

Skinner, Corey

From: Cefalo, James
Sent: Wednesday, October 12, 2016 9:14 AM
To: Skinner, Corey
Subject: FW: Draft Docs for Scarrow Applications
Attachments: Draft Permit 36-17070.rtf; Transfer 80835.rtf

From: Cefalo, James
Sent: Tuesday, September 13, 2016 8:13 AM
To: 'Travis Thompson'; Gary Slette
Subject: RE: Draft Docs for Scarrow Applications

Here they are. Permit approvals are generated in a traditional word format and are easily editable. Transfer approvals are generated as .rtf files and everything is contained in text boxes. I'm not sure how well the track changes function will work in the transfer approval.

From: Travis Thompson [<mailto:tl@idahowaters.com>]
Sent: Tuesday, September 13, 2016 7:47 AM
To: Cefalo, James; Gary Slette
Subject: RE: Draft Docs for Scarrow Applications

Thanks James,

We have a couple suggestions, do you have Word versions we could share proposed strikethroughs/edits? May be easier to see and review.

Travis

From: Cefalo, James [<mailto:James.Cefalo@idwr.idaho.gov>]
Sent: Thursday, September 01, 2016 3:14 PM
To: Gary Slette; Travis Thompson
Subject: Draft Docs for Scarrow Applications

Gary,

Travis contacted me earlier this week and asked if I could put together draft approval documents for the Scarrow applications. Often times, having draft approvals to scrutinize helps facilitate settlement discussions. I did my best to capture some of the ideas discussed at the pre-hearing conference. However, there are a lot of pieces to this puzzle and I may have overlooked something. The language of the conditions can easily be changed to reflect a settlement between the parties. Let me know if there is anything else I can provide.

James Cefalo
Water Resources Program Manager
IDWR Eastern Region
(208) 525-7161

State of Idaho
Department of Water Resources

Permit to Appropriate Water (Draft)

NO. 36-17070

Priority: March 11, 2016

Maximum Diversion Rate: 3.00 CFS
Maximum Diversion Volume: 141.0 AF

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

has applied for a permit to appropriate water from:

Source: WASTE WATER

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	3.00 CFS	
WILDLIFE	01/01 to 12/31	3.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		9.1 AF
AESTHETIC STORAGE	01/01 to 12/31		9.1 AF
IRRIGATION	03/15 to 11/15	0.56 CFS	
IRRIGATION FROM STORAGE	03/15 to 11/15		141.0 AF
IRRIGATION STORAGE	03/15 to 11/15		141.0 AF
DIVERSION TO STORAGE	03/15 to 11/15	3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER	L4 (SW ¼ NW ¼) Sec. 1, Twp 07S, Rge 13E, B.M.	GOODING County
WASTE WATER	L4 (SW ¼ NW ¼) Sec. 1, Twp 07S, Rge 13E, B.M.	GOODING County

PLACE OF USE: AESTHETIC, WILDLIFE, WILDLIFE STORAGE, AESTHETIC STORAGE, IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
06S 13E 35	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X						

PLACE OF USE: IRRIGATION, IRRIGATION FROM STORAGE

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

Total Acres: 118.7

State of Idaho
Department of Water Resources

Permit to Appropriate Water (Draft)

NO. 36-17070

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2021.
2. Subject to all prior water rights.
3. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, 36-15094 and 36-17070 when combined shall not exceed a total irrigation diversion rate of 0.92 cfs and the irrigation of 46.1 acres.
4. To mitigate for the depletion of water resulting from the storage of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right.

Right No.	Use Changed to Mitigation by Non-Use	Mitigation Rate (cfs)	Mitigation Acres
37-795	Irrigation	0.04	2.5
37-796	Irrigation	0.04	2.5
37-798	Irrigation	0.03	2.2
37-3155	Irrigation	0.03	1.3
36-10446	Irrigation	0.01	0.2
36-15094	Irrigation	0.03	1.0
Total		0.17	2.5

The land that will no longer be irrigated under this right is located within Lots 1 and 2, Sec. 2, T07S, R13E. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

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 waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
Department of Water Resources

Permit to Appropriate Water (Draft)

NO. 36-17070

9. The pond established by the storage of water under this right shall not exceed a total capacity of 6.1 acre-feet or a total surface area of 1.1 acres.
10. This right authorizes the storage of an annual total of 141 acre-feet, 6.1 acre-feet to be used for the initial filling or carryover storage of the pond, 3.0 acre-feet for the replacement of losses due to seepage and evaporation, and up to 131.8 acre-feet for additional refills for irrigation from storage use.
11. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this _____ day of _____, 20_____.

