

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74610

This is to certify that: CHATBURN BROTHERS INC
BOX 26
ALBION ID 83311
(208)673-6660

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>
45-14108	WR/Decreed	10/13/1878	0.64 cfs	N/A	N/A	32.0	HOWELL CREEK

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<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>
45-13624	WR/Decreed	04/12/1892	1.95 cfs	N/A	N/A	97.4	UNNAMED STREAM
45-14109	WR/Decreed	10/13/1878	1.31 cfs	N/A	N/A	65.4	HOWELL CREEK

Purpose of Transfer (Changes Proposed)

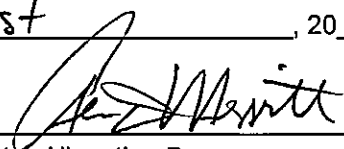
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-14108	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-14108	45-14108	0.64 cfs	N/A	N/A	32.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.95 cfs	N/A	N/A	32.0	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15th day of August, 2008

FOR 
Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 45-14108

SCANNED
AUG 18 2008

WATER RIGHT NO. 45-14108
As Modified by Transfer No. 74610

In accordance with the approval of Transfer No. 74610, Water Right No. 45-14108 is now described as follows.

Right Holder: CHATBURN BROTHERS INC
BOX 26
ALBION ID 83311

Priority Date: October 13, 1878

Source: HOWELL CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.64 CFS	
			0.64 CFS	

LOCATION OF POINT(S) OF DIVERSION:

HOWELL CREEK SWNW Sec. 33 Twp 11S Rge 25E 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	
11S	25E	33						18.0	14.0										32.0

Total Acres: 32

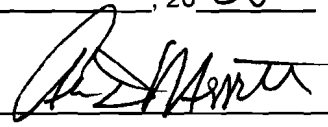
WATER RIGHT NO. 45-14108
As Modified by Transfer No. 74610

CONDITIONS OF APPROVAL

1. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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. 45-F.
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. 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. 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 15th day of August, 20 08



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13624
As Modified by Transfer No. 74610

In accordance with the approval of Transfer No. 74610, Water Right No. 45-13624 is now described as follows.

Right Holder: CHATBURN BROTHERS INC
 BOX 26
 ALBION ID 83311

Priority Date: April 12, 1892

Source: UNNAMED STREAM

Tributary: HOWELL CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	1.31 CFS	
			1.31 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SESENE Sec. 33 Twp 11S Rge 25E CASSIA County

UNNAMED STREAM SWNESE Sec. 33 Twp 11S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S	25E	33		9.2	8.8		27.0	.4	20.0										65.4

Total Acres: 65.4

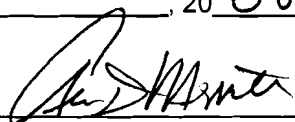
WATER RIGHT NO. 45-13624
As Modified by Transfer No. 74610

CONDITIONS OF APPROVAL

1. Rights 45-14109 and 45-13624 when combined shall not exceed the irrigation of 65.4 acres.
2. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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. 45-F.
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. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
6. The portion of Right 45-13624 decreed in 5/13/2005 in the amount of 0.64 cfs and 32 acres shall be considered abandoned through approval of Transfer 74610. The approval of transfer 74610 redefines all of the elements of Right 45-13624 and shall constitute the full extent of the right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 15th day of August, 20 08


FOR Chief, Water Allocation Bureau

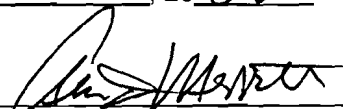
WATER RIGHT NO. 45-14109
As Modified by Transfer No. 74610

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. Rights 45-14109 and 45-13624 when combined shall not exceed the irrigation of 65.4 acres.
6. Right includes accomplished change in place of use pursuant to section 42-1425, IDAHO CODE.

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 August, 2008



Chief, Water Allocation Bureau