

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79903**

This is to certify that: FISH HAVEN WATER USERS CO
C/O DAVID COTTLE
2629 HWY 89
FISH HAVEN, ID 83287

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>
11-4022	WR/STATUTORY CLAIM	5/18/1871	29.600 cfs	N/A	N/A	1212.0	FISH HAVEN CREEK, SPRING

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>
11-4022	NO	NO	NO	NO	NO	YES

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>
11-4022	11-4022	29.600 cfs	N/A	N/A	1212.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.270 cfs	N/A	N/A	N/A		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 9th day of April, 2015.

for 
Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 11-4022

Transfer No. 79903

WATER RIGHT NO. 11-4022**As Modified by Transfer No. 79903**

In accordance with the approval of Transfer No. 79903, Water Right No. 11-4022 is now described as follows:

Right Holder: FISH HAVEN WATER USERS CO
C/O DAVID COTTLE
2629 HWY 89
FISH HAVEN, ID 83287

Priority Date: 5/18/1871

Source: FISH HAVEN CREEK
Source: SPRING

Tributary: BEAR LAKE
Tributary: FISH HAVEN CREEK

BENEFICIAL USE

IRRIGATION
MITIGATION

From 04/15 to 10/31
To 04/15 to 10/31

Diversion Rate

29.600 cfs
4.510 cfs
29.600 cfs

LOCATION OF POINT(S) OF DIVERSION

FISH HAVEN CREEK	NWSW	Sec 14 Twp 16S Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NWNESE	Sec 15 Twp 16S Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NENWSE	Sec 15 Twp 16S Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	SWNWNE	Sec 16 Twp 16S Rge 43E	BEAR LAKE County
SPRING	SWNWNE	Sec 16 Twp 16S Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NWSENE	Sec 16 Twp 16S Rge 43E	BEAR LAKE 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	
15S	43E	35				15.0	5.0					3.0			8.0	23.0	33.0	20.0	20.0	127.0
																			L 1	
16S	43E	2				25.0	13.0									27.0			28.0	93.0
						L 4	L 3									L 2			L 1	
16S	43E	10														37.0	40.0	18.0		95.0
16S	43E	11			16.0	9.0		10.0			9.0	6.0	40.0		35.0		5.0	4.0		134.0
					L 1	L 2					L 2	L 3			L 4		L 3	L 4		
16S	43E	14			10.0	15.0		40.0	30.0	36.0	31.0	40.0	40.0	35.0						277.0
					L 1	L 2		L 1			L 2	L 3		L 4						
16S	43E	22		40.0	40.0	40.0	30.0	40.0	13.0	17.0	22.0	10.0	20.0	24.0	15.0	18.0	26.0	38.0	5.0	398.0
							L 1									L 2			L 3	
16S	43E	23							20.0											20.0
									L 1											
16S	43E	27		13.0	15.0	7.0	10.0		17.0	6.0										68.0
				L 1			L 2													

POU Total Acres: 1212.0

Transfer No. 79903

WATER RIGHT NO. 11-4022

As Modified by Transfer No. 79903

CONDITIONS OF APPROVAL

1. Transfers 72318 and 79903 authorize a portion of water right 11-4022 for mitigation use in the maximum amount of 4.51 cfs and 184.7 irrigated acres. Irrigation use under this right will be reduced proportionately to the irrigation use associated with the Domestic and Commercial uses of Permits 11-7481, 11-7491 and 11-7796 during the development period of the Permits. The official record for this water right will be changed upon determination of the extent of beneficial use developed and subsequently licensed under Permits 11-7481, 11-7491, and 11-7796 to show the specific rate and acres permanently removed from irrigation use that will be dedicated solely to mitigation use.
2. Water associated with the mitigation use will continue to be diverted into the Fish Haven Water Users Company's delivery system, however the portion identified for mitigation purposes shall be conveyed to Bear Lake, and irrigation use under this right by Sams Hollow Water Company shall be proportionately reduced.
3. Mitigation use under this right is subject to the continued adherence to the provisions of the water management and operation plan required under Permits 11-7481, 11-7491 and 11-7796.
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. 11.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within five years 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. Approval of this transfer does not confirm the validity of this water right.