

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71010

This is to certify that: DIAMOND A LIVESTOCK INC
 1997 S 1875 E
 GOODING ID 83330
 (208)934-5391

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>
37-228	AJC/Decreed	06/01/1883	2.00 cfs	N/A	N/A	257.3	CHIMNEY CREEK
37-229	AJC/Decreed	06/01/1884	2.00 cfs	N/A	N/A	257.3	CHIMNEY CREEK
37-2147	AJC/License	07/10/1909	0.60 cfs	N/A	N/A	257.3	CHIMNEY CREEK

Purpose of Transfer (Changes Proposed)

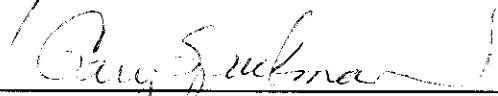
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-228	NO	NO	YES	YES	NO	NO
37-229	NO	NO	YES	YES	NO	NO
37-2147	NO	NO	YES	YES	NO	NO

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>
37-228	37-228	2.00 cfs	N/A	227.7	345.4		N/A	N/A	N/A	N/A
37-229	37-229	2.00 cfs	N/A	227.7	345.4		N/A	N/A	N/A	N/A
37-2147	37-2147	0.60 cfs	N/A	30.0	345.4		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.60 cfs	N/A	257.3	345.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of May, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-228
As Modified by Transfer No. 71010

In accordance with the approval of Transfer No. 71010, Water Right No. 37-228 is now described as follows.

Right Holder: DIAMOND A LIVESTOCK INC
1997 S 1875 E
GOODING ID 83330

Priority Date: June 01, 1883

Source: UNNAMED STREAM **Tributary:** CHIMNEY CREEK
CHIMNEY CREEK CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	10/31	2.00 CFS
			2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHIMNEY CREEK	NWNWSW	Sec. 26 Twp 01N	Rge 12E	CAMAS County
CHIMNEY CREEK	NESWSW	Sec. 26 Twp 01N	Rge 12E	CAMAS County
CHIMNEY CREEK	NWNE	Sec. 27 Twp 01N	Rge 12E	CAMAS County
UNNAMED STREAM	NWNE	Sec. 27 Twp 01N	Rge 12E	CAMAS County
CHIMNEY CREEK	NWNWSE	Sec. 35 Twp 01N	Rge 12E	CAMAS 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	
01N	12E	26							1.2		15.4	22.8	32.6				4.1		76.1
01N	12E	35	37.3	39.7			40.0	39.7	35.8	37.0					39.8				269.3

Total Acres: 345.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 227.7 acres within the place of use described above in a single irrigation season.
2. Rights 37-228 and 37-229 when combined shall not exceed the irrigation of 227.7 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-228, 37-229, and 37-2147 shall not exceed 4.6 cfs for the irrigation of a combined total of 257.3 acres per season.

WATER RIGHT NO. 37-228
As Modified by Transfer No. 71010

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Rights 37-229 and 37-2147 are also diverted through the point(s) of diversion described above.
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. 37.
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. 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. 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 May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-229
As Modified by Transfer No. 71010

In accordance with the approval of Transfer No. 71010, Water Right No. 37-229 is now described as follows.

Right Holder: DIAMOND A LIVESTOCK INC
 1997 S 1875 E
 GOODING ID 83330

Priority Date: June 01, 1884

Source: UNNAMED STREAM
 CHIMNEY CREEK

Tributary: CHIMNEY CREEK
 CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	2.00 CFS
			2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHIMNEY CREEK	NWNWSW	Sec. 26 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NESWSW	Sec. 26 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NWNE	Sec. 27 Twp 01N Rge 12E CAMAS County
UNNAMED STREAM	NWNE	Sec. 27 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NWNWSE	Sec. 35 Twp 01N Rge 12E CAMAS 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	
01N 12E 26							1.2				15.4	22.8	32.6			4.1	76.1
01N 12E 35	37.3	39.7			40.0	39.7	35.8	37.0						39.8			269.3

Total Acres: 345.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 227.7 acres within the place of use described above in a single irrigation season.
2. Rights 37-228 and 37-229 when combined shall not exceed the irrigation of 227.7 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-228, 37-229, and 37-2147 shall not exceed 4.6 cfs for the irrigation of a combined total of 257.3 acres per season.

WATER RIGHT NO. 37-229
As Modified by Transfer No. 71010

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Rights 37-228 and 37-2147 are also diverted through the point(s) of diversion described above.
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. 37.
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. 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. 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 May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2147
As Modified by Transfer No. 71010

In accordance with the approval of Transfer No. 71010, Water Right No. 37-2147 is now described as follows.

Right Holder: DIAMOND A LIVESTOCK INC
 1997 S 1875 E
 GOODING ID 83330

Priority Date: July 10, 1909

Source: UNNAMED STREAM
 CHIMNEY CREEK

Tributary: CHIMNEY CREEK
 CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.60 CFS
DOMESTIC	01/01 to	12/31	0.04 CFS
			0.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHIMNEY CREEK	NWNWSW	Sec. 26 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NESWSW	Sec. 26 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NWNE	Sec. 27 Twp 01N Rge 12E CAMAS County
UNNAMED STREAM	NWNE	Sec. 27 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NWNWSE	Sec. 35 Twp 01N Rge 12E CAMAS 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	
01N 12E 26							1.2			15.4	22.8	32.6			4.1		76.1
01N 12E 35		37.3	39.7		40.0	39.7	35.8	37.0						39.8			269.3

Total Acres: 345.4

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 12E 26										X	X						

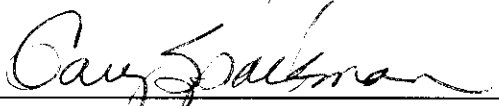
WATER RIGHT NO. 37-2147
As Modified by Transfer No. 71010

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30 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 37-228, 37-229, and 37-2147 shall not exceed 4.6 cfs for the irrigation of a combined total of 257.3 acres per season.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 37-228 and 37-229 are also diverted through the point(s) of diversion described above.
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. 37.
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. 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. 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 May, 2004



Chief, Water Allocation Bureau