

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77928**

This is to certify that: DARLA ANN HINTZE Or
MELVIN MARX HINTZE
RT 1 BOX 14
MACKAY ID 83251
(208)588-2270

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-13761	WR/Decreed	11/28/1952	0.21 cfs	N/A	10.3	11.6	GROUND WATER
34-42A	WR/Decreed	04/22/1884	1.8 cfs	N/A	90.0	165.8	BIG LOST RIVER
34-452A	WR/Decreed	06/01/1885	1.4 cfs	N/A	70.0	165.8	BIG LOST RIVER
34-2300	WR/Decreed	11/28/1952	1.2 cfs	N/A	60.0	165.8	BIG LOST RIVER
34-7194	WR/Decreed	05/16/1977	3.124 cfs	552.7 af	N/A	157.9	GROUND WATER
34-14342	WR/Decreed	04/01/1987	0.02 cfs	N/A	N/A	11.6	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>
34-13761	NO	YES	YES	YES	YES	YES
34-42A	NO	NO	YES	YES	NO	NO
34-452A	NO	NO	YES	YES	NO	NO
34-2300	NO	NO	YES	YES	NO	NO
34-7194	NO	NO	YES	NO	NO	NO
34-14342	NO	YES	YES	NO	NO	NO

SUPPORT DATA
IN FILE # 34-42A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77928

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-13761	34-13761	0.21 cfs	N/A	9.3	168.6		N/A	N/A	N/A	N/A
34-42A	34-42A	1.8 cfs	N/A	90.0	168.6		N/A	N/A	N/A	N/A
34-452A	34-452A	1.4 cfs	N/A	70.0	168.6		N/A	N/A	N/A	N/A
34-2300	34-2300	1.2 cfs	N/A	60.0	168.6		N/A	N/A	N/A	N/A
34-7194	34-7194	3.124 cfs	552.7 af	157.9	168.6		N/A	N/A	N/A	N/A
34-14342	34-14342	0.02 cfs	N/A	1.3	168.6		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.83 cfs	N/A	N/A	168.6		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21st day of June, 2012



Water Resources Program Manager

WATER RIGHT NO. 34-42A
As Modified by Transfer No. 77928

In accordance with the approval of Transfer No. 77928, Water Right No. 34-42A is now described as follows.

Right Holder: DARLA ANN HINTZE Or
 MELVIN MARX HINTZE
 RT 1 BOX 14
 MACKAY ID 83251

Priority Date: April 22, 1884

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	1.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER	SESW	Sec. 20 Twp 07N	Rge 24E	CUSTER County
BIG LOST RIVER	NWNW	Sec. 34 Twp 07N	Rge 24E	CUSTER County

PLACE OF USE: IRRIGATION																			
Twp Rge Sec			NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	26															35.6	36.0	71.6
07N	24E	35		40.0	40.0					17.0									97.0

Total Acres: 168.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
2. Rights 34-42A, 34-452A, 34-2300, 34-7194, 34-13761 and 34-14342 when combined shall not exceed a total diversion rate of 4.85 cfs, and the irrigation of 168.6 acres.
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 diversions.
5. 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.
6. The appropriator is entitled to the quantity of water described above at the point of measurement in T07N, R24E, S28, NESWSE.

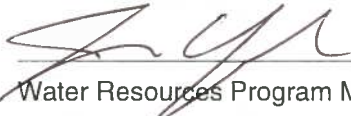
WATER RIGHT NO. 34-42A
As Modified by Transfer No. 77928

CONDITIONS OF APPROVAL

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. Water is delivered through Swauger and Burnett Ditch.
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.

This water right 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.

Dated this 21st day of June, 20 12



Water Resources Program Manager

WATER RIGHT NO. 34-452A
As Modified by Transfer No. 77928

In accordance with the approval of Transfer No. 77928, Water Right No. 34-452A is now described as follows.

Right Holder: DARLA ANN HINTZE Or
MELVIN MARX HINTZE
RT 1 BOX 14
MACKAY ID 83251

Priority Date: June 01, 1885

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	1.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER	SESW	Sec. 20 Twp 07N Rge 24E CUSTER County
BIG LOST RIVER	NWNW	Sec. 34 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	26															35.6	36.0	71.6
07N	24E	35			40.0	40.0					17.0								97.0

Total Acres: 168.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 70 acres within the authorized place of use in a single irrigation season.
2. Rights 34-42A, 34-452A, 34-2300, 34-7194, 34-13761 and 34-14342 when combined shall not exceed a total diversion rate of 4.85 cfs, and the irrigation of 168.6 acres.
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 diversions.
5. 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.
6. The appropriator is entitled to the quantity of water described above at the point of measurement in T07N, R24E, S28, NESWSE.
7. Water is delivered through Swauger and Burnett Ditch.

WATER RIGHT NO. 34-452A
As Modified by Transfer No. 77928

CONDITIONS OF APPROVAL

8. 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.
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.

This water right 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.

Dated this 21st day of June, 20 12



Water Resources Program Manager

WATER RIGHT NO. 34-2300
As Modified by Transfer No. 77928

In accordance with the approval of Transfer No. 77928, Water Right No. 34-2300 is now described as follows.

