

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74584

This is to certify that: STATE OF IDAHO
 DEPT OF FISH & GAME
 PO BOX 25
 BOISE ID 83707
 (208)334-3700

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>
21-2100	WR/Decreed	02/03/1948	6 cfs	N/A	N/A	N/A	SHERWOOD SPRING, UNNAMED STREAM

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>
21-2100	NO	YES	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>
21-2100	21-2100	6.0 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		6.0 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23 day of February, 20 09

Ernest Carlson
 for Chief, Water Allocation Bureau

SUPPORT DATA
 IN FILE # 21-2100

WATER RIGHT NO. 21-2100
As Modified by Transfer No. 74584

In accordance with the approval of Transfer No. 74584, Water Right No. 21-2100 is now described as follows.

Right Holder: STATE OF IDAHO
 DEPT OF FISH & GAME
 PO BOX 25
 BOISE ID 83707

Priority Date: February 03, 1948

Source: SHERWOOD SPRING
 HENRYS LAKE

Tributary: HENRYS LAKE
 HENRYS FORK

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
FISH PROPAGATION	01/01 to 12/31	6.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

HENRYS LAKE	L2 (SESW)	Sec. 33 Twp 16N Rge 43E FREMONT County
SHERWOOD SPRING	NWSE	Sec. 33 Twp 16N Rge 43E FREMONT County

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N 43E 33									X						X	X	

CONDITIONS OF APPROVAL

1. Diversion of water from the additional point(s) of diversion authorized under Transfer 74584 located in L2, SESW, Sec. 33, T16N, R43E shall not exceed a maximum diversion rate of 4.00 cfs.
2. Diversion of water from Henrys Lake is limited to those times water is available for diversion under this right and priority from Unnamed Stream at the original point of diversion in the NESE, S33, T16N, R43E, and to the amount of water that actually reaches Henrys Lake.
3. 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.
4. 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).
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow from Unnamed Stream at the original point(s) of diversion, at the mouth of Unnamed Stream and at the point of diversion from Henrys Lake.
6. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 21-2100
As Modified by Transfer No. 74584

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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 23 day of February, 20 09

Ernest Carlson
Chief, Water Allocation Bureau