

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80151**

This is to certify that: **CV RANCHES
960 KELLY TOPONCE RD
BANCROFT, ID 83217**

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>
29-123	WR/DECREED	7/2/1903	1.100 cfs	N/A	9.0	337.5	TOPONCE CREEK
29-125	WR/DECREED	6/1/1910	1.080 cfs	145.8 af	N/A	337.5	TOPONCE CREEK

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
29-121	WR/DECREED	7/1/1882	0.480 cfs	N/A	24.0	337.5	TOPONCE CREEK
29-122	WR/DECREED	6/17/1902	0.720 cfs	N/A	36.0	337.5	TOPONCE CREEK
29-13499	WR/DECREED	4/1/1975	2.370 cfs	N/A	210.0	337.5	TOPONCE CREEK
29-10320	WR/DECREED	7/6/1868	1.170 cfs	N/A	59.3	337.5	TOPONCE 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>
29-123	NO	NO	YES	NO	NO	NO
29-125	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>
29-123	29-123	1.100 cfs	124.2 af	9.0	649.0	N/A	N/A	N/A	N/A	N/A
29-125	29-125	1.080 cfs	145.8 af	N/A	649.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.180 cfs	N/A	N/A	649.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 80151

IN FILE # 29-123

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80151

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 21st day of October, 2015.


for _____
Chief, Water Allocation Bureau



WATER RIGHT NO. 29-123
As Modified by Transfer No. 80151

In accordance with the approval of Transfer No. 80151, Water Right No. 29-123 is now described as follows:

Right Holder: C V CATTLE INC
 960 KELLY TOPONCE RD
 BANCROFT, ID 83217

Priority Date: 7/2/1903

Source: TOPONCE CREEK

Tributary: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	04/15	to 09/15	0.920 cfs	
IRRIGATION	04/15	to 09/15	0.180 cfs	
IRRIGATION FROM STORAGE	04/15	to 09/15		124.2 af
IRRIGATION STORAGE	04/15	to 09/15		124.2 af
			1.100 cfs	124.2 af

LOCATION OF POINT(S) OF DIVERSION

TOPONCE CREEK SWSSE Sec 33 Twp 06S Rge 38E CARIBOU 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	38E	25							29.0		36.0	37.0	33.0	40.0	6.5	39.0	35.0	4.0	259.5
															L 19			L 20	
06S	38E	26				29.0									37.0			12.0	78.0

Right Acre Limit: 9.0

POU Total Acres: 337.5

PLACE OF USE: IRRIGATION FROM STORAGE

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	38E	25							29.0		36.0	37.0	33.0	40.0	6.0	39.0	35.0	4.0	259.0
											L 11			L 14	L 19	L 10	L 15	L 20	
06S	38E	26				29.0									37.0			12.0	78.0
						L 8								L 9				L 16	
06S	39E	29			37.0					38.0	40.0		38.0	40.0		39.0	40.0		272.0
06S	39E	30																40.0	40.0

POU Total Acres: 649.0

PLACE OF USE: IRRIGATION STORAGE

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	38E	25						X	X										
06S	38E	26	X			X													

Transfer No. 80151

WATER RIGHT NO. 29-123
As Modified by Transfer No. 80151

CONDITIONS OF APPROVAL

1. The direct irrigation portion of this right is limited to the irrigation of 9 acres within the authorized place of use in a single irrigation season.
2. Rights 29-123 and 29-125 when combined shall not exceed a total diversion rate of 2.18 cfs and the irrigation of 649 acres.
3. Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs and the irrigation of 649 acres.
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.29.
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). A separate measuring device must be installed prior to the 2016 irrigation season to track the amount of water delivered under this water right to the place of use located in Sections 29 and 30, T06S, R39E.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The reservoir established by the storage of water under rights 29-123 and 29-125 shall not exceed a total capacity of 270 acre-feet.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 11/17/2005.
9. Right No. 29-13499 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
10. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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. 29-123
As Modified by Transfer No. 80151

CONDITIONS OF APPROVAL

14. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 29-125
As Modified by Transfer No. 80151

In accordance with the approval of Transfer No. 80151, Water Right No. 29-125 is now described as follows:

Right Holder: C V CATTLE INC
 960 KELLY TOPONCE RD
 BANCROFT, ID 83217

Priority Date: 6/1/1910

Source: TOPONCE CREEK

Tributary: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	04/15	to 09/15	1.080 cfs	
IRRIGATION FROM STORAGE	04/15	to 09/15		145.8 af
IRRIGATION STORAGE	04/15	to 09/15	1.080 cfs	145.8 af

LOCATION OF POINT(S) OF DIVERSION

TOPONCE CREEK SWSESE Sec 33 Twp 06S Rge 38E CARIBOU County

PLACE OF USE: IRRIGATION FROM STORAGE

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	38E	25							29.0		36.0	37.0	33.0	40.0	6.0	39.0	35.0	4.0	259.0
											L 11			L 14	L 19	L 10	L 15	L 20	
06S	38E	26				29.0									37.0				78.0
						L 8									L 9			L 16	
06S	39E	29			37.0					38.0	40.0		38.0	40.0		39.0	40.0		272.0
06S	39E	30																40.0	40.0

POU Total Acres: 649.0

PLACE OF USE: IRRIGATION STORAGE

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	38E	25						X	X										
06S	38E	26	X			X													

CONDITIONS OF APPROVAL

1. Rights 29-123 and 29-125 when combined shall not exceed a total diversion rate of 2.18 cfs and the irrigation of 649 acres.
2. Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs and the irrigation of 649 acres.

