

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70175

This is to certify that: WENDELL HURST TEW
 3939 HWY 93
 LESLIE ID 83255
 (208) 588-2524

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>
34-2311	WR/Decreed	05/06/1954	0.93 cfs	88 af	N/A	25.0	GROUND WATER
34-361A	WR/Decreed	06/01/1900	1.72 cfs	N/A	N/A	102.0	BIG LOST RIVER
34-494B	WR/Decreed	05/26/1904	1.6 cfs	N/A	N/A	102.0	BIG LOST RIVER
34-605D	WR/Decreed	03/10/1894	0.46 cfs	N/A	23.0	102.0	BIG LOST RIVER

Purpose of Transfer (Changes Proposed)

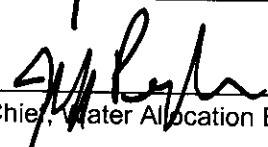
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-2311	YES	YES	YES	NO	NO	NO
34-361A	YES	YES	YES	NO	NO	NO
34-494B	YES	YES	YES	NO	NO	NO
34-605D	YES	YES	YES	NO	NO	NO

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>
34-2311	34-13775	0.26 cfs	45.5 af	N/A	13.0	34-13774	0.45 cfs	42.5 af	N/A	12.0
34-361A	34-13793	0.22 cfs	N/A	N/A	13.0	34-13792	1.50 cfs	N/A	N/A	89.0
34-494B	34-13795	0.20 cfs	N/A	N/A	13.0	34-13794	1.40 cfs	N/A	N/A	89.0
34-605D	34-13797	0.06 cfs	N/A	2.9	13.0	34-13796	0.40 cfs	N/A	20.1	89.0
COMBINED TOTALS		0.48 cfs	45.5 af	N/A	13.0		3.30 cfs	N/A	N/A	89.0

Detailed Water Right Description(s) attached

Dated this 8 day of July, 2003

For  Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13774
As Modified by Transfer No. 70175

In accordance with the approval of Transfer No. 70175, Water Right No. 34-13774 is now described as follows.

Right Holder: MARJEAN TEW OR
WENDELL TEW
RT 1 BOX 1055
LESLIE ID 83255

Priority Date: May 06, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.45 CFS	42.5 AF
			0.45 CFS	42.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENE Sec. 8 Twp 06N Rge 25E 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	
06N	25E	9			5.0				3.0				4.0						12.0

Total Acres: 12

CONDITIONS OF APPROVAL

1. Rights 34-13774, 34-13796, 34-13792 and 34-13794 when combined shall not exceed a total diversion rate of 3.30 cfs and the irrigation of 89 acres.
2. 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 8 day of July, 20 03


For Chief Water Allocation Bureau

WATER RIGHT NO. 34-13775
As Modified by Transfer No. 70175

In accordance with the approval of Transfer No. 70175, Water Right No. 34-13775 is now described as follows.

Right Holder: WENDELL & MARJEAN TEW REVOCABLE LIVING TRUST
 3939 HWY 93
 LESLIE ID 83255

Priority Date: May 06, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.26 CFS	45.5 AF
			0.26 CFS	45.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENE Sec. 9 Twp 06N Rge 25E CUSTER County

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
06N 25E 9	13.0																13.0

Total Acres: 13

CONDITIONS OF APPROVAL

1. The portion of Right 34-13775 in the amount of 0.22 cfs shall be considered forfeited through approval of Transfer 70175
2. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
3. Rights 34-13775, 34-13797, 34-13793, and 34-13795 when combined shall not exceed a total diversion rate of 0.48 cfs, a total annual maximum diversion volume of 45.5 af at the field headgate, and the irrigation of 13 acres.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
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 lands above.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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.

WATER RIGHT NO. 34-13775
As Modified by Transfer No. 70175

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one (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.

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 8 day of July, 20 03

4/11/03
For Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13792
As Modified by Transfer No. 70175

In accordance with the approval of Transfer No. 70175, Water Right No. 34-13792 is now described as follows.

Right Holder: WENDELL HURST TEW
 3939 HWY 93
 LESLIE ID 83255

Priority Date: June 01, 1900

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	1.50 CFS	
			1.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County

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
06N 25E 9		20.0	28.0	5.0	19.0	6.0		11.0									89.0

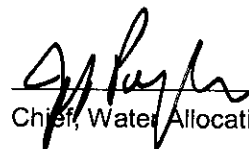
Total Acres: 89

CONDITIONS OF APPROVAL

1. Rights 34-13774, 34-13796, 34-13792 and 34-13794 when combined shall not exceed a total diversion rate of 3.30 cfs and the irrigation of 89 acres.
2. Water delivered through the Sutter Ditch.
3. 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.
4. 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.
5. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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 8 day of July, 2003


 For Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13796
As Modified by Transfer No. 70175

In accordance with the approval of Transfer No. 70175, Water Right No. 34-13796 is now described as follows.

