

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79881**

This is to certify that: **NELSON MACKAY RANCH LLC**
PO BOX 360
MACKAY, ID 83251

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>
34-10532	WR/DECREED	10/12/1884	6.600 cfs	N/A	N/A	322.0	BIG LOST RIVER
34-2325	WR/DECREED	3/9/1955	6.500 cfs	1687.0 af	N/A	482.0	GROUND WATER

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>
34-10532	NO	YES	YES	NO	NO	NO
34-2325	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>
34-10532	34-10532	6.600 cfs	N/A	N/A	322.0	N/A	N/A	N/A	N/A	N/A
34-2325	34-2325	6.500 cfs	1687.0 af	N/A	482.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.220 cfs	N/A	N/A	482.0		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 26th day of March, 2015.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 79881

IN FILE # 34-2325

WATER RIGHT NO. 34-2325
As Modified by Transfer No. 79881

In accordance with the approval of Transfer No. 79881, Water Right No. 34-2325 is now described as follows:

Right Holder: NELSON MACKAY RANCH LLC
 PO BOX 360
 MACKAY, ID 83251

Priority Date: 3/9/1955

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From
 4/01

To
 to 10/31

Diversion Rate
 6.500 cfs
 6.500 cfs

Diversion Volume
 1687.0 af
 1687.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNWSW Sec 25 Twp 07N Rge 24E CUSTER 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	
07N	24E	25				2.5			2.8	4.7	40.0	36.0	40.0	39.0	21.0	29.0	40.0	6.0	261.0
						L 10			L 7	L 7									
07N	24E	36	36.5	36.5	36.5	36.5													146.0
07N	25E	30							3.0			48.0	24.0						75.0
									L 8			L 3	L 4						

POU Total Acres: 482.0

CONDITIONS OF APPROVAL

1. Rights 34-2325 and 34-10532 when combined shall not exceed a total diversion rate of 11.22 cfs and the irrigation of 482 acres.
2. 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.
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. Prior to the diversion and use of water under Transfer approval 79881, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 79881

WATER RIGHT NO. 34-2325
As Modified by Transfer No. 79881

CONDITIONS OF APPROVAL

5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 34-10532**As Modified by Transfer No. 79881**

In accordance with the approval of Transfer No. 79881, Water Right No. 34-10532 is now described as follows:

Right Holder: NELSON MACKAY RANCH LLC
PO BOX 360
MACKAY, ID 83251

Priority Date: 10/12/1884

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

5/01
1/01

to 10/15
to 12/31

To**Diversion Rate**

6.600 cfs

1.000 cfs

6.600 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER

SESW

Sec 20 Twp 07N Rge 24E CUSTER 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	
07N	24E	25				2.5			2.8	4.7	40.0	36.0	40.0	39.0	21.0	29.0	39.0	5.0	259.0
						L 10			L 7	L 7									
07N	25E	30							3.0			48.0	12.0						63.0
									L 8			L 3	L 4						

POU Total Acres: 322.0

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	
07N	24E	25				X			X	X	X	X	X	X	X	X	X	X	
						L 10			L 7	L 7									
07N	25E	30							X			X	X						
									L 8			L 3	L 4						

CONDITIONS OF APPROVAL

1. Rights 34-2325 and 34-10532 when combined shall not exceed a total diversion rate of 11.22 cfs and the irrigation of 482 acres.
2. 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.

Transfer No. 79881

WATER RIGHT NO. 34-10532

As Modified by Transfer No. 79881

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. 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).
5. The appropriator is entitled to the quantity of water described above at the point of measurement in T7N, R24E, S28, NESWSE.
6. Water is delivered through Swauger Ditch.
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. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
9. Stockwater use is for 1500 cattle.
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.