

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74449

This is to certify that: DRY LOT LLC
116 VALLEY CLUB DR
HAILEY ID 83333
(208) 578-2116

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>
37-22313	AJC/Decreed	03/24/1883	1.33 cfs	N/A	27.5	58.5	BIG WOOD RIVER
37-22318	AJC/Decreed	03/24/1883	0.16 cfs	N/A	27.5	58.5	BIG WOOD RIVER
37-22323	AJC/Decreed	03/24/1883	0.17 cfs	N/A	27.5	58.5	BIG WOOD 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>
37-22313	NO	NO	YES	NO	NO	YES
37-22318	NO	NO	YES	NO	NO	YES
37-22323	NO	NO	YES	NO	NO	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>
37-22313	37-22313	1.33 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
37-22318	37-22318	0.16 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
37-22323	37-22323	0.17 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.66 cfs	75.4 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 10th day of August, 2010

Shelley W. Keen
for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22313
As Modified by Transfer No. 74449

In accordance with the approval of Transfer No. 74449, Water Right No. 37-22313 is now described as follows.

Right Holder: OLD CUTTERS INC
 PO BOX 4944
 KETCHUM ID 83340

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

GROUND WATER
 RECHARGE

From 04/15 to **To** 10/31

Diversion Rate

1.33 CFS

1.33 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rge	Sec	NE			NW			SW			SE			Totals
03N	18E	20	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	
				X									X		

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Rights 37-22313, 37-22318, and 37-22323 mitigate for the depletion of water resulting from the diversion and use of water under Right 37-22252. To prevent injury to other water right holders, and pursuant to the June 11, 2009 Amended Water Rights Use Agreement between Dry Lot LLC and the Big Wood Canal Company, the right holder shall cease diverting 0.50 cfs of these rights from the Big Wood River. The watermaster shall deliver 0.10 cfs of these rights into the Hiawatha Canal for conveyance losses when water is being delivered for recharge purposes. The combined diversion and use of water under rights 37-22313, 37-22318, and 37-22323 for ground water recharge is limited to a diversion rate of 1.06 cfs, a diversion volume of 30 acre-feet prior to June 1, and a maximum annual diversion volume of 75.4 acre-feet as measured at the point(s) of recharge.
3. Ground water recharge is accomplished by diverting water under this right into infiltration basin(s) that allow water to percolate into the underlying aquifer. To prevent the unauthorized above ground storage of water, the amount of water diverted and used for recharge under this right shall not exceed the actual infiltration capacity.

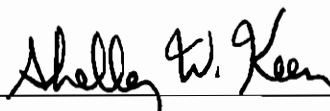
WATER RIGHT NO. 37-22313
As Modified by Transfer No. 74449

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this right pursuant to Transfer approval 74449, the right holder shall install and maintain the following measuring devices, in accordance with Department specifications (unless such measuring devices have already been installed and approved by the Department or State Water District No. 37):
 - a) A measuring device(s) and lockable controlling works at the point(s) of diversion from the Big Wood River,
 - b) A measuring device(s) and lockable controlling works at the point(s) water is conveyed from the Hiawatha Canal, and
 - c) A measuring device(s), including datalogger(s), at the point(s) of recharge to determine the daily volume of water recharged.
5. The right holder shall report the daily volume of water recharged to the Department by December 31 each year.
6. 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. 37.
7. The diversion and use of water described in Transfer 74449 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. 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.
9. This right does not grant any right-of-way or easement across the land of another.
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.
11. 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 10th day of August, 20 10


for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22318
As Modified by Transfer No. 74449

In accordance with the approval of Transfer No. 74449, Water Right No. 37-22318 is now described as follows.

