

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78495**

This is to certify that: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI, ID 83465

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>
74-11	WR/DECREED	3/27/1911	1.600 cfs	N/A	77.3	521.7	HAWLEY CREEK
74-12	WR/DECREED	10/16/1908	2.000 cfs	N/A	77.3	521.7	HAWLEY CREEK
74-16	WR/DECREED	4/13/1911	6.400 cfs	N/A	324.0	521.7	HAWLEY CREEK
74-29	WR/DECREED	4/1/1881	0.700 cfs	N/A	120.4	521.7	HAWLEY CREEK
74-30	WR/DECREED	8/1/1883	5.000 cfs	N/A	120.4	521.7	HAWLEY 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>
74-11	NO	NO	YES	NO	NO	NO
74-12	NO	NO	YES	NO	NO	NO
74-16	NO	NO	YES	NO	NO	NO
74-29	NO	NO	YES	NO	NO	NO
74-30	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>
74-11	74-11	1.600 cfs	N/A	77.3	521.7	N/A	N/A	N/A	N/A	N/A
74-12	74-12	2.000 cfs	N/A	77.3	521.7	N/A	N/A	N/A	N/A	N/A
74-16	74-16	6.400 cfs	N/A	324.0	521.7	N/A	N/A	N/A	N/A	N/A
74-29	74-29	0.700 cfs	N/A	120.4	521.7	N/A	N/A	N/A	N/A	N/A
74-30	74-30	5.000 cfs	N/A	120.4	521.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		15.700 cfs	N/A	521.7	521.7		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 74-11

Transfer No. 78495

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78495

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 7th day of May, 2013.



Water Resources Program Manager



WATER RIGHT NO. 74-11

As Modified by Transfer No. 78495

In accordance with the approval of Transfer No. 78495, Water Right No. 74-11 is now described as follows:

Right Holder: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI, ID 83465

Priority Date: 3/27/1911

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

BENEFICIAL USE
IRRIGATION

From
3/15

To
to 11/15

Diversion Rate
1.600 cfs
1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWLEY CREEK NWSWNE Sec 2 Twp 15N Rge 27E LEMHI 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	
15N	27E	10															11.0	27.8	38.8
15N	27E	11							27.6	8.4	0.8	31.8	9.7						78.3
15N	27E	14						27.7	23.0	11.8	37.7	38.7	13.0	12.3					164.2
15N	27E	15	40.0	30.8	15.8	33.2									35.4	35.7	25.0	24.5	240.4

Right Acre Limit: 77.3

POU Total Acres: 521.7

CONDITIONS OF APPROVAL

1. Rights 74-11 and 74-12 when combined shall not exceed irrigation of 77.3 acres.
2. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
3. 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.
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. 74-W.
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.

Transfer No. 78495

WATER RIGHT NO. 74-11
As Modified by Transfer No. 78495

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The following rights are diverted through point of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
8. This right does not grant any right-of-way or easement across the land of another.
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. 74-12 **As Modified by Transfer No. 78495**

In accordance with the approval of Transfer No. 78495, Water Right No. 74-12 is now described as follows:

Right Holder: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI, ID 83465

Priority Date: 10/16/1908

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

BENEFICIAL USE
IRRIGATION

From
3/15

To
to 11/15

Diversion Rate
2.000 cfs
2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWLEY CREEK NWSWNE Sec 2 Twp 15N Rge 27E LEMHI 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	
15N	27E	10															11.0	27.8	38.8
15N	27E	11							27.6	8.4	0.8	31.8	9.7						78.3
15N	27E	14						27.7	23.0	11.8	37.7	38.7	13.0	12.3					164.2
15N	27E	15	40.0	30.8	15.8	33.2									35.4	35.7	25.0	24.5	240.4

Right Acre Limit: 77.3

POU Total Acres: 521.7

CONDITIONS OF APPROVAL

1. Rights 74-11 and 74-12 when combined shall not exceed irrigation of 77.3 acres.
2. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
3. 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.
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. 74-W.
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.

