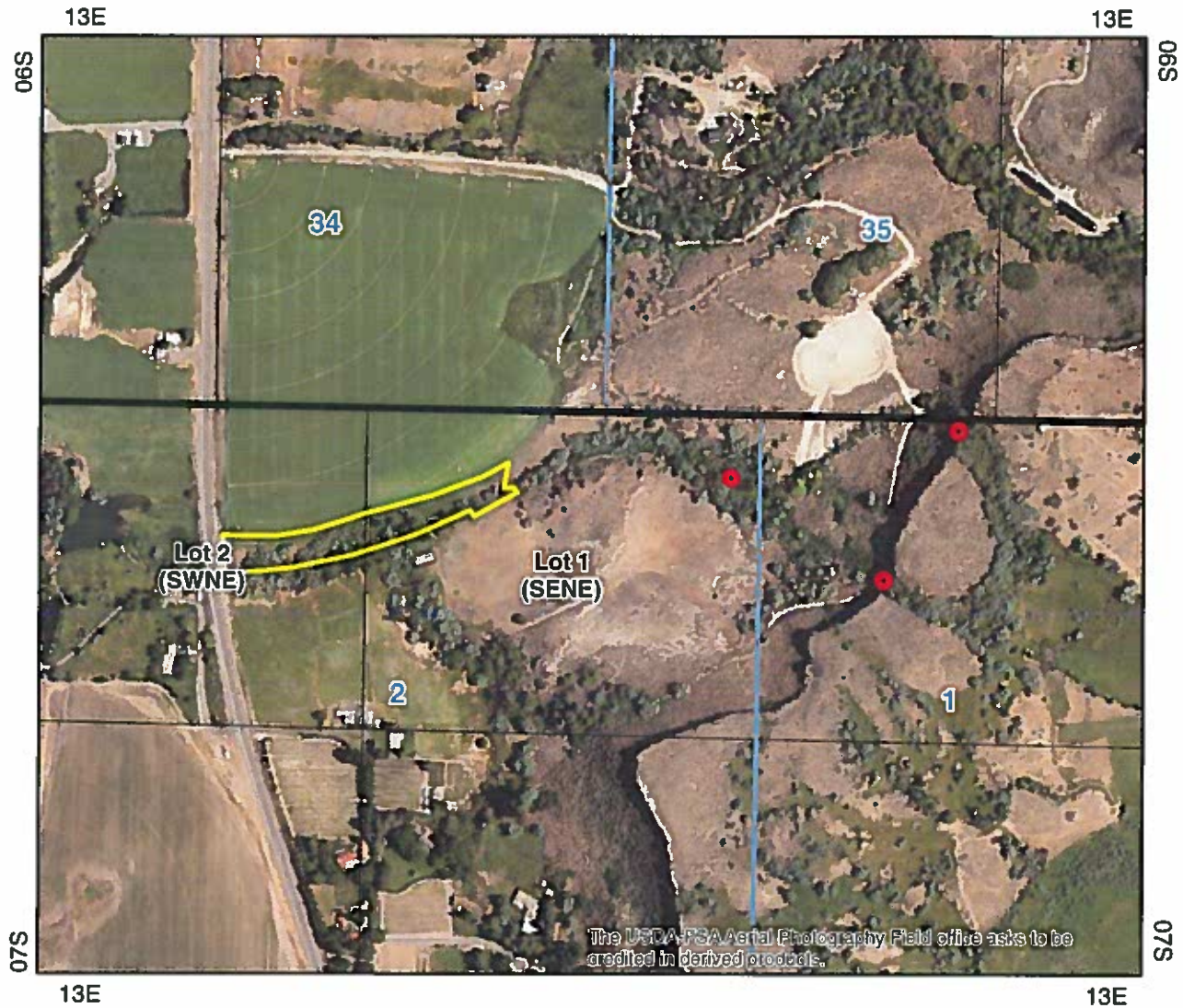
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
36-15094

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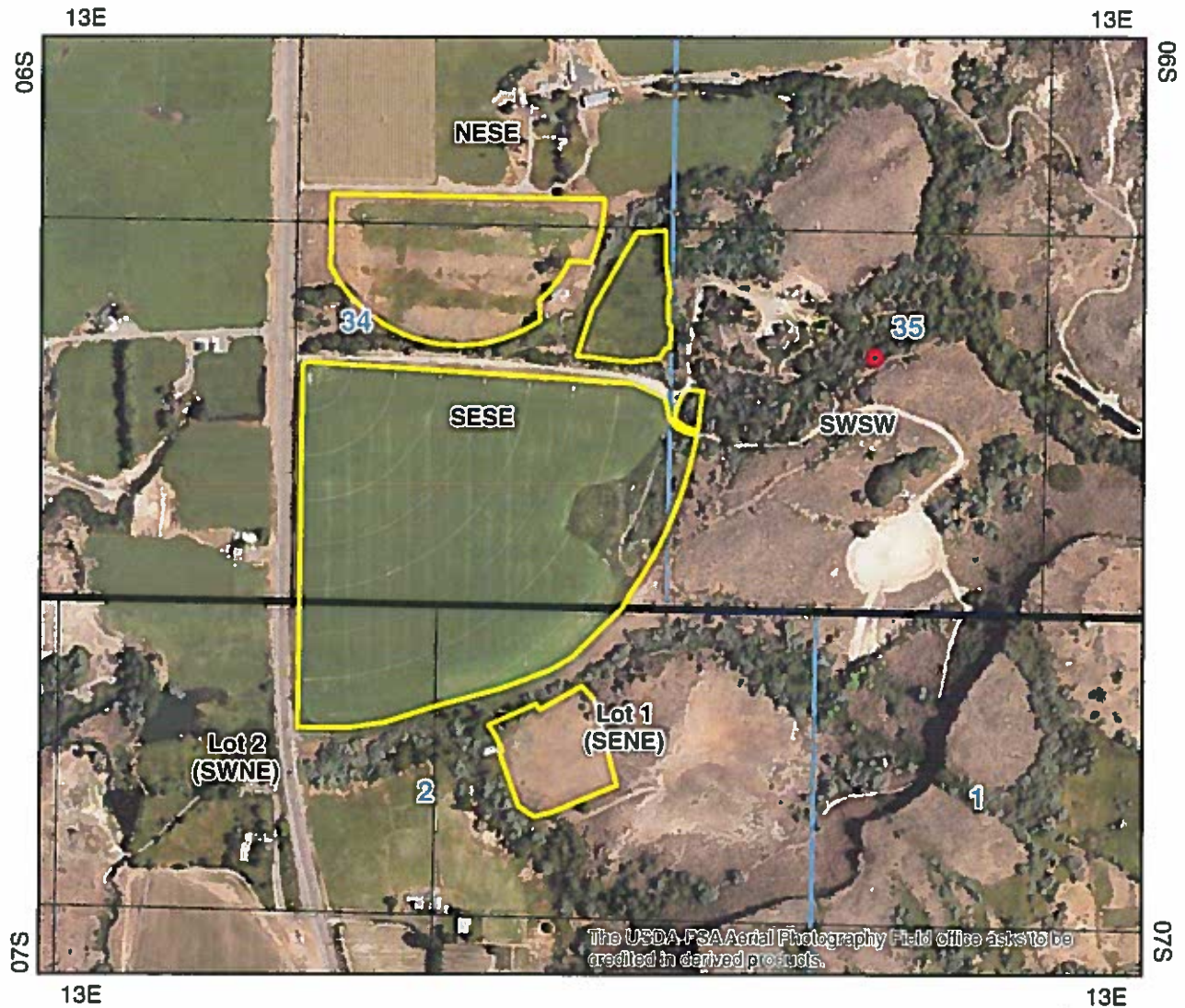
