

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76510
Antelope Creek Transfer

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Contrary Limited Partnership c/o Alison Madhavi Bradford Phone (208)588-2957
Mailing Address 3776 W 3700 N, Darlington, ID 83255 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Keith C. Wilson c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795
Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kwilson@rockymountainenvironmental.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature] Alison Madhavi Bradford Partner 5/3/10
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

[Signature] Meridith T. Dotzenrodt Partner 5/3/10
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change Point of Diversion ☐ Add diversion point(s) ☒ Change Place of use
☐ Change Nature of Use ☐ Change Period of Use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attached additional pages if necessary and label it **Part 1A.2.** Rearrange acres within the original decreed place of use to accommodate current irrigation practices with center pivots. Companion transfers accompany this transfer for associated water rights from Ground water rights 34-2321 & 31-7015, Big Lost River water rights 34-872A, 34-10729, 34-13567 and Antelope Creek right 34-13568.
See Part 1A.2. for a more detailed proposal. See Attachment #9 Diversion Rate Calculations

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Part 1.A.2.

Description of Proposal:

This transfer and two companion transfers are being filed to rearrange the acres within the same original place of use as the decreed water rights to accommodate (reflect) the current irrigation practices and to add a point of diversion (well) to Ground Water rights 34-2321 and 34-7015 to return the diversion capacity up to the decreed diversion rate.

Ground water rights 34-2321 and 34-7015 share the same place of use as Antelope Creek rights 34-7015, 34-116A, 34-10763, 34-10765 and 34-10767, while the Big Lost River rights 34-872A, 34-10759, 34-13567 and Antelope Creek right 34-13568 are appurtenant to other places of use as well as overlapping the same place of use as Ground Water rights 34-2321, 34-7015, and Antelope Creek water rights 34-7015, 34-116A, 34-10763, 34-10765 and 34-10767.

Three separate companion transfers are necessary to rearrange the acres within the original decreed place of use to reflect the current irrigation practices and to add a point of diversion to the Ground Water rights for the following reasons:

1. Transfer for Ground Water rights 34-2321 & 34-7015:

The wells under these water rights can no longer deliver their decreed amount and a new point of diversion (well) needs to be drilled to return (bring) their diversion capacity up to their decreed diversion rates. Even though ground water rights 34-2321 and 34-7015 share the same place of use as Antelope Creek rights 34-7015, 34-116A, 34-10763, 34-10765 & 34-10767 only the transfer on the Ground Water rights proposes to add a point of diversion thus necessitating a separate transfer. This transfer proposes to rearrange the same 40 acres as the Antelope Creek water rights 34-7015, 34-116A, 34-10763, 34-10765 and right 34-10767

2. Transfer for Antelope Creek water rights 34-7015, 34-116A, 34-10763, 34-10765 & 34-10767

These water rights share the same place of use as the ground water rights 34-2321 and 34-7015; however, the transfer of Antelope Creek water rights only proposes to rearrange the same acres within the original decreed place of use thus necessitating a separate transfer. This transfer proposes to rearrange the same 40 acres as the Ground Water rights 34-2321 and 34-7015

3. Transfer for Big Lost River rights 34-872A, 34-10759, 34-13567 and Antelope Creek right 34-13568

These rights are appurtenant to other places of use as well as overlapping the place of use of Ground Water rights 34-2321, 34-7015, and Antelope Creek rights 34-7015, 34-116A, 34-10763, 34-10765 & 34-10767. The difference in the decreed place of use for these water rights requires a transfer to rearrange 41 acres to accommodate for the current irrigation practices thus necessitating a third separate transfer.

The three proposed transfers will not increase the consumptive use or total acres irrigated under water rights 34-2321, 34-7015, 34-7015, 34-116A, 34-10763, 34-10765, 34-10767, 34-872A, 34-10759, 34-13567 and 34-13568. These transfers do not change the place of use only rearrange acres within the original decreed place of use.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	34-116A	1.80 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☒ ☐		0.02 cfs	Stockwater	01/01 to 12/31	Antelope Creek
☒ ☐	34-10763	3.10 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☒ ☐		0.02 cfs	Stockwater	01/01 to 12/31	Antelope Creek
☒ ☐	34-10765	1.60 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☒ ☐		0.02 cfs	Stockwater	01/01 to 12/31	Antelope Creek
☒ ☐	34-10767	2.80 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☒ ☐		0.50 cfs	Stockwater	01/01 to 12/31	Antelope Creek

