

MEMORANDUM

TO: Files 35-02432A & 35-07391A

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5202

DATE: August 13, 1998

The transfer changes the point of diversion and place of use under a portion of Rights 35-02432A and 35-07391A, splitting each right into Parts C and D.

The applicant is purchasing the water rights from land that has been in CRP to use on his own property. The sale and ownership change is contingent upon the approval of the transfer. Historical use was verified by SRBA staff and reflected on the transfer application limiting the combined rights before approved Transfer 5203 to 3.34 cfs, 952.0 afa and 238 total acres. The transfer approvals address the transferred acres. Transfer 5203 changes the place of use of 33.0 acres and associated rates and volumes.

The transfer application was proposed as the first split of these rights, but due to processing delays is actually the second transfer and split. The proposed existing point of diversion location was verified by region staff as SESW instead of the proposed SWSE requiring that the file be returned to the region office for advertisement of a notice of correction. The irrigated acres not covered by other rights was also specifically identified 33 instead of 45. The applicant requested that the transferred acres be reduced to provide for the remaining 33 acres.

Season of use and diversion volume have been adjusted to current standards. Recommended conditions include measuring & annual reporting requirements, irrigation overlap, combined right limits and standard transfer conditions.

C. Astern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED
AUG 19 1998

TRANSFER NO. 5202
WATER RIGHT NO(S). 35-02432D/35-07391D

Department of Water Resources
Eastern Region

This is to certify that: **RALPH BREIDING**
2875 S VISITING RD
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02432D : IRRIGATION Priority: 08/17/1955	04/01 to 10/31	0.43 CFS	132.0 AF
Right No. 35-07391D : IRRIGATION Priority: 03/13/1974	04/01 to 10/31	0.04 CFS	17.0 AF
TOTAL:		0.47 CFS	* 132.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 25, Township 07S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

TWN RGE SEC
07S 29E 36

ACRES
SWNW 26

ACRES
SESW 7

ACRES TOTAL
33
* 33

Total number of acres irrigated:

CONDITIONS OF APPROVAL AND REMARKS

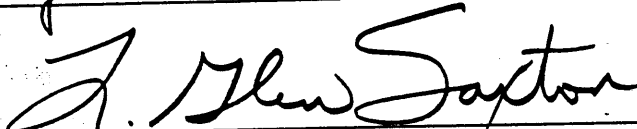
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. Rights 35-02432D and 35-07391D when combined shall not exceed a total annual maximum diversion volume of 132.0 af at the field headgate, and the irrigation of 33.0 acres.

Dated this 13th day of August, 1998


Chief, Water Allocation Bureau