

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76521

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>
34-13567	WR/Decreed	05/01/1980	4.6 cfs	N/A	N/A	936.0	BIG LOST RIVER
34-13568	WR/Decreed	05/01/1980	4.68 cfs	N/A	N/A	936.0	ANTELOPE CREEK
34-872A	WR/Decreed	02/18/1885	2.0 cfs	N/A	100.0	936.0	BIG LOST RIVER
34-10729	WR/Decreed	05/10/1897	6.1 cfs	N/A	305.0	936.0	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>
34-13567	NO	NO	YES	NO	NO	NO
34-13568	NO	NO	YES	NO	NO	NO
34-872A	NO	NO	YES	NO	NO	NO
34-10729	NO	NO	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>
34-13567	34-13567	4.6 cfs	N/A	531.0	936.0		N/A	N/A	N/A	N/A
34-13568	34-13568	4.68 cfs	N/A	471.0	936.0		N/A	N/A	N/A	N/A
34-872A	34-872A	2.0 cfs	N/A	100.0	936.0		N/A	N/A	N/A	N/A
34-10729	34-10729	6.1 cfs	N/A	305.0	936.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		8.1 cfs	N/A	936.0	936.0		N/A	N/A	N/A	N/A

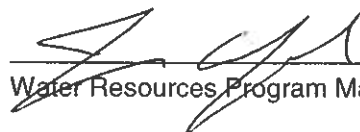
SUPPORT DATA

IN FILE # 34-872A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76521

Detailed Water Right Description(s) attached

Dated this 14th day of June, 2010


Water Resources Program Manager



WATER RIGHT NO. 34-872A
As Modified by Transfer No. 76521

In accordance with the approval of Transfer No. 76521, Water Right No. 34-872A is now described as follows.

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

Priority Date: February 18, 1885

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	2.00 CFS
STOCKWATER	01/01 to	12/31	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNE Sec. 33 Twp 07N Rge 24E 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 L 2	37.0		31.0 L 3	34.0 L 4	30.0	29.0									191.0
06N	25E	25											9.0						9.0
06N	25E	26											14.0				39.0	32.0	85.0
06N	25E	34	36.0 L 1	35.0	40.0	39.0 L 2				40.0	40.0				39.0	40.0		38.0	347.0
06N	25E	35					38.0	37.0	40.0	40.0	40.0	40.0	34.0	35.0					304.0

Total Acres: 936

PLACE OF USE: STOCKWATER

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 L 2	X		X L 3	X L 4	X	X									
06N	25E	25											X						
06N	25E	26												X			X	X	
06N	25E	34	X L 1	X	X	X L 2				X	X				X L 3	X		X L 4	
06N	25E	35					X	X	X	X	X	X	X	X					

WATER RIGHT NO. 34-872A
As Modified by Transfer No. 76521

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 100.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-872A, 34-10729 and 34-13567 when combined shall not exceed a total diversion rate of 8.10 cfs.
3. 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.
4. 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.
5. 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.
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 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 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.
9. Right No. 34-13567 is an enlargement of rights 34-872A and 34-10729 pursuant to Section 42-1426, Idaho Code.
10. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement in T06N, R25E, S34, SWNW.
11. Stockwater use is for 1000 range cattle.
12. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
13. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. This right does not grant any right-of-way or easement across the land of another.
15. Water is delivered through Darlington Ditch.
16. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

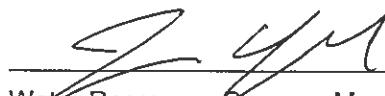
WATER RIGHT NO. 34-872A
As Modified by Transfer No. 76521

CONDITIONS OF APPROVAL

17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
18. 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 14th day of June, 20 10



Water Resources Program Manager



WATER RIGHT NO. 34-10729
As Modified by Transfer No. 76521

In accordance with the approval of Transfer No. 76521, Water Right No. 34-10729 is now described as follows.

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

Priority Date: May 10, 1897

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	01/01	to 12/31	0.02 CFS
IRRIGATION	05/01	to 10/15	6.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNE Sec. 33 Twp 07N Rge 24E CUSTER County

PLACE OF USE: STOCKWATER

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				X	X				X	X		X	
	L 1			L 2									L 3			L 4	
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	30.0	29.0									191.0
		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				40.0	40.0				39.0	40.0		38.0	347.0
	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: 936

WATER RIGHT NO. 34-10729
As Modified by Transfer No. 76521

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 305.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-872A, 34-10729 and 34-13567 when combined shall not exceed a total diversion rate of 8.10 cfs.
3. 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.
4. 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.
5. 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.
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 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 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.
9. Right No. 34-13567 is an enlargement of rights 34-872A and 34-10729 pursuant to Section 42-1426, Idaho Code.
10. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement in T06N, R25E, S34, SWNW.
11. Stockwater use is for 1000 range cattle.
12. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
13. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. This right does not grant any right-of-way or easement across the land of another.
15. Water is delivered through Darlington Ditch.
16. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

