STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80278

This is to certify that: JOHN B TRACY AND
KATHERINE A TRACY
20 TRACY LN
SALMON, ID 83467

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
74-438A	WR/DECREED	6/1/1886	1.320 cfs	N/A	N/A	43.9	LEMHI RIVER
74-7077	WR/DECREED	8/9/1979	0.780 cfs	137.0 af	N/A	39.0	LEMHI RIVER
74-7079	WR/LICENSE	11/15/1979	1.000 cfs	175.0 af	N/A	50.0	LEMHI RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
74-438A	NO	NO	YES	NO	NO	NO
74-7077	NO	NO	YES	NO	NO	NO
74-7079	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
74-438A	74-438A	1.320 cfs	N/A	43.9	132.9	N/A	N/A	N/A	N/A	N/A
74-7077	74-7077	0.780 cfs	137.0 af	39.0	132.9	N/A	N/A	N/A	N/A	N/A
74-7079	74-7079	1.000 cfs	175.0 af	50.0	132.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**3.100 cfs**	**N/A**	**132.9**	**132.9**		**N/A**	**N/A**	**N/A**	**N/A**

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 31st day of August, 2015.

for Chief, Water Allocation Bureau

Transfer No. 80278

WATER RIGHT NO. 74-438A

As Modified by Transfer No. 80278

In accordance with the approval of Transfer No. 80278, Water Right No. 74-438A is now described as follows:

Right Holder: JOHN B TRACY AND
KATHERINE A TRACY
20 TRACY LN
SALMON, ID 83467

Priority Date: 6/1/1886

Source: LEMHI RIVER **Tributary:** SALMON RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	1.320 cfs
				1.320 cfs

LOCATION OF POINT(S) OF DIVERSION

LEMHI RIVER NWNW Sec 20 Twp 19N Rge 24E LEMHI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
19N	24E	6					19			21	22			27					89
							L 3												
19N	24E	7					3.5												3.5
20N	24E	31												37.0			3.4		40.4

Right Acre Limit: 43.9
POU Total Acres: 132.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 43.9 acres within the authorized place of use in a single irrigation season.
2. 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. 74, Lemhi River.
3. 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).
4. 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.

WATER RIGHT NO. 74-438A

As Modified by Transfer No. 80278

CONDITIONS OF APPROVAL

5. This right does not grant any right-of-way or easement across the land of another.
6. Point of diversion is located known as L-30 Diversion.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 74-7077

As Modified by Transfer No. 80278

In accordance with the approval of Transfer No. 80278, Water Right No. 74-7077 is now described as follows:

Right Holder: JOHN B TRACY AND
KATHERINE A TRACY
20 TRACY LN
SALMON, ID 83467

Priority Date: 8/9/1979

Source: LEMHI RIVER **Tributary:** SALMON RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.780 cfs	137.0 af
				0.780 cfs	137.0 af

LOCATION OF POINT(S) OF DIVERSION

LEMHI RIVER NWNW Sec 20 Twp 19N Rge 24E LEMHI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
19N	24E	6					19			21	22			27					89
							L 3												
19N	24E	7					3.5												3.5
20N	24E	31												37.0			3.4		40.4

Right Acre Limit: 39.0
POU Total Acres: 132.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season.
2. 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. 74- Lemhi River.
3. 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.
4. 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 lands above.

WATER RIGHT NO. 74-7077

As Modified by Transfer No. 80278

CONDITIONS OF APPROVAL

5. Point of diversion is also known as L-30 Diversion.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 74-7079

As Modified by Transfer No. 80278

In accordance with the approval of Transfer No. 80278, Water Right No. 74-7079 is now described as follows:

Right Holder: JOHN B TRACY AND
KATHERINE A TRACY
20 TRACY LN
SALMON, ID 83467

Priority Date: 11/15/1979

Source: LEMHI RIVER **Tributary:** SALMON RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	1.000 cfs	175.0 af
				1.000 cfs	175.0 af

LOCATION OF POINT(S) OF DIVERSION

LEMHI RIVER NWNW Sec 20 Twp 19N Rge 24E LEMHI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
19N	24E	6					19			21	22			27					89
							L 3												
19N	24E	7					3.5												3.5
20N	24E	31												37.0			3.4		40.4

Right Acre Limit: 50.0
POU Total Acres: 132.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50.0 acres within the authorized place of use in a single irrigation season.
2. 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. 74.
3. 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.
4. 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 lands above.