Transfer No. 78495

WATER RIGHT NO. 74-12
As Modified by Transfer No. 78495

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The following rights are diverted through point of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
8. This right does not grant any right-of-way or easement across the land of another.
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. 74-16 **As Modified by Transfer No. 78495**

In accordance with the approval of Transfer No. 78495, Water Right No. 74-16 is now described as follows:

Right Holder: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI, ID 83465

Priority Date: 4/13/1911

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

BENEFICIAL USE
IRRIGATION

From 3/15 **To** 11/15

Diversion Rate
6.400 cfs
6.400 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWLEY CREEK NWSWNE Sec 2 Twp 15N Rge 27E LEMHI 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	
15N	27E	10																	
15N	27E	11							27.6	8.4	0.8	31.8	9.7						78.3
15N	27E	14							27.7	23.0	11.8	37.7	38.7	13.0	12.3				164.2
15N	27E	15	40.0	30.8	15.8	33.2									35.4	35.7	25.0	24.5	240.4

Right Acre Limit: 324.0

POU Total Acres: 521.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 324 acres within the authorized place of use in a single irrigation season.
2. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
3. 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.
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. 74-W.

WATER RIGHT NO. 74-16
As Modified by Transfer No. 78495

CONDITIONS OF APPROVAL

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.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The following rights are diverted through point of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
8. This right does not grant any right-of-way or easement across the land of another.
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. 74-29 **As Modified by Transfer No. 78495**

In accordance with the approval of Transfer No. 78495, Water Right No. 74-29 is now described as follows:

Right Holder: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI, ID 83465

Priority Date: 4/1/1881

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

BENEFICIAL USE
IRRIGATION

From
3/15

To
to 11/15

Diversion Rate
0.700 cfs
0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWLEY CREEK NWSWNE Sec 2 Twp 15N Rge 27E LEMHI 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	
15N	27E	10															11.0	27.8	38.8
15N	27E	11							27.6	8.4	0.8	31.8	9.7						78.3
15N	27E	14						27.7	23.0	11.8	37.7	38.7	13.0	12.3					164.2
15N	27E	15	40.0	30.8	15.8	33.2									35.4	35.7	25.0	24.5	240.4

Right Acre Limit: 120.4

POU Total Acres: 521.7

CONDITIONS OF APPROVAL

1. Rights 74-29 and 74-30 when combined shall not exceed irrigation of 120.4 acres.
2. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
3. 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.
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. 74-W.
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.

Transfer No. 78495

WATER RIGHT NO. 74-29
As Modified by Transfer No. 78495

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The following rights are diverted through point of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
8. This right does not grant any right-of-way or easement across the land of another.
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. 74-30 **As Modified by Transfer No. 78495**

In accordance with the approval of Transfer No. 78495, Water Right No. 74-30 is now described as follows:

Right Holder: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI, ID 83465

Priority Date: 8/1/1883

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

BENEFICIAL USE
IRRIGATION

From
03/15

To
to 11/15

Diversion Rate
5.000 cfs
5.000 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWLEY CREEK NWSWNE Sec 2 Twp 15N Rge 27E LEMHI 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	
15N	27E	10																	38.8
15N	27E	11							27.6	6.4	0.8	31.8	9.7				11.0	27.8	78.3
15N	27E	14							27.7	23.0	11.8	37.7	38.7	13.0	12.3				164.2
15N	27E	15	40.0	30.8	15.8	33.2									35.4	35.7	25.0	24.5	240.4

Right Acre Limit: 120.4

POU Total Acres: 521.7

CONDITIONS OF APPROVAL

1. Rights 74-29 and 74-30 when combined shall not exceed irrigation of 120.4 acres.
2. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
3. 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.
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. 74-W.
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.

Transfer No. 78495

WATER RIGHT NO. 74-30
As Modified by Transfer No. 78495

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. The following rights are diverted through point of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
8. This right does not grant any right-of-way or easement across the land of another.
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.