

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79138

This is to certify that: MARSH CENTER IRRIGATING CO
C/O NORMAN LISH
17340 S COFFIN RD
ARIMO, ID 83214

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>
29-10663	WR/DECREED	4/1/1891	0.330 cfs	N/A	16.5	4747.0	HAWKINS CREEK
29-10664	WR/DECREED	6/10/1891	N/A	238.9 af	N/A	4747.0	HAWKINS CREEK
29-10665	WR/DECREED	4/1/1944	N/A	641.1 af	N/A	4747.0	HAWKINS CREEK
29-12058	WR/DECREED	12/19/1891	2.000 cfs	N/A	100.0	4747.0	HAWKINS CREEK
29-13493	WR/DECREED	5/1/1870	10.000 cfs	N/A	500.0	4747.0	HAWKINS CREEK
29-13494	WR/DECREED	5/1/1870	30.000 cfs	N/A	N/A	4747.0	HAWKINS 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>
29-10663	NO	NO	YES	NO	NO	NO
29-10664	NO	NO	YES	NO	NO	NO
29-10665	NO	NO	YES	NO	NO	NO
29-12058	NO	NO	YES	NO	NO	NO
29-13493	NO	NO	YES	NO	NO	NO
29-13494	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>
29-10663	29-10663	0.330 cfs	N/A	16.5	3220.2	N/A	N/A	N/A	N/A	N/A
29-10664	29-10664	0.000 cfs	238.9 af	N/A	3220.2	N/A	N/A	N/A	N/A	N/A
29-10665	29-10665	0.000 cfs	641.1 af	N/A	3220.2	N/A	N/A	N/A	N/A	N/A
29-12058	29-12058	2.000 cfs	N/A	100.0	3220.2	N/A	N/A	N/A	N/A	N/A
29-13493	29-13493	10.000 cfs	N/A	500.0	3220.2	N/A	N/A	N/A	N/A	N/A
29-13494	29-13494	30.000 cfs	N/A	N/A	3220.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		42.330 cfs	N/A	N/A	3220.2		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 79138

IN FILE # 29-10663

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79138

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 February, 2014.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 29-13494**As Modified by Transfer No. 79138**

In accordance with the approval of Transfer No. 79138, Water Right No. 29-13494 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O NORMAN LISH
17340 S COFFIN RD
ARIMO, ID 83214

Priority Date: 5/1/1870

Source: HAWKINS CREEK

Tributary: MARSH CREEK

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	30.000 cfs	
IRRIGATION FROM STORAGE	04/01	to 10/31		238.9 af
IRRIGATION STORAGE	01/01	to 12/31		238.9 af
			30.000 cfs	

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NWNESE	Sec 35 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	NWNWSW	Sec 31 Twp 10S Rge 36E	BANNOCK County

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	
10S	35E	35			X	X	X	X		X						X			

CONDITIONS OF APPROVAL

1. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 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 lands above.
3. Place of use for irrigation and irrigation from storage is within the area served by Marsh Center Irrigating Company.
4. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

WATER RIGHT NO. 29-13494

As Modified by Transfer No. 79138

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
7. Storage capacity 880 AF.
8. Place of use for irrigation storage is Hawkins Reservoir.
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. Storage water is released into Hawkins Creek below Hawkins Reservoir and rediverted from Hawkins Creek at the headgate of Marsh Center Irrigating Company.
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.
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. 29-10663

As Modified by Transfer No. 79138

In accordance with the approval of Transfer No. 79138, Water Right No. 29-10663 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O NORMAN LISH
17340 S COFFIN RD
ARIMO, ID 83214

Priority Date: 4/1/1891

Source: HAWKINS CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
0.330 cfs
0.330 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK NWNWSW Sec 31 Twp 10S Rge 36E BANNOCK County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.5 acres within the authorized place of use in a single irrigation season.
2. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
3. 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.
4. Place of use is within the area served by Marsh Center Irrigating Company.
5. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
8. This right does not grant any right-of-way or easement across the land of another.

