

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78453**

This is to certify that: WILLIAM S GRAHAM REVOCABLE TRUST
241 MELROSE AVE
KENILWORTH, IL 60043

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>
22-11960	WR/DECREED	5/11/1900	1.400 cfs	N/A	N/A	61.9	UNNAMED STREAM

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>
22-11960	NO	NO	YES	NO	YES	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>
22-11960	22-11960	1.400 cfs	0.0 af	N/A	57.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.400 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 4th day of April, 2013.


Water Resources Program Manager

SUPPORT DATA

IN FILE # 22-11960

Transfer No. 78453

WATER RIGHT NO. 22-11960**As Modified by Transfer No. 78453**

In accordance with the approval of Transfer No. 78453, Water Right No. 22-11960 is now described as follows:

Right Holder: WILLIAM S GRAHAM REVOCABLE TRUST
241 MELROSE AVE
KENILWORTH, IL 60043

Priority Date: 5/11/1900

Source: UNNAMED STREAM

Tributary: TETON CREEK

BENEFICIAL USE

DIVERSION TO STORAGE
IRRIGATION
WILDLIFE STORAGE

From

04/15
04/15
01/01

To

to 10/31
to 10/31
to 12/31

Diversion Rate

0.25 cfs
1.15 cfs
1.400 cfs

Diversion Volume

26.6 af

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM L4 (SENWNW) Sec 4 Twp 04N Rge 45E TETON County
UNNAMED STREAM L3 (SWNENW) Sec 4 Twp 04N Rge 45E TETON 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	
04N	45E	4						21.0											21.0
								L 4											
04N	45E	5	25.8			10.8													36.6
			L 1																

POU Total Acres: 57.6

PLACE OF USE: WILDLIFE 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	
04N	45E	4						X											0.0
								L 4											
04N	45E	5	X	X		X													0.0
			L 1																

CONDITIONS OF APPROVAL

- Right 22-11960 authorizes the diversion of an annual total of 26.6 acre-feet to be used for the initial filling of the ponds, the replacement of losses caused by evaporation and for the replacement of losses caused by transpiration from riparian vegetation.

Transfer No. 78453

WATER RIGHT NO. 22-11960
As Modified by Transfer No. 78453

CONDITIONS OF APPROVAL

2. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 12.2 acre-feet or a total surface area of 8.15 acres.
3. Diversion to storage for wildlife purposes under this right is limited to times when the pond is initially filling, or refilling due to evaporation losses from the pond. Water shall not be diverted for wildlife purposes under this right at times when water would flow through the pond for discharge back to the creek.
4. The approved transfer 78453 redefines all of the elements of this water right, and the new uses of water authorized by this approval shall constitute the full extent of the right.
5. 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.
6. 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 diversions.
7. 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.
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. 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.