Total Authorized under rights 9.30* cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 3.20** cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4).
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposed to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local Name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	25E	2		30	37		31	34	29	29									190
				L-2			L-3	L-4											
6N	25E	25											9						9
		26												14			39	32	85
		34	36	35	40	39													150
			L-1			L-2													
		35					38	37	40	40	40	40	34	35					304

Total Acres (for irrigation use) 738

***Combined rights:** 34-13568 (Antelope Creek) in combination with 34-116A, 34-10763, 34-10765 & 35-10767 limited to 9.30 cfs. Right 34-13568 has no water associated with the right only additional acres. Right has a different place of use and is included with a companion transfer of water rights from the Big Lost River.

**** See Attachment #9 for Transfer Diversion Rate Calculations**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1 Continued

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B. DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒	☐	34-116A	1.80 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☒	☐		0.02 cfs	Stockwater	01/01 to 12/31	Antelope Creek
☒	☐	34-10763	3.10 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☒	☐		0.02 cfs	Stockwater	01/01 to 12/31	Antelope Creek
☒	☐	34-10765	1.60 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☒	☐		0.02 cfs	Stockwater	01/01 to 12/31	Antelope Creek
☒	☐	34-10767	2.80 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☒	☐		0.50 cfs	Stockwater	01/01 to 12/31	Antelope Creek

Total Authorized under rights 9.30* cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 3.20** cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4).
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposed to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local Name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	25E	2		30	37		31	34	29	29									190
				L-2			L-3	L-4											
6N	25E	25											9						9
		26												14			39	32	85
		34	36	35	40	39													150
			L-1			L-2													
		35					38	37	40	40	40	40	34	35					304

Total Acres (for irrigation use) 738

*Combined rights: 34-13568 (Antelope Creek) in combination with 34-116A, 34-10763, 34-10765 & 35-10767 limited to 9.30 cfs. Right 34-13568 has no water associated with the right only additional acres. Right has a different place of use and is included with a companion transfer of water rights from the Big Lost River.

** See Attachment #9 for Transfer Diversion Rate Calculations

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Hanrahan Ditch Headgate with ditches to the place of use. Delivery of water is controlled by the water master of Water District 34.

b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Applicant has decreed water rights diverted through the Hanrahan Ditch

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No ☒. If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage, or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Acres within the original place of use will be rearranged within the original decreed place of use to reflect the current irrigation practices with center pivots. The land from which acres are moved will no longer be irrigated.

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) of use Water rights 34-2321, 34-7015, 34-116A, 34-10763, 34-10765, 34-10767 overlap the same place of use. Water rights 34-872A, 34-10729, 34-13567 & 34-13568 in addition to overlapping rights 34-2321, 34-7015, 34-116A, 34-10763, 34-10765, and 34-10767 have other places of use.

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes	No	
☐	☒	Undergone a period of five or more consecutive years of non-use,
☐	☒	Currently leased to the Water Supply Bank,
☐	☒	Currently used in a mitigation plan limiting the use of water under the right, or
☐	☒	Currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

WATER RIGHT NO. 34-116A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONTRARY LIMITED PARTNERSHIP

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.8 CFS	
STOCKWATER	1/01	12/31	0.02 CFS	
Total Diversion			1.8 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 90

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	25E	2	2	NWNE	33		SWNE	40						
				NENW	37		NWNW	39		SWNW	7		SENE	33
06N		25		SWSW	9									
		26		SESW	17									
				SWSE	39		SESE	30						
		34	1	NENE	28		NWNE	39		SWNE	40	2	SENE	35
		35		NENW	37		NWNW	38		SWNW	40		SENE	40
				NESW	37		NWSW	40		SWSW	40		SESW	40

Place of Use Legal Description: STOCKWATER CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	25E	2	4	NWNW			SWNW							
06N		34	2	SENE										
		35		SWNW			SENE							
				NWSW			SWSW							

Total Acres: 738

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

WATER RIGHT NO. 34-116A (Cont.)

