

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 75646

This is to certify that: TMW PROPERTIES LLC
375 W 775 S
VICTOR ID 83455

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>
22-646	WR/Decreed	06/01/1890	1.1 cfs	N/A	N/A	48.7	DEEP CREEK

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>
22-646	NO	NO	NO	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-646	22-646	1.1 cfs	N/A	N/A	44.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.1 cfs	N/A	N/A	44.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19 day of August, 2009

Ernest Carlson
for _____
Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 22-646

SCANNED
AUG 19 2009

WATER RIGHT NO. 22-646
As Modified by Transfer No. 75646

In accordance with the approval of Transfer No. 75646, Water Right No. 22-646 is now described as follows.

Right Holder: TMW PROPERTIES LLC
 375 W 775 S
 VICTOR ID 83455

Priority Date: June 01, 1890

Source: DEEP CREEK

Tributary: DRAKE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	1.01 CFS	
DIVERSION TO STORAGE	04/15 to	10/15	0.09 CFS	
WILDLIFE STORAGE	04/15 to	10/15		8.6 AF

LOCATION OF POINT(S) OF DIVERSION:

DEEP CREEK NWNENW Sec. 8 Twp 03N Rge 45E TETON 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	
03N	45E	5											18.1	14.4					32.5
03N	45E	8					10.3	1.7											12.0

Total Acres: 44.5

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	45E	5												X					
03N	45E	8					X												

CONDITIONS OF APPROVAL

1. This right authorizes the diversion of an annual total of 8.6 af to be used for the annual filling of the two wetlands, and for the replacement of losses caused by evaporation from the two wetlands.
2. Diversion of water under transfer 75646 is subject to the terms stated in the Settlement Agreement for Application for Transfer No 75646, recorded in Teton County on August 12, 2009 as instrument #206353.
3. Wildlife storage is for two wetlands that shall not exceed a total capacity of 5.3 acre feet or a total surface area of 1.9 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. 01.

WATER RIGHT NO. 22-646
As Modified by Transfer No. 75646

CONDITIONS OF APPROVAL

5. 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).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 19 day of August, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau