

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81273**

This is to certify that: STATE OF IDAHO
DEPT OF LANDS
PO BOX 83720
BOISE, ID 83720-0050
AND
TOMMY C WADDOUPS LLC
2440 E BANCROFT
EAGLE, ID 83616

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>
34-14439	WR/DECREED	6/1/1884	0.060 cfs	N/A	3.2	27.7	ANTELOPE CREEK
34-14440	WR/DECREED	5/1/1886	0.310 cfs	N/A	15.4	27.7	ANTELOPE CREEK
34-14441	WR/DECREED	9/27/1911	0.180 cfs	N/A	9.1	27.7	ANTELOPE CREEK
34-784	WR/DECREED	6/1/1884	0.540 cfs	N/A	26.8	232.3	ANTELOPE CREEK
34-785	WR/DECREED	5/1/1886	2.590 cfs	N/A	129.6	232.3	ANTELOPE CREEK
34-786	WR/DECREED	9/27/1911	1.520 cfs	N/A	75.9	232.3	ANTELOPE 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>
34-14439	NO	YES	NO	YES	NO	NO
34-14440	NO	YES	NO	YES	NO	NO
34-14441	NO	YES	NO	YES	NO	NO
34-784	NO	YES	NO	YES	NO	NO
34-785	NO	YES	NO	YES	NO	NO
34-786	NO	YES	NO	YES	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>
34-14439	34-14439	0.060 cfs	N/A	3.2	27.7	N/A	N/A	N/A	N/A	N/A
34-14440	34-14440	0.310 cfs	N/A	15.4	27.7	N/A	N/A	N/A	N/A	N/A
34-14441	34-14441	0.180 cfs	N/A	9.1	27.7	N/A	N/A	N/A	N/A	N/A
34-784	34-784	0.540 cfs	N/A	26.8	232.3	N/A	N/A	N/A	N/A	N/A
34-785	34-785	2.590 cfs	N/A	129.6	232.3	N/A	N/A	N/A	N/A	N/A
34-786	34-786	1.520 cfs	N/A	75.9	232.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.200 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Transfer No. 81273

SUPPORT DATA

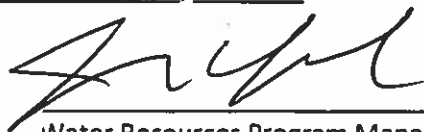
34-784

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81273

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 6th day of December, 2016.



Water Resources Program Manager



WATER RIGHT NO. 34-784**As Modified by Transfer No. 81273**

In accordance with the approval of Transfer No. 81273, Water Right No. 34-784 is now described as follows:

Right Holder: TOMMY C WADDOUPS LLC
2440 E BANCROFT
EAGLE, ID 83616

Priority Date: 6/1/1884

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.540 cfs

0.540 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1 Twp 04N Rge 24E	BUTTE County
ANTELOPE CREEK	NESW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	24E	1					5.0												5.0
							L3												
05N	24E	36			19.7					4.2	34.8			10.2	38.5	40.3	37.2		184.9
05N	25E	31							23.3			19.1							42.4

Right Acre Limit: 26.8

POU Total Acres: 232.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 26.8 acres within the authorized place of use in a single irrigation season.
2. Rights 34-784, 34-785 and 34-786 when combined shall not exceed the irrigation of 232.3 acres.
3. 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. 34.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 81273

WATER RIGHT NO. 34-784
As Modified by Transfer No. 81273

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The source of water for the points of diversion located in the NESW and NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to 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. 34-785**As Modified by Transfer No. 81273**

In accordance with the approval of Transfer No. 81273, Water Right No. 34-785 is now described as follows:

Right Holder: TOMMY C WADDOUPS LLC
2440 E BANCROFT
EAGLE, ID 83616

Priority Date: 5/1/1886

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

2.590 cfs

2.590 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1 Twp 04N Rge 24E BUTTE County
ANTELOPE CREEK	NESW	Sec 36 Twp 05N Rge 24E CUSTER County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	24E	1					5.0												5.0
							L3												
05N	24E	36			19.7					4.2	34.8			10.2	38.5	40.3	37.2		184.9
05N	25E	31							23.3			19.1							42.4

Right Acre Limit: 129.6

POU Total Acres: 232.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 129.6 acres within the authorized place of use in a single irrigation season.
2. Rights 34-784, 34-785 and 34-786 when combined shall not exceed the irrigation of 232.3 acres.
3. 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. 34.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 81273

WATER RIGHT NO. 34-785
As Modified by Transfer No. 81273

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The source of water for the points of diversion located in the NESW and NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to 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. 34-786**As Modified by Transfer No. 81273**

In accordance with the approval of Transfer No. 81273, Water Right No. 34-786 is now described as follows:

Right Holder: TOMMY C WADDOUPS LLC
2440 E BANCROFT
EAGLE, ID 83616

Priority Date: 9/27/1911

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

1.520 cfs

1.520 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1 Twp 04N Rge 24E BUTTE County
ANTELOPE CREEK	NESW	Sec 36 Twp 05N Rge 24E CUSTER County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	24E	1					5.0												5.0
							1.3												
05N	24E	36			19.7					4.2	34.8			10.2	38.5	40.3	37.2		184.9
05N	25E	31							23.3			19.1							42.4

Right Acre Limit: 75.9

POU Total Acres: 232.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 75.9 acres within the authorized place of use in a single irrigation season.
2. Rights 34-784, 34-785 and 34-786 when combined shall not exceed the irrigation of 232.3 acres.
3. 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. 34.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 81273

WATER RIGHT NO. 34-786
As Modified by Transfer No. 81273

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The source of water for the points of diversion located in the NESW and NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to 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. 34-14439

As Modified by Transfer No. 81273

In accordance with the approval of Transfer No. 81273, Water Right No. 34-14439 is now described as follows:

Right Holder: STATE OF IDAHO
DEPT OF LANDS
PO BOX 83720
BOISE, ID 83720-0050
AND
TOMMY C WADDOUPS LLC
2440 E BANCROFT
EAGLE, ID 83616

Priority Date: 6/1/1884

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
0.060 cfs
0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1, Twp 04N Rge 24E	BUTTE County
ANTELOPE CREEK	NESW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County

PLACE OF USE: IRRIGATION

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	24E	36					20.0												7.7	27.7

Right Acre Limit: 3.2

POU Total Acres: 27.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.2 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14439, 34-14440 and 34-14441 when combined shall not exceed the irrigation of 27.7 acres.
3. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 81273

WATER RIGHT NO. 34-14439
As Modified by Transfer No. 81273

CONDITIONS OF APPROVAL

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. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The source of water for the points of diversion located in the NESW and NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
8. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
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. 34-14440 **As Modified by Transfer No. 81273**

In accordance with the approval of Transfer No. 81273, Water Right No. 34-14440 is now described as follows:

Right Holder: STATE OF IDAHO
 DEPT OF LANDS
 PO BOX 83720
 BOISE, ID 83720-0050
 And
 TOMMY C WADDOUPS LLC
 2440 E BANGCROFT
 EAGLE, ID 83616

Priority Date: 5/1/1886

Source: ANTELOPE CREEK **Tributary:** BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	0.310 cfs
			0.310 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1 Twp 04N Rge 24E	BUTTE County
ANTELOPE CREEK	NESW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE 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	
05N	24E	36				20.0												7.7	27.7

Right Acre Limit: 15.4
 POU Total Acres: 27.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15.4 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14439, 34-14440 and 34-14441 when combined shall not exceed the irrigation of 27.7 acres.
3. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 81273

WATER RIGHT NO. 34-14440
As Modified by Transfer No. 81273

CONDITIONS OF APPROVAL

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. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The source of water for the points of diversion located in the NESW and NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
8. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
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. 34-14441

As Modified by Transfer No. 81273

In accordance with the approval of Transfer No. 81273, Water Right No. 34-14441 is now described as follows:

Right Holder: TOMMY C WADDOUPS LLC
2440 E BANCROFT
EAGLE, ID 83616
AND
STATE OF IDAHO
DEPT OF LANDS
PO BOX 83720
BOISE, ID 83720-0050

Priority Date: 9/27/1911

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
0.180 cfs
0.180 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1 Twp 04N Rge 24E	BUTTE County
ANTELOPE CREEK	NESW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	24E	36				20.0												7.7	27.7

Right Acre Limit: 9.1
POU Total Acres: 27.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.1 acres within the authorized place of use in a single irrigation season.
2. Rights 34-14439, 34-14440 and 34-14441 when combined shall not exceed the irrigation of 27.7 acres.
3. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 81273

