

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71088

This is to certify that: FLAT TOP SHEEP CO
PO BOX 88
CAREY ID 83320
(208)481-2252

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-2455	WR/Decreed	12/13/1960	3.40 cfs	680 af	N/A	170.0	GROUND WATER
36-8273	WR/Decreed	07/04/1985	0.68 cfs	136 af	N/A	34.0	GROUND WATER
36-8275A	WR/Decreed	05/09/1985	2.44 cfs	488 af	N/A	122.0	GROUND WATER
36-7021D	WR/Decreed	04/09/1968	2.42 cfs	484 af	N/A	121.0	GROUND WATER

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>
36-2455	NO	NO	YES	YES	NO	NO
36-8273	NO	NO	YES	YES	NO	NO
36-8275A	NO	NO	YES	YES	NO	NO
36-7021D	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-2455	36-2455	3.40 cfs	680 af	170.0	447.0		N/A	N/A	N/A	N/A
36-8273	36-8273	0.68 cfs	136 af	34.0	447.0		N/A	N/A	N/A	N/A
36-8275A	36-8275A	2.44 cfs	488 af	122.0	447.0		N/A	N/A	N/A	N/A
36-7021D	36-7021D	2.42 cfs	484 af	121.0	447.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.82 cfs	1788 af	447.0	447.0		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71088

Detailed Water Right Description(s) attached

Dated this 7th day of June, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2455
As Modified by Transfer No. 71088

In accordance with the approval of Transfer No. 71088, Water Right No. 36-2455 is now described as follows.

Right Holder: FLAT TOP SHEEP CO
 PO BOX 88
 CAREY ID 83320

Priority Date: December 13, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.40 CFS	680.0 AF
			3.40 CFS	680.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 21 Twp 06S Rge 23E LINCOLN County

GROUND WATER SWNWSW Sec. 22 Twp 06S Rge 23E LINCOLN 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	
06S	23E	21				7.6					31.0	31.0	30.0	30.0	34.4	31.0	30.0	30.0	255.0
06S	23E	22					4.0	38.0	16.0		36.0	38.0	30.0	30.0					192.0

Total Acres: 447

CONDITIONS OF APPROVAL

1. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. Prior to the diversion and use of water under Transfer approval 71088, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 36-2455
As Modified by Transfer No. 71088

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. The total instantaneous diversion of water from all points of diversion under Rights 36-2455, 36-8275A, 36-8273 and 36-7021D shall not exceed 5.82 cfs, nor total combined annual volume of 1788.0 af.
11. This right is limited to the irrigation of 170 acres within the place of use described above in a single irrigation season.
12. Rights 36-2455, 36-8273 and 36-8275A when combined shall not exceed a total diversion rate of 3.4 cfs.

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 7th day of June, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-8275A
As Modified by Transfer No. 71088

In accordance with the approval of Transfer No. 71088, Water Right No. 36-8275A is now described as follows.

Right Holder: FLAT TOP SHEEP CO
 PO BOX 88
 CAREY ID 83320

Priority Date: May 09, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	2.44 CFS	488.0 AF
			2.44 CFS	488.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 21 Twp 06S Rge 23E LINCOLN County

GROUND WATER SWNWSW Sec. 22 Twp 06S Rge 23E LINCOLN 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				
06S	23E	21				7.6								31.0	31.0	30.0	30.0	34.4	31.0	30.0	30.0	255.0
06S	23E	22					4.0	38.0	16.0	36.0	38.0	30.0	30.0									192.0

Total Acres: 447

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 71088, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
2. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. This right is limited to the irrigation of 122 acres within the place of use described above in a single irrigation season.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

WATER RIGHT NO. 36-8275A
As Modified by Transfer No. 71088

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. The total instantaneous diversion of water from all points of diversion under Rights 36-2455, 36-8275A, 36-8273 and 36-7021D shall not exceed 5.82 cfs, nor total combined annual volume of 1788.0 af.
12. Rights 36-2455, 36-8273 and 36-8275A when combined shall not exceed a total diversion rate of 3.4 cfs.

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 7th day of June, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-8273
As Modified by Transfer No. 71088

In accordance with the approval of Transfer No. 71088, Water Right No. 36-8273 is now described as follows.

Right Holder: FLAT TOP SHEEP CO
 PO BOX 88
 CAREY ID 83320

Priority Date: July 04, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.68 CFS	136.0 AF
			0.68 CFS	136.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 21 Twp 06S Rge 23E LINCOLN County

GROUND WATER SWNWSW Sec. 22 Twp 06S Rge 23E LINCOLN 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				
06S	23E	21				7.6								31.0	31.0	30.0	30.0	34.4	31.0	30.0	30.0	255.0
06S	23E	22								4.0	38.0	16.0		36.0	38.0	30.0	30.0					192.0

Total Acres: 447

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 71088, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
2. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. This right is limited to the irrigation of 34 acres within the place of use described above in a single irrigation season.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

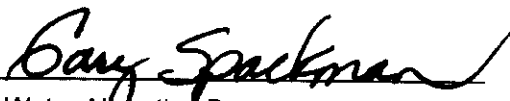
WATER RIGHT NO. 36-8273
As Modified by Transfer No. 71088

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. The total instantaneous diversion of water from all points of diversion under Rights 36-2455, 36-8275A, 36-8273 and 36-7021D shall not exceed 5.82 cfs, nor total combined annual volume of 1788.0 af.
12. Rights 36-2455, 36-8273 and 36-8275A when combined shall not exceed a total diversion rate of 3.4 cfs.

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 7th day of June, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7021D
As Modified by Transfer No. 71088

In accordance with the approval of Transfer No. 71088, Water Right No. 36-7021D is now described as follows.

Right Holder: FLAT TOP SHEEP CO
 PO BOX 88
 CAREY ID 83320

Priority Date: April 09, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.42 CFS	484.0 AF
			2.42 CFS	484.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 21 Twp 06S Rge 23E LINCOLN County

GROUND WATER SWNWSW Sec. 22 Twp 06S Rge 23E LINCOLN 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	
06S 23E 21				7.6					31.0	31.0	30.0	30.0	34.4	31.0	30.0	30.0	255.0
06S 23E 22					4.0	38.0	16.0		36.0	38.0	30.0	30.0					192.0

Total Acres: 447

CONDITIONS OF APPROVAL

1. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. Prior to the diversion and use of water under Transfer approval 71088, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. This right is limited to the irrigation of 121 acres within the place of use described above in a single irrigation season.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

WATER RIGHT NO. 36-7021D
As Modified by Transfer No. 71088

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. The total instantaneous diversion of water from all points of diversion under Rights 36-2455, 36-8275A, 36-8273 and 36-7021D shall not exceed 5.82 cfs, nor total combined annual volume of 1788.0 af.

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 7th day of June, 2004


Chief, Water Allocation Bureau