

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72303

This is to certify that: DON CAIN SR
PO BOX 927
3230 US HWY 93N
MOORE ID 83255
(208)554-2405

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>
34-178B	WR/Decreed	05/01/1885	0.23 cfs	25.9 af	N/A	7.4	BIG LOST RIVER

Purpose of Transfer (Changes Proposed)

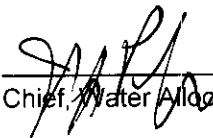
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-178B	NO	NO	YES	YES	NO	NO

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>
34-178B	34-178B	0.23 cfs	25.9 af	7.4	12.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.23 cfs	25.9 af	7.4	12.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27th day of December, 20 05

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 34-178B
As Modified by Transfer No. 72303

In accordance with the approval of Transfer No. 72303, Water Right No. 34-178B is now described as follows.

Right Holder: DON CAIN SR
 PO BOX 927
 3230 US HWY 93N
 MOORE ID 83255

And

CARLOYN R CAIN
 BOX 925
 ARCO ID 83213

Priority Date: May 01, 1885

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01 to	10/15	0.23 CFS	25.9 AF
			0.23 CFS	25.9 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER NWSESE Sec. 4 Twp 05N Rge 26E BUTTE County

BIG LOST RIVER L3 (NWNWSW) Sec. 19 Twp 06N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
06N	26E	19									12.5								12.5
											L 3								

Total Acres: 12.5

CONDITIONS OF APPROVAL

1. A portion of this right, 0.08 cfs, is limited to use for conveyance losses and shall continue to be diverted at the original point of diversion in the NWSESE, S4, T5N, R26E to avoid injury to other users sharing the diversion.
2. A maximum diversion rate of 0.15 cfs may be diverted at the new point of diversion in L3 (NWNWSW), S19, T6N, R26E for irrigation use.
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. 34.

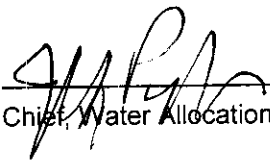
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CONDITIONS OF APPROVAL

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.
5. 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.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 14, 2001.
7. This right is limited to the irrigation of 7.4 acres within the place of use described above in a single irrigation season.
8. The right holder shall accomplish the change authorized by this transfer within one 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 27th day of December, 20 05

For  _____
Chief, Water Allocation Bureau