

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**2ND AMENDED TRANSFER
OF WATER RIGHT TRANSFER
NO. 79006**

This is to certify that: MARSHAL TODD PERKES AND
NORMA PERKES
2790 N 3325 W
MOORE, ID 83255

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-622A	WR/DECREED	6/1/1896	1.570 cfs	N/A	80.0	620.0	BIG LOST RIVER
34-7035A	WR/DECREED	4/12/1973	0.640 cfs	166.3 af	47.5	620.0	GROUND WATER
34-7096A	WR/DECREED	1/31/1975	1.840 cfs	322.0 af	92.0	620.0	GROUND WATER
34-7097A	WR/DECREED	1/31/1975	1.580 cfs	276.5 af	79.0	620.0	GROUND WATER
34-7122A	WR/DECREED	1/16/1976	4.310 cfs	754.3 af	215.5	620.0	GROUND WATER
34-7223	WR/DECREED	4/16/1979	1.580 cfs	280.0 af	80.0	620.0	GROUND WATER

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>
34-622A	NO	NO	YES	NO	NO	NO
34-7035A	NO	NO	YES	YES	NO	NO
34-7096A	NO	NO	YES	NO	NO	NO
34-7097A	NO	NO	YES	NO	NO	NO
34-7122A	NO	NO	YES	YES	NO	NO
34-7223	NO	NO	YES	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>
34-622A	34-622A	1.570 cfs	N/A	80.0	620.0	N/A	N/A	N/A	N/A	N/A
34-7035A	34-7035A	0.640 cfs	166.3 af	47.5	620.0	N/A	N/A	N/A	N/A	N/A
34-7096A	34-7096A	1.840 cfs	322.0 af	92.0	620.0	N/A	N/A	N/A	N/A	N/A
34-7097A	34-7097A	1.580 cfs	276.5 af	79.0	620.0	N/A	N/A	N/A	N/A	N/A
34-7122A	34-7122A	4.310 cfs	754.3 af	215.5	620.0	N/A	N/A	N/A	N/A	N/A
34-7223	34-7223	1.580 cfs	280.0 af	80.0	620.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.520 cfs	N/A	594.0	620.0		N/A	N/A	N/A	N/A

Transfer No. 79006

SUPPORT DATA
IN FILE # 34-622A

SCANNED
JAN 28 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79006

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 28th day of January, 2015.


for _____
Chief, Water Allocation Bureau



WATER RIGHT NO. 34-622A

As Modified by Transfer No. 79006

In accordance with the approval of Transfer No. 79006, Water Right No. 34-622A is now described as follows:

Right Holder: MARSHAL TODD PERKES
NORMA PERKES
2790 N 3325 W
MOORE, ID 83255

Priority Date: 6/1/1896

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From
5/01

to 10/15

Diversion Rate
1.570 cfs
1.570 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSESE Sec 4 Twp 05N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	1	32.9	33.6	34.3	31.0													131.8
04N	25E	25	4.0		35.4	38.0	33.2	32.5	33.2	38.1	37.2	33.9	34.3	33.1	31.3	36.7	35.1	32.2	488.2

Right Acre Limit: 80.0
POU Total Acres: 620.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 80.0 acres within the 620.0 acre place of use authorized by this right in a single irrigation season. The specific 80.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 80.0 acres to be irrigated within the 620.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. 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. 34.
3. 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(s).

Transfer No. 79006

WATER RIGHT NO. 34-622A
As Modified by Transfer No. 79006

CONDITIONS OF APPROVAL

4. 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 place of use.
5. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
6. Water is delivered through the Moore Canal to a crossover ditch and then into the Timberdome Canal.
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 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.

