

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68970

This is to certify that: WILLIAM J SWANSON TRUST
 PO BOX 5129
 KETCHUM ID 83340
 (208) 726-5201

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>
37-351C	AJC/Decreed	06/01/1886	0.09 cfs	32.7 af	N/A	N/A	SILVER CREEK
37-352C	AJC/Decreed	06/15/1887	0.21 cfs	76.2 af	N/A	N/A	SILVER CREEK
37-8726	WR/License	03/27/1991	2.5 cfs	1702 af	N/A	N/A	SILVER CREEK

Purpose of Transfer (Changes Proposed)

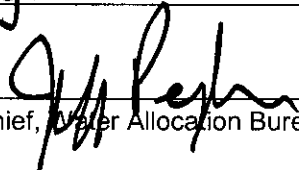
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-351C	NO	NO	YES	YES	NO	NO
37-352C	NO	NO	YES	YES	NO	NO
37-8726	NO	NO	YES	YES	NO	NO

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>
37-351C	37-351C	0.09 cfs	32.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-352C	37-352C	0.21 cfs	76.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-8726	37-8726	2.5 cfs	1702 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.5 cfs	1810.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6 day of August, 2003

For  Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-8726 is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340

Priority Date: March 27, 1991

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	to 12/31	2.50 CFS	1,702.0 AF
			2.50 CFS	1,702.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

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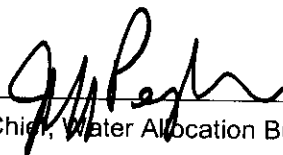
WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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. 37M.
4. 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.
5. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
6. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
7. Rights 37-351C and 37-352C are diverted in conjunction with this right to mitigate for seepage and evaporation losses resulting from the diversion and use of water under this right.
8. The Director retains jurisdiction over this right to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the right holder.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-351C and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.

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 6 day of August, 2003


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-351C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340

Priority Date: June 01, 1886

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	04/15	to 10/15	0.09 CFS	32.7 AF
			0.09 CFS	32.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

[illegible]

For Chief, Water Allocation Bureau

Right Holder: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340

Tributary: LITTLE WOOD RIVER

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

[illegible]

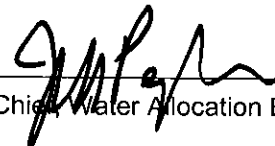
WATER RIGHT NO. 37-352C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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. 37M.
4. 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.
5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
6. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
8. This right and Right 37-351C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-8726 and 37-351C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
12. 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 6 day of August, 2003

For  _____
Chief Water Allocation Bureau