

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 75262

This is to certify that: JOHN FOOTE And/Or  
AUBREY FOOTE  
51 WAGON SPRINGS  
GARDEN VALLEY ID 83622  
(208)462-4257

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 65-23292     | WR/Decreed          | 03/24/1916      | 0.1 cfs     | N/A           | N/A               | 5.0                | PAYETTE 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 65-23292              | YES          | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 65-23292              | 65-23326                         | 0.02 cfs             | N/A                    | N/A               | 1.0                | 65-23325                           | 0.08 cfs              | N/A                     | N/A                         | 4.0                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.02 cfs</b>      | <b>N/A</b>             | <b>N/A</b>        | <b>1.0</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 23<sup>rd</sup> day of March, 2009

  
John Westra, Western Regional Manager

**SUPPORT DATA**

IN FILE # 65-23292

**WATER RIGHT NO. 65-23325**  
**As Modified by Transfer No. 75262**

In accordance with the approval of Transfer No. 75262, Water Right No. 65-23325 is now described as follows.

**Right Holder:** KELLY EVANS HUGHES  
58 WAGON SPRINGS RD  
GARDEN VALLEY ID 83622

**Priority Date:** March 24, 1916

**Source:** MIDDLE FORK PAYETTE RIVER      **Tributary:** PAYETTE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.08 CFS              |
|                       |             |           | 0.08 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

MIDDLE FORK PAYETTE RIVER      NENWNE      Sec. 23 Twp 10N Rge 04E      BOISE County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 10N | 04E | 23  |    |    |    |    | 4.0 |    |    |    |    |    |    |    |    |    |    |    | 4.0    |

Total Acres: 4.0

**CONDITIONS OF APPROVAL**

1. 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.
2. Diversion under this right shall not exceed the flow available at the original point of diversion from Scriver Creek, SWNE, Sec 21, T10N, R04E.

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 23<sup>rd</sup> day of March, 20 09

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 65-23326**  
**As Modified by Transfer No. 75262**

In accordance with the approval of Transfer No. 75262, Water Right No. 65-23326 is now described as follows.

**Right Holder:** JOHN FOOTE And  
AUBREY FOOTE  
51 WAGON SPRINGS  
GARDEN VALLEY ID 83622

**Priority Date:** March 24, 1916

**Source:** MIDDLE FORK PAYETTE RIVER    **Tributary:** PAYETTE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.02 CFS              |
|                       |             |           | 0.02 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

MIDDLE FORK PAYETTE RIVER    NENWNE    Sec. 23 Twp 10N Rge 04E    BOISE 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 |        |
| 10N | 04E | 23  |    |    | 1.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0    |

Total Acres: 1.0

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. Diversion under this right shall not exceed the flow available at the original point of diversion from Scriver Creek, SWNE, Sec 21, T10N, R04E.
5. Point of diversion and the pipe conveyance to place of use are located inside 5 feet easement of record – Lot 10 Block 2 Mountain Subdivision No. 1.
6. This right does not grant any right-of-way or easement across the land of another.

**WATER RIGHT NO. 65-23326**  
**As Modified by Transfer No. 75262**

**CONDITIONS OF APPROVAL**

7. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
8. 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. 65.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. 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.

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 23<sup>rd</sup> day of March, 2009

  
John Westra, Western Regional Manager