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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5806
WATER RIGHT NO(S). 74-00265/74-02319

This is to certify that: **BEVERLY K HEINZ TRUST**
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 74-00265 :			
IRRIGATION	03/15 to 11/15	1.50 CFS	248.5 AF
Priority: 05/30/1903			
Right No. 74-02319 :			
IRRIGATION	03/15 to 11/15	0.63 CFS	248.5 AF
Priority: 10/29/1956			
TOTAL:		2.13 CFS	248.5 AF *

SOURCE

** BASIN CREEK

TRIBUTARY OF

HAYDEN CREEK

LOCATION OF POINT(S) OF DIVERSION:

NESWNE , Sec. 4, Township 17N, Range 23E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
17N	23E	4	Lot 1 (NENE) 24.5	Lot 2 (NWNE) 25.0	SWNE 5.3	
			SENE 16.2			71.0
				Total number of acres irrigated:		71.0 *

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
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.

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CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval and Right 74-00265, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Mc Nutt Creek at the original point of diversion and at the point of diversion from Basin Creek.
- ** 7. Diversion of water from Basin Creek under Right 74-00265 is limited to those times water is available for diversion under this right and priority from the original source, Mc Nutt Creek.
- * 8. Rights 74-00265 and 74-02319 when combined shall not exceed a total annual maximum diversion volume of 248.5 af at the field headgate and the irrigation of 71.0 acres.

Dated this 29th day of

September, 2000

J. Glen Saylor

Chief, Water Allocation Bureau

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IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHTS)
TO THE USE OF THE SURFACE WATERS)
AND TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

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05/04/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

INDICATES TOTAL

SOURCE: BASIN CREEK

TRIBUTARY TO: HAYDEN CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-1031	CAPPS, ROYDEN O. CAPPS, MINA R. SALMON ID 83467	04-01-1927	IRRIGATION	03-15 11-15	.44 CFS	NWNE S03 T17N R23E SENE S04 T17N R23E SESE S35 T18N R23E		DECREE
	P/U: T18N R23E S36 SWSW(02) S35 SWSE(07) SESE(04) P/U: T17N R23E S02 LT02 (NWNE)(06) LT03 (NENW)(03)						* 22 ACRES*	
74-1030	CAPPS, ROYDEN O. CAPPS, MINA R. P.O. BOX 862 SALMON ID 83467	04-01-1935	IRRIGATION	03-15 11-15	.74 CFS	SENE S04 T17N R23E	SENE(07) SENW(01) SENW(01) LT03 (NENW)(07) LT01 (NENE)(03) LT02 (NWNE)(07) S02 T17N R23E	DECREE
	REMARKS: AC. IRR.=24.6.						* 26 ACRES*	
74-2319	KIRKHAM, LA VERNE KIRKHAM, NELL RT. 1 ASHTON ID 83420	10-29-1956	IRRIGATION	03-15 11-15	.63 CFS	NESW S33 T18N R23E SESW S33 T18N R23E	SWNE(05) SENE(15) LT01 (NENE)(25) LT02 (NWNE)(27) S04 T17N R23E	DECREE
	REMARKS: AC. IRR.=71.						* 72 ACRES*	

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MEMORANDUM

TO: FILE 74-02319
FROM: VAULT
RE: TRANSFER # 5806
DATE: 9-27-00

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 74-00265

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