

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66543

This is to certify that: MEDICINE LODGE RANCHES INC
C/O STUART BREINHOLT
HC 61 BOX 1380
DUBOIS ID 83423
(208)374-5775

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>
32-47	WR/Decreed	08/01/1886	3 cfs	N/A		107.8	MEDICINE LODGE CREEK
32-2010	WR/Decreed	10/29/1906	3.2 cfs	N/A		114.7	MEDICINE LODGE CREEK, UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

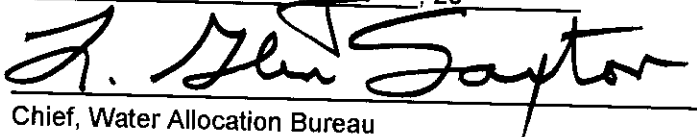
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
32-47	NO	YES	YES	NO	NO	NO
32-2010	NO	YES	YES	NO	NO	NO

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>
32-47	32-47	3.14 cfs	384.7 af	107.8	222.5		N/A	N/A	N/A	N/A
32-2010	32-2010	3.20 cfs	401.5 af	114.7	222.5		N/A	N/A	N/A	N/A
COMBINED TOTALS		6.20 cfs	786.2 af	N/A	222.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 32-47
As Modified by Transfer No. 66543

In accordance with the approval of Transfer No. 66543, Water Right No. 32-47 is now described as follows.

Right Holder: MEDICINE LODGE RANCHES INC
 C/O STUART BREINHOLT
 HC 61 BOX 1380
 DUBOIS ID 83423

Priority Date: August 01, 1886

Source: EDIE CREEK

Tributary: MEDICINE LODGE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	3.00 CFS	377.3 AF
STOCKWATER	01/01 to	12/31	0.14 CFS	7.4 AF
			3.14 CFS	384.7 AF

LOCATION OF POINT(S) OF DIVERSION:

EDIE CREEK SESW Sec. 4 Twp 12N Rge 33E CLARK 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	
12N	33E	7				19.0									12.0			4.2	35.2
12N	33E	8					3.6	28.5			29.0	35.9					23.0		120.0
12N	33E	16									8.3	35.0							43.3
12N	33E	17					11.0	13.0											24.0
Total Acres:																			222.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 107.8 acres within the place of use described above in a single irrigation season.
2. The use of water under Rights 32-47 and 32-2010 shall be limited as follows:
 - (a) When the flow in Edie Creek at the point of diversion for Rights 32-47 and 32-2010 is equal to or less than 2.00 cfs, no water shall be diverted under Rights 32-47 and 32-2010.
 - (b) When the flow in Edie Creek at the point of diversion for Rights 32-47 and 32-2010 is greater than 2.00 cfs but less than 8.20 cfs, the amount of water in excess of 2.00 cfs may be diverted under Rights 32-47 and 32-2010.
 - (c) When the flow in Edie Creek exceeds the amount of 8.20 cfs, 6.20 cfs may be diverted under Rights 32-47 and 32-2010.

The amount of water diverted under Rights 32-47 and 32-2010 shall never exceed the amount of water necessary for the reasonable beneficial use of the water.

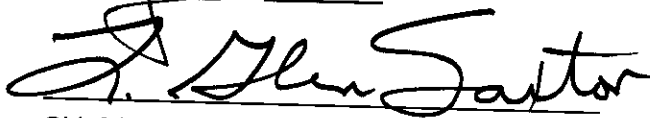
WATER RIGHT NO. 32-47
As Modified by Transfer No. 66543

CONDITIONS OF APPROVAL

3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
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. 32C.
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.
6. 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 7th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 32-2010
As Modified by Transfer No. 66543

In accordance with the approval of Transfer No. 66543, Water Right No. 32-2010 is now described as follows.

Right Holder: MEDICINE LODGE RANCHES INC
 C/O STUART BREINHOLT
 HC 61 BOX 1380
 DUBOIS ID 83423

Priority Date: October 29, 1906

Source: EDIE CREEK

Tributary: MEDICINE LODGE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.20 CFS	401.5 AF
			3.20 CFS	401.5 AF

LOCATION OF POINT(S) OF DIVERSION:

EDIE CREEK SESW Sec. 4 Twp 12N Rge 33E CLARK 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	
12N	33E	7				19.0									12.0			4.2	35.2
12N	33E	8					3.6	28.5			29.0	35.9						23.0	120.0
12N	33E	16									8.3	35.0							43.3
12N	33E	17					11.0	13.0											24.0
Total Acres:			222.5																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 114.7 acres within the place of use described above in a single irrigation season.
2. The use of water under Rights 32-47 and 32-2010 shall be limited as follows:
 - (a) When the flow in Edie Creek at the point of diversion for Rights 32-47 and 32-2010 is equal to or less than 2.00 cfs, no water shall be diverted under Rights 32-47 and 32-2010.
 - (b) When the flow in Edie Creek at the point of diversion for Rights 32-47 and 32-2010 is greater than 2.00 cfs but less than 8.20 cfs, the amount of water in excess of 2.00 cfs may be diverted under Rights 32-47 and 32-2010.
 - (c) When the flow in Edie Creek exceeds the amount of 8.20 cfs, 6.20 cfs may be diverted under Rights 32-47 and 32-2010.

The amount of water diverted under Rights 32-47 and 32-2010 shall never exceed the amount of water necessary for the reasonable beneficial use of the water.

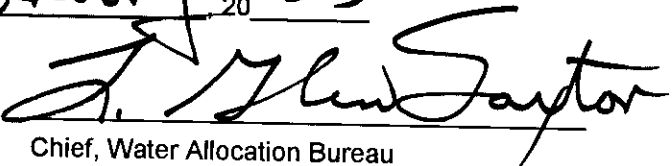
WATER RIGHT NO. 32-2010
As Modified by Transfer No. 66543

CONDITIONS OF APPROVAL

3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
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. 32C.
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.
6. 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 7th day of February 2003


Chief, Water Allocation Bureau