

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70454

This is to certify that: COUNTY OF CUSTER
ROAD & BRIDGE DEPT
PO BOX 385
CHALLIS ID 83226
(208)879-2379

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>
72-117A	WR/Decreed	05/15/1884	0.04 cfs	N/A	0.4	0.9	GARDEN CREEK
72-117B	WR/Decreed	05/15/1884	0.04 cfs	N/A	0.5	0.7	GARDEN CREEK
72-117C	WR/Decreed	05/15/1884	0.09 cfs	N/A	0.5	2.0	GARDEN CREEK
72-117D	WR/Decreed	05/15/1884	0.01 cfs	N/A	N/A	N/A	GARDEN 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>
72-117A	NO	YES	NO	NO	NO	NO
72-117B	NO	YES	NO	NO	NO	NO
72-117C	NO	YES	NO	NO	NO	NO
72-117D	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>
72-117A	72-117A	0.04 cfs	N/A	0.4	0.9		N/A	N/A	N/A	N/A
72-117B	72-117B	0.04 cfs	N/A	0.5	0.7		N/A	N/A	N/A	N/A
72-117C	72-117C	0.09 cfs	N/A	0.5	2.0		N/A	N/A	N/A	N/A
72-117D	72-117D	0.01 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.18 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70454

Detailed Water Right Description(s) attached

Dated this 10th day of December, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 72-117C
As Modified by Transfer No. 70454

In accordance with the approval of Transfer No. 70454, Water Right No. 72-117C is now described as follows.

Right Holder: HAROLD LEATON
 RUTH C LEATON
 BOX 97
 CHALLIS ID 83226

Priority Date: May 15, 1884

Source: GARDEN CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.09 CFS	
			0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK NWNWNW Sec. 32 Twp 14N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14N 19E 32				.3													0.3
14N 19E 33							1.7										1.7

Total Acres: 2.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.5 acres within the place of use described above in a single irrigation season.
2. Place of use is located within Lots 2, 4, 6, 8, Blk. 75; Lots 2, 4, 6, 8, Blk. 76; and adjacent parts of 6th Street and South Avenue within City of Challis.
3. To prevent injury to junior right holders as a consequence of the change of point of diversion authorized by approval of transfer 70454 which moves the diversion upstream in a gaining stream, rights 72-117A, 72-117B, 72-117C and 72-117D shall be reduced by 3 percent or when combined shall not exceed a total rate of diversion of 0.17 cfs. The Director retains jurisdiction over the above listed rights to modify the 3 percent stream flow compensation required if competent data is submitted which better defines the losses and gains to Garden Creek during the irrigation season.
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. 72-B.

WATER RIGHT NO. 72-117C
As Modified by Transfer No. 70454

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. Rights 72-48, 72-51B, 72-51L, 72-51N, 72-117A, 72-117B, 72-117C, 72-117D, 72-80A, 72-110A, 72-110B and 72-10257 are all diverted through the points of diversion described above.
7. This right does not grant any right-of-way or easement across the land of another.
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.

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 10th day of December, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 72-117A
As Modified by Transfer No. 70454

In accordance with the approval of Transfer No. 70454, Water Right No. 72-117A is now described as follows.

Right Holder: HARRIET HENDERSON And/Or
 ALAN HENDERSON
 PO BOX 645
 CHALLIS ID 83226

Priority Date: May 15, 1884

Source: GARDEN CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.04 CFS	
			0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK NWNWNW Sec. 32 Twp 14N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
14N 19E 32	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	.9

Total Acres: 0.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.4 acres within the place of use described above in a single irrigation season.
2. Place of use is located within Lots 4, 6, 8, A, B and C, Blk. 74 within City of Challis.
3. To prevent injury to junior right holders as a consequence of the change of point of diversion authorized by approval of transfer 70454 which moves the diversion upstream in a gaining stream, rights 72-117A, 72-117B, 72-117C and 72-117D shall be reduced by 3 percent or when combined shall not exceed a total rate of diversion of 0.17 cfs. The Director retains jurisdiction over the above listed rights to modify the 3 percent stream flow compensation required if competent data is submitted which better defines the losses and gains to Garden Creek during the irrigation season.
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. 72-B.
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.