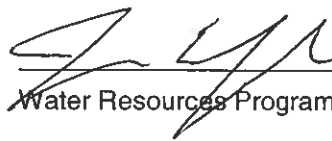
WATER RIGHT NO. 34-10729
As Modified by Transfer No. 76521

CONDITIONS OF APPROVAL

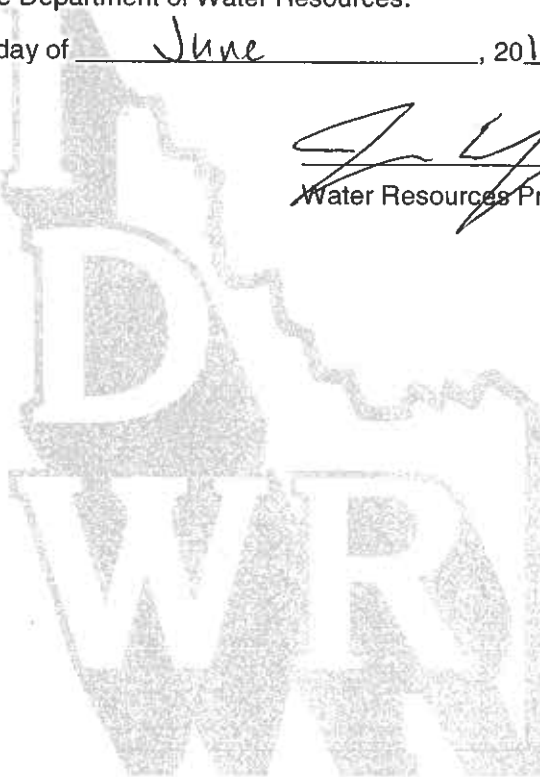
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
18. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient 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 14th day of June, 2010



Water Resources Program Manager



WATER RIGHT NO. 34-13567
As Modified by Transfer No. 76521

In accordance with the approval of Transfer No. 76521, Water Right No. 34-13567 is now described as follows.

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

Priority Date: May 01, 1980

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01 to 10/15

To

Diversion Rate

4.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNE Sec. 33 Twp 07N Rge 24E 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	30.0	29.0									191.0
				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				40.0	40.0				39.0	40.0		38.0	347.0
			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: 936

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 531.0 acres within the place of use described for this right.
2. Rights 34-00872A, 34-10729 and 34-13567 when combined shall not exceed a total diversion rate of 8.10 cfs.
3. 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.
4. 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.
5. 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.

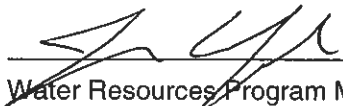
WATER RIGHT NO. 34-13567
As Modified by Transfer No. 76521

CONDITIONS OF APPROVAL

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 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. This right is based upon an enlargement of Right No. 34-872A and 34-10729 pursuant to Section 42-1426, Idaho Code.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. 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.
11. This right does not grant any right-of-way or easement across the land of another.
12. Water is delivered through Darlington Ditch.
13. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.

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 14th day of June, 20 10


Water Resources Program Manager

WATER RIGHT NO. 34-13568
As Modified by Transfer No. 76521

In accordance with the approval of Transfer No. 76521, Water Right No. 34-13568 is now described as follows.

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

Priority Date: May 01, 1980

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE

IRRIGATION

From

05/01 to 10/15

To

Diversion Rate

4.68 CFS

LOCATION OF POINT(S) OF DIVERSION:

ANTELOPE CREEK

SENE

Sec. 21 Twp 05N 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	30.0	29.0									191.0
				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				40.0	40.0				39.0	40.0		38.0	347.0
			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: 936

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 471.0 acres within the place of use described for this right.
2. Rights 34-116A, 34-10763, 34-10765, 34-10767 and 35-13568 when combined shall not exceed a total diversion rate of 9.30 cfs.
3. 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.
4. 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.
5. 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.

WATER RIGHT NO. 34-13568
As Modified by Transfer No. 76521

CONDITIONS OF APPROVAL

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 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. This right is based upon an enlargement of Right No. 34-00116A, 34-10763, 34-10765 and 34-10767 pursuant to Section 42-1426, Idaho Code.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. 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.
11. This right does not grant any right-of-way or easement across the land of another.
12. Water is delivered through Hanrahan Ditch.
13. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.

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 14th day of June, 2010


Water Resources Program Manager