

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 70791

This is to certify that: JOHN L MC CULLOCH  
3168 E 1300 N  
ASHTON ID 83420  
(208)652-3334

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 21-102D      | AJC/Decreed         | 06/01/1890      | 1.00 cfs    | N/A           | N/A               | 220.0              | HENRYS FORK   |

**Purpose of Transfer (Changes Proposed)**

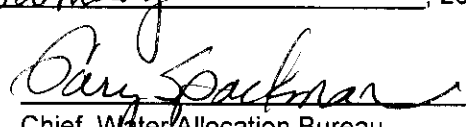
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 21-102D               | NO           | YES        | NO         | NO             | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 21-102D               | <b>21-102D</b>                   | 1.00 cfs             | 770 af                 | N/A               | 220.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>1.00 cfs</b>      | <b>770 af</b>          | <b>N/A</b>        | <b>220</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 30<sup>th</sup> day of January, 2004

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 21-102D**  
**As Modified by Transfer No. 70791**

In accordance with the approval of Transfer No. 70791, Water Right No. 21-102D is now described as follows.

**Right Holder:** ERMA MC CULLOCH Or  
 JOHN L MC CULLOCH  
 3168 E 1300 N  
 ASHTON ID 83420

**Priority Date:** June 01, 1890

**Source:** HENRYS FORK

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 1.00 CFS              | 770.0 AF      |
|                       |             |           | 1.00 CFS              | 770.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

HENRYS FORK Lot 2 (SWNENW) Sec. 33 Twp 09N Rge 42E FREMONT 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 | 42E | 32  | 22.0 | 38.0 | 40.0 | 20.0 | 40.0 |    |    |    |    | 20.0 | 40.0 |    |    |    |    |    | 220.0  |
|     |     |     |      |      |      |      |      |    |    |    |    |      |      |    |    |    |    |    | Lt 1   |

Total Acres: 220

**CONDITIONS OF APPROVAL**

1. 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. 1.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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 30<sup>th</sup> day of January, 2004

  
 Chief, Water Allocation Bureau