Right Holder: WENDELL HURST TEW
3939 HWY 93
LESLIE ID 83255

Priority Date: March 10, 1894

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.40 CFS	
			0.40 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E 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	
06N	25E	9		20.0	28.0	5.0	19.0	6.0		11.0									89.0

Total Acres: 89

CONDITIONS OF APPROVAL

1. Rights 34-13774, 34-13796, 34-13792 and 34-13794 when combined shall not exceed a total diversion rate of 3.30 cfs and the irrigation of 89 acres.
2. This right is limited to the irrigation of 20.1 acres within the place of use described above in a single irrigation season.
3. 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.
4. 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.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. Water delivered through the Sutter Ditch.

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 8 day of July, 20 03

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13794
As Modified by Transfer No. 70175

In accordance with the approval of Transfer No. 70175, Water Right No. 34-13794 is now described as follows.

Right Holder: WENDELL HURST TEW
 3939 HWY 93
 LESLIE ID 83255

Priority Date: May 26, 1904

Source: BIG LOST RIVER

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

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	25E	9	20.0	28.0	5.0	19.0	6.0	11.0											89.0

Total Acres: 89

CONDITIONS OF APPROVAL

1. Rights 34-13774, 34-13796, 34-13792 and 34-13794 when combined shall not exceed a total diversion rate of 3.30 cfs and the irrigation of 89 acres.
2. Water delivered through the Sutter Ditch.
3. 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.
4. 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.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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 8 day of July, 2003

[Signature]
 for Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13793
As Modified by Transfer No. 70175

In accordance with the approval of Transfer No. 70175, Water Right No. 34-13793 is now described as follows.

Right Holder: WENDELL & MARJEAN TEW REVOCABLE LIVING TRUST
 3939 HWY 93
 LESLIE ID 83255

Priority Date: June 01, 1900

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.22 CFS	
			0.22 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06N	25E	9	13.0				13.0

Total Acres: 13

CONDITIONS OF APPROVAL

1. 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.
2. Rights 34-13775, 34-13797, 34-13793, and 34-13795 when combined shall not exceed a total diversion rate of 0.48 cfs, a total annual maximum diversion volume of 45.5 af at the field headgate, and the irrigation of 13 acres.
3. 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.
4. Water delivered through the Sutter Ditch.
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 lands above.
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.
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.

WATER RIGHT NO. 34-13793
As Modified by Transfer No. 70175

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one (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.

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 8 day of July, 20 03


for Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13795
As Modified by Transfer No. 70175

In accordance with the approval of Transfer No. 70175, Water Right No. 34-13795 is now described as follows.

Right Holder: WENDELL & MARJEAN TEW REVOCABLE LIVING TRUST
 3939 HWY 93
 LESLIE ID 83255

Priority Date: May 26, 1904

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.20 CFS	
			0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	25E	9	13.0				13.0

Total Acres: 13

CONDITIONS OF APPROVAL

1. 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.
2. Rights 34-13775, 34-13797, 34-13793, and 34-13795 when combined shall not exceed a total diversion rate of 0.48 cfs, a total annual maximum diversion volume of 45.5 af at the field headgate, and the irrigation of 13 acres.
3. 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.
4. Water delivered through the Sutter Ditch.
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 lands above.
6. The period of use for the 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.
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.

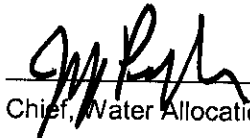
WATER RIGHT NO. 34-13795
As Modified by Transfer No. 70175

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one (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.

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 8 day of July, 2003


For _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13797
As Modified by Transfer No. 70175

In accordance with the approval of Transfer No. 70175, Water Right No. 34-13797 is now described as follows.

Right Holder: WENDELL & MARJEAN TEW REVOCABLE LIVING TRUST
 3939 HWY 93
 LESLIE ID 83255

Priority Date: March 10, 1894

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.06 CFS	
			0.06 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	25E	9	13.0				13.0

Total Acres: 13

CONDITIONS OF APPROVAL

1. 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.
2. Rights 34-13775, 34-13797, 34-13793, and 34-13795 when combined shall not exceed a total diversion rate of 0.48 cfs, a total annual maximum diversion volume of 45.5 af at the field headgate, and the irrigation of 13 acres.
3. This right is limited to the irrigation of 2.9 acres within the place of use described above in a single irrigation season.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Water delivered through the Sutter Ditch.
6. 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 lands above.
7. The period of use for the 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 Department of Water Resources.
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.

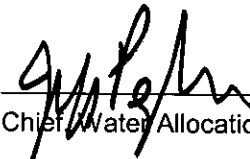
WATER RIGHT NO. 34-13797
As Modified by Transfer No. 70175

CONDITIONS OF APPROVAL

9. The right holder shall accomplish the change authorized by this transfer within one (1) 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 8 day of July, 2003


for Chief, Water Allocation Bureau