

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77186

This is to certify that: JOHN L POWERS TRUST
 PO BOX 493
 MACKAY ID 83251
 (208) 339-3358

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-7239A	WR/License	01/22/1980	2.12 cfs	N/A	N/A	299.0	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>
34-7239A	NO	NO	NO	YES	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>
34-7239A	34-7239A	2.12 cfs	899.9 af	N/A	299.0		N/A	N/A	N/A	N/A
COMBINED TOTALS										
		2.12 cfs	899.9 af	N/A	299.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31st day of May, 20 11



 Water Resources Program Manager

SUPPORT DATA

IN FILE # 34-7239A

WATER RIGHT NO. 34-7239A
As Modified by Transfer No. 77186

In accordance with the approval of Transfer No. 77186, Water Right No. 34-7239A is now described as follows.

Right Holder: JOHN L POWERS TRUST
PO BOX 493
MACKAY ID 83251

Priority Date: January 22, 1980

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	2.12 CFS	899.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 21 Twp 07N Rge 24E CUSTER County
GROUNDWATER	NENE	Sec. 28 Twp 07N Rge 24E CUSTER County

PLACE OF USE:

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 24E 21									18.0			25.0	6.0	17.0	7.0		73.0
07N 24E 22											2.0						2.0
07N 24E 27			25.0		11.0	36.0	36.0	39.0		2.0							149.0
07N 24E 28	39.0	19.0		17.0													75.0

Total Acres: 299

CONDITIONS OF APPROVAL

1. Rights 34-440B and 34-7239A when combined shall not exceed a total annual maximum diversion volume of 1078 af at the field headgate and the irrigation of 308 acres.
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. 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.
4. The right holder shall make full beneficial use of Right 34-440B for irrigation of 283 acres of land authorized to be irrigated under this right. The right holder shall limit the diversion of ground water to irrigate more than 16 acres under this right to those times when Right 34-440B is not available or Right 34-440B is not reasonably sufficient to irrigate 283 acres of its place of use that correspond to the place of use for this right.

WATER RIGHT NO. 34-7239A
As Modified by Transfer No. 77186

CONDITIONS OF APPROVAL

5. If Right 34-440B is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used to irrigate more than 16 acres without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. Prior to the diversion and use of water under Transfer approval 77186, 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.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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 lands above.
10. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
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.

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 31st day of May, 20 11



Water Resources Program Manager