

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79004**

This is to certify that: **RANDAL G DAMIANA AND
SANDRA L DAMIANA
PO BOX 570
MACKAY, ID 83251**

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>
34-14246	WR/DECREED	6/1/1887	0.010 cfs	N/A	N/A	1.0	BIG LOST RIVER
34-14248	WR/DECREED	8/6/1987	0.010 cfs	N/A	N/A	1.0	BIG LOST RIVER
34-14250	WR/DECREED	7/5/1960	0.090 cfs	15.3 af	4.4	8.0	GROUND WATER
34-14252	WR/DECREED	4/10/1961	0.080 cfs	13.2 af	3.8	8.0	GROUND WATER
34-14328	WR/DECREED	9/5/1961	0.110 cfs	37.8 af	10.8	14.1	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>
34-14246	NO	YES	YES	NO	NO	NO
34-14248	NO	YES	YES	NO	NO	NO
34-14250	NO	YES	YES	NO	NO	NO
34-14252	NO	YES	YES	NO	NO	NO
34-14328	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>
34-14246	34-14246	0.010 cfs	N/A	1.0	18.0	N/A	N/A	N/A	N/A	N/A
34-14248	34-14248	0.010 cfs	N/A	1.0	18.0	N/A	N/A	N/A	N/A	N/A
34-14250	34-14250	0.090 cfs	15.3 af	4.4	18.0	N/A	N/A	N/A	N/A	N/A
34-14252	34-14252	0.080 cfs	13.2 af	3.8	18.0	N/A	N/A	N/A	N/A	N/A
34-14328	34-14328	0.110 cfs	37.8 af	10.8	18.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.280 cfs	N/A	N/A	18.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 34-14246

Transfer No. 79004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79004

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 10th day of February, 2014.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 34-14246
As Modified by Transfer No. 79004

In accordance with the approval of Transfer No. 79004, Water Right No. 34-14246 is now described as follows:

Right Holder: SANDRA L DAMIANA AND
 RANDAL G DAMIANA
 PO BOX 570
 MACKAY, ID 83251

Priority Date: 6/1/1887

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
 IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
 0.010 cfs
 0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SENWNW Sec 34 Twp 07N Rge 24E CUSTER 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	
07N	24E	34		1.8	14.0					2.2						0.0			18.0

Right Acre Limit: 1.0
 POU Total Acres: 18.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1 acre within the authorized place of use in a single irrigation season.
2. Rights 34-14246 and 34-14248 when combined shall not exceed a total diversion rate of 0.01 cfs, and the irrigation of 1 acre.
3. Rights 34-14246, 34-14248, 34-14250 and 34-14252 when combined shall not exceed a total diversion rate of 0.17 cfs, a total annual maximum diversion volume of 28 af at the field headgate, and the irrigation of 8 acres.
4. Rights 34-14246, 34-14248, 34-14250, 34-14252 and 34-14328 when combined shall not exceed the irrigation of 18.0 acres.
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.

Transfer No. 79004

WATER RIGHT NO. 34-14246
As Modified by Transfer No. 79004

CONDITIONS OF APPROVAL

6. 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).
7. 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.
8. 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.
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.
11. 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. Water is delivered through the Burnett and Harris-Vaught ditch

WATER RIGHT NO. 34-14248

As Modified by Transfer No. 79004

In accordance with the approval of Transfer No. 79004, Water Right No. 34-14248 is now described as follows:

Right Holder: SANDRA L DAMIANA AND
RANDAL G DAMIANA
PO BOX 570
MACKAY, ID 83251

Priority Date: 8/6/1987

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
0.010 cfs
0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER SENWNW Sec 34 Twp 07N Rge 24E CUSTER 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	
07N	24E	34		1.8	14.0					2.2						0.0			18.0

Right Acre Limit: 1.0
POU Total Acres: 18.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1 acre within the authorized place of use in a single irrigation season.
2. Rights 34-14246 and 34-14248 when combined shall not exceed a total diversion rate of 0.01 cfs, and the irrigation of 1 acre.
3. Rights 34-14246, 34-14248, 34-14250 and 34-14252 when combined shall not exceed a total diversion rate of 0.17 cfs, a total annual maximum diversion volume of 28 af at the field headgate, and the irrigation of 8 acres.
4. Rights 34-14246, 34-14248, 34-14250, 34-14252 and 34-14328 when combined shall not exceed the irrigation of 18 acres.
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.

