

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73969

This is to certify that: ROBERT ROHE
 PO BOX 2288
 KETCHUM ID 83340-2288
 (208)726-8090

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>
37-21956	AJC/Decreed	03/24/1883	0.11 cfs	N/A		1.0	BIG WOOD 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>
37-21956	NO	YES	YES	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>
37-21956	37-21956	0.11 cfs	N/A	N/A	0.9		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.11 cfs			0.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of August, 20 09

FOR


 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21956
As Modified by Transfer No. 73969

In accordance with the approval of Transfer No. 73969, Water Right No. 37-21956 is now described as follows.

Right Holder: ROBERT ROHE
PO BOX 2288
KETCHUM ID 83340-2288

Priority Date: March 24, 1883

Source: BIG WOOD RIVER
GROUND WATER

Tributary: MALAD RIVER
BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.05 CFS
MITIGATION	04/15	to 10/31	0.06 CFS
			0.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NWNENE) Sec. 6 Twp 03N Rge 18E BLAINE County

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 0.9

PLACE OF USE: MITIGATION

[illegible]

WATER RIGHT NO. 37-21956
As Modified by Transfer No. 73969

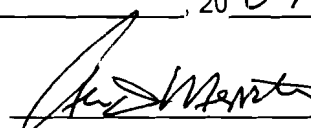
CONDITIONS OF APPROVAL

1. Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River.
2. To prevent injury to other water users caused by approval of transfer 73969 the watermaster shall deliver a 0.03 cfs portion of this right for irrigation into the Hiawatha Canal where it shall remain undiverted and used for conveyance loss. The other portion authorized for irrigation (0.02 cfs) shall be diverted from ground water from the pond located in Lt1 (NWNENE) S6, T3N, R18E used to irrigate 0.9 acres.
3. To prevent injury to water rights 37-7919 and 37-8307 held by the Water Resource Board for minimum stream flow on the Big Wood River the 0.02 cfs allowed for irrigation use from ground water authorized by transfer 73969 shall be subject to curtailment 3 days after flows at the Hailey gauge drop below 189 cfs or curtailed by priority, which ever occurs first. The Director retains jurisdiction to modify the condition of use authorized by transfer 73969 to prevent injury to other users as may be required based on future studies or the addition of gauges on the Big Wood River.
4. The 0.06 cfs portion of this right listed as mitigation use shall remain undiverted to compensate for the evaporation losses necessary to maintain the pond authorized under right 37-22385 and to mitigate potential injury to rights 37-7919 and 37-8307.
5. 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. 37.
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 diversions. Specifically, the pump diverting ground water for irrigation shall have a meter and lockable control valve installed.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year 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 7th day of August, 2009

FOR



Chief, Water Allocation Bureau