

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68518 /5835

RECEIVED

MAY 16 2001

Department of Water Resources
Eastern Region

This is to certify that: RANDAL G DAMIANA
RT 1 BOX 113A
MOORE ID 83255
(208)554-3104

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. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
34-2373A	AJC/License	07/05/1960	3.4 cfs	595 af	170.0	170.0	GROUND WATER
34-2373B	AJC/License	07/05/1960	0.26 cfs	45.5 af	13.0	13.0	GROUND WATER
34-2410	AJC/License	04/10/1961	2.94 cfs	514.5 af	147.0	147.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

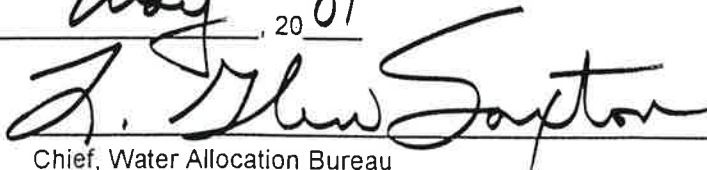
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-2373A	NO	NO	NO	NO	NO	NO
34-2373B	NO	NO	NO	NO	NO	NO
34-2410	NO	NO	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-2373A	34-2373A	3.40 cfs	595.0 af	170.0	312.0		N/A	N/A	N/A	N/A
34-2373B	34-2373B	0.10 cfs	17.5 af	5.0	5.0		N/A	N/A	N/A	N/A
34-2410	34-2410	2.94 cfs	514.5 af	147.0	312.0		N/A	N/A	N/A	N/A
TOTALS		6.44 cfs	1109.5 af	317.0	317.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11th day of May, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 34-2373A
As Modified by Transfer No. 68518

In accordance with the approval of Transfer No. 68518, Water Right No. 34-2373A is now described as follows.

Right Holder: RANDAL G DAMIANA AND
 SANDRA L DAMIANA
 RT 1 BOX 113A
 MOORE ID 83255

Priority Date: 07/05/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.40 CFS	595.0 AF
			3.40 CFS	595.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 9 Twp 05N Rge 26E BUTTE County

GROUND WATER NWNENW Sec. 10 Twp 05N Rge 26E BUTTE County

GROUND WATER NESW Sec. 10 Twp 05N Rge 26E BUTTE 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	
05N 26E 9	20.0			3.0									4.0			1.0	28.0
05N 26E 10			14.0		35.0	34.0	19.0	37.0	40.0	23.0	9.0	31.0		37.0	4.0	1.0	284.0

Total Acres: 312

CONDITIONS OF APPROVAL

1. Right 34-2373A is limited to the irrigation of 170.0 acres within the place of use described above in a single irrigation season.
2. Rights 34-2373A and 34-2410 when combined shall not exceed a total diversion rate of 6.34 cfs, a total annual maximum diversion volume of 1092.0 af at the field headgate, and the irrigation of 312.0 acres.
3. Rights 34-2373A, 34-378A, 34-2410 and 34-13572A when combined shall not exceed a total diversion rate of 7.30 cfs, a total annual maximum diversion volume of 1109.5 af at the field headgate, and the irrigation of 317.0 acres.

WATER RIGHT NO. 34-2373A
As Modified by Transfer No. 68518

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The total instantaneous diversion of water from all points of diversion under Transfer 68518 shall not exceed 6.44 cfs, nor total combined annual volume of 1109.5 af.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.
11. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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 11th day of May, 2001



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-2373B
As Modified by Transfer No. 68518

In accordance with the approval of Transfer No. 68518, Water Right No. 34-2373B is now described as follows.

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI BUREAU OF LAND MANAGEMENT
 IDAHO STATE OFFICE
 1387 S VINNELL WAY
 BOISE ID 83709-1657

Priority Date: 07/05/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.10 CFS	17.5 AF
		0.10 CFS	17.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 9 Twp 05N Rge 26E BUTTE County

GROUND WATER NWNENW Sec. 10 Twp 05N Rge 26E BUTTE County

GROUND WATER NESW Sec. 10 Twp 05N Rge 26E BUTTE 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	
05N 26E 10			3.0													2.0	5.0

Total Acres: 5

CONDITIONS OF APPROVAL

1. Rights 34-2373B, 34-378B and 34-13572B when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 45.5 af at the field headgate, and the irrigation of 13.0 acres.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. The total instantaneous diversion of water from all points of diversion under Transfer 68518 shall not exceed 6.44 cfs, nor total combined annual volume of 1109.5 af.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.

