

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77903**

This is to certify that: WILEY F SMITH And
CAROLYN SMITH
STAR RT 5872 HWY 93
MACKAY ID 83251
(208)588-2218

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>
34-4039	WR/Decreed	03/31/1934	3.2 cfs	N/A	N/A	519.0	ROCK CREEK
34-834	WR/Decreed	06/10/1887	3.2 cfs	N/A	160.0	519.0	CEDAR CREEK
34-835	WR/Decreed	06/01/1898	3.2 cfs	N/A	160.0	519.0	CEDAR CREEK
34-836	WR/Decreed	06/01/1888	3.2 cfs	N/A	160.0	519.0	ROCK CREEK
34-839	WR/Decreed	06/01/1900	3.2 cfs	N/A	160.0	519.0	CEDAR CREEK
34-10585	WR/Decreed	05/01/1951	3.2 cfs	N/A	N/A	519.0	ROCK CREEK
34-2303	WR/Decreed	03/30/1953	4.0 cfs	N/A	N/A	519.0	CEDAR 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>
34-4039	NO	NO	YES	NO	NO	NO
34-834	NO	NO	YES	NO	NO	NO
34-835	NO	NO	YES	NO	NO	NO
34-836	NO	NO	YES	NO	NO	NO
34-839	NO	NO	YES	NO	NO	NO
34-10585	NO	NO	YES	NO	NO	NO
34-2303	NO	NO	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 34-834

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77903**

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
34-4039	34-4039	3.2 cfs	N/A	N/A	519.0		N/A	N/A	N/A	N/A
34-834	34-834	3.2 cfs	N/A	160.0	519.0		N/A	N/A	N/A	N/A
34-835	34-835	3.2 cfs	N/A	160.0	519.0		N/A	N/A	N/A	N/A
34-836	34-836	3.2 cfs	N/A	160.0	519.0		N/A	N/A	N/A	N/A
34-839	34-839	3.2 cfs	N/A	160.0	519.0		N/A	N/A	N/A	N/A
34-10585	34-10585	3.2 cfs	N/A	N/A	519.0		N/A	N/A	N/A	N/A
34-2303	34-2303	4.0 cfs	N/A	N/A	519.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		23.2 cfs	N/A	N/A	519.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of June, 2012



Water Resources Program Manager

WATER RIGHT NO. 34-834
As Modified by Transfer No. 77903

In accordance with the approval of Transfer No. 77903, Water Right No. 34-834 is now described as follows.

Right Holder: WILEY F SMITH And
CAROLYN SMITH
STAR RT 5872 HWY 93
MACKAY ID 83251

Priority Date: June 10, 1887

Source: CEDAR CREEK

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	05/01 to	10/15	0.02 CFS
IRRIGATION	05/01 to	10/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

CEDAR CREEK NWNW Sec. 10 Twp 09N Rge 22E CUSTER County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	22E	5							X		X	X	X	X					
09N	22E	6												X			X	X	
09N	22E	7	X	X	X	X	X								X	X		X	
09N	22E	8					X	X	X			X	X						

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	
09N	22E	5							28.7		19.0	40.7	40.9	30.1					159.4
09N	22E	6											32.6				33.9	16.7	83.2
09N	22E	7	10.4	24.1	17.1	33.8	17.7								36.3	3.2		10.0	152.6
09N	22E	8					28.2	33.1	27.0		26.8	8.7							123.8

Total Acres: 519

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 34-00834, 34-00835, 34-00836, 34-00839, 34-02303, 34-04039, and 34-10585 when combined shall not exceed the irrigation of 519 acres in a single irrigation season.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

WATER RIGHT NO. 34-834
As Modified by Transfer No. 77903

CONDITIONS OF APPROVAL

4. 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.
5. 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.
6. Water is delivered through Cedar Creek Diversion.
7. Stockwater use is for 800 cattle.
8. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described above.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11. The portion of this right for stockwater purposes may be diverted so long as the amount of water diverted at the point of diversion for stockwater purposes does not constitute unreasonable waste and does not conflict with the public interest, as determined by the director.
12. This right and right nos. 34-00835, 34-00839 and 34-02303 are the only irrigation rights diverted from Cedar Creek, and the historical practice has been to use this water as efficiently as possible. The result of this practice has been that in times of scarcity the place of use described above has been irrigated with a diversion rate per acre that is less than 0.02 cfs.
13. Rights diverted from Cedar Creek have historically been administered independently from the Big Lost River and its other tributaries.
14. Source is also known as Dry Creek.
15. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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 6th day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 34-835
As Modified by Transfer No. 77903

In accordance with the approval of Transfer No. 77903, Water Right No. 34-835 is now described as follows.