Right Holder: DARLA ANN HINTZE Or
 MELVIN MARX HINTZE
 RT 1 BOX 14
 MACKAY ID 83251

Priority Date: November 28, 1952

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER	SESW	Sec. 20 Twp 07N Rge 24E CUSTER County
BIG LOST RIVER	NWNW	Sec. 34 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	26															35.6	36.0	71.6
07N	24E	35			40.0	40.0					17.0								97.0

Total Acres: 168.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season.
2. Rights 34-42A, 34-452A, 34-2300, 34-7194, 34-13761 and 34-14342 when combined shall not exceed a total diversion rate of 4.85 cfs, and the irrigation of 168.6 acres.
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 diversions.
5. 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.
6. The appropriator is entitled to the quantity of water described above at the point of measurement in T07N, R24E, S28, NESWSE.
7. Water is delivered through Swauger and Burnett Ditch.

WATER RIGHT NO. 34-2300
As Modified by Transfer No. 77928

CONDITIONS OF APPROVAL

8. 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.
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.

This water right 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.

Dated this 21st day of June, 2012


Water Resources Program Manager

WATER RIGHT NO. 34-7194
As Modified by Transfer No. 77928

In accordance with the approval of Transfer No. 77928, Water Right No. 34-7194 is now described as follows.

Right Holder: DARLA ANN HINTZE Or
 MELVIN MARX HINTZE
 RT 1 BOX 14
 MACKAY ID 83251

Priority Date: May 16, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	3.12 CFS	552.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWSE Sec. 26 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	26															35.6	36.0	71.6
07N	24E	35		40.0	40.0						17.0								97.0

Total Acres: 168.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 157.9 acres within the authorized place of use in a single irrigation season.
2. Rights 34-42A, 34-452A, 34-2300, 34-7194, 34-13761 and 34-14342 when combined shall not exceed a total diversion rate of 4.85 cfs, and the irrigation of 168.6 acres.
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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 34-7194
As Modified by Transfer No. 77928

CONDITIONS OF APPROVAL

7. 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.

This water right 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.

Dated this 21st day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 34-13761
As Modified by Transfer No. 77928

In accordance with the approval of Transfer No. 77928, Water Right No. 34-13761 is now described as follows.

Right Holder: DARLA ANN HINTZE Or
 MELVIN MARX HINTZE
 RT 1 BOX 14
 MACKAY ID 83251

Priority Date: November 28, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION STORAGE	01/01	to 12/31		1.4 AF
DIVERSION TO STORAGE	01/01	to 12/31	0.02 CFS	
RECREATION STORAGE	01/01	to 12/31		1.4 AF
IRRIGATION	04/01	to 10/31	0.19 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSE	Sec. 26 Twp 07N Rge 24E CUSTER County
GROUND WATER	SWNESW	Sec. 35 Twp 07N Rge 24E CUSTER County

PLACE OF USE: FISH PROPAGATION STORAGE, RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N 24E 35									X								

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N 24E 26															35.6	36.0	71.6
07N 24E 35			40.0	40.0					17.0								97.0

Total Acres: 168.6

WATER RIGHT NO. 34-13761
As Modified by Transfer No. 77928

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.3 acres within the authorized place of use in a single irrigation season.
2. Rights 34-42A, 34-452A, 34-2300, 34-7194, 34-13761 and 34-14342 when combined shall not exceed a total diversion rate of 4.83 cfs, and the irrigation of 168.6 acres.
3. Rights 34-13761 and 34-14342 when combined shall not exceed a total diversion rate of 0.19 cfs, a total annual maximum diversion volume of 37.1 af at the field headgate, and the irrigation of 10.6 acres.
4. Right 34-14342 is an enlargement of this right pursuant to Section 42-1426, Idaho Code. Right 34-14342 is also diverted through the point of diversion described above.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
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 pond established by the storage of water under this right shall not exceed a total capacity of 1.21 acre-feet or a total surface area of 0.1 acres.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer 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.

This water right 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.

Dated this 21st day of June, 2012


Water Resources Program Manager

WATER RIGHT NO. 34-14342
As Modified by Transfer No. 77928

In accordance with the approval of Transfer No. 77928, Water Right No. 34-14342 is now described as follows.

Right Holder: DARLA ANN HINTZE Or
 MELVIN MARX HINTZE
 RT 1 BOX 14
 MACKAY ID 83251

Priority Date: April 01, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWSE Sec. 26 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07N	24E	26															35.6	36.0	71.6
07N	24E	35			40.0	40.0					17.0								97.0

Total Acres: 168.6

CONDITIONS OF APPROVAL

1. Rights 34-42A, 34-452A, 34-2300, 34-7194, 34-13761 and 34-14342 when combined shall not exceed a total diversion rate of 4.85 cfs, and the irrigation of 168.6 acres.
2. Rights 34-13761 and 34-14342 when combined shall not exceed a total diversion rate of 0.21 cfs, a total annual maximum diversion volume of 40.6 af at the field headgate, and the irrigation of 10.6 acres.
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.
5. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
6. This right is based upon an enlargement of Right No. 34-13761 pursuant to Section 42-1426, Idaho Code.

WATER RIGHT NO. 34-14342
As Modified by Transfer No. 77928

CONDITIONS OF APPROVAL

7. This right is for an enlargement of 1.3 acres within the place of use described for this right.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer 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.

This water right 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.

Dated this 21st day of June, 20 12



Water Resources Program Manager