

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76521
Big Lost River & 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**.

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 of Applicant or Authorized Representative

ALISON MADHAVI BRADFORD partner

Print Name and Title if applicable

5/3/10

Date



Signature of Applicant or Authorized Representative

Meredith Dotzcarad Partner

Print Name and Title if applicable

5/3/10

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 place of use to accommodate current irrigation practices with center pivots. Companion transfers accompany this transfer for associated rights from Ground water (rights 34-2321 & 31-7015) and Antelope Creek water (rights 34-116A, 34-10763 and 34-10765)**

See Part 1A.2 for more detailed proposal.

See Attachment #9 for Diversion Rate Calculations

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Part 1.A.2.

Description of Proposal:

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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. RECEIVED

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	34-872A	2.00 cfs	Irrigation	05/01 to 10/15	Big Lost River
☒ ☐		1.00 cfs	Stockwater	01/01 to 12/31	Big Lost River
☒ ☐	34-10729	6.10 cfs	Irrigation	05/01 to 10/15	Big Lost River
☒ ☐		0.02 cfs	Stockwater	01/01 to 12/31	Big Lost River
☒ ☐	34-13567*	4.60 cfs	Irrigation	05/01 to 10/15	Big Lost River
☐ ☐				to	
☒ ☐	34-13568**	4.68 cfs	Irrigation	05/01 to 10/15	Antelope Creek
☐ ☐				to	
Total Authorized under rights		8.10*	cfs and/or	ac-ft	

2. Total amount of water being transferred or changed 1.64** 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	30	29									191
				L-2			L-3	L-4											
6N	25E	25											9						9
		26												14			39	32	85
		34	36	35	40	39				40	40				39	40		38.0	347
			L-1			L-2													
		35					38	37	40	40	40	40	34	35					304

Total Acres (for irrigation use) 936

* **Combined rights:** 34-13567 (Big Lost River) in combination with 34-872A & 34-10729 is limited to 8.10 cfs. Water Right 34-13567 is an expansion right and has no additional water only additional acres.

****Combined rights:** 34-13568 (Antelope Creek) in combination with 34-116A, 34-10763, 34-10765 & 35-10767 limited to 9.30 cfs. Water right 34-13568 is an expansion right and has no additional water only additional acres. Right 34-13568 lists the same place of use as Big Lost River rights 34-872A, 34-10759 and 34-13567. Therefore, 34-13568 has been included in this transfer from the Big Lost River

** See Attachment #9 for Transfer Diversion Rate Calculations

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DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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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: Darlington Ditch Headgate to ditches to the place of use. Delivery of water is controlled by the water master of 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 Darlington 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:

Rearrange acres 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 a portion of the place of use for rights 34-872A, 34-10729, 34-13567 and 34-13568.

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

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WATER RIGHT NO. 34-872A

Owner Type	Name and Address
Current Owner	CONTRARY LIMITED PARTNERSHIP

Priority Date: 02/18/1885

Basis: Decreed

Status: Active

Source	Tributary
BIG LOST RIVER	SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	5/01	10/15	2 CFS	
STOCKWATER	1/01	12/31	1 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER	SWNE	Sec. 33	Township 07N	Range 24E	CUSTER County
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IRRIGATION Use: Acre Limit: 100

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						
			3	NENW	37	4	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
				SENE	40									
				NESW	40									
			3	NESE	39		NWSE	40	4	SESE	39			
		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		NWNW			SWNW							
06N		34		SENE										
				NESW										
				NWSE			SESE							

Total Acres: 236

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

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WATER RIGHT NO. 34-872A (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, 34-02321, 34-07015, 34-10729, 34-10763, 34-10765 AND 34-10767. THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT IN T06N, R25E, S34, SWNW.
3.		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, 34-02321, 34-07015, 34-10729, 34-10763, 34-10765 AND 34-10767. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.	N08	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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.		STOCKWATER, 1000 RANGE CATTLE WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.
7.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 05/29/2001