WATER RIGHT NO. 34-2373B
As Modified by Transfer No. 68518

CONDITIONS OF APPROVAL

6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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.
11. 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.
12. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.

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 11th day of May, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 34-2410
As Modified by Transfer No. 68518

In accordance with the approval of Transfer No. 68518, Water Right No. 34-2410 is now described as follows.

Right Holder: RANDAL G DAMIANA AND
 SANDRA L DAMIANA
 RT 1 BOX 113A
 MOORE ID 83255

Priority Date: 04/10/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.94 CFS	514.5 AF
			2.94 CFS	514.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 9 Twp 05N Rge 26E BUTTE County

GROUND WATER NWNENW Sec. 10 Twp 05N Rge 26E BUTTE County

GROUND WATER NESW Sec. 10 Twp 05N Rge 26E BUTTE 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	
05N	26E	9	20.0			3.0									4.0			1.0	28.0
05N	26E	10			14.0		35.0	34.0	19.0	37.0	40.0	23.0	9.0	31.0		37.0	4.0	1.0	284.0

Total Acres: 312

CONDITIONS OF APPROVAL

- Right 34-2410 is limited to the irrigation of 147.0 acres within the place of use described above in a single irrigation season.
- Rights 34-2373A and 34-2410 when combined shall not exceed a total diversion rate of 6.34 cfs, a total annual maximum diversion volume of 1092.0 af at the field headgate, and the irrigation of 312.0 acres.
- Rights 34-2373A, 34-378A, 34-2410 and 34-13572A when combined shall not exceed a total diversion rate of 7.30 cfs, a total annual maximum diversion volume of 1109.5 af at the field headgate, and the irrigation of 317.0 acres.

WATER RIGHT NO. 34-2410
As Modified by Transfer No. 68518

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The total instantaneous diversion of water from all points of diversion under Transfer 68518 shall not exceed 6.44 cfs, nor total combined annual volume of 1109.5 af.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.
11. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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 11th day of May, 2001


Chief, Water Allocation Bureau

SO 9/29/00

\$100 Fee

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

Transfer No. 5835

AUG 11 2000

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Eastern RegionName of Applicant RANDAL G. DAMIANA Phone 208-554-3104Post Office address Rt. 1 Box 113A Moore, ID 83255

A. PURPOSE OF TRANSFER

RECEIVED

- 1.
- ☐
- Change point of diversion
- ☒
- Add diversion point(s)
- ☐
- Change place of use

AUG 18 2000

- ☐
- Change nature of use
- ☐
- Change period of use
- ☒
- Other
- Rearrange acres
- Department of Water Resources
-
- Eastern Region

2. Describe the reason for the proposed changes
- For efficiency, a third well is needed to water the Southern part of the farm. Also the actual acres per 1/4 of 1/4 is different based on the true air photo.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-02373A</u>	<u>7/05/1960</u>	<u>3.40</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
* <u>34-02373B</u>	<u>7/05/1960</u>	<u>0.10</u>	<u>" "</u>	<u>"</u> to <u>"</u>
<u>34-02410</u>	<u>4/10/1961</u>	<u>2.94</u>	<u>" "</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred *
- 6.34
- cubic feet per second and/or _____ acre-feet per annum.

3. Source of water
- Groundwater
- tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NE	NE	9	SN	26E	Butte	
	NW	NE	NW	10			"	
		NE	SW	10			"	New well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
SN	26E	9	20			3									4			1	28
		10		3*	14		35	34	19	37	40	23	9	31	2*	37	4	1	289

Total Acres 317* Limited to 5 acres with the 317 acres
(BLM Ground)

PPU

PART 1

6. General Information:

a. Description of diversion system 3 wells to Sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
all the described lands are already irrigated The new well will allow the better use of well water to the south portion of the property.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-02410

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.94 CFS	514.5 AF

SOURCE

GROUNDWATER

Priority: 04/10/1961

LOCATION OF POINT(S) OF DIVERSION:NWNENE , Sec. 9, Township 05N, Range 26E
BUTTE CountyPLACE OF USE:

IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05N 26E	9 :	22			01													23.0
05N 26E	10 :			01		08	32	23	21	02	19	12	06					124.0
																	TOTAL ACRES	147.0

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-00378 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.17 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 825 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 330 ACRES IN A SINGLE IRRIGATION SEASON.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Page 4 of 10

TRANS NO. 5835

Claim No. 34-02410

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

Claim No. **R34-02373B**

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other BLM

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. R34-02373A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.40 CFS	595.0 AF

