

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73946

This is to certify that: CRYSTAL SPRINGS LAND & CATTLE CO INC
C/O HOLDEN KIDWELL HAHN CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

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>
22-164	AJC/Decreed	06/01/1899	1.4 cfs	N/A	N/A	121.0	SPRINGS

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>
22-164	NO	NO	NO	YES	YES	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>
22-164	22-164	1.4 cfs	N/A	N/A	110		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.4 cfs	N/A	N/A	110		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27th day of August, 20 08

Chief, Water Allocation Bureau

WATER RIGHT NO. 22-164
As Modified by Transfer No. 73946

In accordance with the approval of Transfer No. 73946, Water Right No. 22-164 is now described as follows.

Right Holder: CRYSTAL SPRINGS LAND & CATTLE CO INC
 339 E 600 S #1306
 SALT LAKE CITY UT 84111

Priority Date: June 01, 1899

Source: SPRINGS
 UNNAMED STREAM

Tributary: TETON RIVER
 TETON CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	1.27 CFS	
DIVERSION TO STORAGE	04/15	to 10/31	0.13 CFS	
WILDLIFE STORAGE	01/01	to 12/31		24.1 AF
RECREATION STORAGE	01/01	to 12/31		24.1 AF
			1.40 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	NWNW	Sec. 2	Twp 04N	Rge 45E	TETON County
SPRINGS	L4 (NENWNW)	Sec. 2	Twp 04N	Rge 45E	TETON County
UNNAMED STREAM	NENE	Sec. 3	Twp 04N	Rge 45E	TETON County
UNNAMED STREAM	SWSW	Sec. 35	Twp 05N	Rge 45E	TETON County
UNNAMED STREAM	SWSW	Sec. 35	Twp 05N	Rge 45E	TETON County
SPRINGS	SESWSW	Sec. 35	Twp 05N	Rge 45E	TETON County
UNNAMED STREAM	SESW	Sec. 35	Twp 05N	Rge 45E	TETON County
UNNAMED STREAM	SESW	Sec. 35	Twp 05N	Rge 45E	TETON County
SPRINGS	SESW	Sec. 35	Twp 05N	Rge 45E	TETON 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	
04N	45E	2																	35.9
04N	45E	3	19.0																19.0
			L 1																
05N	45E	35													33.2	21.9			55.1

Total Acres: 110

PLACE OF USE: WILDLIFE STORAGE / RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	2																	
04N	45E	3	X																
			L 1																
05N	45E	35													X	X			

WATER RIGHT NO. 22-164
As Modified by Transfer No. 73946

CONDITIONS OF APPROVAL

1. The 10 ponds established by the storage of water under this right shall not exceed a total capacity of 17.1 acre feet or a total surface area of 3.1 acres.
2. This right authorizes the diversion of an annual total of 24.1 af to be used for a portion of the initial filling of the 10 ponds and for the replacement of losses caused by seepage and evaporation from the ponds.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. The right holder shall accomplish the change authorized by this transfer within one year 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. 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.
7. 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.
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.
9. 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).
10. The diversion and use of water described in 73946 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

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 27th day of August, 20 08



Chief, Water Allocation Bureau