Water District Number: 34

Combined Acres Limit: 936

Combined Rate Limit: 23.94

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

WATER RIGHT NO. 34-10729

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Owner Type	Name and Address
Current Owner	CONTRARY LIMITED PARTNERSHIP

Priority Date: 05/10/1897

Basis: Decreed

Status: Active

Source	Tributary
BIG LOST RIVER	SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	5/01	10/15	6.1 CFS	
STOCKWATER	1/01	12/31	0.02 CFS	
Total Diversion			6.1 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER	SWNE	Sec. 33	Township 07N	Range 24E	CUSTER County
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IRRIGATION Use: Acre Limit: 305

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						
			3	NENW	37	4	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
				SENE	40									
				NESW	40									
			3	NESE	39		NWSE	40	4	SESE	39			
		35		NENW	37		NWNW	38		SWNW	40		SENE	40
				NESW	37		NWSW	40		SWSW	40		SESE	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		SENE										
				NESW										
				NWSE			SESE							

Total Acres: 936

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

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WATER RIGHT NO. 34-10729 (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, 34-00872A, 34-02321, 34-07015, 34-10763, 34-10765 AND 34-10767. THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT IN T06N, R25E, S34, SWNW.
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 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, 34-10763, 34-10765 AND 34-10767. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 305 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. 34-00640A, 34-00640B, 34-00189, 34-00502 AND 34-00683. STOCKWATER, 1000 RANGE CATTLE WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.
8.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 11/08/2001

Water District Number: 34

Combined Acres Limit: 936

Combined Rate Limit: 23.94

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

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WATER RIGHT NO. 34-13567

Owner TypeName and Address

Current Owner | CONTRARY LIMITED PARTNERSHIP

Priority Date: 05/01/1980

Basis: Decreed

Status: Active

SourceTributary

BIG LOST RIVER | SINKS

Beneficial Use From To Diversion Rate Volume

IRRIGATION	5/01	10/15	4.6 CFS	
Total Diversion			4.6 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER | SWNE | Sec. 33 | Township 07N | Range 24E | CUSTER County

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						
			3	NENW	37	4	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
				SENE	40									
				NESW	40									
			3	NESE	39		NWSE	40	4	SESE	39			
		35		NENW	37		NWNW	38		SWNW	40		SENE	40
				NESW	37		NWSW	40		SWSW	40		SESW	40

Total Acres: 936

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

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WATER RIGHT NO. 34-13567 (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, 34-00872A, 34-02321, 34-07015, 34-10729, 34-10763, 34-10765, 34-10767, AND 34-13568. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.10 CFS. COMBINED RIGHT NOS.: 34-00872A, 34-10729, AND 34-13568.
3.	C11	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.
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, 34-10765, 34-10767, AND 34-13568.
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.		THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 34-00872A AND 34-10729 PURSUANT TO SECTION 42-1426, IDAHO CODE.
7.		THIS RIGHT IS FOR AN ENLARGEMENT OF 531 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.

Decreed Date: 06/04/2001

Enlargement Statute Priority Date: 4/12/1994

Water District Number: 34

Combined Acres Limit: 936

Combined Rate Limit: 23.94

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

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WATER RIGHT NO. 34-13568

Owner Type**Name and Address**

Current Owner: CONTRARY LIMITED PARTNERSHIP

Priority Date: 05/01/1980

Basis: Decreed

Status: Active

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

Beneficial Use From To Diversion Rate Volume

IRRIGATION	5/01	10/15	4.68 CFS	
Total Diversion			4.68 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	SENE	Sec. 21	Township 05N	Range 25E	CUSTER County
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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						
			3	NENW	37	4	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
				SENE	40									
				NESW	40									
			3	NESE	39		NWSE	40	4	SESE	39			
		35		NENW	37		NWNW	38		SWNW	40		SENE	40
				NESW	37		NWSW	40		SWSW	40		SESW	40

