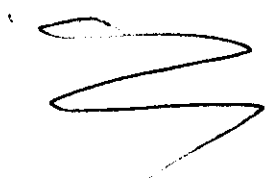


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JUL 19 2002

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR TEMPORARY CHANGE OF A)
WATER RIGHTS TC-37-19 AND)
TC-37-20 IN THE NAME OF)
FLYING HAT RANCH)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Blaine County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 15, 2002 Flying Hat Ranch ("applicant") submitted the attached Temporary Change Applications TC-37-19 and TC-37-20 ("applications") to the Department; and

WHEREAS, the Department has reviewed the applications and has determined the applications can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approvals causes injury to other water rights or constitutes an enlargement in use of the original rights;

ORDER

IT IS HEREBY ORDERED that the applications are **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 37-02713 part and 37-07356 part (ground water) and right no(s). 37-481D part, 37-482J part, 37-11976 part, 37-11978 part, and 37-577BP part (Big Wood River) as described on the applications is authorized only at the point of diversion and place of use described on the applications or as otherwise approved in this order.
2. These temporary change approvals do not authorize construction of a new well as a new point of diversion or new diversion point from the Big Wood River.

3. These temporary change approvals may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.
4. Portions of rights described above are limited to the irrigation of 5 acres within the 18 acre place of use described on the applications for the remainder of the 2002 irrigation season. For this allowance 5 acres shall remain un-irrigated from any source during the 2002 irrigation season of the 596 acres allowed to be irrigated within the 675 acre permissible place of use established by transfer 69809 and 68526.
5. The use of the portions of rights described above when combined is limited to 0.02 cfs per acre (0.10 cfs total for 5 acres) at the field headgate.
6. These temporary approvals do not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under these temporary change approvals.
8. These temporary change approvals do not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. These temporary change approvals expire on 10/31/2002 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approvals.

DATED this 17th day of July, 2002.



Allen Merritt, PE
Southern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED***

TRANSFER NO. 68526

This is to certify that: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125
(801)350-5329

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
37-481D	AJC/Decreed	08/01/1882	3.00 cfs			387.0	BIG WOOD RIVER
37-482J	AJC/Decreed	08/01/1884	3.00 cfs			387.0	BIG WOOD RIVER
37-483D	AJC/Decreed	08/01/1902	3.00 cfs			523.0	BIG WOOD RIVER
37-11977	AJC/Decreed	06/15/1891	0.80 cfs			79.0	BIG WOOD RIVER
37-11975	AJC/Decreed	06/15/1891	3.20 cfs			79.0	BIG WOOD RIVER
37-11976	AJC/Decreed	06/01/1884	0.70 cfs			79.0	BIG WOOD RIVER
37-917	AJC/Decreed	04/01/1940	2.54 cfs			246.0	BIG WOOD RIVER
37-11978	AJC/Decreed	03/24/1883	3.50 cfs			79.0	BIG WOOD RIVER
37-577BP	AJC/Decreed	03/24/1883	7.00 cfs			523.0	BIG WOOD 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>
37-481D	NO	NO	YES	YES	NO	NO
37-482J	NO	NO	YES	YES	NO	NO
37-483D	NO	YES	YES	NO	NO	NO
37-11977	NO	NO	YES	YES	NO	NO
37-11975	NO	NO	YES	YES	NO	NO
37-11976	NO	NO	YES	YES	NO	NO
37-917	NO	YES	YES	YES	NO	NO
37-11978	NO	NO	YES	YES	NO	NO
37-577BP	NO	NO	YES	YES	NO	NO

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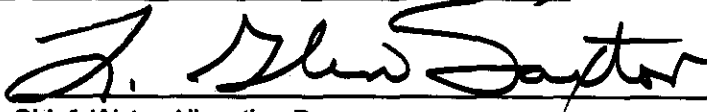
JUN 05 2002

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68526**

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
37-481D	37-481D	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-482J	37-482J	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-483D	37-483D	3.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
37-11977	37-11977	0.80 cfs		20.0	675.0		N/A	N/A	N/A	N/A
37-11975	37-11975	3.20 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-11976	37-11976	0.70 cfs		12.8	675.0		N/A	N/A	N/A	N/A
37-917	37-917	2.54 cfs		246.0	675.0		N/A	N/A	N/A	N/A
37-11978	37-11978	3.50 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-577BP	37-577BP	7.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
TOTALS		26.74 cfs	4172.0 af	596.0	675.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of June, 2002

 Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-481D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1882

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25					28.0	39.0	5.0		23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 05 2002

WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

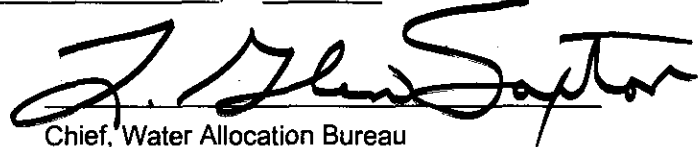
4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
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 when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of

June, 20

02



Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-482J is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 5 2002

WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
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 when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of

June

20

02



Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-483D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 05 2002

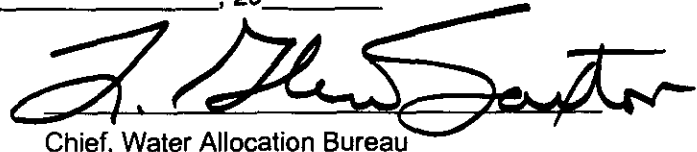
WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
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 when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-577BP is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	7.00 CFS	
			7.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWSWNW	Sec. 20	Twp 03N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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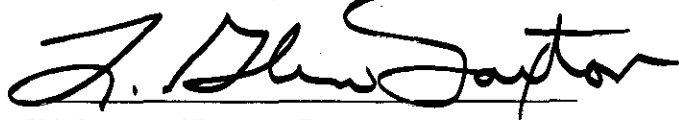
WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season:
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-577BP and 37-917 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-917 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 04/01/1940

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2.54 CFS	
			2.54 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	180.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 246.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

JUN 05 2002

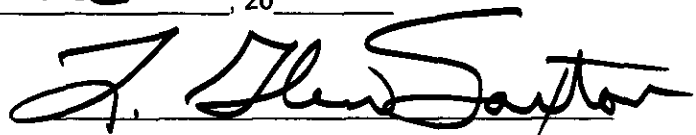
WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
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 when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 14 2002

WATER RIGHT NO. 37-11975

As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11975 is now described as follows.

Right Holder: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.20 CFS	
			3.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SESWNE Sec. 16 Twp 02N Rge 18E BLAINE County
BIG WOOD RIVER SENESE Sec. 22 Twp 02N Rge 18E BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

JUN 15 2002

WATER RIGHT NO. 37-11975
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
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 when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of June, 2002



Chief, Water Allocation Bureau

MICROFILMED

JUN 10 2002

WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11976 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.70 CFS	
			0.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE Sec. 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE Sec. 22 Twp 02N Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0		9.0	6.0		160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.8 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

APR 11 2002

WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 15 2002

WATER RIGHT NO. 37-11977
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11977 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.80 CFS	
			0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE Sec. 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE Sec. 22 Twp 02N Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

JUN 05 2002

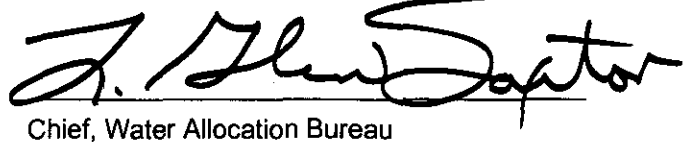
WATER RIGHT NO. 37-11977
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11978 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.50 CFS	
			3.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

SEP 6 2002

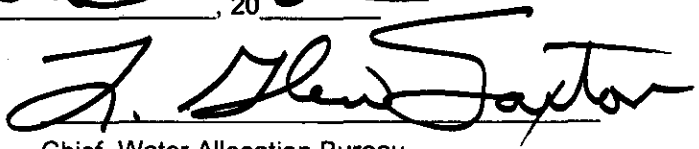
WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
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 when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 11 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 68526')
)
IN THE NAME OF FLYING HAT RANCH)
_____)

**PRELIMINARY ORDER
CORRECTING
TRANSFER APPROVAL**

FINDINGS OF FACT

1. On June 15, 2001 Spencer F. Eccles (representative of applicant) filed Application for Transfer No. 5843 renumbered to 68526 (transfer) to add and change points of diversion, and to change the place of use for the following water rights:

37-481D	37-577BP	37-11976
37-482J	37-917	37-11977
37-483D	37-11975	37-11978

2. On May 6, 2002 the Department approved the transfer showing the following condition on all the rights incorrectly identifying Rights 37-481D, 37-482J, 37-483D, 37-11975, 37-11976, 37-11977 and 37-11978. Only Rights 37-577BP and 37-917 have historically been diverted into the Hiawatha Canal.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

CONCLUSIONS OF LAW

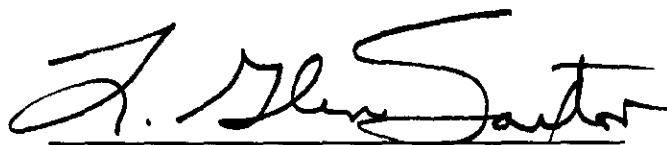
1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.

