

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76662

This is to certify that: JAMES DAVIS
 542 FRONTAGE RD W
 DRUMMOND MT 59832
 (406)288-3898

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>
34-2309	WR/Decreed	10/02/1953	2.0 cfs	N/A	160.0	634.0	GROUND WATER
34-2358F	WR/Decreed	04/20/1961	1.26 cfs	N/A	112.0	634.0	GROUND WATER
34-7059B	WR/Decreed	01/15/1974	10.44 cfs	N/A	N/A	634.0	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>
34-2309	NO	YES	NO	NO	NO	NO
34-2358F	NO	YES	NO	NO	NO	NO
34-7059B	NO	YES	NO	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>
34-2309	34-2309	2.0 cfs	560 af	160.0	634.0		N/A	N/A	N/A	N/A
34-2358F	34-2358F	1.26 cfs	392 af	112.0	634.0		N/A	N/A	N/A	N/A
34-7059B	34-7059B	10.44 cfs	2219 af	N/A	634.0		N/A	N/A	N/A	N/A

COMBINED

TOTALS	10.44 cfs	2219 af	634.0	634.0		N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 17th day of August, 20 10


 Water Resources Program Manager

SUPPORT DATA

IN FILE # 34-2309

WATER RIGHT NO. 34-2309
As Modified by Transfer No. 76662

In accordance with the approval of Transfer No. 76662, Water Right No. 34-2309 is now described as follows.

Right Holder: JAMES DAVIS
 542 FRONTAGE RD W
 DRUMMOND MT 59832

Priority Date: October 02, 1953

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	2.00 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE	Sec. 20 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	SWSE	Sec. 21 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	SWSWSE	Sec. 21 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	NENW	Sec. 28 Twp 04N	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								
04N	26E	20																	6.5					33.0	33.0	72.5
04N	26E	28																					33.0	33.0		264.0
04N	26E	29	35.0	35.0	35.0	35.0	33.5	28.0	28.0	28.0													20.0	20.0		297.5

Total Acres: 634

CONDITIONS OF APPROVAL

1. Diversion of water from the additional well(s) authorized under Transfer 76662 located in SWSE, Sec. 21, T04N, R26E shall not exceed a total combined maximum diversion rate of 9.95 cfs.
2. This right is limited to the irrigation of 160.0 acres within the authorized place of use in a single irrigation season.
3. Rights 34-2309, 34-2358F and 34-7059B when combined shall not exceed a total diversion rate of 10.44 cfs, a total annual maximum diversion volume of 2219.0 af at the field headgate, and the irrigation of 634.0 acres.
4. Rights 34-2309, 34-2358F, 34-7059B, 34-7059D and 34-12381 when combined shall not exceed a total diversion rate of 13.89 cfs.

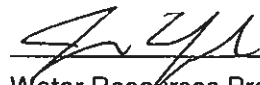
WATER RIGHT NO. 34-2309
As Modified by Transfer No. 76662

CONDITIONS OF APPROVAL

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 76662, 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.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.

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 17th day of August, 20 10


Water Resources Program Manager

WATER RIGHT NO. 34-2358F
As Modified by Transfer No. 76662

In accordance with the approval of Transfer No. 76662, Water Right No. 34-2358F is now described as follows.

Right Holder: JAMES DAVIS
 542 FRONTAGE RD W
 DRUMMOND MT 59832

Priority Date: April 20, 1961

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	1.26 CFS	392.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE	Sec. 20 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	SWSE	Sec. 21 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	SWSWSE	Sec. 21 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	NENW	Sec. 28 Twp 04N	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																	
04N	26E	20																	6.5					33.0	33.0	72.5									
04N	26E	28																					33.0	33.0		264.0									
04N	26E	29																					35.0	35.0	35.0	35.0	33.5	28.0	28.0	28.0		20.0	20.0		297.5

Total Acres: 634

CONDITIONS OF APPROVAL

1. Diversion of water from the additional well(s) authorized under Transfer 76662 located in SWSE, Sec. 21, T04N, R26E shall not exceed a total combined maximum diversion rate of 9.95 cfs.
2. This right is limited to the irrigation of 112.0 acres within the authorized place of use in a single irrigation season.
3. Rights 34-2309, 34-2358F and 34-7059B when combined shall not exceed a total diversion rate of 10.44 cfs, a total annual maximum diversion volume of 2219.0 af at the field headgate, and the irrigation of 634.0 acres.
4. Rights 34-2309, 34-2358F, 34-7059B, 34-7059D and 34-12381 when combined shall not exceed a total diversion rate of 13.89 cfs.

WATER RIGHT NO. 34-2358F
As Modified by Transfer No. 76662

CONDITIONS OF APPROVAL

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 76662, 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.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.

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 17th day of August, 20 10



Water Resources Program Manager

WATER RIGHT NO. 34-7059B
As Modified by Transfer No. 76662

In accordance with the approval of Transfer No. 76662, Water Right No. 34-7059B is now described as follows.

Right Holder: JAMES DAVIS
 542 FRONTAGE RD W
 DRUMMOND MT 59832

Priority Date: January 15, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 11/01	10.44 CFS	2,219.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE	Sec. 20 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	SWSE	Sec. 21 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	SWSWSE	Sec. 21 Twp 04N	Rge 26E	BUTTE County
GROUND WATER	NENW	Sec. 28 Twp 04N	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		
04N 26E 20												6.5				33.0	33.0	72.5
04N 26E 28			33.0	33.0			33.0	33.0	33.0	33.0			33.0	33.0				264.0
04N 26E 29	35.0	35.0	35.0	35.0	33.5	28.0	28.0	28.0					20.0	20.0				297.5

Total Acres: 634

CONDITIONS OF APPROVAL

1. Diversion of water from the additional well(s) authorized under Transfer 76662 located in SWSE, Sec. 21, T04N, R26E shall not exceed a total combined maximum diversion rate of 9.95 cfs.
2. Rights 34-2309, 34-2358F and 34-7059B when combined shall not exceed a total diversion rate of 10.44 cfs, a total annual maximum diversion volume of 2219.0 af at the field headgate, and the irrigation of 634.0 acres.
3. Rights 34-2309, 34-2358F, 34-7059B, 34-7059D and 34-12381 when combined shall not exceed a total diversion rate of 13.89 cfs.
4. 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.

WATER RIGHT NO. 34-7059B
As Modified by Transfer No. 76662

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 76662, 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 lands above.
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. The use of water for irrigation under this right may begin as early as April 1 provided other elements of the right are not exceeded. The use of water before May 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
10. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.

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 17th day of August, 20 10


Water Resources Program Manager