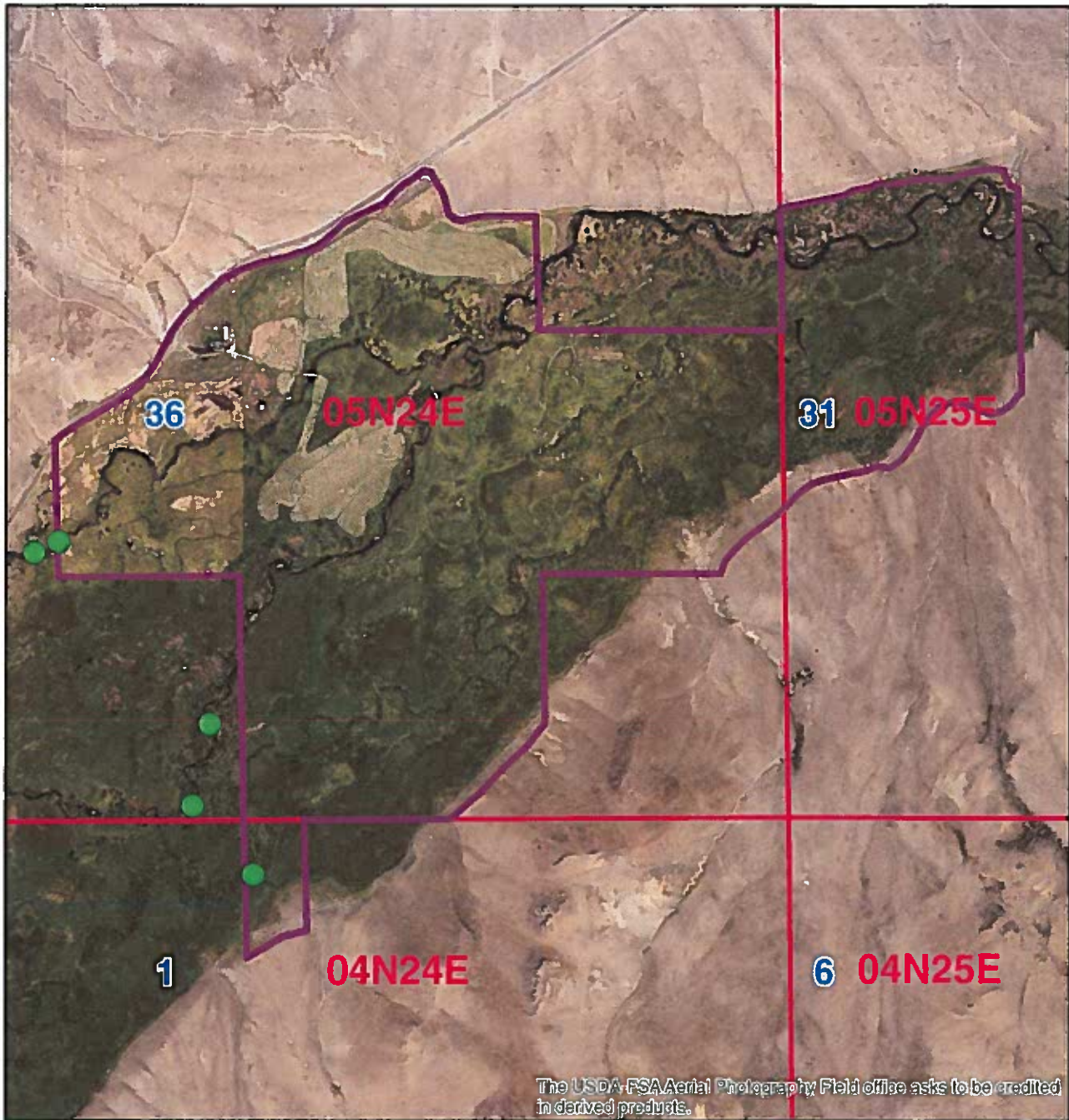
WATER RIGHT NO. 34-14441
As Modified by Transfer No. 81273

CONDITIONS OF APPROVAL

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. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The source of water for the points of diversion located in the NESW and NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
8. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
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.

Transfer Approval 81273

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



Legend

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

0 390 780 1,560 Feet

1 inch = 871 feet