WATER RIGHT NO. 72-117A
As Modified by Transfer No. 70454

CONDITIONS OF APPROVAL

6. Rights 72-48, 72-51B, 72-51L, 72-51N, 72-117A, 72-117B, 72-117C, 72-117D, 72-80A, 72-110A, 72-110B and 72-10257 are all diverted through the points of diversion described above.
7. This right does not grant any right-of-way or easement across the land of another.
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.

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 10th day of December, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 72-117B
As Modified by Transfer No. 70454

In accordance with the approval of Transfer No. 70454, Water Right No. 72-117B is now described as follows.

Right Holder: HARRIET HENDERSON And/Or
ALAN HENDERSON
PO BOX 645
CHALLIS ID 83226

Priority Date: May 15, 1884

Source: GARDEN CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.04 CFS	
			0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK NWNWNW Sec. 32 Twp 14N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	19E	32				.7													.7

Total Acres: 0.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.5 acres within the place of use described above in a single irrigation season.
2. Place of use is located within Lots 2, 4, 6, 8 Blk. 73 within City of Challis.
3. To prevent injury to junior right holders as a consequence of the change of point of diversion authorized by approval of transfer 70454 which moves the diversion upstream in a gaining stream, rights 72-117A, 72-117B, 72-117C and 72-117D shall be reduced by 3 percent or when combined shall not exceed a total rate of diversion of 0.17 cfs. The Director retains jurisdiction over the above listed rights to modify the 3 percent stream flow compensation required if competent data is submitted which better defines the losses and gains to Garden Creek during the irrigation season.
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. 72-B.
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.

WATER RIGHT NO. 72-117B
As Modified by Transfer No. 70454

CONDITIONS OF APPROVAL

6. Rights 72-48, 72-51B, 72-51L, 72-51N, 72-117A, 72-117B, 72-117C, 72-117D, 72-80A, 72-110A, 72-110B and 72-10257 are all diverted through the points of diversion described above.
7. This right does not grant any right-of-way or easement across the land of another.
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.

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 10th day of December, 20 03


Chief, Water Allocation Bureau

WATER RIGHT NO. 72-117D
As Modified by Transfer No. 70454

In accordance with the approval of Transfer No. 70454, Water Right No. 72-117D is now described as follows.

Right Holder: O DELL SMITH JR
 70 N 2ND E
 BRIGHAM CITY UT 84302

Priority Date: May 15, 1884

Source: GARDEN CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	4/15 to	10/15	0.01 CFS	
			0.01 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK NWNWNW Sec. 32 Twp 14N Rge 19E CUSTER County

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	
14N	19E	32				X													

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. Place of use is located within Lot 2 and Tract 1194, Blk. 74 within City of Challis.
3. To prevent injury to junior right holders as a consequence of the change of point of diversion authorized by approval of transfer 70454 which moves the diversion upstream in a gaining stream, rights 72-117A, 72-117B, 72-117C and 72-117D shall be reduced by 3 percent or when combined shall not exceed a total rate of diversion of 0.17 cfs. The Director retains jurisdiction over the above listed rights to modify the 3 percent stream flow compensation required if competent data is submitted which better defines the losses and gains to Garden Creek during the irrigation season.
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. 72-B.
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. Rights 72-48, 72-51B, 72-51L, 72-51N, 72-117A, 72-117B, 72-117C, 72-117D, 72-80A, 72-110A, 72-110B and 72-10257 are all diverted through the points of diversion described above.

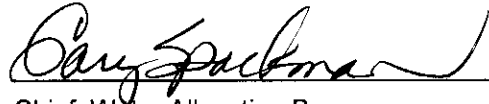
WATER RIGHT NO. 72-117D
As Modified by Transfer No. 70454

CONDITIONS OF APPROVAL

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

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 10th day of December, 2003



Chief, Water Allocation Bureau