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Total Acres: 936

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Eastern Region

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

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WATER RIGHT NO. 34-13568 (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 RIGHT NOS. 34-00116A, 34-10763, 34-10765, 34-10767, 34-00872A, 34-10729, 34-02321, 34-07015, AND 34-13567 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 23.94 CFS. USE OF THIS RIGHT WITH RIGHT NOS. 34-00116A, 34-10763, 34-10765, 34-10767, AND 34-13567 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.30 CFS.
3.	C11	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.
4.		USE OF THIS RIGHT WITH RIGHT NOS. 34-00116A, 34-10763, 34-10765, 34-10767, 34-00872A, 34-10729, 34-02321, 34-07015, AND 34-13567 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES 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.		WATER IS DELIVERED THROUGH THE HANRAHAN DITCH. THIS RIGHT IS FOR AN ENLARGEMENT OF 471 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS.: 34-00116A, 34-10763, 34-10765, AND 34-10767 PURSUANT TO SECTION 42-1426, IDAHO CODE.

Decreed Date: 06/04/2001

Enlargement Statute Priority Date: 4/12/1994

Water District Number: 34

Combined Acres Limit: 936

Combined Rate Limit: 23.94

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☒ 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.

☐ 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**.

☐ 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.:

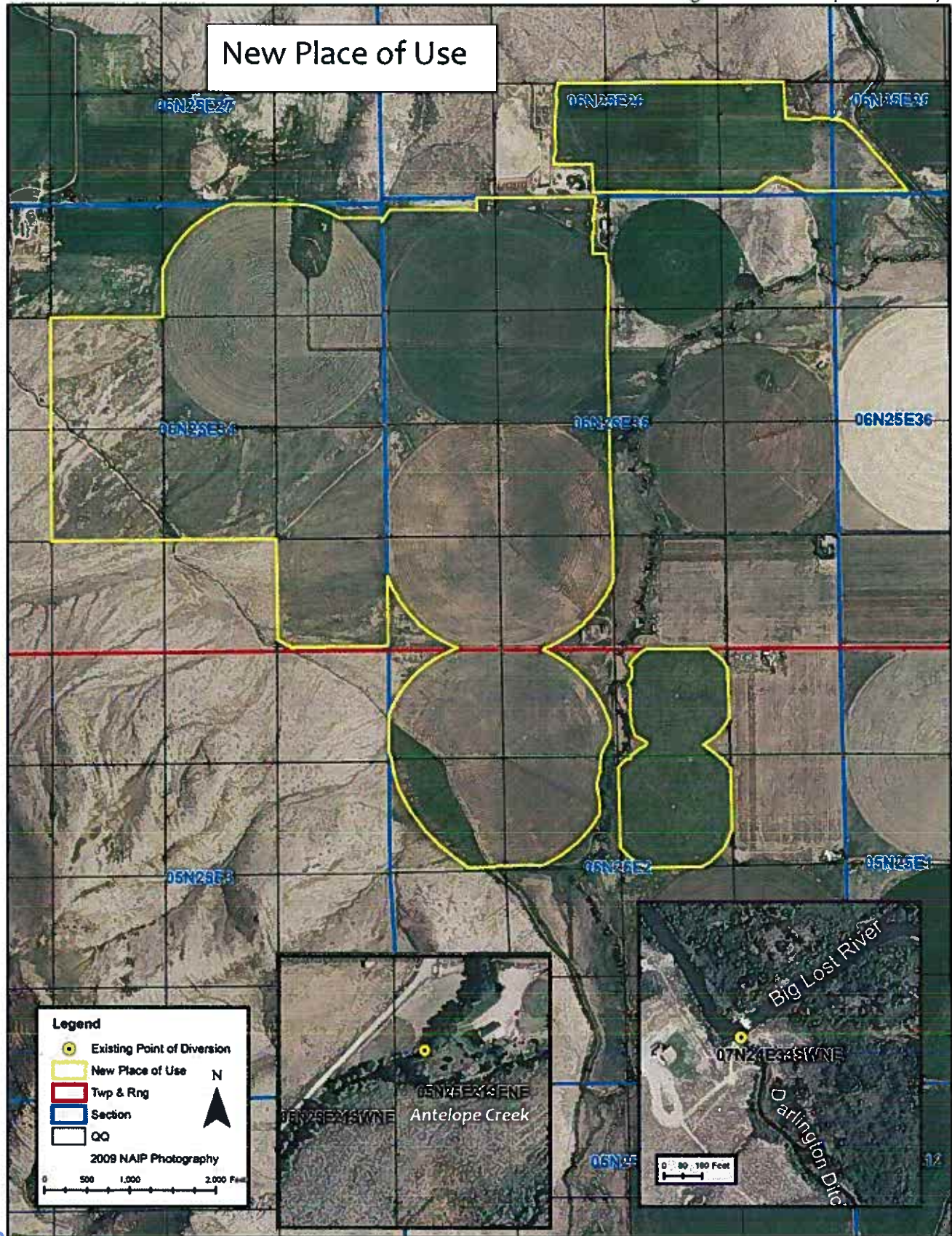
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____
 Fee Paid _____ Date 5/11/2010 Received by B/nk Receipt # E035811, E035815
 Add'l Fee Paid _____ Date _____ Received by _____ Receipt # F035816

