

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71687

This is to certify that: LANCE HESS
PO BOX 732A
LAKE FORK ID 83635
(208) 634-7803

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>
65-3211B	WR/Decreed	12/12/1903	0.547 cfs	N/A	N/A	30.0	LAKE FORK

Purpose of Transfer (Changes Proposed)

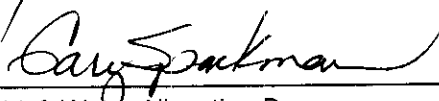
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-3211B	NO	NO	NO	NO	YES	YES

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>
65-3211B	65-3211B	0.55 cfs	79.5 af	N/A	19.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.55 cfs	79.5 af	N/A	19.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of May, 2005



Chief, Water Allocation Bureau

WATER RIGHT NO. 65-3211B
As Modified by Transfer No. 71687

In accordance with the approval of Transfer No. 71687, Water Right No. 65-3211B is now described as follows.

Right Holder: LANCE HESS
 PO BOX 732A
 LAKE FORK ID 83635

Priority Date: December 12, 1903

Source: LAKE FORK

Tributary: NORTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 09/15	0.36 CFS	58.5 AF
DIVERSION TO STORAGE	05/01	to 09/15	0.19 CFS	
RECREATION STORAGE	01/01	to 12/31		21.0 AF
			0.55 CFS	79.5 AF

LOCATION OF POINT(S) OF DIVERSION:

LAKE FORK NESENE Sec. 3 Twp 17N Rge 03E VALLEY 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	
17N	03E	15			7.0	12.5													19.5

Total Acres: 19.5

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	03E	15			X	X													

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

WATER RIGHT NO. 65-3211B
As Modified by Transfer No. 71687

CONDITIONS OF APPROVAL

4. This right does not grant any right-of-way or easement across the land of another.
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. 65K.
6. 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.
7. Right 63-3211B authorizes the diversion of an annual total of 21.0 af to be used for the replacement of losses caused by evaporation from the 10.5 acre total surface area of three (3) ponds established under Right 65-22928.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 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 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
11. This right is diverted through West Side Ditch at the point described above.

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 26th day of May, 2005



Chief, Water Allocation Bureau