

Skinner, Corey

From: Skinner, Corey
Sent: Wednesday, January 18, 2017 1:57 PM
To: 'Hattie Zobott'
Cc: 'Travis Thompson'
Subject: Draft Scarrow Approvals
Attachments: DRAFT Approval.pdf; DRAFT Permit.docx

Hattie,

Attached are draft approval documents for the Scarrow Transfer (# 80835) and Application for Permit (36-17070). In general, I believe that they incorporate the suggestions made by Travis in his 9/15/16 e-mail. One item of note relates to right 37-796 on the revised worksheet. It looked to me like the amounts should be 0.04 cfs dry up and 0.66 cfs leftover for irrigation (like right 37-795 for the same amount and acres). The draft transfer approval reflects these amounts.

After you have a chance to review, give me a call so we can discuss.

Thanks,

Corey

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 36-17070

Priority: March 11, 2016

Maximum Diversion Rate: 3.00 CFS

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 (SW1/4NW1/4)	Sec. 1, Twp 07S, Rge 13E, B.M.
GOODING County		
WASTE WATER	L4 (SW1/4NW1/4)	Sec. 1, Twp 07S, Rge 13E, B.M.
GOODING County		

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

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

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PLACE OF USE: IRRIGATION

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

Right Acre Limit: 28.2
POU Total Acres: 118.7

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge 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
07S 13E 2			6.8	28.0			L 4										34.8
			L 2	L 1													

Right Acre Limit: 46.1
POU Total Acres: 118.7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2021**.
2. Subject to all prior water rights.
3. In connection with the proof of beneficial use submitted for this permit, the permit holder shall also submit a report showing the total annual volume, the total monthly volume, and the maximum instantaneous rate of flow diverted from the points of diversion authorized for this permit during the development period. The report shall also show total annual volume, the total monthly volume, and the instantaneous rate of flow diverted from the points of diversion from Birch Creek and the South Fork of Birch Creek authorized under water rights 37-795, 37-796, 37-798, and 37-3155 during the permit development period.

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4. The irrigation use described by this right is limited to the irrigation of 28.2 acres within the authorized place of use in a single irrigation season.
5. The irrigation from storage use described by this right is limited to the irrigation of 46.1 acres within the authorized place of use in a single irrigation season.
6. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, 36-15094 and 36-17070 when combined shall not exceed the irrigation of 46.1 acres.
7. Rights 37-795, 37-796, 37-798, 37-3155, 36-10446, 36-15094, and 36-17070 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.
8. Wastewater is intermittently available, but when available will be diverted and used to substitute for diversion and use of water from Birch Creek and the South Fork of Birch Creek under water rights 37-795, 37-796, 37-798, and 37-3155.
9. 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 rights 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 rights 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	0.04	2.5
37-3155	Irrigation	0.05	2.5
36-10446	Irrigation	0.07	2.5
36-15094	Irrigation	0.07	2.5
Total		0.31	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.

10. 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.

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Permit to Appropriate Water

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11. 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).
12. Prior to diversion of water under this right, the right holder shall permanently install and maintain a staff gage acceptable to the Department to provide a means to measure the pond level on a constant basis.
13. On an annual basis, the right holder shall prepare and submit to the watermaster of Water District 130 a report showing the total annual volume, the total monthly volume, and the maximum instantaneous rate of flow diverted from the points of diversion authorized for this permit. The report shall also show total annual volume, the total monthly volume, and the instantaneous rate of flow diverted from the points of diversion from Birch Creek and the South Fork of Birch Creek authorized under water rights 37-795, 37-796, 37-798, and 37-3155
14. 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.
15. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
16. 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.
17. 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, 3.1 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.
18. 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.
19. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
20. Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
21. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this _____ day of _____, 20_____.

COREY SKINNER, Southern Region Manager

**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

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 _____, _____.

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	From	To	Diversion Rate
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
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: 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 when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.

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.

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. 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.
9. 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).
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

CONDITIONS OF APPROVAL

12. 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 when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.

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.

6. 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.
7. 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).
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. 36-15094**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	0.540 cfs
MITIGATION BY NON-USE	02/15	to 11/30	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 when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.

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.

6. 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.
7. 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).
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. 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
07S	13E	2			6.8	28.0			L 4										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 when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.

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.

6. 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.
7. 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).
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. 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	From	To	Diversion Rate
IRRIGATION	03/15	to 11/15	0.600 cfs
MITIGATION BY NON-USE	03/15	to 11/15	0.040 cfs
			0.640 cfs

LOCATION OF POINT(S) OF DIVERSION

BIRCH CREEK NWSESE Sec 34 Twp 06S Rge 13E GOODING County
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: 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 when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.

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.

6. 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.
7. 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).
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. 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

BENEFICIAL USE	From	To	Diversion Rate
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
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 when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.

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.

6. 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.
7. 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).
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.