Conditions of Approval:

1.	S34	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.
2.	N15	THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
3.		USE OF THIS RIGHT WITH RIGHT NOS. 34-10763, 34-10765, 34-10767, 34-00872A, 34-10729, 34-02321 AND 34-07015, IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 23.94 CFS.
4.	N05	THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5.		FROM THE BEGINNING OF THE IRRIGATION SEASON TO JUNE 15 OF EACH YEAR, THE PRIORITY DATE OF THIS RIGHT IS 05/15/1909.
6.		USE OF THIS RIGHT WITH RIGHT NOS. 34-10763, 34-10765, 34-10767, 34-00872A, 34-10729, 34-02321 AND 34-07015, IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7.	N08	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
8.	C18	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.
9.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
10.		WATER IS DELIVERED THROUGH THE HANRAHAN DITCH. STOCKWATER, 1000 RANGE CATTLE

Decreed Date: 06/22/2001

Water District Number: 34

Combined Acres Limit: 936

Combined Rate Limit: 23.94

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Department of Water Resources
 Eastern Region

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

WATER RIGHT NO. 34-10763

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONTRARY LIMITED PARTNERSHIP

Priority Date: 10/15/1893

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	3.1 CFS	
STOCKWATER	1/01	12/31	0.02 CFS	
Total Diversion			3.1 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 155

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	25E	2	2	NWNE	33		SWNE	40						
				NENW	37		NWNW	39		SWNW	7		SENE	33
06N		25		SWSW	9									
		26		SESW	17									
				SWSE	39		SESE	30						
		34	1	NENE	28		NWNE	39		SWNE	40	2	SENE	35
		35		NENW	37		NWNW	38		SWNW	40		SENE	40
				NESW	37		NWSW	40		SWSW	40		SESW	40

Place of Use Legal Description: STOCKWATER CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	25E	2	4	NWNW			SWNW							
06N		34	2	SENE										
		35		SWNW			SENE							
				NWSW			SWSW							

Total Acres: 738

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Eastern Region

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

WATER RIGHT NO. 34-10763 (Cont.)

Conditions of Approval:

1.	S34	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.
2.	N15	THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
3.	N05	THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 23.94 CFS. COMBINED RIGHT NOS.: 34-00116A, <u>34-00782A</u> , 34-02321, 34-07015, 34-10729, 34-10765 AND 34-10767.
5.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00116A, <u>34-00782A</u> , 34-02321, 34-07015, 34-10729, 34-10765 AND 34-10767. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 155 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6.	N08	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
7.	C18	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.
8.		THIS RIGHT IS A COMBINATION OF OLD RIGHT NUMBERS 34-00192A, 34-00192B AND 34-00576. STOCKWATER, 1000 RANGE CATTLE WATER IS DELIVERED THROUGH HANRAHAN DITCH.
9.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 06/22/2001

Water District Number: 34

Combined Acres Limit: 936

Combined Rate Limit: 23.94

NOTE: Conditions #4 & #5 Reference right 34-782A this should be 34-872A

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

WATER RIGHT NO. 34-10765

Owner Type	Name and Address
Current Owner	CONTRARY LIMITED PARTNERSHIP

Priority Date: 11/15/1883

Basis: Decreed

Status: Active

Source	Tributary
ANTELOPE CREEK	BIG LOST RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	5/01	10/15	1.6 CFS	
STOCKWATER	1/01	12/31	0.02 CFS	
Total Diversion			1.6 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 80

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	25E	2	2	NWNE	33		SWNE	40						
				NENW	37		NWNW	39		SWNW	7		SENE	33
06N		25		SWSW	9									
		26		SESW	17									
				SWSE	39		SESE	30						
		34	1	NENE	28		NWNE	39		SWNE	40	2	SENE	35
		35		NENW	37		NWNW	38		SWNW	40		SENE	40
				NESW	37		NWSW	40		SWSW	40		SESW	40

Place of Use Legal Description: STOCKWATER CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	25E	2	4	NWNW			SWNW							
06N		34	2	SENE										
		35		SWNW			SENE							
				NWSW			SWSW							

Total Acres: 738

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

WATER RIGHT NO. 34-10765 (cont.)

Conditions of Approval:

1.	S34	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.
2.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 23.94 CFS. COMBINED RIGHT NOS.: 34-00116A, <u>34-00782A</u> , 34-02321, 34-07015, 34-10729, 34-10763 AND 34-10767.
3.	N05	THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4.	N15	THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
5.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00116A, <u>34-00782A</u> , 34-02321, 34-07015, 34-10729, 34-10763 AND 34-10767. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6.	C18	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.
7.	N08	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
8.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
9.		THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00193A AND 34-00193B. STOCKWATER, 1000 RANGE CATTLE WATER IS DELIVERED THROUGH HANRAHAN DITCH.