WATER RIGHT NO. 34-7122A
As Modified by Transfer No. 79006

In accordance with the approval of Transfer No. 79006, Water Right No. 34-7122A is now described as follows:

Right Holder: MARSHAL TODD PERKES
2790 N 3325 W
MOORE, ID 83255

Priority Date: 1/16/1976

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to 11/01

To

Diversion Rate

4.310 cfs

4.310 cfs

Diversion Volume

754.3 af

754.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENW	Sec 5	Twp 04N Rge 26E	BUTTE County
GROUND WATER	SESENW	Sec 5	Twp 04N Rge 26E	BUTTE County
GROUND WATER	NENWNW	Sec 8	Twp 04N Rge 26E	BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	1	32.9	33.6	34.3	31.0													131.8
04N	25E	25	4.0		35.4	38.0	33.2	32.5	33.2	38.1	37.2	33.9	34.3	33.1	31.3	36.7	35.1	32.2	488.2

Right Acre Limit: 215.5

POU Total Acres: 620.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 215.5 acres within the authorized place of use in a single irrigation season.
2. Rights 34-7035A and 34-7122A when combined shall not exceed a total annual maximum diversion volume of 920.5 af at the field headgate.
3. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 when combined shall not exceed a total annual maximum diversion volume of 1799.0 af at the field headgate, and the irrigation of 514.0 acres.

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WATER RIGHT NO. 34-7122A
As Modified by Transfer No. 79006

CONDITIONS OF APPROVAL

4. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 are limited to the irrigation of a specific 514.0 acres within the 620.0 acre place of use authorized by these rights in a single irrigation season. The specific 514.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 514.0 acres to be irrigated within the 620.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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. 34.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 79006, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. 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 place of use.
10. Water is delivered through the Timberdome Canal.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one 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.

WATER RIGHT NO. 34-7223

As Modified by Transfer No. 79006

In accordance with the approval of Transfer No. 79006, Water Right No. 34-7223 is now described as follows:

Right Holder: MARSHAL TODD PERKES
2790 N 3325 W
MOORE, ID 83255

Priority Date: 4/16/1979

Source: GROUND WATER

BENEFICIAL USE IRRIGATION

From 04/01 **To** 11/01

Diversion Rate
1.580 cfs
1.580 cfs

Diversion Volume
280.0 af
280.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSNW Sec 17 Twp 04N Rge 26E BUTTE County
GROUND WATER NESWSE Sec 8 Twp 04N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	1	32.9	33.6	34.3	31.0													131.8
04N	25E	25	4.0		35.4	38.0	33.2	32.6	33.2	38.1	37.2	33.9	34.3	33.1	31.3	36.7	35.1	32.2	488.2

Right Acre Limit: 80.0
POU Total Acres: 620.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 when combined shall not exceed a total annual maximum diversion volume of 1799.0 af at the field headgate, and the irrigation of 514.0 acres.
3. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 are limited to the irrigation of a specific 514.0 acres within the 620.0 acre place of use authorized by these rights in a single irrigation season. The specific 514.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 514.0 acres to be irrigated within the 620.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 79006

WATER RIGHT NO. 34-7223
As Modified by Transfer No. 79006

CONDITIONS OF APPROVAL

4. Water diverted under this right is exchanged with water diverted from the Big Lost River under water rights 34-14230 and 34-14231. Water diverted under this right is used for the purposes and at the places of use described in water rights 34-14230 and 34-14231, and water diverted from the Big Lost River pursuant to water rights 34-14230 and 34-14231 is used for the purposes and at the place of use described above.
5. 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. 34.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 79006, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. 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 place of use.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

WATER RIGHT NO. 34-7096A
As Modified by Transfer No. 79006

In accordance with the approval of Transfer No. 79006, Water Right No. 34-7096A is now described as follows:

Right Holder: MARSHAL TODD PERKES
 2790 N 3325 W
 MOORE, ID 83255

Priority Date: 1/31/1975

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From
 04/01

To
 to 10/31

Diversion Rate
 1.840 cfs
 1.840 cfs

Diversion Volume
 322.0 af
 322.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

NWSE
 NESWSE

Sec 17 Twp 04N Rge 26E BUTTE County
 Sec 8 Twp 04N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	1	32.9	33.6	34.3	31.0													131.8
04N	25E	25	4.0		35.4	38.0	33.2	32.5	33.2	38.1	37.2	33.9	34.3	33.1	31.3	36.7	35.1	32.2	488.2

Right Acre Limit: 92.0
 POU Total Acres: 620.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 92.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 when combined shall not exceed a total annual maximum diversion volume of 1799.0 af at the field headgate, and the irrigation of 514.0 acres.
3. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 are limited to the irrigation of a specific 514.0 acres within the 620.0 acre place of use authorized by these rights in a single irrigation season. The specific 514.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 514.0 acres to be irrigated within the 620.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 79006