2. The transfer approval incorrectly lists Rights 37-481D, 37-482J, 37-483D, 37-11975, 37-11976, 37-11977 and 37-11978 in a condition of approval and included it on all rights.
3. The Department should correct the transfer approval to show the correct Right numbers, apply the corrected condition only to affected Right 37-577BP removing the original condition from all other rights under the approval.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 68526 is **CORRECTED** by changing the condition of approval to identify only Rights 37-577BP and 37-917, and removing it from all the unaffected rights as shown on the amended transfer approval document issued in conjunction with this order.

Dated this 3rd day of June, 2002.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68526**

This is to certify that: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125
(801)350-5329

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
37-481D	AJC/Decreed	08/01/1882	3.00 cfs			387.0	BIG WOOD RIVER
37-482J	AJC/Decreed	08/01/1884	3.00 cfs			387.0	BIG WOOD RIVER
37-483D	AJC/Decreed	08/01/1902	3.00 cfs			523.0	BIG WOOD RIVER
37-11977	AJC/Decreed	06/15/1891	0.80 cfs			79.0	BIG WOOD RIVER
37-11975	AJC/Decreed	06/15/1891	3.20 cfs			79.0	BIG WOOD RIVER
37-11976	AJC/Decreed	06/01/1884	0.70 cfs			79.0	BIG WOOD RIVER
37-917	AJC/Decreed	04/01/1940	2.54 cfs			246.0	BIG WOOD RIVER
37-11978	AJC/Decreed	03/24/1883	3.50 cfs			79.0	BIG WOOD RIVER
37-577BP	AJC/Decreed	03/24/1883	7.00 cfs			523.0	BIG WOOD 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>
37-481D	NO	NO	YES	YES	NO	NO
37-482J	NO	NO	YES	YES	NO	NO
37-483D	NO	YES	YES	NO	NO	NO
37-11977	NO	NO	YES	YES	NO	NO
37-11975	NO	NO	YES	YES	NO	NO
37-11976	NO	NO	YES	YES	NO	NO
37-917	NO	YES	YES	YES	NO	NO
37-11978	NO	NO	YES	YES	NO	NO
37-577BP	NO	NO	YES	YES	NO	NO

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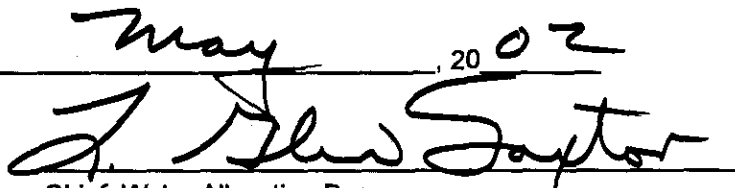
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68526

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
37-481D	37-481D	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-482J	37-482J	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-483D	37-483D	3.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
37-11977	37-11977	0.80 cfs		20.0	675.0		N/A	N/A	N/A	N/A
37-11975	37-11975	3.20 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-11976	37-11976	0.70 cfs		12.8	675.0		N/A	N/A	N/A	N/A
37-917	37-917	2.54 cfs		246.0	675.0		N/A	N/A	N/A	N/A
37-11978	37-11978	3.50 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-577BP	37-577BP	7.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
TOTALS		26.74 cfs	4172.0 af	596.0	675.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of May, 2002


Chief, Water Allocation Bureau

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JUN 05 2002

WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-481D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1882

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE Sec. 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE Sec. 22 Twp 02N Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0		9.0	6.0		160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 05 2002

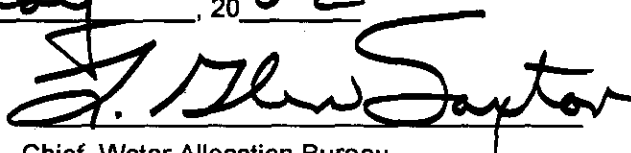
WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-482J is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

JUN 05 2002

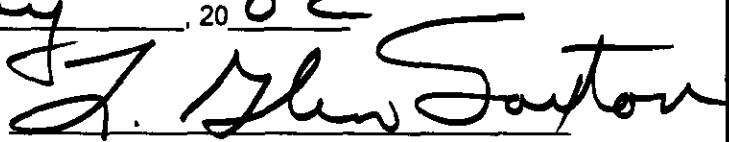
WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lessor amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 15 2002

WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-483D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0
Total Acres: 675																			

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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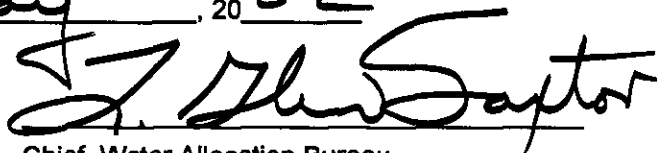
WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

1998 05 2002

WATER RIGHT NO. 37-577BP

As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-577BP is now described as follows.

