

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 75271**

This is to certify that: MICHAEL J MITTEN JR  
 2184 S ELBA ALMO RD  
 MALTA ID 83342  
 (208)638-5581

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 43-211       | WR/Decreed          | 04/30/1887      | 0.8 cfs     | N/A           | N/A               | 60.0               | GREEN CREEK   |
| 43-212       | WR/Decreed          | 04/01/1894      | 1.2 cfs     | N/A           | N/A               | 60.0               | GREEN 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 43-211                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 43-212                | NO           | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 43-211                | <b>43-211</b>                    | 0.8 cfs              | N/A                    | N/A               | 60.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-212                | <b>43-212</b>                    | 1.2 cfs              | N/A                    | N/A               | 60.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>2.0 cfs</b>       | <b>N/A</b>             | <b>N/A</b>        | <b>60</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 22<sup>nd</sup> day of January, 20 09

FOR

Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 43 - 211

**WATER RIGHT NO. 43-211**  
**As Modified by Transfer No. 75271**

In accordance with the approval of Transfer No. 75271, Water Right No. 43-211 is now described as follows.

**Right Holder:** MICHAEL J MITTEN JR  
2184 S ELBA ALMO RD  
MALTA ID 83342

**Priority Date:** April 30, 1887

**Source:** GREEN CREEK

**Tributary:** DRY CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01 to    | 10/31     | 0.80 CFS              |
|                       |             |           | 0.80 CFS              |

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

GREEN CREEK                      NWSWSE                      Sec. 11 Twp 14S    Rge 24E    CASSIA 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 |        |
| 14S 25E 8   |      |    |    |    |      |     |    |    |    |    |    | 18.0 |    |    |    |    | 18.0   |
| 14S 25E 17  |      |    |    |    | 20.0 | 7.0 |    |    |    |    |    |      |    |    |    |    | 27.0   |
| 14S 25E 18  | 15.0 |    |    |    |      |     |    |    |    |    |    |      |    |    |    |    | 15.0   |

Total Acres: 60

**CONDITIONS OF APPROVAL**

1. Rights 43-211 and 43-212 when combined shall not exceed the irrigation of 60 acres.
2. 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. 43C.
3. 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).
4. Source is also known as Green Canyon Creek.
5. The combined portions of Rights 43-211 and 43-212 used for conveyance losses is 0.16 cfs between the point of diversion and the field headgate.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

**WATER RIGHT NO. 43-211**  
**As Modified by Transfer No. 75271**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 22<sup>nd</sup> day of January, 20 09

  
FOR Chief, Water Allocation Bureau

**WATER RIGHT NO. 43-212**  
**As Modified by Transfer No. 75271**

In accordance with the approval of Transfer No. 75271, Water Right No. 43-212 is now described as follows.

**Right Holder:** MICHAEL J MITTEN JR  
2184 S ELBA ALMO RD  
MALTA ID 83342

**Priority Date:** April 01, 1894

**Source:** GREEN CREEK

**Tributary:** DRY CREEK

| <u><b>BENEFICIAL USE</b></u> | <u><b>From</b></u> | <u><b>To</b></u> | <u><b>Diversion Rate</b></u> |
|------------------------------|--------------------|------------------|------------------------------|
| IRRIGATION                   | 04/01 to           | 10/31            | 1.20 CFS                     |
|                              |                    |                  | 1.20 CFS                     |

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

GREEN CREEK                      NWSWSE                      Sec. 11 Twp 14S    Rge 24E    CASSIA 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 |        |
| 14S 25E 8   |      |    |    |    |      |     |    |    |    |    |    | 18.0 |    |    |    |    | 18.0   |
| 14S 25E 17  |      |    |    |    | 20.0 | 7.0 |    |    |    |    |    |      |    |    |    |    | 27.0   |
| 14S 25E 18  | 15.0 |    |    |    |      |     |    |    |    |    |    |      |    |    |    |    | 15.0   |

Total Acres: 60

**CONDITIONS OF APPROVAL**

1. Rights 43-211 and 43-212 when combined shall not exceed the irrigation of 60 acres.
2. 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. 43C.
3. 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).
4. Source is also known as Green Canyon Creek.
5. The combined portions of Rights 43-211 and 43-212 used for conveyance losses is 0.16 cfs between the point of diversion and the field headgate.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

**WATER RIGHT NO. 43-212**  
**As Modified by Transfer No. 75271**

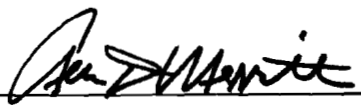
**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 22<sup>nd</sup> day of January, 2009

FOR

  
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Chief, Water Allocation Bureau