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
37-3155

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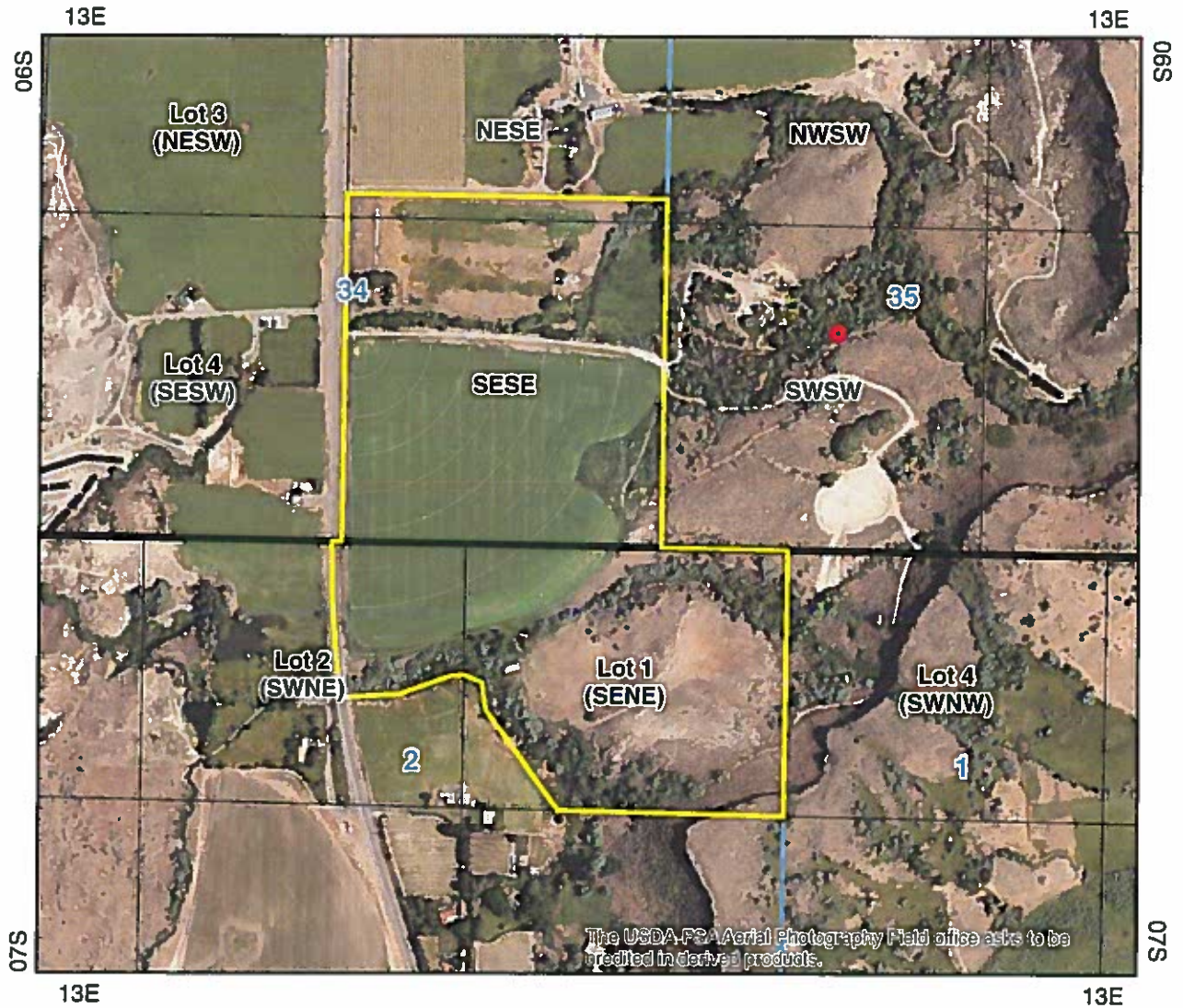
