

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70695

This is to certify that: PETER L STURDIVANT And RIVER GROVE INC
JANE STURDIVANT C/O PETER L STURDIVANT
PO BOX 606 PO BOX 606
HAILEY ID 83333 HAILEY ID 83333-0606
(208)788-9845 (208)788-9845

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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
36-7314B	WR/Decreed	03/15/1973	15.00 cfs	N/A	N/A	N/A	BILLINGSLEY CREEK
36-7314C	WR/Decreed	12/31/1986	5.00 cfs	N/A	N/A	N/A	BILLINGSLEY CREEK

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
36-7314A	WR/Decreed	03/15/1973	20.00 cfs	N/A	N/A	N/A	BILLINGSLEY CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-7314B	NO	YES	YES	YES	NO	NO
36-7314C	NO	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-7314B	36-7314B	15.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
36-7314C	36-7314C	5.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		20.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of January, 20 05


Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 36-7314A

WATER RIGHT NO. 36-7314C
As Modified by Transfer No. 70695

In accordance with the approval of Transfer No. 70695, Water Right No. 36-7314C is now described as follows.

Right Holder:	PETER L STURDIVANT	And	RIVER GROVE INC
	JANE STURDIVANT		C/O PETER L STURDIVANT
	PO BOX 606		PO BOX 606
	HAILEY ID 83333		HAILEY ID 83333-0606
	(208)788-9845		(208)788-9845

Priority Date: December 31, 1986

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	1/01 to	12/31	5.00 CFS	
			5.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BILLINGSLEY CREEK NWSNW Sec. 11 Twp 07S Rge 13E GOODING County

BILLINGSLEY CREEK NWSNW Sec. 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11					X	X	X	X			X						
							L2	L2	L3										

CONDITIONS OF APPROVAL

1. Rights 36-7314A, 36-7314B and 36-7314C when combined shall not reduce the total flow of Billingsley Creek more than 20.0 cfs in the reach that begins immediately above the 36-7314A diversion point within the NESENW S11, T7S, R13E and ends immediately below the 36-7314B and 36-7314C diversion points within the NWSNW S11, T7S, R13E.
2. A total of 20.00 cfs is authorized for diversion from Billingsley Creek in the NESENW S11, T7S, R13E under right 36-7314A for use in a commercial fish hatchery. The waste water or return flows from this hatchery is injected back into Billingsley Creek. A total of 5.00 cfs is authorized for re-diversion from Billingsley Creek under right 36-7314C at 2 points in the NWSNW S11, T7S, R13E. A total of 15.00 cfs is also authorized for re-diversion at these same two points of diversion under right 36-7314B. At times when right 36-7314A is not diverted, rights 36-7314B and 36-7314C may be diverted so long as the total combined diversion rate does not exceed 20.00 cfs.
3. Rights 36-7314B, 36-7314C and 36-7282 are limited to a total diversion rate of 56.00 cfs.
4. This right is based upon an enlargement of Rights. 36-7314A & 36-7314B pursuant to Sec. 42-1426, Idaho Code.

WATER RIGHT NO. 36-7314C
As Modified by Transfer No. 70695

CONDITIONS OF APPROVAL

5. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works at all points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. 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. 36A.
8. Rights 36-37A, 36-37B, 36-7282, 36-7314B, 36-7750A, 36-7750B, 36-16171, 36-16180 and 36-16194 are also diverted through the points of diversion described above.
9. The right holder shall accomplish the change authorized by this transfer within one (1) 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 24th day of January, 20 05



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7314B
As Modified by Transfer No. 70695

In accordance with the approval of Transfer No. 70695, Water Right No. 36-7314B is now described as follows.

Right Holder:	PETER L STURDIVANT	And	RIVER GROVE INC
	JANE STURDIVANT		C/O PETER L STURDIVANT
	PO BOX 606		PO BOX 606
	HAILEY ID 83333		HAILEY ID 83333-0606
	(208)788-9845		(208)788-9845

Priority Date: March 15, 1973

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	1/01 to	12/31	15.00 CFS	
			15.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BILLINGSLEY CREEK NWSENW Sec. 11 Twp 07S Rge 13E GOODING County

BILLINGSLEY CREEK NWSENW Sec. 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11					X	X	X	X			X						
							L2	L2	L3										

CONDITIONS OF APPROVAL

1. Rights 36-7314A, 36-7314B and 36-7314C when combined shall not reduce the total flow of Billingsley Creek more than 20.0 cfs in the reach that begins immediately above the 36-7314A diversion point within the NESENW S11, T7S, R13E and ends immediately below the 36-7314B and 36-7314C diversion points within the NWSENW S11, T7S, R13E.
2. A total of 20.00 cfs is authorized for diversion from Billingsley Creek in the NESENW S11, T7S, R13E under right 36-7314A for use in a commercial fish hatchery. The waste water or return flows from this hatchery is injected back into Billingsley Creek. A total of 5.00 cfs is authorized for re-diversion from Billingsley Creek under right 36-7314C at 2 points in the NWSENW S11, T7S, R13E. A total of 15.00 cfs is also authorized for re-diversion at these same two points of diversion under right 36-7314B. At times when right 36-7314A is not diverted, rights 36-7314B and 36-7314C may be diverted so long as the total combined diversion rate does not exceed 20.00 cfs.
3. Rights 36-7314B, 36-7314C and 36-7282 are limited to a total diversion rate of 56.00 cfs.
4. Right 36-7314C is based upon an enlargement of Rights. 36-7314A & 36-7314B pursuant to Sec. 42-1426, Idaho Code.

WATER RIGHT NO. 36-7314B
As Modified by Transfer No. 70695

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works at all points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. 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. 36A.
7. Rights 36-37A, 36-37B, 36-7282, 36-7314C, 36-7750A, 36-7750B, 36-16171, 36-16180 and 36-16194 are also diverted through the points of diversion described above.
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 24th day of January, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7314A
As Modified by Transfer No. 70695

In accordance with the approval of Transfer No. 70695, Water Right No. 36-7314A is now described as follows.

Right Holder: VERNITA TALBOTT
 917 JUSTICE GRADE
 HAGERMAN ID 83332

Priority Date: March 15, 1973

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	1/01	to 12/31	20.00 CFS	
			20.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BILLINGSLEY CREEK NESENW Sec. 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 13E 11								X									

CONDITIONS OF APPROVAL

1. Rights 36-7314A, 36-7314B and 36-7314C when combined shall not reduce the total flow of Billingsley Creek more than 20.0 cfs in the reach that begins immediately above the 36-7314A diversion point within the NESENW S11, T7S, R13E and ends immediately below the 36-7314B and 36-7314C diversion points within the NWSENW S11, T7S, R13E.
2. A total of 20.00 cfs is authorized for diversion from Billingsley Creek in the NESENW S11, T7S, R13E under right 36-7314A for use in a commercial fish hatchery. The waste water or return flows from this hatchery is injected back into Billingsley Creek. A total of 5.00 cfs is authorized for re-diversion from Billingsley Creek under right 36-7314C at 2 points in the NWSENW S11, T7S, R13E. A total of 15.00 cfs is also authorized for re-diversion at these same two points of diversion under right 36-7314B. At times when right 36-7314A is not diverted, rights 36-7314B and 36-7314C may be diverted so long as the total combined diversion rate does not exceed 20.00 cfs.
3. Right 36-7314C is based upon an enlargement of Rights. 36-7314A & 36-7314B pursuant to Sec. 42-1426, Idaho Code.
4. Facility Volume 97,800 CU. FT.

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 24th day of January, 2005


 Chief, Water Allocation Bureau