

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72496

This is to certify that: JOLENE OGDEN
HC 67 BOX 550
CLAYTON ID 83227
(208)838-2964

And

MARSHALL D OGDEN
HC 67 BOX 550
CLAYTON ID 83227
(208)838-2964

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>
72-4161A	WR/Decreed	11/06/1886	0.33 cfs	N/A		15.0	FRENCH 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>
72-4161A	YES	NO	YES	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>
72-4161A	72-16691	0.29 cfs	N/A	13.0	27.7	72-16690	0.04 cfs	N/A	N/A	2.0
COMBINED										
TOTALS		0.29 cfs	N/A	13.0	27.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of April, 20 07


Acting Administrator, Water Management Division

SUPPORT DATA

IN FILE # 72-04161 A

WATER RIGHT NO. 72-16691
As Modified by Transfer No. 72496

In accordance with the approval of Transfer No. 72496, Water Right No. 72-16691 is now described as follows.

Right Holder: MARSHALL D OGDEN And
 JOLENE OGDEN
 HC 67 BOX 550
 CLAYTON ID 83227

Priority Date: November 06, 1886

Source: FRENCH CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.29 CFS	
			0.29 CFS	

LOCATION OF POINT(S) OF DIVERSION:

FRENCH CREEK SENESE Sec. 29 Twp 11N Rge 17E CUSTER County

FRENCH CREEK NWNENE Sec. 32 Twp 11N Rge 17E CUSTER 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	
11N 17E 28							2.6			2.6							5.2
							L 2										
11N 17E 29				8.5									14.0				22.5
				L 10													

Total Acres: 27.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13 acres within the place of use described above in a single irrigation season.
2. 0.03 cfs of this right is limited to use for conveyance losses in delivery of this right.
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. 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. 170.
5. 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. 72-16691
As Modified by Transfer No. 72496

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval No. 72496, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
7. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.
12. The diversion and use of water described in right 72-16691 created pursuant to Transfer 72496 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 30th day of April, 2007


Acting Administrator, Water Management Division

WATER RIGHT NO. 72-16690
As Modified by Transfer No. 72496

In accordance with the approval of Transfer No. 72496, Water Right No. 72-16690 is now described as follows.

Right Holder: CAROLYN CALKINS Or
 HERMAN W PLEUS
 260 CHECOLA CIRCLE
 BOISE ID 83704

Priority Date: November 06, 1886

Source: FRENCH CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.04 CFS	
			0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

FRENCH CREEK NWNENE Sec. 32 Twp 11N Rge 17E CUSTER 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	
11N	17E	29		1.0	1.0														2.0
				L 9	L 9														

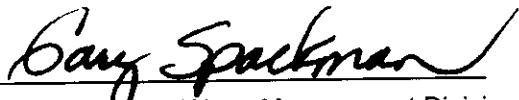
Total Acres: 2

CONDITIONS OF APPROVAL

- 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 30th day of April, 20 07


 Acting Administrator, Water Management Division