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
37-3155

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



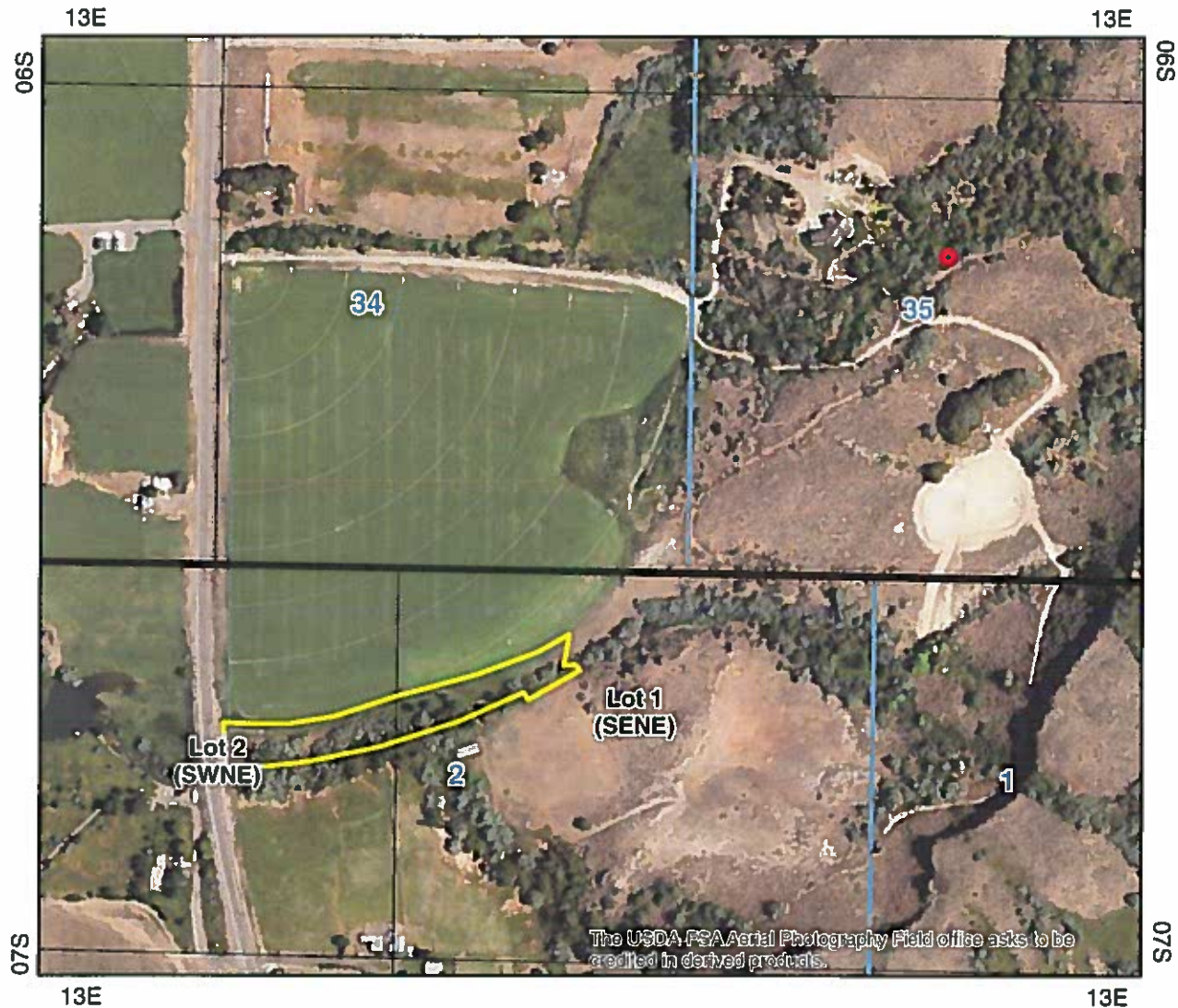
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 80835
37-3155

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-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.05 0.1 0.2 Miles

