

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 75521

This is to certify that: TROND A BJORNARD And  
RENEE BJORNARD  
5810 GLEN EAGLE DR  
IDAHO FALLS ID 83401  
(208)522-4724

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 34-14037     | WR/Decreed          | 05/14/1977      | 2.24 cfs    | 405 af        | N/A               | 115.7              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 34-14037              | YES          | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 34-14037               | <b>34-14087</b>                  | 0.22 cfs             | 39.9 af                | N/A               | 11.4               | <b>34-14086</b>                    | 2.02 cfs              | 365.1 af                | N/A                         | 104.3                        |
| <b>COMBINED TOTALS</b> |                                  | <b>0.22 cfs</b>      | <b>39.9 af</b>         | <b>N/A</b>        | <b>11.4</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 23 day of June, 2009

*Ernest Carlson*  
for Chief, Water Allocation Bureau

SUPPORT DATA  
IN FILE # 34-14037

**WATER RIGHT NO. 34-14086**  
**As Modified by Transfer No. 75521**

In accordance with the approval of Transfer No. 75521, Water Right No. 34-14086 is now described as follows.

**Right Holder:** ESTATE OF KAREN HARNEY  
 750 BAILEY RD  
 MADISON NC 27025

**Priority Date:** May 14, 1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | to 10/15  | 2.02 CFS              | 365.1 AF      |

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

GROUND WATER                      SENE                      Sec. 24 Twp 06N    Rge 25E    CUSTER 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 |        |
| 06N | 25E | 24  | 12.2 | 4.5 |    | 13.6 |    |      |      |    |    |    |    |    |    |    |    |    | 30.3   |
| 06N | 26E | 19  |      |     |    |      |    | 35.0 | 39.0 |    |    |    |    |    |    |    |    |    | 74.0   |

Total Acres: 104.3

**CONDITIONS OF APPROVAL**

1. Rights 34-14038, 34-14039, 34-14086 and the appurtenant share of rights 34-126 and 34-127 when combined shall not exceed a total diversion rate of 0.02 cfs per acre, a total annual maximum diversion volume of 446.6 af at the field headgate, and the irrigation of 127.6 acres.
2. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. The water right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
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.

**WATER RIGHT NO. 34-14086**

**As Modified by Transfer No. 75521**

**CONDITIONS OF APPROVAL**

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 23 day of June, 2009

Ernest Carlson  
for Chief, Water Allocation Bureau

**WATER RIGHT NO. 34-14087  
As Modified by Transfer No. 75521**

In accordance with the approval of Transfer No. 75521, Water Right No. 34-14087 is now described as follows.

**Right Holder:** TROND A BJORNARD And  
RENEE BJORNARD  
5810 GLEN EAGLE DR  
IDAHO FALLS ID 83401

**Priority Date:** May 14, 1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15 to    | 10/15     | 0.22 CFS              | 39.9 AF       |

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

GROUND WATER                      SENE                      Sec. 24 Twp 06N    Rge 25E    CUSTER 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 |
| 06N | 25E | 24  |    |    |    | 11.4 |    |    |    |    |    |    |    |    |    |    |    |    | 11.4   |

Total Acres: 11.4

**CONDITIONS OF APPROVAL**

1. Right 34-14087 and the appurtenant share of rights 31-126 and 34-127 when combined shall not exceed a total diversion rate of .22 cfs, a total annual maximum diversion volume of 39.9 af at the field headgate, and the irrigation of 11.4 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. Prior to the diversion and use of water under Transfer approval 75521, 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.
5. 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.
6. Point of diversion is located within Lot 8, Big Lost River Subdivision.

**WATER RIGHT NO. 34-14087**  
**As Modified by Transfer No. 75521**

**CONDITIONS OF APPROVAL**

7. Place of use is located within Lot 8, Big Lost River Subdivision.
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. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. 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.
12. 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.
13. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer 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 23 day of June, 2009

  
for Chief, Water Allocation Bureau