Right Holder: WILEY F SMITH Or
CAROLYN SMITH
STAR RT 5872 HWY 93
MACKAY ID 83251

Priority Date: June 01, 1898

Source: CEDAR CREEK

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

CEDAR CREEK NWNW Sec. 10 Twp 09N Rge 22E 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	
09N	22E	5							28.7		19.0	40.7	40.9	30.1					159.4
09N	22E	6												32.6			33.9	16.7	83.2
09N	22E	7	10.4	24.1	17.1	33.8	17.7								36.3	3.2		10.0	152.6
09N	22E	8					28.2	33.1	27.0			26.8	8.7						123.8

Total Acres: 519

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 34-00834, 34-00835, 34-00836, 34-00839, 34-02303, 34-04039, and 34-10585 when combined shall not exceed the irrigation of 519 acres in a single irrigation season.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 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.
5. 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.
6. Water is delivered through Cedar Creek Diversion.
7. Source is also known as Dry Creek.

WATER RIGHT NO. 34-835
As Modified by Transfer No. 77903

CONDITIONS OF APPROVAL

8. Rights diverted from Cedar Creek have historically been administered independently from the Big Lost River and its other tributaries.
9. This right and right nos. 34-00834, 34-00839 and 34-02303 are the only irrigation rights diverted from Cedar Creek, and the historical practice has been to use this water as efficiently as possible. The result of this practice has been that in times of scarcity the place of use described above has been irrigated with a diversion rate per acre that is less than 0.02 cfs.
10. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of June, 2012



Water Resources Program Manager

WATER RIGHT NO. 34-836
As Modified by Transfer No. 77903

In accordance with the approval of Transfer No. 77903, Water Right No. 34-836 is now described as follows.

Right Holder: WILEY F SMITH AND
 CAROLYN SMITH
 STAR RT 5872 HWY 93
 MACKAY ID 83251

Priority Date: June 01, 1888

Source: ROCK CREEK

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	10/16	to 04/30	0.02 CFS
STOCKWATER	05/01	to 10/15	0.19 CFS
IRRIGATION	05/01	to 10/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

ROCK CREEK SWSE Sec. 34 Twp 10N Rge 22E CUSTER County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	22E	5							X		X	X	X	X					
09N	22E	6												X			X	X	
09N	22E	7	X	X	X	X	X								X	X		X	
09N	22E	8					X	X	X			X	X						

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	
09N	22E	5							28.7		19.0	40.7	40.9	30.1					159.4
09N	22E	6											32.6				33.9	16.7	83.2
09N	22E	7	10.4	24.1	17.1	33.8	17.7								36.3	3.2		10.0	152.6
09N	22E	8					28.2	33.1	27.0		26.8	8.7							123.8

Total Acres: 519

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 34-00834, 34-00835, 34-00836, 34-00839, 34-02303, 34-04039, and 34-10585 when combined shall not exceed the irrigation of 519 acres in a single irrigation season.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

WATER RIGHT NO. 34-836
As Modified by Transfer No. 77903

CONDITIONS OF APPROVAL

4. 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.
5. 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.
6. Stockwater use is for 800 cattle.
7. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
9. Rights diverted from Rock Creek have historically been administered independently from the Big Lost River and its other tributaries.
10. Right nos. 34-04039 and 34-10585 are also diverted through the point of diversion described above. The historical practice has been to use this water as efficiently as possible. The result of this practice has been that in times of scarcity the place of use described above has been irrigated with a diversion rate per acre that is less than 0.02 cfs.
11. The right holder shall accomplish the change authorized by this transfer within 1 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.

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 6th day of June, 20 12



Water Resources Program Manager

WATER RIGHT NO. 34-839
As Modified by Transfer No. 77903

In accordance with the approval of Transfer No. 77903, Water Right No. 34-839 is now described as follows.

Right Holder: WILEY F SMITH Or
 CAROLYN SMITH
 STAR RT 5872 HWY 93
 MACKAY ID 83251

Priority Date: June 01, 1900

Source: CEDAR CREEK

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

CEDAR CREEK NWNW Sec. 10 Twp 09N Rge 22E 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	
09N	22E	5							28.7		19.0	40.7	40.9	30.1					159.4
09N	22E	6												32.6			33.9	16.7	83.2
09N	22E	7	10.4	24.1	17.1	33.8	17.7								36.3	3.2		10.0	152.6
09N	22E	8					28.2	33.1	27.0		26.8	8.7							123.8

Total Acres: 519

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 34-00834, 34-00835, 34-00836, 34-00839, 34-02303, 34-04039, and 34-10585 when combined shall not exceed the irrigation of 519 acres in a single irrigation season.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 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.
5. Water is delivered through Cedar Creek Diversion.
6. 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.

WATER RIGHT NO. 34-839
As Modified by Transfer No. 77903

CONDITIONS OF APPROVAL

7. Rights diverted from Cedar Creek have historically been administered independently from the Big Lost River and its other tributaries.
8. Source is also known as Dry Creek.
9. This right and right nos. 34-00834, 34-00835 and 34-02303 are the only irrigation rights diverted from Cedar Creek, and the historical practice has been to use this water as efficiently as possible. The result of this practice has been that in times of scarcity the place of use described above has been irrigated with a diversion rate per acre that is less than 0.02 cfs.
10. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of June, 2012



Water Resources Program Manager

WATER RIGHT NO. 34-2303
As Modified by Transfer No. 77903

In accordance with the approval of Transfer No. 77903, Water Right No. 34-2303 is now described as follows.