WATER RIGHT NO. 74-7079

As Modified by Transfer No. 80278

CONDITIONS OF APPROVAL

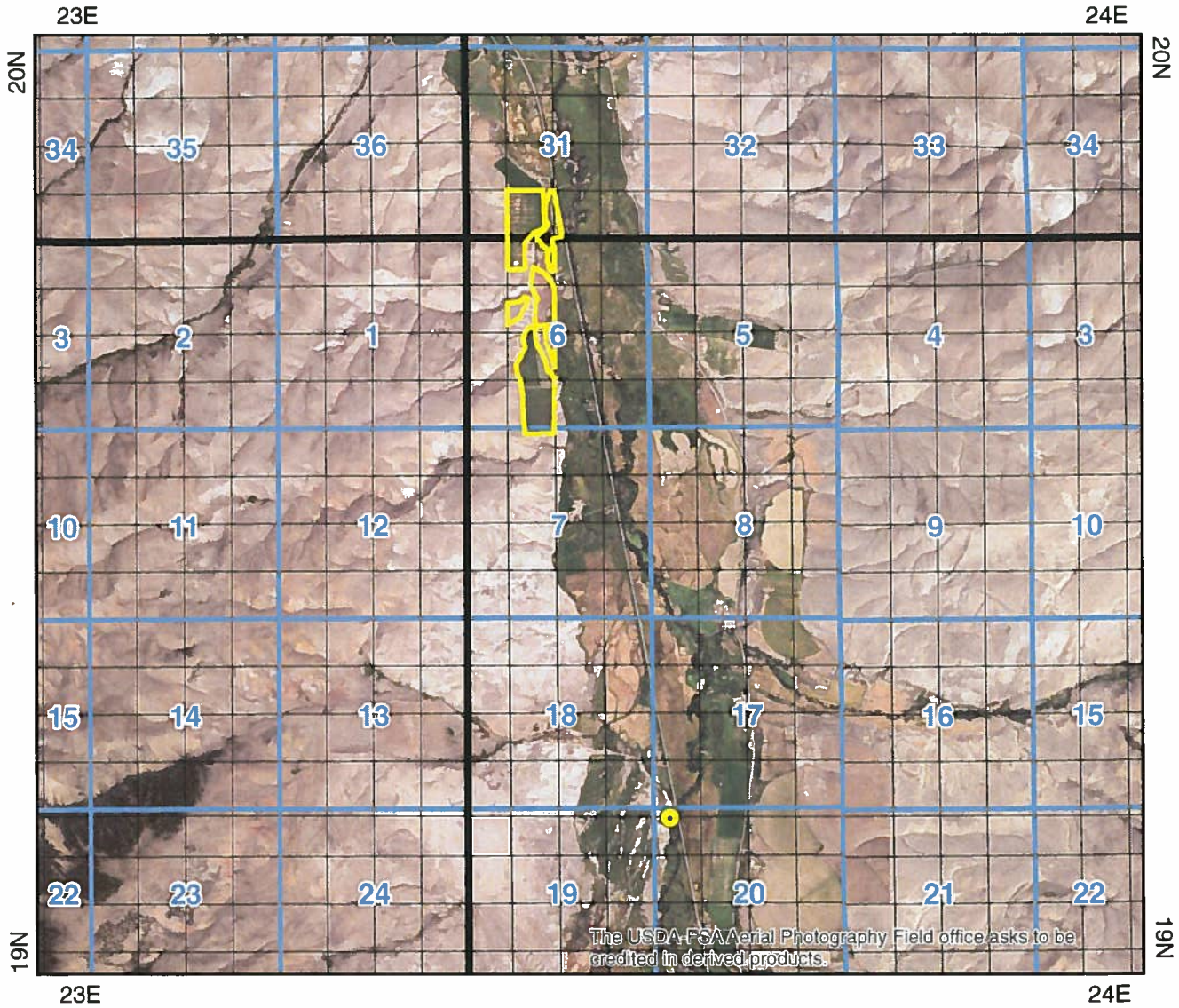
5. This right does not grant any right-of-way or easement across the land of another.
6. This right was originally appurtenant to land designated as DLE I-17267.
7. Point of diversion is known as L-30 Diversion.
8. The right holder shall accomplish the change authorized by this transfer within one year 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 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.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 80278

Water Rights 74-438A, 74-7077 & 74-7079

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



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.5 1 2 Miles

N

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 3, 2015

KATHERINE A TRACY
JOHN B TRACY
20 TRACY LN
SALMON ID 83467

Re: Transfer No: 80278
Water Right No(s).: 74-438A , 74-7077, 74-7079

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)287-4951.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

c: WATER DISTRICT #74

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80278
Water Right No(s).: 74-438A , 74-7077, 74-7079

KATHERINE A TRACY
20 TRACY LN
SALMON ID 83467

JOHN B TRACY
20 TRACY LN
SALMON ID 83467

WATER DISTRICT #74
RICK SAGER
985 HWY 28
SALMON ID 83467

Darla Block

Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.