

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 72127**

This is to certify that: DELBERT M And DONNA LENOR HUGHES  
 HC 61 BOX 3054  
 CHALLIS ID 83226  
 (208)879-2365

have 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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 72-147       | WR/Decreed          | 05/01/1878      | 1.60 cfs    | N/A           | N/A               | 154.2              | MORGAN CREEK  |
| 72-148       | WR/Decreed          | 09/14/1931      | 0.40 cfs    | N/A           | N/A               | 154.2              | MORGAN CREEK  |
| 72-4177      | WR/Decreed          | 05/03/1935      | 12.21 cfs   | N/A           | N/A               | 154.2              | MORGAN 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 72-147                | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 72-148                | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 72-4177               | NO           | YES        | NO         | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 72-147                | <b>72-147</b>                    | 1.60 cfs             | N/A                    | N/A               | 154.2              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 72-148                | <b>72-148</b>                    | 0.40 cfs             | N/A                    | N/A               | 154.2              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 72-4177               | <b>72-4177</b>                   | 12.21 cfs            | N/A                    | N/A               | 154.2              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>14.21 cfs</b>     | <b>N/A</b>             | <b>N/A</b>        | <b>154.2</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 27<sup>th</sup> day of September, 2005

**SUPPORT DATA**

**IN FILE #** 72-147

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 72-147**  
**As Modified by Transfer No. 72127**

In accordance with the approval of Transfer No. 72127, Water Right No. 72-147 is now described as follows.

**Right Holder:** DELBERT M Or DONNA LENOR HUGHES  
HC 61 BOX 3054  
CHALLIS ID 83226

**Priority Date:** May 01, 1878

**Source:** MORGAN CREEK

**Tributary:** SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 10/31  | 1.60 CFS              |
|                       |             |           | 1.60 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

MORGAN CREEK                      NENESE                      Sec. 23 Twp 15N   Rge 19E   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 |        |
| 15N | 19E | 24  | 6.8 | 40.0 | 33.0 | .3  | 16.0 |    |    |    | 33.0 | 24.0 |    |    |    | 1.1 |    |    | 154.2  |
|     |     |     | L 2 | L 2  | L 3  | L 3 |      |    |    |    |      |      |    |    |    | L 6 |    |    |        |

Total Acres: 154.2

**CONDITIONS OF APPROVAL**

1. Rights 72-147, 72-148, 72-4028, 72-4029, and 72-4177 when combined shall not exceed the irrigation of 154.2 acres.
2. 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.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
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. 72F.
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 does not grant any right-of-way or easement across the land of another.
7. Rights 72-148, 72-149, 72-150, 72-4177, and 72-16273 are also diverted through the point of diversion described above.

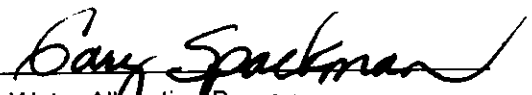
**WATER RIGHT NO. 72-147**  
As Modified by Transfer No. 72127

**CONDITIONS OF APPROVAL**

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 27<sup>th</sup> day of September, 2005

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 72-148**  
**As Modified by Transfer No. 72127**

In accordance with the approval of Transfer No. 72127, Water Right No. 72-148 is now described as follows.

**Right Holder:** DELBERT M Or DONNA LENOR HUGHES  
HC 61 BOX 3054  
CHALLIS ID 83226

**Priority Date:** September 14, 1931

**Source:** MORGAN CREEK

**Tributary:** SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 4/01 to     | 10/31     | 0.40 CFS              |
|                       |             |           | 0.40 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

