

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72000

This is to certify that: MC FARLAND LIVESTOCK CO INC
 C/O TEX J KAUSER
 PO BOX 50
 LEMHI ID 83465
 (208)768-2711

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>
74-11	AJC/Decreed	03/27/1911	1.6 cfs	N/A	N/A	77.3	HAWLEY CREEK
74-12	AJC/Decreed	10/16/1908	2 cfs	N/A	N/A	77.3	HAWLEY CREEK
74-16	AJC/Decreed	04/13/1911	6.4 cfs	N/A	N/A	324.0	HAWLEY CREEK
74-29	AJC/Decreed	04/01/1881	0.7 cfs	N/A	N/A	120.4	HAWLEY CREEK
74-30	AJC/Decreed	08/01/1883	5 cfs	N/A	N/A	120.4	HAWLEY 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>
74-11	NO	NO	YES	NO	NO	NO
74-12	NO	NO	YES	NO	NO	NO
74-16	NO	NO	YES	NO	NO	NO
74-29	NO	NO	YES	NO	NO	NO
74-30	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>
74-11	74-11	1.6 cfs	N/A	77.3	521.7		N/A	N/A	N/A	N/A
74-12	74-12	2 cfs	N/A	77.3	521.7		N/A	N/A	N/A	N/A
74-16	74-16	6.4 cfs	N/A	324.0	521.7		N/A	N/A	N/A	N/A
74-29	74-29	0.7 cfs	N/A	120.4	521.7		N/A	N/A	N/A	N/A
74-30	74-30	5 cfs	N/A	120.4	521.7		N/A	N/A	N/A	N/A
COMBINED TOTALS		15.7 cfs	N/A	521.7	521.7		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 74-11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72000

Detailed Water Right Description(s) attached

Dated this 25th day of March, 2008

for Shelley W. Fenn
Chief, Water Allocation Bureau

WATER RIGHT NO. 74-11
As Modified by Transfer No. 72000

In accordance with the approval of Transfer No. 72000, Water Right No. 74-11 is now described as follows.

Right Holder: MC FARLAND LIVESTOCK CO INC
 C/O TEX J KAUER
 PO BOX 50
 LEMHI ID 83465

Priority Date: March 27, 1911

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

HAWLEY CREEK NWSWNE Sec. 2 Twp 15N Rge 27E LEMHI 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	
15N	27E	10															17.0	38.0	55.0
15N	27E	11											21.0						21.0
15N	27E	14							35.0	24.0	16.0	19.6	38.0	23.0	36.0		6.8		198.4
15N	27E	15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

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. 74W.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 74-11 and 74-12 when combined shall not exceed a total irrigation of 77.3 acres. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
5. The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

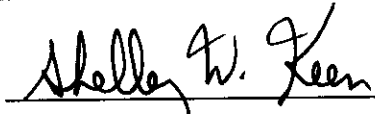
WATER RIGHT NO. 74-11
As Modified by Transfer No. 72000

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.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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 25th day of March, 2008


for Chief, Water Allocation Bureau

WATER RIGHT NO. 74-12
As Modified by Transfer No. 72000

In accordance with the approval of Transfer No. 72000, Water Right No. 74-12 is now described as follows.

Right Holder: MC FARLAND LIVESTOCK CO INC
 C/O TEX J KAUER
 PO BOX 50
 LEMHI ID 83465

Priority Date: October 16, 1908

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.00 CFS	
			2.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

HAWLEY CREEK NWSWNE Sec. 2 Twp 15N Rge 27E LEMHI 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	
15N	27E	10															17.0	38.0	55.0
15N	27E	11											21.0						21.0
15N	27E	14							35.0	24.0	16.0	19.6	38.0	23.0	36.0		6.8		198.4
15N	27E	15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

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. 74W.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 74-11 and 74-12 when combined shall not exceed a total irrigation of 77.3 acres. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
5. The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

WATER RIGHT NO. 74-12
As Modified by Transfer No. 72000

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.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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 25th day of March, 20 08

Shelley W. Keen
for Chief, Water Allocation Bureau

WATER RIGHT NO. 74-16
As Modified by Transfer No. 72000

In accordance with the approval of Transfer No. 72000, Water Right No. 74-16 is now described as follows.

Right Holder: MC FARLAND LIVESTOCK CO INC
 C/O TEX J KAUER
 PO BOX 50
 LEMHI ID 83465

Priority Date: April 13, 1911

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	6.40 CFS	
			6.40 CFS	

LOCATION OF POINT(S) OF DIVERSION:

HAWLEY CREEK NWSWNE Sec. 2 Twp 15N Rge 27E LEMHI 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	
15N 27E 10															17.0	38.0	55.0
15N 27E 11									21.0								21.0
15N 27E 14					35.0	24.0	16.0	19.6	38.0	23.0	36.0		6.8				198.4
15N 27E 15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

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. 74W.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right is limited to the irrigation of 324 acres within the place of use described above in a single irrigation season.
5. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
6. The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.

WATER RIGHT NO. 74-16
As Modified by Transfer No. 72000

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year(s) 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.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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 25th day of March, 2008

for Shelley W. Keen
Chief, Water Allocation Bureau

WATER RIGHT NO. 74-29
As Modified by Transfer No. 72000

In accordance with the approval of Transfer No. 72000, Water Right No. 74-29 is now described as follows.

Right Holder: MC FARLAND LIVESTOCK CO INC
 C/O TEX J KAUER
 PO BOX 50
 LEMHI ID 83465

Priority Date: April 01, 1881

Source: HAWLEY CREEK
Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>		<u>From</u>	<u>To</u>	<u>Division Rate</u>	<u>Volume</u>
IRRIGATION					
		03/15	to 11/15	0.70 CFS	
				0.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:
 HAWLEY CREEK NWSWNE Sec. 2 Twp 15N Rge 27E LEMHI County

PLACE OF USE:		IRIGATION		NE		NW		SW		SE		Totals	
Twp Rge Sec		NE NW SW SE		NE NW SW SE		NE NW SW SE		NE NW SW SE		NE NW SW SE		NE NW SW SE	
15N 27E 10												55.0	
15N 27E 11												21.0	
15N 27E 14												198.4	
15N 27E 15												247.3	
Total Acres: 521.7													

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. 74W.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 74-29 and 74-30 when combined shall not exceed a total irrigation of 120.4 acres. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
5. The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

WATER RIGHT NO. 74-29
As Modified by Transfer No. 72000

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.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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 25th day of March, 20 08

Shelley W. Keen
for Chief, Water Allocation Bureau

WATER RIGHT NO. 74-30
As Modified by Transfer No. 72000

In accordance with the approval of Transfer No. 72000, Water Right No. 74-30 is now described as follows.

Right Holder: MC FARLAND LIVESTOCK CO INC
 C/O TEX J KAUER
 PO BOX 50
 LEMHI ID 83465

Priority Date: August 01, 1883

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	5.00 CFS	
			5.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

HAWLEY CREEK NWSWNE Sec. 2 Twp 15N Rge 27E LEMHI 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	
15N	27E	10															17.0	38.0	55.0
15N	27E	11											21.0						21.0
15N	27E	14							35.0	24.0	16.0	19.6	38.0	23.0	36.0		6.8		198.4
15N	27E	15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

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. 74W.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 74-29 and 74-30 when combined shall not exceed a total irrigation of 120.4 acres. Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
5. The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

WATER RIGHT NO. 74-30
As Modified by Transfer No. 72000

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.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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 25th day of March, 20 08

for Shelley W. Keen
Chief, Water Allocation Bureau