

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

EXCHANGE OF WATER RIGHT
EXCHANGE NO. 78939

This is to certify that: REX MAUGHAN
7501 E MCCORMICK PKWY
SCOTTSDALE, AZ 85258

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>
23-9B	WR/DECREED	10/21/1899	0.760 cfs	N/A	N/A	34.0	KELLY CREEK

Purpose of Exchange (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>
23-9B	NO	YES	NO	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>
23-9B	23-9B	0.760 cfs	N/A	N/A	34.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.760 cfs	N/A	34.0	34.0		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 6th day of February, 2014.


 for Chief, Water Allocation Bureau

SUPPORT DATA

Exchange No. 78939

23-9B

WATER RIGHT NO. 23-9B **As Modified by Exchange No. 78939**

In accordance with the approval of Exchange No. 78939, Water Right No. 23-9B is now described as follows:

Right Holder: REX MAUGHAN
 PO BOX 29041
 PHOENIX, AZ 85038

Priority Date: 10/21/1899

Source: SNAKE RIVER
Source: KELLY CREEK

Tributary: COLUMBIA RIVER
Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION
 STOCKWATER

<u>From</u>		<u>To</u>	<u>Diversion Rate</u>
04/01	to	10/31	0.760 cfs
04/01	to	10/31	0.020 cfs
			0.760 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	SWSW	Sec 5 Twp 03N Rge 41E	BONNEVILLE County
KELLY CREEK	L2 (SESW)	Sec 32 Twp 04N Rge 41E	JEFFERSON 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	
03N	41E	5			3.7		4.8			25.5									34.0
							L 5			L 6									

POU Total Acres: 34.0

CONDITIONS OF APPROVAL

1. 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. 01.
2. 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).
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. Exchange 78939 authorizes diversion of the this right from the Snake River at the point of diversion described above, which is upstream of the confluence of the original source, Kelly Creek, and the Snake River.

Exchange No. 78939

WATER RIGHT NO. 23-9B
As Modified by Exchange No. 78939

CONDITIONS OF APPROVAL

6. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Kelly Creek in the T04N, R41E, S32, L2, NESWSW.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this exchange within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this exchange 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.

