

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72318

This is to certify that: SAM'S HOLLOW WATER CO
 201 E CENTER ST
 PO BOX 1391
 POCATELLO ID 83201
 (208)232-6101

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>
11-4022	WR/Statutory Claim	05/18/1871	29.6 cfs	N/A	N/A	1,212.0	FISH HAVEN CREEK, SPRING

Purpose of Transfer (Changes Proposed)

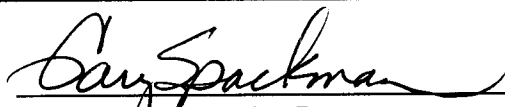
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-4022	NO	YES	YES	NO	NO	YES

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>
11-4022	11-4022	29.6 cfs	N/A	N/A	1,212.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		29.6 cfs	N/A	N/A	1212.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27th day of November, 2006


 Chief, Water Allocation Bureau

WATER RIGHT NO. 11-4022
As Modified by Transfer No. 72318

In accordance with the approval of Transfer No. 72318, Water Right No. 11-4022 is now described as follows.

Right Holder: FISH HAVEN WATER USERS CO
 PO BOX 117
 FISH HAVEN ID 83287

Priority Date: May 18, 1871

Source: SPRING
 FISH HAVEN CREEK

Tributary: FISH HAVEN CREEK
 BEAR LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	29.60 CFS	
MITIGATION	04/15	to 10/31	3.24 CFS	
			29.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

FISH HAVEN CREEK	NWSW	Sec. 14 Twp 16S	Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NWNESE	Sec. 15 Twp 16S	Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NENWSE	Sec. 15 Twp 16S	Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	SWNWNE	Sec. 16 Twp 16S	Rge 43E	BEAR LAKE County
SPRING	SWNWNE	Sec. 16 Twp 16S	Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NWSENE	Sec. 16 Twp 16S	Rge 43E	BEAR LAKE 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	
15S 43E 35			15.0	5.0					3.0			8.0	23.0	33.0	20.0	20.0	127.0
																L 1	
16S 43E 2			25.0	13.0									27.0			28.0	93.0
			L 4	L 3									L 2				
16S 43E 10														37.0	40.0	18.0	95.0
16S 43E 11		16.0	9.0		10.0			9.0	6.0	40.0		35.0		5.0	4.0		134.0
		L 1	L 2					L 2	L 3			L 4		L 3	L 4		
16S 43E 14		10.0	15.0		40.0	30.0	36.0	31.0	40.0	40.0	35.0						277.0
		L 1	L 2		L 1			L 2	L 3		L 4						
16S 43E 22	40.0	40.0	40.0	30.0	40.0	13.0	17.0	22.0	10.0	20.0	24.0	15.0	18.0	26.0	38.0	5.0	398.0
				L 1									L 2			L 3	
16S 43E 23						20.0											20.0
						L 1											
16S 43E 27	13.0	15.0	7.0	10.0		17.0	6.0										68.0
	L 1			L 2													

Total Acres: 1212

WATER RIGHT NO. 11-4022
As Modified by Transfer No. 72318

CONDITIONS OF APPROVAL

1. Transfer 72318 authorizes a portion of Right 11-4022 for mitigation use in the maximum amount of 3.24 cfs and 132.7 irrigated acres. Irrigation use under this right will be reduced proportionately to the irrigation use associated with the Domestic and Commercial uses of Permits 11-7481 and 11-7491 within Bear Lake Haven Subdivision during the development period of the Permits. The official record for this water right will be changed upon determination of the extent of beneficial use developed and subsequently licensed under Permits 11-7481 and 11-7491 to show the specific rate and acres permanently removed from irrigation use that will be dedicated solely to mitigation use.
2. Water associated with the mitigation use will continue to be diverted into the Fish Haven Water Users Company's delivery system, however the portion identified for mitigation purposes shall be conveyed to Bear Lake, and irrigation use under this right by Sam's Hollow Water Company shall be proportionately reduced.
3. Mitigation use under this right is subject to the continued adherence to the provisions of the water management and operation plan required under Permits 11-7481 and 11-7491.
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. 11.
5. 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).
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within five years 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. Approval of this transfer does not confirm the validity of this water right.

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 November, 2006



Chief, Water Allocation Bureau