

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74892

This is to certify that: SHOSHONE-BANNOCK TRIBES
FORT HALL INDIAN RESERVATION
FORT HALL BUSINESS COUNCIL
PO BOX 306
FORT HALL ID 83203
(208)238-3820

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>
29-231	WR/Decreed	07/06/1868	1.59 cfs	259.3 af	N/A	79.5	TOPONCE 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>
29-231	NO	NO	NO	YES	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>
29-231	29-231	1.59 cfs	259.3 af	N/A	79.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.59 cfs	259.3 af	N/A	79.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15th day of September, 20 08

Chief, Water Allocation Bureau

WATER RIGHT NO. 29-231
As Modified by Transfer No. 74892

In accordance with the approval of Transfer No. 74892, Water Right No. 29-231 is now described as follows.

Right Holder: SHOSHONE-BANNOCK TRIBES
 FORT HALL INDIAN RESERVATION
 FORT HALL BUSINESS COUNCIL
 PO BOX 306
 FORT HALL ID 83203

Priority Date: July 06, 1868

Source: TOPONCE CREEK

Tributary: PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	01/01 to	12/31	1.59 CFS	259.3 AF
			1.59 CFS	259.3 AF

LOCATION OF POINT(S) OF DIVERSION:

TOPONCE CREEK	SWSWSE	Sec. 33 Twp 06S	Rge 38E	CARIBOU County
TOPONCE CREEK	L11(NWNESW)	Sec. 35 Twp 06S	Rge 38E	CARIBOU 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	
06S	38E	35																	
											39.7	39.8							79.5
											L 6	L 11							

Total Acres: 79.5

CONDITIONS OF APPROVAL

1. 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. 29.
2. 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).
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.

WATER RIGHT NO. 29-231
As Modified by Transfer No. 74892

CONDITIONS OF APPROVAL

7. This water right is a part of the 1990 Fort Hall Indian Water Rights Agreement.
8. Basis of this right is the Winters Doctrine per the Memorandum Decision in United States v Hibner, 27 F.2nd 909 (d. Idaho, E.D. 1928) and the Decree of the United District Court, Eastern Division, dated April 8, 1929.
9. Place of use also known as Allotment 61 (NESW, SENW, Sec 35, T06S, R38E) for 79.53 acres.
10. This right does not grant any right-of-way or easement across the land of another.

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 15th day of September, 20 08



Chief, Water Allocation Bureau