Decreed Date: 06/22/2001

Water District Number: 34

Combined Acres Limit: 936

Combined Rate Limit: 23.94

NOTE: Conditions #2 & #5 reference right 34-782A this should be 34-872A

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

WATER RIGHT NO. 34-10767

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONTRARY LIMITED PARTNERSHIP

Priority Date: 05/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	2.8 CFS	
STOCKWATER	1/01	12/31	0.5 CFS	
Total Diversion			2.8 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 140

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	25E	2	2	NWNE	33		SWNE	40						
				NENW	37		NWNW	39		SWNW	7		SENE	33
06N		25		SWSW	9									
		26		SESW	17									
				SWSE	39		SESE	30						
		34	1	NENE	28		NWNE	39		SWNE	40	2	SENE	35
		35		NENW	37		NWNW	38		SWNW	40		SENE	40
				NESW	37		NWSW	40		SWSW	40		SESW	40

Place of Use Legal Description: STOCKWATER CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	25E	2	4	NWNW			SWNW							
06N		34	2	SENE										
		35		SWNW			SENE							
				NWSW			SWSW							

Total Acres: 738

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

WATER RIGHT NO. 34-10767 (Cont.)

Conditions of Approval:

1.	S34	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.
2.	N15	THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
3.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 23.94 CFS. COMBINED RIGHT NOS.: 34-00116A, 34-00872A, 34-02321, 34-07015, 34-10729, 34-10763 AND 34-10765.
4.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00116A, 34-00872A, 34-02321, 34-07015, 34-10729, 34-10763 AND 34-10765. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5.	C18	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.
6.	N08	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
7.		THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00660D AND 34-00660F. STOCKWATER, 1000 RANGE CATTLE WATER IS DELIVERED THROUGH HANRAHAN DITCH.
8.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 06/22/2001

Water District Number: 34

Combined Acres Limit: 936

Combined Rate Limit: 23.94

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Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
Part 3

A. PLAT MAP (See Part 3A for Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance) _____ N/A

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS _____ N/A

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

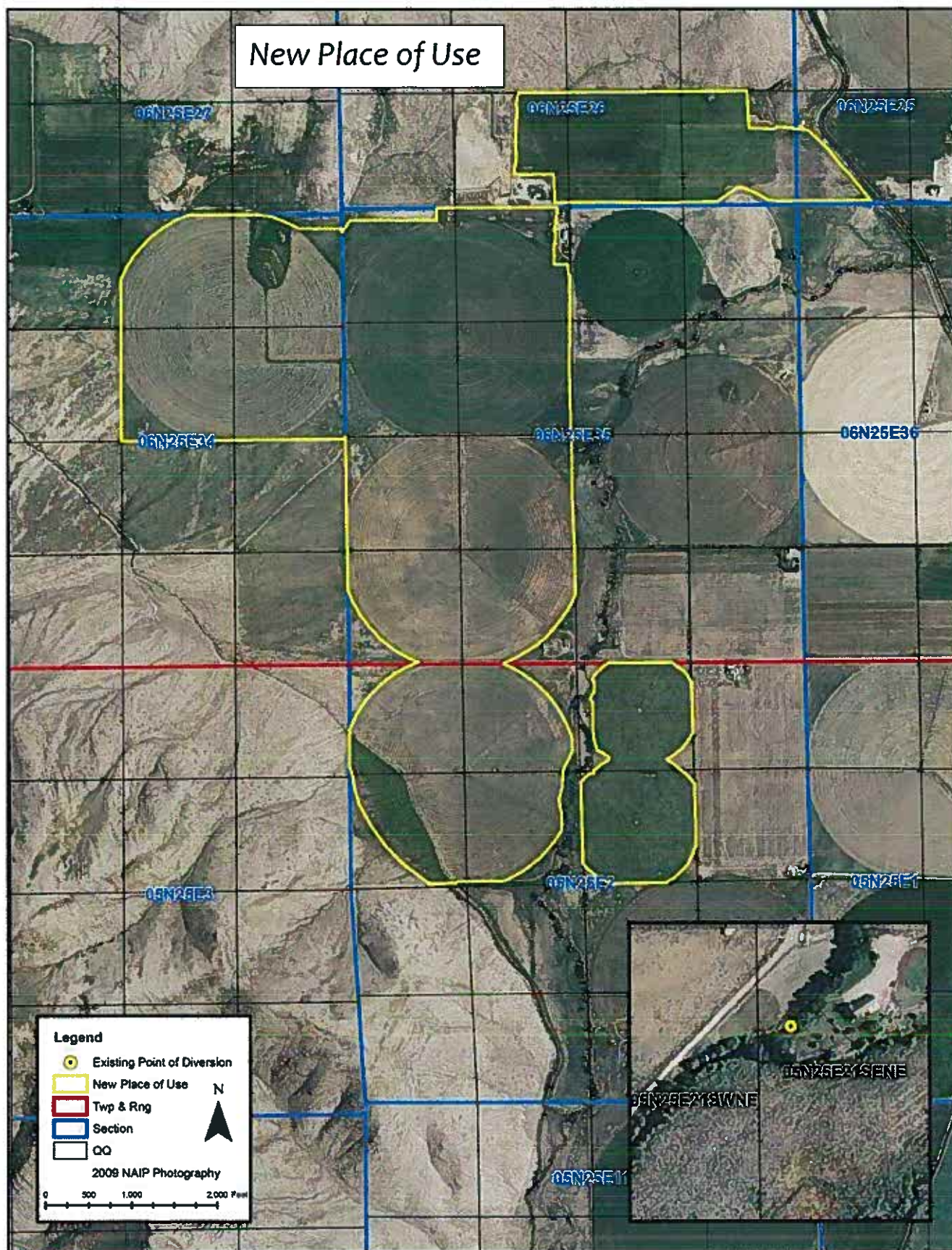
1. Describe how the supplemental water right have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemental, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on part 3B above.: _____