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WATER RIGHT NO. 29-10663

As Modified by Transfer No. 79138

CONDITIONS OF APPROVAL

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 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. 29-10664**As Modified by Transfer No. 79138**

In accordance with the approval of Transfer No. 79138, Water Right No. 29-10664 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O NORMAN LISH
17340 S COFFIN RD
ARIMO, ID 83214

Priority Date: 6/10/1891

Source: HAWKINS CREEK

Tributary: MARSH CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION FROM STORAGE	04/01	to 10/31		238.9 af
IRRIGATION STORAGE	01/01	to 12/31		238.9 af
				238.9 af

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NWNESE	Sec 35 Twp 10S Rge 35E	BANNOCK County	
HAWKINS CREEK	NWNWSW	Sec 31 Twp 10S Rge 36E	BANNOCK County	(R)

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	35E	35			X	X	X	X		X						X			

CONDITIONS OF APPROVAL

1. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 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. Place of use for irrigation from storage is within the area served by Marsh Center Irrigating Company.
4. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

WATER RIGHT NO. 29-10664

As Modified by Transfer No. 79138

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
7. Storage capacity 880 AF.
8. Place of use for irrigation storage is Hawkins Reservoir.
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. Storage water is released into Hawkins Creek below Hawkins Reservoir and rediverted from Hawkins Creek at the headgate of Marsh Center Irrigating Company.
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.
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. 29-10665**As Modified by Transfer No. 79138**

In accordance with the approval of Transfer No. 79138, Water Right No. 29-10665 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O NORMAN LISH
17340 S COFFIN RD
ARIMO, ID 83214

Priority Date: 4/1/1944

Source: HAWKINS CREEK

Tributary: MARSH CREEK

BENEFICIAL USE

IRRIGATION FROM STORAGE
IRRIGATION STORAGE

From

04/01
01/01

to

To

10/31
12/31

Diversion Rate**Diversion Volume**

641.1 af
641.1 af
641.1 af

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK
HAWKINS CREEK

NWNESE
NWNWSW

Sec 35 Twp 10S Rge 35E BANNOCK County
Sec 31 Twp 10S Rge 36E BANNOCK County (R)

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	
10S	35E	35			X	X	X	X		X						X			

CONDITIONS OF APPROVAL

1. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 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. Place of use for irrigation from storage is within the area served by Marsh Center Irrigating Company.
4. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

WATER RIGHT NO. 29-10665
As Modified by Transfer No. 79138

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
7. Storage capacity 880 AF.
8. Place of use for irrigation storage is Hawkins Reservoir.
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. Storage water is released into Hawkins Creek below Hawkins Reservoir and rediverted from Hawkins Creek at the headgate of Marsh Center Irrigating Company.
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.
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. 29-12058

As Modified by Transfer No. 79138

In accordance with the approval of Transfer No. 79138, Water Right No. 29-12058 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O NORMAN LISH
17340 S COFFIN RD
ARIMO, ID 83214

Priority Date: 12/19/1891

Source: HAWKINS CREEK

Tributary: MARSH CREEK

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

04/01
01/01

To

to 10/31
to 12/31

Diversion Rate

2.000 cfs
0.020 cfs
2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK NWNWSW Sec 31 Twp 10S Rge 36E BANNOCK County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 100 acres within the authorized place of use in a single irrigation season.
2. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
3. 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.
4. Place of use for irrigation and stockwater is within the area served by Marsh Center Irrigating Company.
5. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
6. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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WATER RIGHT NO. 29-12058

As Modified by Transfer No. 79138

CONDITIONS OF APPROVAL

8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9. The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
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. 29-13493

As Modified by Transfer No. 79138

In accordance with the approval of Transfer No. 79138, Water Right No. 29-13493 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O NORMAN LISH
17340 S COFFIN RD
ARIMO, ID 83214

Priority Date: 5/1/1870

Source: HAWKINS CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 to **To** 10/31

Diversion Rate
10,000 cfs
10,000 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK NWNWSW Sec 31 Twp 10S Rge 36E BANNOCK County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 500 acres within the authorized place of use in a single irrigation season.
2. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
3. 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.
4. Place of use is within the area served by Marsh Center Irrigating Company.
5. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
8. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 79138

WATER RIGHT NO. 29-13493

As Modified by Transfer No. 79138

CONDITIONS OF APPROVAL

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 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.