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Rearranged Acres & Diversion Rate Calculations Tables:

Big Lost River &
Antelope Creek Transfer

This transfer proposes to rearrange 41 acres within the original decreed place of use to accommodate the current irrigation practices. The calculations below were used to determine the acres of each water right that are being rearranged and the diversion rate associated with those acres.

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Determination of Number of Acres Transferred:

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	30	29										
				33	40		37	39	7	33										
			Original Acres																	
Changed Acres			-3	-3	0	-6	-5	23	-4											23/-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				40	40				39	40		38		
			28	39	40	35				40	40				39	40		39		
			Original Acres																	
Changed Acres			8	-4	0	4	0				0	0				0	-1	12/-5		
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 Transferred =																			41/-41*	

* 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.

The one (1) acre difference between this transfer and the transfers for Antelope Creek & Groundwater is due to the difference in the places of Use.

Transferred Diversion Rate Calculations:

Water Right	Diversion Rate		Acre Limit		Transfer Acres Moved		Diversion Rate Transferred (Div. rate / ac limit) (Trans. ac)
34-872A	2.00 cfs	÷	100.0 ac	X	41 ac	=	0.82 cfs
34-10729	6.10 cfs	÷	305.0 ac	X	41 ac	=	0.82 cfs
34-13567 *	-. - cfs	÷	531.0 ac	X	41 ac	=	-. - cfs
34-13568**	-. - cfs	÷	471.0 ac	X	41 ac	=	-. - cfs
Total Diversion Rate =			8.10 cfs*		Total Diversion Rate Transferred =		1.64 cfs

* Combined rights: 34-13567 (Big Lost River) in combination with 34-872A & 34-10729 is limited to 8.10 cfs. Water Right 34-13567 is an expansion right and has no additional water only additional acres.

**Combined rights: 34-13568 (Antelope Creek) in combination with 34-116A, 34-10763, 34-10765 & 35-10767 limited to 9.30 cfs. Water right 34-13568 is an expansion right and has no additional water only additional acres. Right 34-13568 lists the same place of use as Big Lost River water rights 34-872A, 34-10759 and 34-13567, and therefore is included in this transfer with water rights from the Big Lost River.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76521
Big Lost River & Antelope Creek

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.

- | <u>Yes</u> <u>N/A</u> | * | |
|-------------------------------------|-------------------------------------|--|
| ☒ | * | 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 <u>only a portion</u> 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 <u>not</u> 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: <u>Diversion Rate Calculations & Results of Secretary of State Business Entity Search</u> |

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