

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 72839**

This is to certify that: DEWEY D DURFEE and YNES V DURFEE
3443 S 1700 E
WENDELL ID 83355
(208)536-2643

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>
36-2312C	WR/Decreed	11/26/1956	0.5 cfs	N/A		44.0	GROUND WATER

Associated Water Rights Included In Transfer Approval (Conditions Updated)

36-2312A	WR/Decreed	11/26/1956	0.75 cfs	264 af		66.0	GROUND WATER
36-7641	WR/Decreed	05/19/1983	1.28 cfs	256 af		64.0	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>
36-2312C	YES	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

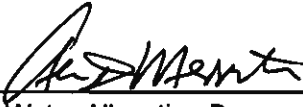
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-2312C	36-16654	0.44 cfs	154.8 af	38.7	66.0	36-16653*	0.06 cfs	21.2	5.3	5.3
COMBINED										
TOTALS		0.44 cfs	154.8 af	38.7	66		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of August, 2009

SUPPORT DATA

IN FILE # 36-2312 C


Forl Chief, Water Allocation Bureau

*Right 36-16653 has been further defined pursuant to approved Transfer 73404 and this approval includes those changes.

WATER RIGHT NO. 36-2312A
As Modified by Transfer No. 72839

In accordance with the approval of Transfer No. 72839, Water Right No. 36-2312A is now described as follows.

Right Holder: DEWEY D DURFEE and YNES V DURFEE
 3443 S 1700 E
 WENDELL ID 83355

Priority Date: November 26, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.75 CFS	
			0.75 CFS	264.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

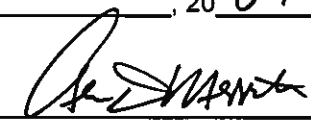
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 25			33.0	33.0													66.0
Total Acres: 66																	

CONDITIONS OF APPROVAL

1. Rights 36-2312A and 36-16654 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 264 af at the field headgate, and the irrigation of 66 acres in a single irrigation season.
2. Rights 36-2312A, 36-16654 and 36-7641 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 520 af at the field headgate, and the irrigation of 130 acres in a single irrigation season.
3. Use of this right is combined with water from North Side Canal Co. Ltd.
4. Right Nos. 36-2312A, 36-7387A, 36-7387C, 36-7641, 36-16653 and 36-16654 are diverted through the point of diversion described above.
5. 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 18th day of August, 20 09


 FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7641
As Modified by Transfer No. 72839

In accordance with the approval of Transfer No. 72839, Water Right No. 36-7641 is now described as follows.

Right Holder: DEWEY D DURFEE
3443 S 1700 E
WENDELL ID 83355

Priority Date: May 19, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.19 CFS	256.0 AF
			1.19 CFS	256.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING 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	
08S 14E 25													32.0	32.0			64.0
Total Acres:																	64

CONDITIONS OF APPROVAL

1. Rights 36-2312A and 36-16654 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 264 af at the field headgate, and the irrigation of 66 acres in a single irrigation season.
2. Rights 36-2312A, 36-16654 and 36-7641 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 520 af at the field headgate, and the irrigation of 130 acres in a single irrigation season.
2. Use of this right is combined with water from North Side Canal Co. Ltd.
3. Right Nos. 36-2312A, 36-7387A, 36-7387C, 36-7641, 36-16653 and 36-16654 are diverted through the point of diversion described above.
4. 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.
5. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

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 18th day of August, 2009


for Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16653*
As Modified by Transfer No. 72839

In accordance with the approval of Transfer No. 72839, Water Right No. 36-16653 is now described as follows.

Right Holder: BOX CANYON DAIRY
 PO BOX 140
 WENDELL ID 83355-0140

Priority Date: November 26, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.06CFS	21.2 AF
			0.06CFS	21.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08S	14E	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	33.7
			.7	33.0															

Total Acres: 33.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.3 acres within the place of use described above in a single irrigation season.
2. Rights 36-7387A, 36-7387C and 36-16653 when combined shall not exceed a total diversion rate of 0.67 cfs, a total annual maximum diversion volume of 134.8 af at the field headgate, and the irrigation of 33.7 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 36-2312A, 36-7387C, 36-7641, 36-7387A and 36-16654 are also diverted through the point of diversion described above.
5. Use of this right is combined with shares in the North Side Canal Co. Ltd.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.

WATER RIGHT NO. 36-16653*
As Modified by Transfer No. 72839 (Continued)

8. 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. 130.
9. 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.
10. 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.
11. Prior to the diversion and use of water under Transfer approval 73404 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.
12. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
13. The right holder shall accomplish the change authorized by transfer 73404 within one year of the date of its approval.
14. Failure of the right holder to comply with the conditions of transfer 73404 is cause for the Director to rescind approval of the transfer.
15. 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 18th day of August, 20 09



For Chief, Water Allocation Bureau

*Right 36-16653 has been further defined pursuant to approved Transfer 73404 and this approval includes those changes.

WATER RIGHT NO. 36-16654
As Modified by Transfer No. 72839

In accordance with the approval of Transfer No. 72839, Water Right No. 36-16654 is now described as follows.

Right Holder: DEWEY D DURFEE and YNES DURFEE
 3443 S 1700 E
 WENDELL ID 83355

Priority Date: November 26, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	0.44 CFS	154.8 AF
		0.44 CFS	154.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S 14E 25			33.0	33.0													66.0
Total Acres: 66																	

CONDITIONS OF APPROVAL

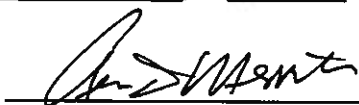
1. This right is limited to the irrigation of 38.7 acres within the place of use described above in a single irrigation season.
2. Rights 36-2312A and 36-16654 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 264.0 af at the field headgate, and the irrigation of 66.0 acres in any one season.
3. Rights 36-2312A, 36-16654 and 36-7641 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 520 af at the field headgate, and the irrigation of 130 acres in a single irrigation season.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 36-16654
As Modified by Transfer No. 72839 (Continued)

6. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.
7. Right Nos. 36-2312A, 36-7387A, 36-7387C, 36-7641, 36-16653 and 36-16654 are diverted through the point of diversion described above.
8. Use of this right is combined with water from North Side Canal Co., Ltd.
9. 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. 130.
10. Prior to the diversion and use of water under Transfer approval 72839, the right holder shall install and maintain acceptable measuring device(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.
11. 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.
12. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
13. 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.
14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
15. 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 18th day of August, 2009



FOR Chief, Water Allocation Bureau