

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75044

This is to certify that: JOSE L GARCIA
 1772 E 1300 S
 GOODING ID 83330
 (208) 644-6403
 And

MARY GARCIA
 1772 E 1300 S
 GOODING ID 83330
 (208) 644-6403

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>
37-21628	AJC/Beneficial Use	09/25/1979	0.11 cfs	N/A			GROUND WATER
36-16675	WR/Decreed	09/12/1973	0.12 cfs	23.2 af	5.8	160.0	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>
37-21628	NO	NO	NO	YES	NO	NO
36-16675	NO	YES	YES	YES	YES	YES

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>
37-21628	37-21628	0.11 cfs	14.6 af	N/A			N/A	N/A	N/A	N/A
36-16675	37-22452	0.12 cfs	17 af	N/A			N/A	N/A	N/A	N/A
COMBINED TOTALS		0.23 cfs	31.6 af				N/A	N/A	N/A	N/A

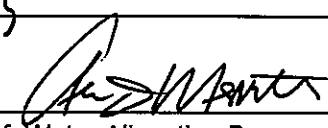
Detailed Water Right Description(s) attached

Dated this 6th day of May, 2009

SUPPORT DATA

IN FILE # 37-21628

F-12


 Chief, Water Allocation Bureau

SCANNED
 MAY 14 2009

all 5 pg

WATER RIGHT NO. 37-22452
As Modified by Transfer No. 75044

In accordance with the approval of Transfer No. 75044, Water Right No. 36-16675 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	0.12 CFS	17.0 AF
STOCKWATER	01/01 to	12/31	0.12 CFS	17.0 AF
			0.12 CFS	17.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWSE Sec. 1 Twp 05S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
05S 14E 1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X		

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
05S 14E 1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X		

CONDITIONS OF APPROVAL

1. The combination of changes under Transfer approval 75044 as described under rights 37-22452 and Transfer approval 75045 as described under rights 36-16676 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 75044.

2. 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.

WATER RIGHT NO. 37-22452
As Modified by Transfer No. 75044

3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 130.
5. Prior to diversion and use of water under Transfer approval 75044, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
6. 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.
7. 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.
8. Commercial use is for a dairy.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.
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.

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 6th day of May, 20 09


FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21628
As Modified by Transfer No. 75044

In accordance with the approval of Transfer No. 75044, Water Right No. 37-21628 is now described as follows.

Right Holder: MARY GARCIA
1772 E 1300 S
GOODING ID 83330

And

JOSE L GARCIA
1772 E 1300 S
GOODING ID 83330

Priority Date: September 25, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.03 CFS	14.6 AF
DOMESTIC	01/01	to 12/31	0.08 CFS	14.6 AF
			0.11 CFS	14.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWSE Sec. 1 Twp 05S Rge 14E GOODING County

PLACE OF USE: STOCKWATER

[illegible]

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
05S	14E	1															X	X	

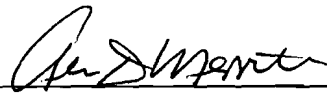
WATER RIGHT NO. 37-21628
As Modified by Transfer No. 75044

CONDITIONS OF APPROVAL

1. 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.
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. 130.
3. Prior to diversion and use of water under Transfer approval 75044, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
4. 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.
5. Domestic use is for 3 homes.
6. Stockwater use is for dairy cattle.
7. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
8. The right holder shall accomplish the change authorized by this transfer within one 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 6th day of May, 2009


F. R. Chief, Water Allocation Bureau