GARY SPACKMAN, Director

**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	41.0	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	3.0	118.7	N/A	N/A	N/A	N/A	N/A
36-15094	36-15094	0.610 cfs	N/A	20.4	118.7	N/A	N/A	N/A	N/A	N/A
37-3155	37-3155	0.500 cfs	N/A	25.0	118.7	N/A	N/A	N/A	N/A	N/A
37-795	37-795	0.700 cfs	N/A	48.6	118.7	N/A	N/A	N/A	N/A	N/A
37-796	37-796	0.700 cfs	N/A	48.6	118.7	N/A	N/A	N/A	N/A	N/A
37-798	37-798	0.640 cfs	N/A	42.0	118.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.240 cfs	N/A	48.6	118.7		N/A	N/A	N/A	N/A

Transfer No. 80835

**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 _____ day of _____, _____.

Chief, Water Allocation Bureau

WATER RIGHT NO. **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

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.660 cfs
STOCKWATER	01/01	to 12/31	0.050 cfs
MITIGATION BY NON-USE	03/15	to 11/15	0.040 cfs
			0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

BIRCH CREEK NWSESE Sec 34 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: 48.6

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	

WATER RIGHT NO.
As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 48.6 acres within the authorized place of use in a single irrigation season.
2. Rights 36-10446, 36-15094, 37-795, 37-796, 37-798 and 37-3155 when combined shall not exceed a total diversion rate of 3.24 cfs and the irrigation of 48.6 acres.
3. 2.5 acres of the 48.6 acres authorized under combined rights 37-795, 37-796, 37-798, 37-3155, 36-10446 and 36-15094 are held unused to mitigate for depletions resulting from the storage pond described under water right 36-17070.
4. 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.
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 quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/15	to 11/30	0.080 cfs
MITIGATION BY NON-USE	02/15	to 11/30	0.010 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: 3.0

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 3 acres within the authorized place of use in a single irrigation season.
2. Rights 36-10446, 36-15094, 37-795, 37-796, 37-798 and 37-3155 when combined shall not exceed a total diversion rate of 3.24 cfs and the irrigation of 48.6 acres.

Transfer No. 80835

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

CONDITIONS OF APPROVAL

3. 2.5 acres of the 48.6 acres authorized under combined rights 37-795, 37-796, 37-798, 37-3155, 36-10446 and 36-15094 are held unused to mitigate for depletions resulting from the storage pond described under water right 36-17070.
4. 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.
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 right holder shall accomplish the change authorized by this transfer within one 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. 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/15	to 11/30	0.580 cfs
MITIGATION BY NON-USE	02/15	to 11/30	0.610 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
									L 4										
07S	13E	2			6.8	28.0													34.8
					L 2	L 1													

Right Acre Limit: 20.4

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 41 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 36-10446, 36-15094, 37-795, 37-796, 37-798 and 37-3155 when combined shall not exceed a total diversion rate of 3.24 cfs and the irrigation of 48.6 acres.
3. 2.5 acres of the 48.6 acres authorized under combined rights 37-795, 37-796, 37-798, 37-3155, 36-10446 and 36-15094 are held unused to mitigate for depletions resulting from the storage pond described under water right 36-17070.
4. 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.
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 right holder shall accomplish the change authorized by this transfer within one 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. 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.**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

Tributary: SNAKE RIVER

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 Sec 34 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: 48.6

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 48.6 acres within the authorized place of use in a single irrigation season.
2. Rights 36-10446, 36-15094, 37-795, 37-796, 37-798 and 37-3155 when combined shall not exceed a total diversion rate of 3.24 cfs and the irrigation of 48.6 acres.

Transfer No. 80835

WATER RIGHT NO.
As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

3. 2.5 acres of the 48.6 acres authorized under combined rights 37-795, 37-796, 37-798, 37-3155, 36-10446 and 36-15094 are held unused to mitigate for depletions resulting from the storage pond described under water right 36-17070.
4. 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.
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 right holder shall accomplish the change authorized by this transfer within one 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. 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.
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

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.610 cfs
MITIGATION BY NON-USE	03/15	to 11/15	0.030 cfs
			0.640 cfs

LOCATION OF POINT(S) OF DIVERSION

BIRCH CREEK NWSESE Sec 34 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: 42.0

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 42 acres within the authorized place of use in a single irrigation season.
2. Rights 36-10446, 36-15094, 37-795, 37-796, 37-798 and 37-3155 when combined shall not exceed a total diversion rate of 3.24 cfs and the irrigation of 48.6 acres.

Transfer No. 80835

WATER RIGHT NO.
As Modified by Transfer No. 80835

CONDITIONS OF APPROVAL

3. 2.5 acres of the 48.6 acres authorized under combined rights 37-795, 37-796, 37-798, 37-3155, 36-10446 and 36-15094 are held unused to mitigate for depletions resulting from the storage pond described under water right 36-17070.
4. 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.
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 right holder shall accomplish the change authorized by this transfer within one 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. 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	0.470 cfs
STOCKWATER	01/01	to 12/31	0.050 cfs
MITIGATION BY NON-USE	03/15	to 11/15	0.030 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: 25.0

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 25 acres within the authorized place of use in a single irrigation season.
2. Rights 36-10446, 36-15094, 37-795, 37-796, 37-798 and 37-3155 when combined shall not exceed a total diversion rate of 3.24 cfs and the irrigation of 48.6 acres.
3. 2.5 acres of the 48.6 acres authorized under combined rights 37-795, 37-796, 37-798, 37-3155, 36-10446 and 36-15094 are held unused to mitigate for depletions resulting from the storage pond described under water right 36-17070.
4. 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.
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 right holder shall accomplish the change authorized by this transfer within one 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. 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.