SOURCE

GROUNDWATER

Priority: 07/05/1960

LOCATION OF POINT(S) OF DIVERSION:NWNENW , Sec. 10, Township 05N, Range 26E
BUTTE CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																						
				NENE	NWNE	SWNE	SENE	:				NENW	NWNW	SWNW	SENW	:				NESW	NWSW	SWSW	SESW	:				NESE	NWSE	SWSE	SESE	:						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05N	26E	10	:				19					:	30	04			17				:	35				28				:			37				:	170.0
																																TOTAL ACRES				170.0		

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. THIS RIGHT AND RIGHT NOS. 34-00378A, 34-02410 AND 34-13572A ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.30 CFS.
3. THIS RIGHT AND RIGHT NOS. 34-00378A, 34-02410 AND 34-13572A ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 317 ACRES IN A SINGLE IRRIGATION SEASON.
4. THE COMBINED DIVERSION RATE LIMIT DESCRIBED IN THIS RIGHT DOES NOT APPLY TO THE DELIVERY OF STORAGE WATER TO THE PLACE OF USE DESCRIBED IN THIS RIGHT BY THE BIG LOST RIVER IRRIGATION DISTRICT.

Describe any other water rights used for the same purpose as described above:

Claim No. R34-02373A

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

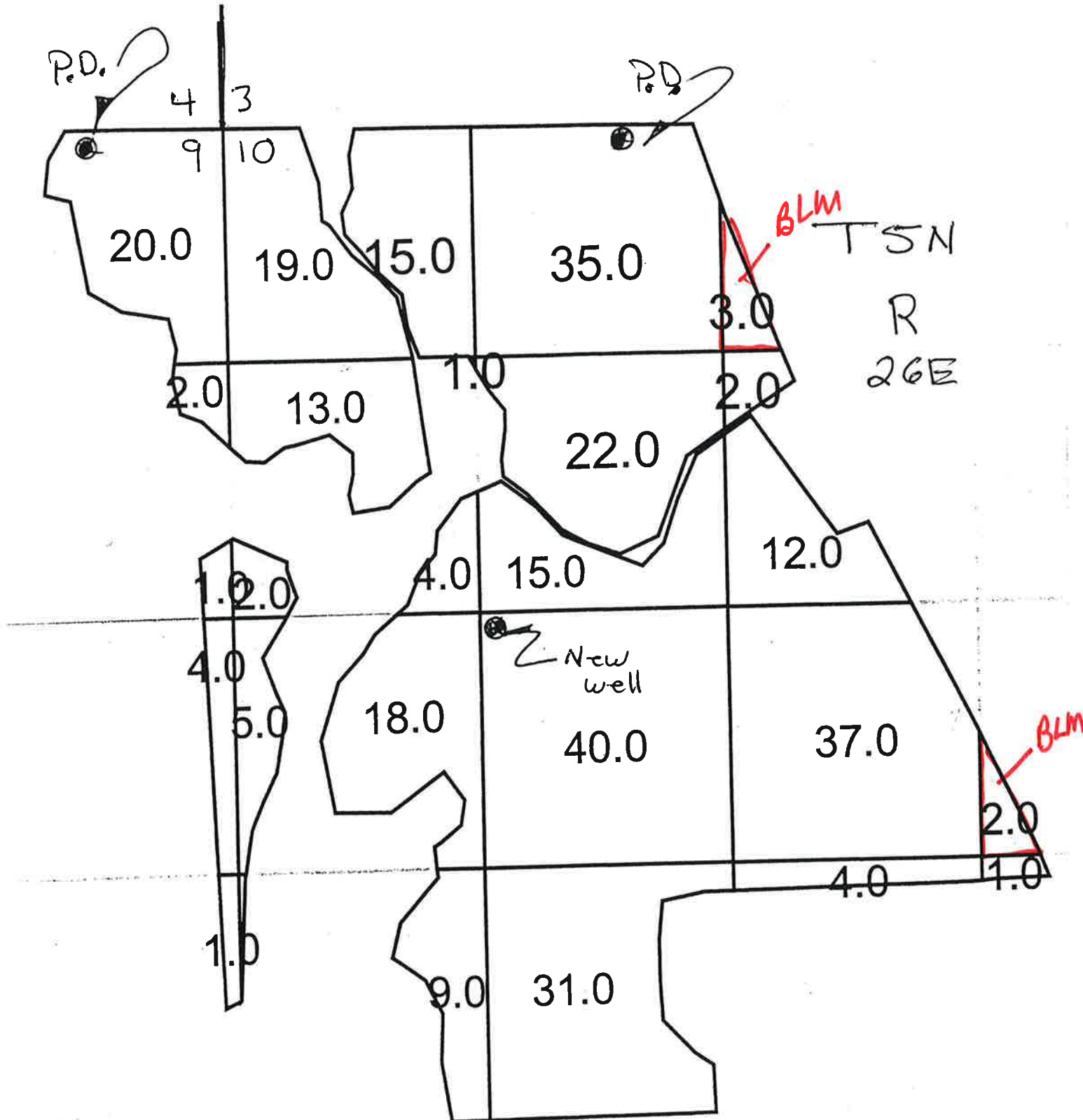
Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

