

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73746

This is to certify that: CLARK & EDWARDS CANAL CO
 4485 E 250 N
 RIGBY ID 83442
 (208)538-7117

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>
1-42	WR/Decreed	02/27/1885	70.0 cfs	N/A	N/A	1,559.0	SNAKE RIVER
1-234	WR/Decreed	01/22/1916	30.0 cfs	N/A	N/A	1,559.0	SNAKE RIVER
1-303	WR/Decreed	04/01/1939	5.0 cfs	N/A	N/A	1,559.0	SNAKE RIVER

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>
1-42	NO	NO	NO	NO	YES	YES
1-234	NO	NO	NO	NO	YES	YES
1-303	NO	NO	NO	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>
1-42	1-42	70.0 cfs	N/A	N/A	1,551.0		N/A	N/A	N/A	N/A
1-234	1-234	30.0 cfs	N/A	N/A	1,551.0		N/A	N/A	N/A	N/A
1-303	1-303	5.0 cfs	N/A	N/A	1,551.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		105.0 cfs	N/A	1551.0	1551.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of February, 2011


 Water Resources Program Manager

SUPPORT DATA
 IN FILE # 1-42

WATER RIGHT NO. 1-42
As Modified by Transfer No. 73746

In accordance with the approval of Transfer No. 73746, Water Right No. 1-42 is now described as follows.

Right Holder: CLARK & EDWARDS CANAL CO
4485 E 250 N
RIGBY ID 83442

Priority Date: February 27, 1885

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	69.64 CFS	
RECREATION STORAGE	01/01	to 12/31		19.5 AF
DIVERSION TO STORAGE	04/01	to 10/31	0.36 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER SESESW Sec. 20 Twp 04N Rge 40E JEFFERSON County

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	39E	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																	X		

CONDITIONS OF APPROVAL

1. Rights 01-42, 01-234 and 01-303 when combined shall not exceed the irrigation of 1551 acres.
2. Right(s) 01-42, 01-234 and 01-303 authorize the diversion of an annual total of 19.5 acre-feet to be used for partial refill of the pond and for the replacement of losses caused by evaporation.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 18 acre-feet or a total surface area of 6.4 acre(s).
4. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
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 diversion(s).
7. Recreation Storage uses are for a pond located within the service area of the Clark & Edwards Canal Company.
8. Place of use is within the area served by Clark & Edwards Canal Company.

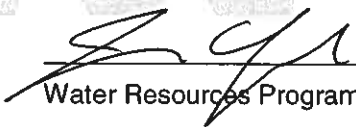
WATER RIGHT NO. 1-42
As Modified by Transfer No. 73746

CONDITIONS OF APPROVAL

9. Water is delivered through Clark & Edwards Canal.
10. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
11. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
12. Water is delivered from the Dry Bed.
13. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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 18th day of February, 20 11


Water Resources Program Manager

WATER RIGHT NO. 1-234
As Modified by Transfer No. 73746

In accordance with the approval of Transfer No. 73746, Water Right No. 1-234 is now described as follows.

Right Holder: CLARK & EDWARDS CANAL CO
4485 E 250 N
RIGBY ID 83442

Priority Date: January 22, 1916

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	29.85 CFS	
DIVERSION TO STORAGE	04/01	to 10/31	0.15 CFS	
RECREATION STORAGE	01/01	to 12/31		19.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER SESESW Sec. 20 Twp 04N Rge 40E JEFFERSON County

PLACE OF USE: 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
04N 39E 13															X		

CONDITIONS OF APPROVAL

1. Rights 01-42, 01-234 and 01-303 when combined shall not exceed the irrigation of 1551 acres.
2. Right(s) 01-42, 01-234 and 01-303 authorize the diversion of an annual total of 19.5 acre-feet to be used for partial refill of the pond and for the replacement of losses caused by evaporation.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 18 acre-feet or a total surface area of 6.4 acre(s).
4. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
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 diversion(s).
7. Recreation Storage uses are for a pond located within the service area of the Clark & Edwards Canal Company.
8. Place of use is within the area served by Clark & Edwards Canal Company.

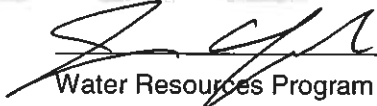
WATER RIGHT NO. 1-234
As Modified by Transfer No. 73746

CONDITIONS OF APPROVAL

9. Water is delivered through Clark & Edwards Canal.
10. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
11. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
12. Water is delivered from the Dry Bed.
13. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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 18th day of February, 20 11


Water Resources Program Manager

WATER RIGHT NO. 1-303
As Modified by Transfer No. 73746

In accordance with the approval of Transfer No. 73746, Water Right No. 1-303 is now described as follows.

Right Holder: CLARK & EDWARDS CANAL CO
4485 E 250 N
RIGBY ID 83442

Priority Date: April 01, 1939

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	4.98 CFS	
DIVERSION TO STORAGE	04/01	to 10/31	0.02 CFS	
RECREATION STORAGE	01/01	to 12/31		19.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER SESESW Sec. 20 Twp 04N Rge 40E JEFFERSON County

PLACE OF USE: 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
04N	39E	13																X	

CONDITIONS OF APPROVAL

1. Rights 01-42, 01-234 and 01-303 when combined shall not exceed the irrigation of 1551 acres.
2. Right(s) 01-42, 01-234 and 01-303 authorize the diversion of an annual total of 19.5 acre-feet to be used for partial refill of the pond and for the replacement of losses caused by evaporation.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 18 acre-feet or a total surface area of 6.4 acre(s).
4. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
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 diversion(s).
7. Recreation Storage uses are for a pond located within the service area of the Clark & Edwards Canal Company.
8. Place of use is within the area served by Clark & Edwards Canal Company.

WATER RIGHT NO. 1-303
As Modified by Transfer No. 73746

CONDITIONS OF APPROVAL

9. The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
10. Water is delivered through Clark & Edwards Canal.
11. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
12. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
13. Water is delivered from the Dry Bed.
14. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.
17. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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 18th day of February, 2011


Water Resources Program Manager

State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 73746

Water Service Area Boundary for Clark & Edwards Canal Co

Rights: 1-42, 1-234, 1-303