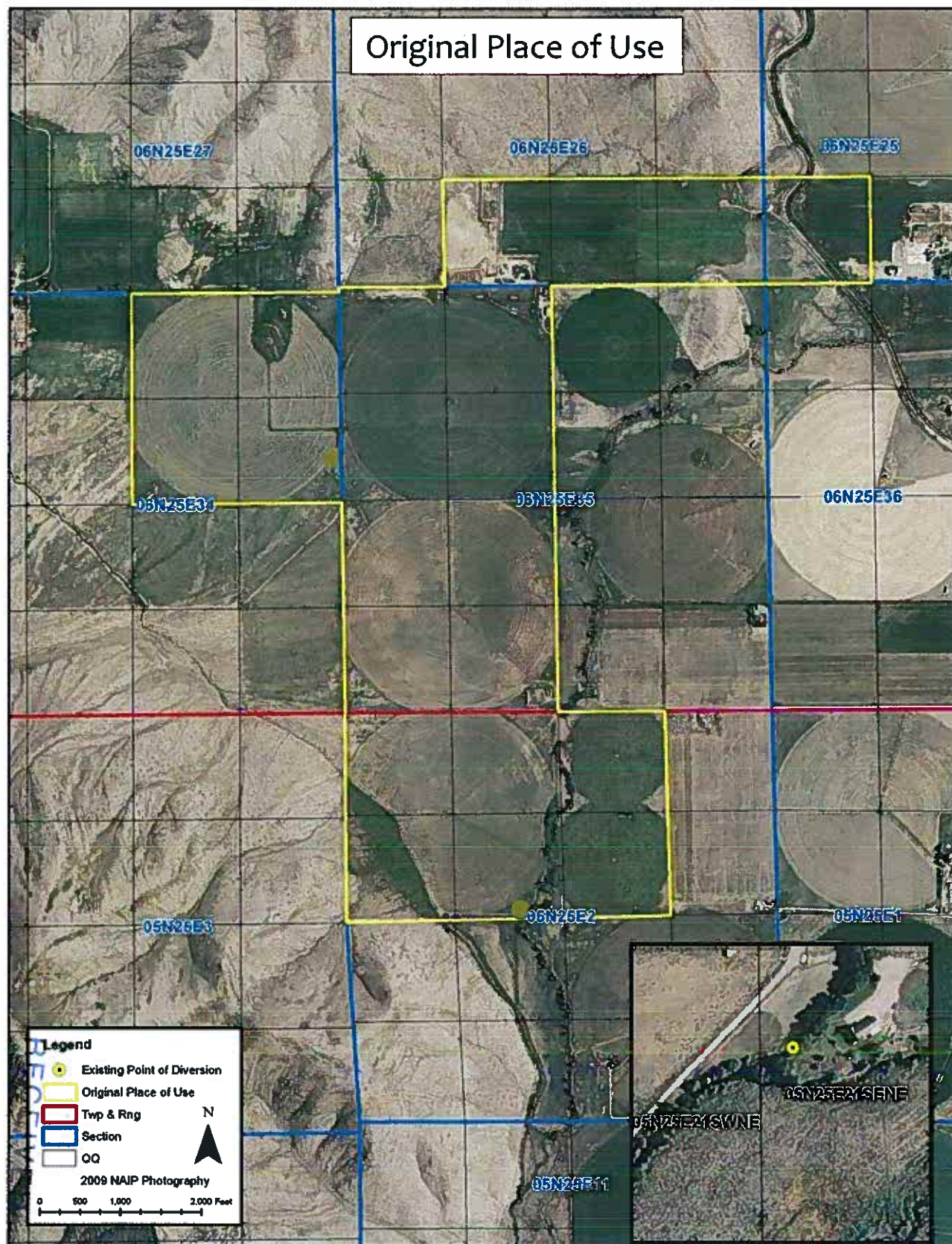
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Eastern Region**FOR DEPARTMENT USE ONLY**

