

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73531

This is to certify that: MC FARLAND LIVESTOCK COMPANY 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>
74-25	AJC/Decreed	04/01/1939	2.50 cfs	N/A	N/A	212.0	HAWLEY CREEK
74-28	AJC/Decreed	08/15/1883	3.30 cfs	N/A	N/A	178.0	HAWLEY CREEK
74-15752	AJC/Decreed	04/01/1879	0.68 cfs	N/A	N/A	188.0	HAWLEY CREEK
74-15753	AJC/Decreed	04/01/1879	0.02 cfs	N/A	N/A	3.0	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>
74-25	NO	NO	YES	NO	NO	NO
74-28	NO	NO	YES	NO	NO	NO
74-15752	NO	NO	YES	NO	NO	NO
74-15753	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>
74-25	74-25	2.50 cfs	N/A	211.6	225.2		N/A	N/A	N/A	N/A
74-28	74-28	3.30 cfs	N/A	178.1	225.2		N/A	N/A	N/A	N/A
74-15752	74-15752	0.68 cfs	N/A	188.0	225.2		N/A	N/A	N/A	N/A
74-15753	74-15753	0.02 cfs	N/A	3.0	225.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		6.50 cfs	N/A	225.2	225.2		N/A	N/A	N/A	N/A

SUPPORT DATA

ON FILE # 74-25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73531

Detailed Water Right Description(s) attached

Dated this 21st day of February, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 74-15753
As Modified by Transfer No. 73531

In accordance with the approval of Transfer No. 73531, Water Right No. 74-15753 is now described as follows.

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

Priority Date: April 01, 1879

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.02 CFS
			0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAWLEY CREEK SENE Sec. 3 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	
16N	27E	29											31.0						31.0
16N	27E	30											25.0				33.0	31.0	89.0
16N	27E	31	31.0	25.0			18.2												74.2
16N	27E	32						31.0											31.0

Total Acres: 225.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.
2. Rights 74-25, 74-28, 74-15752, and 74-15753 when combined shall not exceed the irrigation of 225.2 acres.
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. 74W.
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. 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.
6. 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.

WATER RIGHT NO. 74-15753
As Modified by Transfer No. 73531

CONDITIONS OF APPROVAL

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 21st day of February, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 74-15752
As Modified by Transfer No. 73531

In accordance with the approval of Transfer No. 73531, Water Right No. 74-15752 is now described as follows.

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

Priority Date: April 01, 1879

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	11/15	0.68 CFS
			0.68 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAWLEY CREEK SENE Sec. 3 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	
16N 27E 29											31.0						31.0
16N 27E 30										25.0				33.0	31.0		89.0
16N 27E 31	31.0	25.0			18.2												74.2
16N 27E 32						31.0											31.0

Total Acres: 225.2

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 188 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

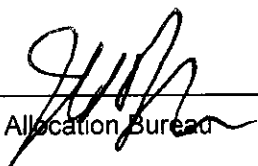
WATER RIGHT NO. 74-15752
As Modified by Transfer No. 73531

CONDITIONS OF APPROVAL

6. 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.
7. 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).
8. Rights 74-25, 74-28, 74-15752, and 74-15753 when combined shall not exceed the irrigation of 225.2 acres.
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 21ST day of February, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 74-28
As Modified by Transfer No. 73531

In accordance with the approval of Transfer No. 73531, Water Right No. 74-28 is now described as follows.

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

Priority Date: August 15, 1883

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	11/15	3.30 CFS
			3.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAWLEY CREEK SENE Sec. 3 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	
16N	27E	29											31.0						31.0
16N	27E	30											25.0				33.0	31.0	89.0
16N	27E	31	31.0		25.0				18.2										74.2
16N	27E	32							31.0										31.0

Total Acres: 225.2

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 178.1 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

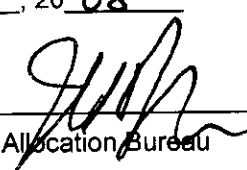
WATER RIGHT NO. 74-28
As Modified by Transfer No. 73531

CONDITIONS OF APPROVAL

6. 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.
7. 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).
8. Rights 74-25, 74-28, 74-15752, and 74-15753 when combined shall not exceed the irrigation of 225.2 acres.
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 21st day of February, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 74-25
As Modified by Transfer No. 73531

In accordance with the approval of Transfer No. 73531, Water Right No. 74-25 is now described as follows.

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

Priority Date: April 01, 1939

Source: HAWLEY CREEK

Tributary: EIGHTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	11/15	2.50 CFS
			2.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAWLEY CREEK SENE Sec. 3 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	
16N	27E	29											31.0						31.0
16N	27E	30											25.0				33.0	31.0	89.0
16N	27E	31	31.0	25.0			18.2												74.2
16N	27E	32						31.0											31.0

Total Acres: 225.2

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 211.6 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

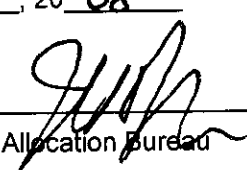
WATER RIGHT NO. 74-25
As Modified by Transfer No. 73531

CONDITIONS OF APPROVAL

6. 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.
7. 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).
8. Rights 74-25, 74-28, 74-15752, and 74-15753 when combined shall not exceed the irrigation of 225.2 acres.
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 21st day of February, 20 08



Chief, Water Allocation Bureau