

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 78388

This is to certify that: **REID G STEWART**  
2500 W NEW RIVER RD  
PHOENIX, AZ 85087

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 35-13608           | WR/DECREED          | 9/5/1972             | 0.060 cfs             | 20.0 af                 | N/A               | 5.0                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-13608              | NO           | YES        | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-13608               | 35-13608                         | 0.060 cfs            | 20.0 af                | N/A               | 5.0                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | 0.060 cfs            | 20.0 af                | N/A               | 5.0                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

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 5<sup>th</sup> day of April, 2013.

  
Water Resources Program Manager

SUPPORT DATA

Transfer No. 78388

IN FILE # 35-13608

# **WATER RIGHT NO. 35-13608**

## **As Modified by Transfer No. 78388**

In accordance with the approval of Transfer No. 78388, Water Right No. 35-13608 is now described as follows:

**Right Holder:** REID G STEWART  
3100 W 1000 S  
ABERDEEN, ID 83210

**Priority Date:** 9/5/1972

**Source:** GROUND WATER

### **BENEFICIAL USE**

IRRIGATION

### **From**

04/01

### **To**

to 10/31

### **Diversion Rate**

0.060 cfs

0.060 cfs

### **Diversion Volume**

20.0 af

20.0 af

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER

NWNE

Sec 5 Twp 07S Rge 29E POWER 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 |        |
| 07S | 29E | 4   |    |    |    |    |    | 5.0 |    |    |    |    |    |    |    |    |    |    | 5.0    |

POU Total Acres:

5.0

### **CONDITIONS OF APPROVAL**

1. 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. 120.
2. 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.
3. Prior to the diversion and use of water under Transfer approval 78388, 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.
4. 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.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 78388

**WATER RIGHT NO. 35-13608**  
**As Modified by Transfer No. 78388**

**CONDITIONS OF APPROVAL**

6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