Transfer contains _____	pages and _____	attachments.		
Received by _____	Date _____	Prelim. Check by _____	Date _____	
Fee Paid _____	Date <u>5/11/2010</u>	Received by <u>B/W</u>	Receipt # <u>E035811, E035815</u>	
Add'l Fee Paid _____	Date _____	Received by _____	Receipt # <u>E035816</u>	





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 Department of Water Resources
 Eastern Region

Rearranged Acres & Diversion Rate Calculations Tables: Antelope Creek Transfer

This transfer proposes to rearrange 40 acres within the original decreed place of Use to accommodate the current irrigation practices. The table below shows those acres of each water right that are being rearranged.

Determination of Number of Acres Rearranged:

TWP	RGE	SEC	NE				NW				SW				SE				Changed Acres	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05N	25E	2		30	37		31	34	29	29										
				33	40		37	39	7	33										
			Original Acres																	
Changed Acres			-3	-3	0	-6	-5	22	-4											22/-21
06N	25E	25											9							
												9								
			Original Acres																	
Changed Acres			0																	
06N	25E	26												14			39	32		
														17			39	30		
			Original Acres																	
Changed Acres			-3 0 2 2/-3																	
06N	25E	34	36	35	40	39														
			28	39	40	35														
			Original Acres																	
Changed Acres			8	-4	0	4													12/-4	
06N	25E	35					38	37	40	40	40	40	34	35						
							37	38	40	40	37	40	40	40						
			Original Acres																	
Changed Acres			1 -1 0 0 3 0 -6 -5																4/-12	
Total Acres Rearranged = 40/-40*																				

* Positive Numbers indicate to which quarter-quarter the acres that are being rearranged.

*Negative Numbers indicate from which quarter-quarter the acres that are being rearranged.

Transferred Diversion Rate Calculations:

Water Right	Diversion Rate		Acre Limit		Acres Rearranged		Associated Diversion Rates (Div. rate / ac limit) (rearranged acres)
34-116A	1.80 cfs	÷	90.0	X	40 ac	=	0.80 cfs
34-10736	3.10 cfs	÷	155.0	X	40 ac	=	0.80 cfs
34-10765	1.60 cfs	÷	80.0	X	40 ac	=	0.80 cfs
34-10767	2.80 cfs	÷	140.0	X	40 ac	=	0.80 cfs
Total Diversion Rate =							
9.30 cfs*			Rearranged Diversion Rate =		3.20 cfs		

***Combined rights:**

34-13568 (Expansion) in combination with 34-116A, 34-10763, 34-10765 & 35-10767 limited to 9.30 cfs. Right 34-13568 has no additional water and has the same Place of use as Big Lost River rights 34-872A, 34-10759 and 34-13567. Therefore, 34-13568 has been included in the companion transfer of rights from Big Lost River

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 76510
Antelope Creek Water Rights

**MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Diversion Rate Calculations & Results of Secretary of State Business Entity Search

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