

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69836

This is to certify that: GARY ROGERS  
PO BOX 476  
ARCO ID 83213  
(208)527-4504

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 34-7118B     | WR/Decreed          | 11/24/1975      | 10.61 cfs   | N/A           |                   | 530.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

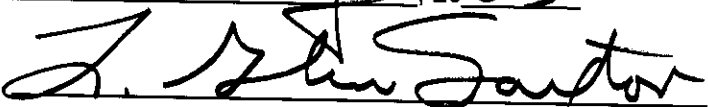
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 34-7118B              | NO           | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 34-7118B              | 34-7118B                         | 10.61cfs             | 1855 af                | N/A               | 530.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>10.61 cfs</b>     | <b>1855 af</b>         | <b>N/A</b>        | <b>530.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 5<sup>th</sup> day of February, 2003

  
Chief, Water Allocation Bureau

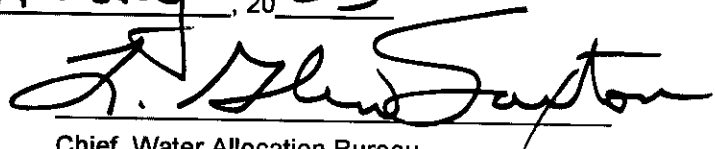
**WATER RIGHT NO. 34-7118B**  
**As Modified by Transfer No. 69836**

**CONDITIONS OF APPROVAL**

5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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 lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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.

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 5<sup>th</sup> day of February, 2003



Chief, Water Allocation Bureau

**WATER RIGHT NO. 34-7118B**  
**As Modified by Transfer No. 69836**

In accordance with the approval of Transfer No. 69836, Water Right No. 34-7118B is now described as follows.

**Right Holder:** GARY ROGERS  
 PO BOX 476  
 ARCO ID 83213

**Priority Date:** November 24, 1975

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 10.61 CFS             | 1,855.0 AF    |
|                       |             |           | 10.61 CFS             | 1,855.0 AF    |

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

|              |             |         |         |         |              |
|--------------|-------------|---------|---------|---------|--------------|
| GROUND WATER | L3 (NWNWSW) | Sec. 7  | Twp 03N | Rge 26E | BUTTE County |
| GROUND WATER | SESWSE      | Sec. 32 | Twp 05N | Rge 26E | BUTTE County |
| GROUND WATER | SESWSE      | Sec. 32 | 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   |        |
| 03N | 26E | 7   |    |    |    |    |    |    |    |    | 37.0  | 36.0 | 36.0 | 37.0 | 36.0 | 36.0 | 36.0 | 36.0 | 290.0  |
|     |     |     |    |    |    |    |    |    |    |    | L3 L4 |      |      |      |      |      |      |      |        |
| 03N | 26E | 8   |    |    |    |    |    |    |    |    | 33.0  | 36.0 | 36.0 | 36.0 | 8.0  | 23.0 | 34.0 | 34.0 | 240.0  |

Total Acres: 530

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Right 34-7118B shall not exceed 10.61 cfs, nor total combined annual volume of 1855 af.
2. Rights 34-7118B, 34-7186A and 34-7186B when combined shall not exceed a total annual maximum diversion volume of 1855 af at the field headgate, and the irrigation of 530 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 diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.