

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED**TRANSFER OF WATER RIGHT****AMENDED****TRANSFER NO. 76509**

This is to certify that: CONTRARY LIMITED PARTNERSHIP
3776 W 3700 N
DARLINGTON ID 83255
(208) 588-2957

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>
34-2321	WR/Decreed	02/08/1955	6.0 cfs	1617 af	462.0	738.0	GROUND WATER
34-7015	WR/Decreed	04/17/1970	4.67 cfs	847 af	242.0	738.0	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>
34-2321	NO	NO	YES	YES	NO	NO
34-7015	NO	NO	YES	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>
34-2321	34-2321	6.0 cfs	1617 af	462.0	738.0		N/A	N/A	N/A	N/A
34-7015	34-7015	4.67 cfs	847 af	242.0	738.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		10.67 cfs	2464 af	704.0	738.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of June, 2010


Water Resources Program Manager

WATER RIGHT NO. 34-2321
As Modified by Transfer No. 76509

In accordance with the approval of Transfer No. 76509, Water Right No. 34-2321 is now described as follows.

Right Holder: CONTRARY LIMITED PARTNERSHIP
 3776 W 3700 N
 DARLINGTON ID 83255

Priority Date: February 08, 1955

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	0.04 CFS	
IRRIGATION	04/01	to 10/31	6.00 CFS	1,617.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENE	Sec. 2 Twp 05N Rge 25E	CUSTER County
GROUND WATER	SENE	Sec. 34 Twp 06N Rge 25E	CUSTER County
GROUND WATER	SWNE	Sec. 35 Twp 06N Rge 25E	CUSTER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 25E 2		X	X		X	X	X	X									
		L 2			L 3	L 4					X						
06N 25E 25																	
06N 25E 26												X			X	X	
06N 25E 34	X	X	X	X													
	L 1			L 2													
06N 25E 35					X	X	X	X	X	X	X	X					

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	
05N 25E 2		30.0	37.0		31.0	34.0	29.0	29.0									190.0
		L 2			L 3	L 4					9.0						9.0
06N 25E 25																	
06N 25E 26												14.0			39.0	32.0	85.0
06N 25E 34	36.0	35.0	40.0	39.0													150.0
	L 1			L 2													
06N 25E 35					38.0	37.0	40.0	40.0	40.0	40.0	34.0	35.0					304.0

Total Acres: 738

WATER RIGHT NO. 34-2321
As Modified by Transfer No. 76509

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 462.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
3. 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.
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. Prior to the diversion and use of water under Transfer approval 76509, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
8. 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.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.
10. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
11. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The following rights are diverted through point(s) of diversion described above: 34-2321, 34-7015.

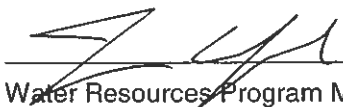
WATER RIGHT NO. 34-2321
As Modified by Transfer No. 76509

CONDITIONS OF APPROVAL

14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.

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 17th day of June, 2010


Water Resources Program Manager

WATER RIGHT NO. 34-7015
As Modified by Transfer No. 76509

In accordance with the approval of Transfer No. 76509, Water Right No. 34-7015 is now described as follows.

Right Holder: CONTRARY LIMITED PARTNERSHIP
 3776 W 3700 N
 DARLINGTON ID 83255

Priority Date: April 17, 1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	4.67 CFS	847.0 AF
DOMESTIC	01/01	to 12/31	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENE	Sec. 2 Twp 05N Rge 25E	CUSTER County
GROUND WATER	SENE	Sec. 34 Twp 06N Rge 25E	CUSTER County
GROUND WATER	SWNE	Sec. 35 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	
05N	25E	2		30.0	37.0		31.0	34.0	29.0	29.0									190.0
				L 2			L 3	L 4											
06N	25E	25										9.0						9.0	
06N	25E	26											14.0			39.0	32.0	85.0	
06N	25E	34	36.0	35.0	40.0	39.0												150.0	
			L 1			L 2													
06N	25E	35					38.0	37.0	40.0	40.0	40.0	40.0	34.0	35.0				304.0	

Total Acres: 738

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	25E	2		X	X		X	X	X	X									
				L 2			L 3	L 4											
06N	25E	25										X							
06N	25E	26											X			X	X		
06N	25E	34	X	X	X	X													
			L 1			L 2													
06N	25E	35					X	X	X	X	X	X	X	X					

WATER RIGHT NO. 34-7015
As Modified by Transfer No. 76509

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 242.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-116A, 34-872A, 34-2321, 34-7015, 34-10729, 34-10763, 34-10765, 34-10767, 34-13567 and 34-13568 when combined shall not exceed a total diversion rate of 23.94 cfs and the irrigation of 936.0 acres.
3. 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.
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. Prior to the diversion and use of water under Transfer approval 76509, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
8. 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.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.
10. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
11. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The following rights are diverted through point(s) of diversion described above: 34-2321, 34-7015.

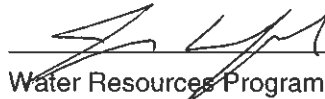
WATER RIGHT NO. 34-7015
As Modified by Transfer No. 76509

CONDITIONS OF APPROVAL

14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.

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 17th day of June, 20 10


Water Resources Program Manager