Right Holder: WILEY F SMITH Or
CAROLYN SMITH
STAR RT 5872 HWY 93
MACKAY ID 83251

Priority Date: March 30, 1953

Source: CEDAR CREEK

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01 to 11/15	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CEDAR CREEK NWNW Sec. 10 Twp 09N Rge 22E 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	
09N	22E	5							28.7		19.0	40.7	40.9	30.1					159.4
09N	22E	6												32.6			33.9	16.7	83.2
09N	22E	7	10.4	24.1	17.1	33.8	17.7								36.3	3.2		10.0	152.6
09N	22E	8					28.2	33.1	27.0		26.8	8.7							123.8

Total Acres: 519

CONDITIONS OF APPROVAL

1. Rights 34-00834, 34-00835, 34-00836, 34-00839, 34-02303, 34-04039, and 34-10585 when combined shall not exceed the irrigation of 519 acres in a single irrigation season.
2. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
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. Water is delivered through Cedar Creek Diversion.
5. This right and right nos. 34-00834, 34-00835 and 34-00839 are the only irrigation rights diverted from Cedar Creek, and the historical practice has been to use this water as efficiently as possible. The result of this practice has been that in times of scarcity the place of use described above has been irrigated with a diversion rate per acre that is less than 0.02 cfs.
6. Rights diverted from Cedar Creek have historically been administered independently from the Big Lost River and its other tributaries.
7. Source is also known as Dry Creek.

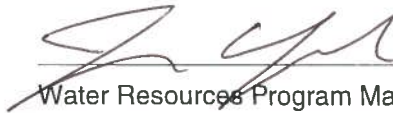
WATER RIGHT NO. 34-2303
As Modified by Transfer No. 77903

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within 1 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 6th day of June, 2012


Water Resources Program Manager

WATER RIGHT NO. 34-4039
As Modified by Transfer No. 77903

In accordance with the approval of Transfer No. 77903, Water Right No. 34-4039 is now described as follows.

Right Holder: WILEY F SMITH Or
CAROLYN SMITH
STAR RT 5872 HWY 93
MACKAY ID 83251

Priority Date: March 31, 1934

Source: ROCK CREEK

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/15	3.20 CFS
			3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

ROCK CREEK SWSE Sec. 34 Twp 10N Rge 22E 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	
09N	22E	5							28.7		19.0	40.7	40.9	30.1					159.4
09N	22E	6											32.6				33.9	16.7	83.2
09N	22E	7	10.4	24.1	17.1	33.8	17.7								36.3	3.2		10.0	152.6
09N	22E	8					28.2	33.1	27.0			26.8	8.7						123.8

Total Acres: 519

CONDITIONS OF APPROVAL

1. Rights 34-00834, 34-00835, 34-00836, 34-00839, 34-02303, 34-04039, and 34-10585 when combined shall not exceed the irrigation of 519 acres in a single irrigation season.
2. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
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. Rights diverted from Rock Creek have historically been administered independently from the Big Lost River and its other tributaries.
5. Right nos. 34-00836 and 34-10585 are also diverted through the point of diversion described above. The historical practice has been to use this water as efficiently as possible. The result of this practice has been that in times of scarcity the place of use described above has been irrigated with a diversion rate per acre that is less than 0.02 cfs.
6. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.

WATER RIGHT NO. 34-4039
As Modified by Transfer No. 77903

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 6th day of June, 20 12



Water Resources Program Manager

WATER RIGHT NO. 34-10585
As Modified by Transfer No. 77903

In accordance with the approval of Transfer No. 77903, Water Right No. 34-10585 is now described as follows.

Right Holder: WILEY F SMITH Or
 CAROLYN SMITH
 STAR RT 5872 HWY 93
 MACKAY ID 83251

Priority Date: May 01, 1951

Source: ROCK CREEK

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

ROCK CREEK SWSE Sec. 34 Twp 10N Rge 22E 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	
09N	22E	5							28.7		19.0	40.7	40.9	30.1					159.4
09N	22E	6												32.6			33.9	16.7	83.2
09N	22E	7	10.4	24.1	17.1	33.8	17.7								36.3	3.2		10.0	152.6
09N	22E	8					28.2	33.1	27.0		26.8	8.7							123.8

Total Acres: 519

CONDITIONS OF APPROVAL

1. Rights 34-00834, 34-00835, 34-00836, 34-00839, 34-02303, 34-04039, and 34-10585 when combined shall not exceed the irrigation of 519 acres in a single irrigation season.
2. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
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. Right nos. 34-00836 and 34-04039 are also diverted through the point of diversion described above. The historical practice has been to use this water as efficiently as possible. The result of this practice has been that in times of scarcity the place of use described above has been irrigated with a diversion rate per acre that is less than 0.02 cfs.
5. Rights diverted from Rock Creek have historically been administered independently from the Big Lost River and its other tributaries.
6. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.

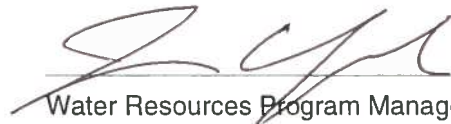
WATER RIGHT NO. 34-10585
As Modified by Transfer No. 77903

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 6th day of June, 2012


Water Resources Program Manager