Transfer No. 79004

WATER RIGHT NO. 34-14248
As Modified by Transfer No. 79004

CONDITIONS OF APPROVAL

6. 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).
7. 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.
8. This right is based upon an enlargement of water right 34-14246 pursuant to section 42-1426, Idaho Code.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. 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.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.
13. 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. Water is delivered through the Burnett and Harris-Vaught ditch.

WATER RIGHT NO. 34-14250

As Modified by Transfer No. 79004

In accordance with the approval of Transfer No. 79004, Water Right No. 34-14250 is now described as follows:

Right Holder: SANDRA L DAMIANA And
RANDAL G DAMIANA
PO BOX 570
MACKAY, ID 83251

Priority Date: 7/5/1960

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 10/31	0.090 cfs	15.3 af
			0.090 cfs	15.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 34 Twp 07N Rge 24E CUSTER 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	
07N	24E	34		1.8	14.0					2.2						0.0			18.0

Right Acre Limit: 4.4
POU Total Acres: 18.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.4 acres within the place of use described above in a single irrigation season.
2. Rights 34-14250 and 34-14252 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 28 af at the field headgate, and the irrigation of 8 acres.
3. Rights 34-14246, 34-14248, 34-14250 and 34-14252 when combined shall not exceed a total diversion rate of 0.17 cfs, a total annual maximum diversion volume of 28 af at the field headgate, and the irrigation of 8 acres.
4. Rights 34-14246, 34-14248, 34-14250, 34-14252 and 34-14328 when combined shall not exceed the irrigation of 18 acres.
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.

Transfer No. 79004

WATER RIGHT NO. 34-14250

As Modified by Transfer No. 79004

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 79004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
7. 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.
8. 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.
9. 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.
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.

WATER RIGHT NO. 34-14252
As Modified by Transfer No. 79004

In accordance with the approval of Transfer No. 79004, Water Right No. 34-14252 is now described as follows:

Right Holder: SANDRA L DAMIANA And
 RANDAL G DAMIANA
 PO BOX 570
 MACKAY, ID 83251

Priority Date: 4/10/1961

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 10/31	0.080 cfs	13.2 af
			0.080 cfs	13.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 34 Twp 07N Rge 24E CUSTER 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	
07N	24E	34		1.8	14.0					2.2						0.0			18.0

Right Acre Limit: 3.8

POU Total Acres: 18.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.8 acres within the place of use described above in a single irrigation season.
2. Rights 34-14250 and 34-14252 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 28 af at the field headgate, and the irrigation of 8 acres.
3. Rights 34-14246, 34-14248, 34-14250 and 34-14252 when combined shall not exceed a total diversion rate of 0.17 cfs, a total annual maximum diversion volume of 28 af at the field headgate, and the irrigation of 8 acres.
4. Rights 34-14246, 34-14248, 34-14250, 34-14252 and 34-14328 when combined shall not exceed the irrigation of 18 acres.
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.

Transfer No. 79004

WATER RIGHT NO. 34-14252
As Modified by Transfer No. 79004

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 79004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
7. 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.
8. 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.
9. 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.
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.

WATER RIGHT NO. 34-14328
As Modified by Transfer No. 79004

In accordance with the approval of Transfer No. 79004, Water Right No. 34-14328 is now described as follows:

Right Holder: SANDRA L DAMIANA AND
RANDAL G DAMIANA
PO BOX 570
MACKAY, ID 83251

Priority Date: 9/5/1961

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 10/31	0.110 cfs	37.8 af
			0.110 cfs	37.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 34 Twp 07N Rge 24E CUSTER 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	
07N	24E	34		1.8	14.0					2.2									18.0

Right Acre Limit: 10.8

POU Total Acres: 18.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.8 acres within the place of use described above in a single irrigation season.
2. Rights 34-14246, 34-14248, 34-14250, 34-14252 and 34-14328 when combined shall not exceed the irrigation of 18 acres.
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.34.
4. Prior to the diversion and use of water under Transfer approval 79004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.

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WATER RIGHT NO. 34-14328

As Modified by Transfer No. 79004

CONDITIONS OF APPROVAL

5. 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.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.