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WATER RIGHT NO. 29-125
As Modified by Transfer No. 80151

CONDITIONS OF APPROVAL

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.29.
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). A separate measuring device must be installed prior to the 2016 irrigation season to track the amount of water delivered under this water right to the place of use located in Sections 29 and 30, T06S, R39E.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The reservoir established by the storage of water under rights 29-123 and 29-125 shall not exceed a total capacity of 270 acre-feet.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 11/17/2005.
8. Right No. 29-13499 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
9. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 29-121**As Modified by Transfer No. 80151**

In accordance with the approval of Transfer No. 80151, Water Right No. 29-121 is now described as follows:

Right Holder: C V CATTLE INC
960 KELLY TOPONCE RD
BANCROFT, ID 83217

Priority Date: 7/1/1882

Source: TOPONCE CREEK

Tributary: PORTNEUF RIVER

BENEFICIAL USE
IRRIGATION

From 4/15 **to** 9/15

Diversion Rate
0.480 cfs
0.480 cfs

LOCATION OF POINT(S) OF DIVERSION

TOPONCE CREEK SWSSE Sec 33 Twp 06S Rge 38E CARIBOU 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	38E	25							29.0		36.0	37.0	33.0	40.0	6.5	39.0	35.0	4.0	259.5
06S	38E	26				29.0									37.0			12.0	78.0

Right Acre Limit: 24.0

POU Total Acres: 337.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 24 acres within the authorized place of use in a single irrigation season.
2. Rights 29-121, 29-122, 29-13499 and 29-10320 when combined shall not exceed the irrigation of 337.5 acres.
3. Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs, and the irrigation of 649 acres.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 11/17/2005.
5. Right No. 29-13499 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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WATER RIGHT NO. 29-121
As Modified by Transfer No. 80151

CONDITIONS OF APPROVAL

6. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 29-122**As Modified by Transfer No. 80151**

In accordance with the approval of Transfer No. 80151, Water Right No. 29-122 is now described as follows:

Right Holder: C V CATTLE INC
960 KELLY TOPONCE RD
BANCROFT, ID 83217

Priority Date: 6/17/1902

Source: TOPONCE CREEK

Tributary: PORTNEUF RIVER

BENEFICIAL USE
IRRIGATION

From 4/15 **to** 9/15

Diversion Rate
0.720 cfs
0.720 cfs

LOCATION OF POINT(S) OF DIVERSION

TOPONCE CREEK SWSESE Sec 33 Twp 06S Rge 38E CARIBOU 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	38E	25							29.0		36.0	37.0	33.0	40.0	6.5	39.0	35.0	4.0	259.5
06S	38E	26				29.0									37.0			12.0	78.0

Right Acre Limit: 36.0

POU Total Acres: 337.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 36 acres within the authorized place of use in a single irrigation season.
2. Rights 29-121, 29-122, 29-13499 and 29-10320 when combined shall not exceed the irrigation of 337.5 acres.
3. Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs, and the irrigation of 649 acres.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 11/17/2005.
5. Right No. 29-13499 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Transfer No. 80151

WATER RIGHT NO. 29-122
As Modified by Transfer No. 80151

CONDITIONS OF APPROVAL

6. This priority date is more accurately described as 6/17/1902 12:00 p.m.
7. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 29-13499

As Modified by Transfer No. 80151

In accordance with the approval of Transfer No. 80151, Water Right No. 29-13499 is now described as follows:

Right Holder: C V CATTLE INC
960 KELLY TOPONCE RD
BANCROFT, ID 83217

Priority Date: 4/1/1975

Source: TOPONCE CREEK **Tributary:** PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	2.370 cfs
			2.370 cfs

LOCATION OF POINT(S) OF DIVERSION

TOPONCE CREEK SWESE Sec 33 Twp 06S Rge 38E CARIBOU 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	
06S	38E	25							29.0		36.0	37.0	33.0	40.0	6.5	39.0	35.0	4.0	259.5
06S	38E	26				29.0									L 19			L 20	
															37.0			12.0	78.0

Right Acre Limit: 210.0

POU Total Acres: 337.5

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 210 acres within the place of use described for this right.
2. Rights 29-121, 29-122, 29-13499 and 29-10320 when combined shall not exceed the irrigation of 337.5 acres.
3. Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs, and the irrigation of 649 acres.
4. This right is based upon an enlargement of Right No. 29-121, 29-122, 29-123, 29-125 and 29-10320 pursuant to Section 42-1426, Idaho Code.
5. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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WATER RIGHT NO. 29-13499
As Modified by Transfer No. 80151

CONDITIONS OF APPROVAL

6. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 29-10320
As Modified by Transfer No. 80151

In accordance with the approval of Transfer No. 80151, Water Right No. 29-10320 is now described as follows:

Right Holder: C V CATTLE INC
 960 KELLY TOPONCE RD
 BANCROFT, ID 83217

Priority Date: 7/6/1868

Source: TOPONCE CREEK **Tributary:** PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.170 cfs
			1.170 cfs

LOCATION OF POINT(S) OF DIVERSION

TOPONCE CREEK SWSESE Sec 33 Twp 06S Rge 38E CARIBOU 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	
06S	38E	25							29.0		36.0	37.0	33.0	40.0	6.5	39.0	35.0	4.0	259.5
06S	38E	26				29.0									L 19			L 20	78.0

Right Acre Limit: 59.3
 POU Total Acres: 337.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 59.25 acres within the authorized place of use in a single irrigation season.
2. Rights 29-121, 29-122, 29-13499 and 29-10320 when combined shall not exceed the irrigation of 337.5 acres.
3. Rights 29-121, 29-122, 29-123, 29-125, 29-13499, and 29-10320 when combined shall not exceed a total diversion rate of 4.55 cfs, and the irrigation of 649 acres.
4. Right No. 29-13499 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 80151