Right Holder: OLD CUTTERS INC
 PO BOX 4944
 KETCHUM ID 83340

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
GROUND WATER	04/15 to	10/31	0.16 CFS
RECHARGE			0.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SW¼NW¼ Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 20		X													X		

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Rights 37-22313, 37-22318, and 37-22323 mitigate for the depletion of water resulting from the diversion and use of water under Right 37-22252. To prevent injury to other water right holders, and pursuant to the June 11, 2009 Amended Water Rights Use Agreement between Dry Lot LLC and the Big Wood Canal Company, the right holder shall cease diverting 0.50 cfs of these rights from the Big Wood River. The watermaster shall deliver 0.10 cfs of these rights into the Hiawatha Canal for conveyance losses when water is being delivered for recharge purposes. The combined diversion and use of water under rights 37-22313, 37-22318, and 37-22323 for ground water recharge is limited to a diversion rate of 1.06 cfs, a diversion volume of 30 acre-feet prior to June 1, and a maximum annual diversion volume of 75.4 acre-feet as measured at the point(s) of recharge.
3. Ground water recharge is accomplished by diverting water under this right into infiltration basin(s) that allow water to percolate into the underlying aquifer. To prevent the unauthorized above ground storage of water, the amount of water diverted and used for recharge under this right shall not exceed the actual infiltration capacity.

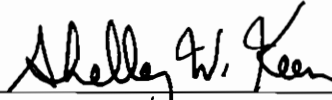
WATER RIGHT NO. 37-22318
As Modified by Transfer No. 74449

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this right pursuant to Transfer approval 74449, the right holder shall install and maintain the following measuring devices, in accordance with Department specifications (unless such measuring devices have already been installed and approved by the Department or State Water District No. 37):
 - a) A measuring device(s) and lockable controlling works at the point(s) of diversion from the Big Wood River,
 - b) A measuring device(s) and lockable controlling works at the point(s) water is conveyed from the Hiawatha Canal, and
 - c) A measuring device(s), including datalogger(s), at the point(s) of recharge to determine the daily volume of water recharged.
5. The right holder shall report the daily volume of water recharged to the Department by December 31 each year.
6. 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. 37.
7. The diversion and use of water described in Transfer 74449 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. 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.
9. This right does not grant any right-of-way or easement across the land of another.
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.
11. 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 10th day of August, 20 10


for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22323
As Modified by Transfer No. 74449

In accordance with the approval of Transfer No. 74449, Water Right No. 37-22323 is now described as follows.

Right Holder: OLD CUTTERS INC
 PO BOX 4944
 KETCHUM ID 83340

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
GROUND WATER	04/15	to 10/31	0.17 CFS
RECHARGE			0.17 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SW¼NW¼ Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	20		X													X		

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Rights 37-22313, 37-22318, and 37-22323 mitigate for the depletion of water resulting from the diversion and use of water under Right 37-22252. To prevent injury to other water right holders, and pursuant to the June 11, 2009 Amended Water Rights Use Agreement between Dry Lot LLC and the Big Wood Canal Company, the right holder shall cease diverting 0.50 cfs of these rights from the Big Wood River. The watermaster shall deliver 0.10 cfs of these rights into the Hiawatha Canal for conveyance losses when water is being delivered for recharge purposes. The combined diversion and use of water under rights 37-22313, 37-22318, and 37-22323 for ground water recharge is limited to a diversion rate of 1.06 cfs, a diversion volume of 30 acre-feet prior to June 1, and a maximum annual diversion volume of 75.4 acre-feet as measured at the point(s) of recharge.
3. Ground water recharge is accomplished by diverting water under this right into infiltration basin(s) that allow water to percolate into the underlying aquifer. To prevent the unauthorized above ground storage of water, the amount of water diverted and used for recharge under this right shall not exceed the actual infiltration capacity.

WATER RIGHT NO. 37-22323
As Modified by Transfer No. 74449

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this right pursuant to Transfer approval 74449, the right holder shall install and maintain the following measuring devices, in accordance with Department specifications (unless such measuring devices have already been installed and approved by the Department or State Water District No. 37):
 - a) A measuring device(s) and lockable controlling works at the point(s) of diversion from the Big Wood River,
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 - c) A measuring device(s), including datalogger(s), at the point(s) of recharge to determine the daily volume of water recharged.
5. The right holder shall report the daily volume of water recharged to the Department by December 31 each year.
6. 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. 37.
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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 10th day of August, 2010

Shelley W. Keen
for Chief, Water Allocation Bureau