

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77336

This is to certify that: BUFFALO RIVER WATER ASSN INC
C/O MARILYN SOMMER
PO BOX 663
REXBURG ID 83440
(208)233-0843

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>
21-7442	WR/License	08/19/1989	0.28 cfs	84 af	N/A	N/A	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>
21-7442	NO	NO	NO	YES	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>
21-7442	21-7442	0.28 cfs	84 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.28 cfs	84 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of July, 2011


Water Resources Program Manager

SUPPORT DATA

IN FILE # 21-7442

Right Holder: BUFFALO RIVER WATER ASSN INC
C/O MARILYN SOMMER
PO BOX 663
REXBURG ID 83440

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.28 CFS	84.0 AF

GROUND WATER	NENE	Sec. 23 Twp 13N	Rge 43E	FREMONT County
GROUND WATER	NWNE	Sec. 23 Twp 13N	Rge 43E	FREMONT County
GROUND WATER	SWNE	Sec. 23 Twp 13N	Rge 43E	FREMONT County
GROUND WATER	SESENW	Sec. 23 Twp 13N	Rge 43E	FREMONT County

[illegible]

WATER RIGHT NO. 21-7442
As Modified by Transfer No. 77336

CONDITIONS OF APPROVAL

1. Points of diversion are located within Lot 9, Blk 3; Lot 8, Blk 5; Lot 1, Blk 19; and Lot 5 Blk 16; Buffalo River Estates Subdivision.
2. Rights 21-7442 and 21-7583 when combined shall not exceed a total diversion rate of 0.28 cfs.
3. The domestic use authorized under rights 21-7442 and 21-7583 shall not exceed 13,000 gallons per day per home.
4. Domestic use is for 70 homes.
5. Places of use are located within Lots 1-14, Blk 1; Lots 1-11, Blk 2; Lots 1-8 & 10-28, Blk 3; Lots 1-17, Blk 4; Lots 1-7, 9-22 & 25-30, Blk 5; Lots 1-15, Blk 6; Lots 1-5, 13-19 & 55-59, Blk 7; Lots 1-5, Blk 8; Lots 3-10, Blk 13; Lots 6-15, Blk 15; Lots 2-7, Blk 16; Lots 2-8, Blk 17; and Lots 1-10 & 15-23, Blk 18; Buffalo River Estates Division Nos. 1, 2, 3 & 4.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.
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.

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 12th day of July, 20 11


Water Resources Program Manager