WATER RIGHT NO. 34-7096A
As Modified by Transfer No. 79006

CONDITIONS OF APPROVAL

4. Water diverted under this right is exchanged with water diverted from the Big Lost River under water rights 34-14228 and 34-14229. Water diverted under this right is used for the purposes and at the places of use described in water rights 34-14228 and 34-14229, and water diverted from the Big Lost River pursuant to water rights 34-14228 and 34-14229 is used for the purposes and at the place of use described above.
5. 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. 34.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 79006, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. 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 place of use.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

WATER RIGHT NO. 34-7097A
As Modified by Transfer No. 79006

In accordance with the approval of Transfer No. 79006, Water Right No. 34-7097A is now described as follows:

Right Holder: MARSHAL TODD PERKES
 2790 N 3325 W
 MOORE, ID 83255

Priority Date: 1/31/1975

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 1.580 cfs
 1.580 cfs

Diversion Volume
 276.5 af
 276.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

NWSE
 NESWSE

Sec 17 Twp 04N Rge 26E BUTTE County
 Sec 8 Twp 04N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	1	32.9	33.6	34.3	31.0													131.8
04N	25E	25	4.0		35.4	38.0	33.2	32.5	33.2	38.1	37.2	33.9	34.3	33.1	31.3	36.7	35.1	32.2	488.2

Right Acre Limit: 79.0
 POU Total Acres: 620.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 79.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 when combined shall not exceed a total annual maximum diversion volume of 1799.0 af at the field headgate, and the irrigation of 514.0 acres.
3. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 are limited to the irrigation of a specific 514.0 acres within the 620.0 acre place of use authorized by these rights in a single irrigation season. The specific 514.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 514.0 acres to be irrigated within the 620.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 79006

WATER RIGHT NO. 34-7097A
As Modified by Transfer No. 79006

CONDITIONS OF APPROVAL

4. Water diverted under this right is exchanged with water diverted from the Big Lost River under water rights 34-14228 and 34-14229. Water diverted under this right is used for the purposes and at the places of use described in water rights 34-14228 and 34-14229, and water diverted from the Big Lost River pursuant to water rights 34-14228 and 34-14229 is used for the purposes and at the place of use described above.
5. 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. 34.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 79006, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. 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 place of use.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

WATER RIGHT NO. 34-7035A
As Modified by Transfer No. 79006

In accordance with the approval of Transfer No. 79006, Water Right No. 34-7035A is now described as follows:

Right Holder: MARSHAL TODD PERKES
 2790 N 3325 W
 MOORE, ID 83255

Priority Date: 4/12/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.640 cfs	166.3 af
			0.640 cfs	166.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENW	Sec 5	Twp 04N Rge 26E	BUTTE County
GROUND WATER	SESENW	Sec 5	Twp 04N Rge 26E	BUTTE County
GROUND WATER	NENWNW	Sec 8	Twp 04N Rge 26E	BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	1	32.9	33.6	34.3	31.0													131.8
04N	25E	25	4.0		35.4	36.0	33.2	32.5	33.2	38.1	37.2	33.9	34.3	33.1	31.3	36.7	35.1	32.2	488.2

Right Acre Limit: 47.5
 POU Total Acres: 620.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 47.5 acres within the authorized place of use in a single irrigation season.
2. Rights 34-7035A and 34-7122A when combined shall not exceed a total annual maximum diversion volume of 920.5 af at the field headgate.
3. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 when combined shall not exceed a total annual maximum diversion volume of 1799.0 af at the field headgate, and the irrigation of 514.0 acres.

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WATER RIGHT NO. 34-7035A
As Modified by Transfer No. 79006

CONDITIONS OF APPROVAL

4. Rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 are limited to the irrigation of a specific 514.0 acres within the 620.0 acre place of use authorized by these rights in a single irrigation season. The specific 514.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 514.0 acres to be irrigated within the 620.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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. 34.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 79006, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. 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 place of use.
10. Water is delivered through the Timberdome Canal.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one 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.