

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71051

This is to certify that: CLINTON BITTON
6344 TRAIL CREEK RD
MACKAY ID 83251
(208)588-2233

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>
34-770	WR/Decreed	06/20/1904	1.60 cfs	N/A	N/A	320.0	BIG LOST RIVER
34-771	WR/Decreed	12/04/1912	3.22 cfs	N/A	N/A	320.0	BIG LOST RIVER
34-772	WR/Decreed	10/14/1904	1.60 cfs	N/A	N/A	320.0	BIG LOST 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>
34-770	NO	NO	NO	YES	NO	NO
34-771	NO	NO	NO	YES	NO	NO
34-772	NO	NO	NO	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>
34-770	34-770	1.60 cfs	N/A	N/A	320.0		N/A	N/A	N/A	N/A
34-771	34-771	3.22 cfs	N/A	N/A	320.0		N/A	N/A	N/A	N/A
34-772	34-772	1.60 cfs	N/A	N/A	320.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		6.42 cfs	N/A	320.0	320.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-770
As Modified by Transfer No. 71051

In accordance with the approval of Transfer No. 71051, Water Right No. 34-770 is now described as follows.

Right Holder: CLINTON BITTON And
ESTHER A BITTON
6344 TRAIL CREEK RD
MACKAY ID 83251

Priority Date: June 20, 1904

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER	NENESE	Sec. 1 Twp 08N	Rge 21E	CUSTER County
BIG LOST RIVER	NENWNW	Sec. 12 Twp 08N	Rge 21E	CUSTER County

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 320

CONDITIONS OF APPROVAL

1. Rights 34-770, 34-771 and 34-772 when combined shall not exceed a total irrigation of 320 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 34- 770, 34-771 and 34-772 shall not exceed 6.42 cfs.
3. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
4. 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.34.
5. 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.
6. 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.

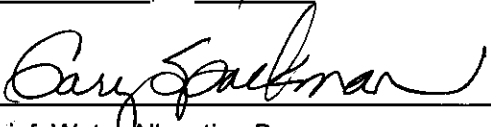
WATER RIGHT NO. 34-770
As Modified by Transfer No. 71051

CONDITIONS OF APPROVAL

7. This right does not grant any right-of-way or easement across the land of another.
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. 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.

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 1st day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 34-772
As Modified by Transfer No. 71051

In accordance with the approval of Transfer No. 71051, Water Right No. 34-772 is now described as follows.

Right Holder: ESTHER A BITTON And
CLINTON BITTON
6344 TRAIL CREEK RD
MACKAY ID 83251

Priority Date: October 14, 1904

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER	NENESE	Sec. 1 Twp 08N Rge 21E CUSTER County
BIG LOST RIVER	NENWNW	Sec. 12 Twp 08N Rge 21E CUSTER 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							
09N	22E	21									10.0				40.0								40.0	30.0	120.0
09N	22E	28	40.0	40.0			40.0	40.0			40.0														200.0

Total Acres: 320

CONDITIONS OF APPROVAL

1. Rights 34-770, 34-771 and 34-772 when combined shall not exceed a total irrigation of 320 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 34- 770, 34-771 and 34-772 shall not exceed 6.42 cfs.
3. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
4. 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.34.
5. 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.
6. 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.

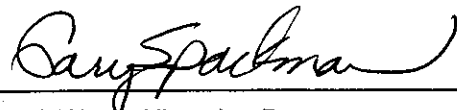
WATER RIGHT NO. 34-772
As Modified by Transfer No. 71051

CONDITIONS OF APPROVAL

7. This right does not grant any right-of-way or easement across the land of another.
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. 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.

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 1st day of May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-771
As Modified by Transfer No. 71051

In accordance with the approval of Transfer No. 71051, Water Right No. 34-771 is now described as follows.

Right Holder: CLINTON BITTON And
 ESTHER A BITTON
 6344 TRAIL CREEK RD
 MACKAY ID 83251

Priority Date: December 04, 1912

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	3.22 CFS	
			3.22 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER	NENESE	Sec. 1 Twp 08N Rge 21E CUSTER County
BIG LOST RIVER	NENWNW	Sec. 12 Twp 08N Rge 21E CUSTER 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											
09N	22E	21									10.0								40.0								40.0	30.0	120.0
09N	22E	28	40.0	40.0							40.0	40.0							40.0										200.0

Total Acres: 320

CONDITIONS OF APPROVAL

1. Rights 34-770, 34-771 and 34-772 when combined shall not exceed a total irrigation of 320 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 34- 770, 34-771 and 34-772 shall not exceed 6.42 cfs.
3. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
4. 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.34.
5. 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.
6. 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.

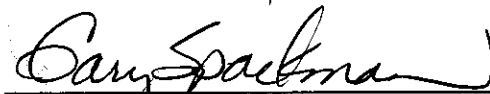
WATER RIGHT NO. 34-771
As Modified by Transfer No. 71051

CONDITIONS OF APPROVAL

7. This right does not grant any right-of-way or easement across the land of another.
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. 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.

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 1st day of May, 2004



Chief, Water Allocation Bureau