Right Holder: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	7.00 CFS	
			7.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWSWNW	Sec. 20	Twp 03N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0		9.0	6.0		160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 15 2002

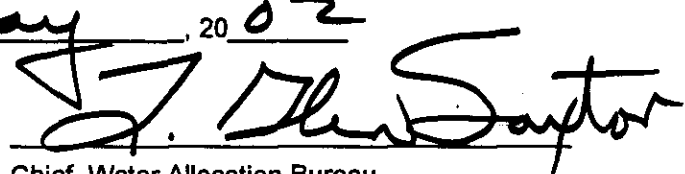
WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-917 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 04/01/1940

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	2.54 CFS	
			2.54 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0
Total Acres:			675																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 246.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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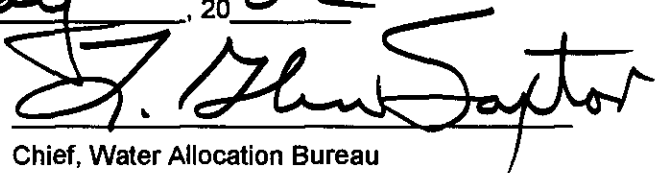
WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

100 9 5 2002

WATER RIGHT NO. 37-11975
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11975 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.20 CFS	
			3.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0
Total Acres: 675																			

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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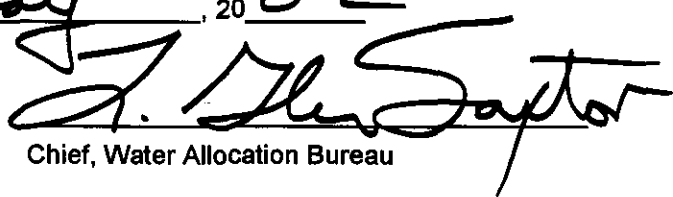
WATER RIGHT NO. 37-11975
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

NOV 19 2002

WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11976 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.70 CFS	
			0.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.8 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

MICROFILMED

JUN 05 2002

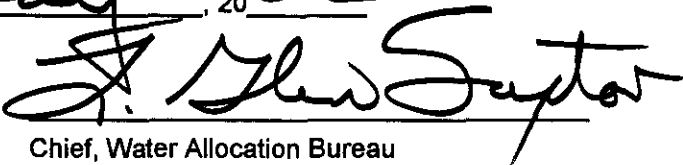
WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
8. 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.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
10. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-11977**As Modified by Transfer No. 68526**

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11977 is now described as follows.

Right Holder: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.80 CFS	
			0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0
Total Acres: 675																			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

MICROFILMED

JUN 05 2002

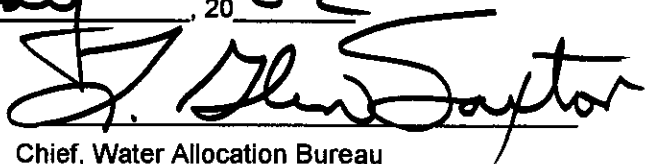
WATER RIGHT NO. 37-11977
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
8. 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.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
10. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 15 2002

WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11978 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.50 CFS	
			3.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE Sec. 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE Sec. 22 Twp 02N Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

JUN 05 2002

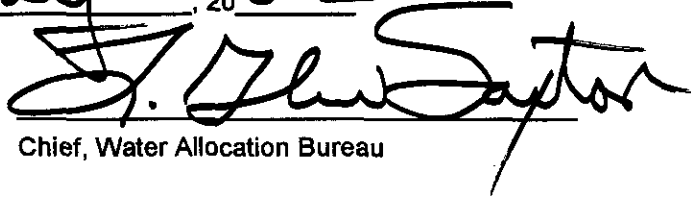
WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lessor amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. 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.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

1994 10 5 2002

MEMORANDUM

TO: FILE 37-11978
FROM: VAULT
RE: TEMPORARY CHANGE TC 37-20
DATE: 7-30-03

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**Original Temporary Change Application and correspondence regarding
this matter is located within:**

FILE # 37-481D

MICROFILMED

SEP 03 2003

MEMORANDUM

TO: FILE 37-11978

FROM: VAULT

RE: TRANSFER # 68526

DATE: 5.10.02

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

FILE # 37-481D

MICROFILMED
JUN 05 2002