10th day of AUGUST, 2000
Melania Dade Darn...
 (Signature of Applicant)
David W. Sollender
 (Notary Public)

My commission expires 19 JUNE 2004
RESIDES IN MOORE, IDAHO

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 20 attachments
 Received by HWT Date _____ Protest filed by _____
 Prelim. Check by _____ Fee _____
 Receipted by HWT #E026084 Date _____
 Published in ARCO Advertiser Copies of protest forwarded by _____
 Pub. Dates Sept 7 & 14, 2000 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received _____ by _____

Copy of transfer sent to lien holder _____



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Snake River District
Idaho Falls Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100

In Reply Refer To:

7250

April 17, 2001

Harold Jones
Eastern Region Office
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RE: Transfer Request from Randal Damiana - SRBA Claim # 34-02373B

Dear Mr. Jones:

By this letter I state that I have the authority to act on behalf of the United States, Department of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that Randal Damiana wishes to add a well and rearrange the places of use associated with the above water right. BLM holds title to this water right as per a settlement agreement reached with Mr. Damiana in the Snake River Basin Adjudication. I have reviewed the transfer application, and BLM does not oppose the transfer. The federal public property legal descriptions are as follows:

T.5N, R.26E, S.10 NWNE (3 acres)

T.5N, R.26E, S.10 NESE (2 acres)

I understand that transfer calls for the diversion rate for these places of use to be reduced from 0.26 cfs to 0.1 cfs. I also understand that the Idaho Department of Water Resources cannot complete such a transfer of water under a water right without the notarized consent of the land owner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 524-7533 or at the address provided above.

Sincerely,

Deena Teel
Ecologist

SUBSCRIBED and SWORN to before me this 17th day of April, 2001.

STATE OF IDAHO

COUNTY OF BONNEVILLE

)
) ss:
)

On this 17th day of April, 2001, personally came before me, a notary public in and for said County and State, the within-named DEENA TEEL, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in certificate first above written.

Sandra S Hoffer

Sandra S Hoffer

Notary public in and for the



Residing at Shelley, ID

My commission expires: 11-25-2002

Jones, Harold (Skip)

From: Curtis, Sharla
Sent: Friday, April 13, 2001 2:22 PM
To: Jones, Harold (Skip)

Hi Skip. I'm looking at a transfer application in the name of Randal Damiana and the transfer proposes changes in both the A and B portions of Right 34-2373. Part B currently is for 0.26 cfs but the proposal in the transfer appears to reduce it to 0.10 cfs for 5 acres (BLM land). You have a note in the file that BLM has agreed to let Mr. Damian continue farming the ground but want their name retained on the right. I have two questions for you:

1) Can BLM give us something in writing that will serve to demonstrate their agreement to this transfer (especially since the transfer approval will alter their portion of the right)?

2) Am I to assume that the B portion is being reduced to 0.10 cfs, thereby losing 0.16 cfs that will just "disappear"?

Thanks for your help on this. Have a great week-end!!



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Snake River District
Idaho Falls Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100

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Department of Water Resources
Eastern District Office

April 9, 2002

Harold Jones
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402

RE: Water rights 34-13572B & 34-378B

Dear Mr. Jones,

Thank you for meeting with Deena Teel today regarding the above water rights. The BLM acknowledges that the combined total of irrigated land is erroneously listed as thirteen acres on these two rights. Upon review of your agency's data, BLM concurs with a reduction to five acres. The following place of use changes should accurately reflect the number of acres actually irrigated:

T.5N, R.26E, S.10 NWNE (3 acres)
T.5N, R.26E, S.10 NESE (2 acres)

Please direct any further inquiries regarding this matter to Deena Teel at (208) 524-7533.

Sincerely,

acting for Joe Kraayenbrink
Field Manager