

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76827**

This is to certify that: TIMOTHY LEUZINGER Or KAREN A DOWTON Or GARY LEUZINGER
 BOX 157 PO BOX 7 23 OLIVER DRIVE
 CHALLIS ID 83226 ELLIS ID 83235 SALMON ID 83467
 (208)879-2215 (208)876-4225 (208)993-0491

have 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>
72-234	WR/Decreed	05/01/1926	1.2 cfs	N/A	N/A	75.2	SALMON RIVER, WEST PASS CREEK
72-235	WR/Decreed	05/01/1936	1.66 cfs	N/A	N/A	75.2	WEST PASS CREEK

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

72-16770	AJC/Beneficial Use	05/01/1952	3.2 cfs	N/A	75.2	53.4	WEST PASS CREEK
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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>
72-234	NO	YES	YES	NO	NO	NO
72-235	NO	YES	YES	NO	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>
72-234	72-234	1.20 cfs	N/A	N/A	67.7		N/A	N/A	N/A	N/A
72-235	72-235	1.66 cfs	N/A	N/A	67.7		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.86 cfs	N/A	N/A	67.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 25th day of October, 20 10

SUPPORT DATA

IN FILE # 72-234


 Southern Region Manager

WATER RIGHT NO. 72-234
As Modified by Transfer No. 76827

In accordance with the approval of Transfer No. 76827, Water Right No. 72-234 is now described as follows.

Right Holder: TIMOTHY LEUZINGER Or KAREN A DOWTON Or GARY LEUZINGER
BOX 157 PO BOX 7 23 OLIVER DRIVE
CHALLIS ID 83226 ELLIS ID 83235 SALMON ID 83467
(208)879-2215 (208)876-4225 (208)993-0491

Priority Date: May 01, 1926

Source: EAST FORK SALMON RIVER
WEST PASS CREEK

Tributary: SALMON RIVER
EAST FORK SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.20 CFS
			1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

WEST PASS CREEK SWSWSW Sec. 29 Twp 08N Rge 17E CUSTER County

EAST FORK SALMON RIVER L4 (SWSENE) Sec. 31 Twp 08N Rge 17E CUSTER County

WEST PASS CREEK SENWNW Sec. 32 Twp 08N Rge 17E CUSTER County

WEST PASS CREEK NWSENW Sec. 32 Twp 08N Rge 17E CUSTER County

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 67.7

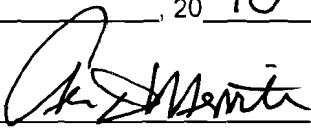
WATER RIGHT NO. 72-234
As Modified by Transfer No. 76827

CONDITIONS OF APPROVAL

1. Place of use is located within Homestead Entry Survey No. 597 & 722.
2. Rights 72-234 and 72-235 when combined shall not exceed a total diversion rate of 2.86 cfs cfs and the irrigation of 67.7 acres.
3. Rights 72-234, 72-235, 72-16770 when combined shall not exceed a total diversion rate of 6.06 cfs cfs and the irrigation of 67.7 acres.
4. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
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. 170.
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. This right does not grant any right-of-way or easement across the land of another.
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 25th day of October, 2010



Southern Region Manager

WATER RIGHT NO. 72-235
As Modified by Transfer No. 76827

In accordance with the approval of Transfer No. 76827, Water Right No. 72-235 is now described as follows.

Right Holder:	TIMOTHY LEUZINGER	Or	KAREN A DOWTON	Or	GARY LEUZINGER
	BOX 157		PO BOX 7		23 OLIVER DRIVE
	CHALLIS ID 83226		ELLIS ID 83235		SALMON ID 83467
	(208)879-2215		(208)876-4225		(208)993-0491

Priority Date: May 01, 1936

Source: WEST PASS CREEK

Tributary: EAST FORK SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.66 CFS
			1.66 CFS

LOCATION OF POINT(S) OF DIVERSION:

WEST PASS CREEK SWSWSW Sec. 29 Twp 08N Rge 17E CUSTER County

WEST PASS CREEK SENWNW Sec. 32 Twp 08N Rge 17E CUSTER County

WEST PASS CREEK NWSSENW Sec. 32 Twp 08N Rge 17E 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	
08N 17E 29								3.0	12.0	8.6	23.0						46.6
08N 17E 31	14.0																14.0
08N 17E 32						7.1											7.1

Total Acres: 67.7

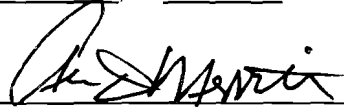
WATER RIGHT NO. 72-235
As Modified by Transfer No. 76827

CONDITIONS OF APPROVAL

1. Place of use is located within Homestead Entry Survey No. 597 & 722.
2. Rights 72-234 and 72-235 when combined shall not exceed a total diversion rate of 2.86 cfs cfs and the irrigation of 67.7 acres.
3. Rights 72-234, 72-235, 72-16770 when combined shall not exceed a total diversion rate of 6.06 cfs cfs and the irrigation of 67.7 acres.
4. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
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. 170.
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. This right does not grant any right-of-way or easement across the land of another.
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 25th day of October, 2010



Southern Region Manager

Right Holder: TIMOTHY LEUZINGER Or KAREN A DOWTON Or GARY LEUZINGER
BOX 157 PO BOX 7 23 OLIVER DRIVE
CHALLIS ID 83226 ELLIS ID 83235 SALMON ID 83467
(208)879-2215 (208)876-4225 (208)993-0491

Tributary: EAST FORK SALMON RIVER

WEST PASS CREEK NWSENW Sec. 32 Twp 08N Rge 17E CUSTER County

[illegible]

1. Place of use does not include federal public lands.
2. The rights listed below are limited to the irrigation of a combined total of 67.7 acres in a single irrigation season. Combined Right Nos.: 72-234, 72-235, 72-16770.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. Property also known as HES Nos. 597 and 722

Dated this 25th day of October, 20 10

Southern Region Manager