MORGAN CREEK                      NENESE                      Sec. 23 Twp 15N   Rge 19E   CUSTER County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE  |      |      |     | NW   |    |    |      | SW   |    |    |    | SE |     |    |    | Totals |
|-----|-----|-----|-----|------|------|-----|------|----|----|------|------|----|----|----|----|-----|----|----|--------|
| 15N | 19E | 24  | NE  | NW   | SW   | SE  | NE   | NW | SW | SE   | NE   | NW | SW | SE | NE | NW  | SW | SE |        |
|     |     |     | 6.8 | 40.0 | 33.0 | .3  | 16.0 |    |    | 33.0 | 24.0 |    |    |    |    | 1.1 |    |    | 154.2  |
|     |     |     | L 2 | L 2  | L 3  | L 3 |      |    |    |      |      |    |    |    |    | L 6 |    |    |        |

Total Acres: 154.2

**CONDITIONS OF APPROVAL**

1. Rights 72-147, 72-148, 72-4028, 72-4029, and 72-4177 when combined shall not exceed the irrigation of 154.2 acres.
2. 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.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
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. 72F.
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 does not grant any right-of-way or easement across the land of another.
7. Rights 72-147, 72-149, 72-150, 72-4177, and 72-16273 are also diverted through the point of diversion described above.

**WATER RIGHT NO. 72-148**  
As Modified by Transfer No. 72127

**CONDITIONS OF APPROVAL**

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 27<sup>th</sup> day of September, 20 05

  
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Chief, Water Allocation Bureau

**WATER RIGHT NO. 72-4177**  
**As Modified by Transfer No. 72127**

In accordance with the approval of Transfer No. 72127, Water Right No. 72-4177 is now described as follows.

**Right Holder:** DELBERT M Or DONNA LENOR HUGHES  
 HC 61 BOX 3054  
 CHALLIS ID 83226

**Priority Date:** May 03, 1935

**Source:** MORGAN CREEK

**Tributary:** SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 4/01        | to 10/31  | 12.21 CFS             |
| STOCKWATER            | 10/31       | to 4/01   | 0.07 CFS              |
|                       |             |           | 12.21 CFS             |

**LOCATION OF POINT(S) OF DIVERSION:**

MORGAN CREEK                      NENESE                      Sec. 23 Twp 15N    Rge 19E    CUSTER County

MORGAN CREEK                      L7 (NESWSW)    Sec. 24 Twp 15N    Rge 19E    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 |    |     |       |  |        |
| 15N | 19E | 24  | 6.8 | 40.0 | 33.0 | .3 | 16.0 |    |    | 33.0 | 24.0 |    |    |    |    | 1.1 | 154.2 |  |        |
|     |     |     | L2  | L2   | L3   | L3 |      |    |    |      |      |    |    |    |    | L6  |       |  |        |

Total Acres: 154.2

**PLACE OF USE:**    STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |  |  | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|--|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |    |    |  |  |        |
| 15N | 19E | 24  | X  | X  | X  | X  | X  |    |    | X  | X  |    |    |    |    | X  |  |  |        |
|     |     |     | L2 | L2 | L3 | L3 |    |    |    |    |    |    |    |    |    | L6 |  |  |        |

**CONDITIONS OF APPROVAL**

1. Rights 72-147, 72-148, 72-4028, 72-4029, and 72-4177 when combined shall not exceed the irrigation of 154.2 acres.
2. 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. 72-4177**  
**As Modified by Transfer No. 72127**

**CONDITIONS OF APPROVAL**

3. The diversion of water under this right through the point of diversion in the NENESE, S23, T15N, R19E is limited to a maximum diversion rate of 3.00 cfs, and the diversion of water under this right through the point of diversion in Government Lot 7 (NESWSW) S24, T15N, R19E is limited to a maximum diversion rate of 9.21 cfs.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
5. 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. 72F.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. This right does not grant any right-of-way or easement across the land of another.
8. Rights 72-147, 72-148, 72-149, 72-150, and 72-16273 are also diverted through the point of diversion described above within the NENESE, S23, T15N, R19E.
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.

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 27<sup>th</sup> day of September, 20 05

  
Chief, Water Allocation Bureau