

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75238

This is to certify that: BARBARA J SPENGLER REVOCABLE TRUST
 BARBARA & DONALD SPENGLER TRUSTEE
 4412 N FRANKLIN CANYON RD
 MACKAY ID 83251
 (208)588-2468

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>
34-16	WR/Decreed	12/16/1907	3.66 cfs	N/A	N/A	207.0	PASS CREEK
34-254	WR/Decreed	02/03/1903	2.5 cfs	N/A	125.0	207.0	PASS CREEK
34-727A	WR/Decreed	06/01/1883	0.8 cfs	N/A	40.0	207.0	PASS CREEK
34-2253A	WR/Decreed	01/20/1927	2.0 cfs	N/A	50.0	93.0	UNNAMED STREAM
34-44	WR/Decreed	06/01/1884	0.8 cfs	N/A	40.0	278.0	JENSEN SPRINGS
34-45	WR/Decreed	06/01/1902	0.4 cfs	N/A	20.0	278.0	JENSEN SPRINGS
34-2487	WR/Decreed	08/16/1966	2.51 cfs	439.3 af	N/A	101.5	GROUND WATER
34-13410	WR/Decreed	05/01/1953	1.72 cfs	N/A	N/A	93.0	UNNAMED STREAM

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>
34-16	NO	NO	YES	NO	NO	NO
34-254	NO	NO	YES	NO	NO	NO
34-727A	NO	NO	YES	NO	NO	NO
34-2253A	NO	NO	YES	NO	NO	NO
34-44	NO	NO	YES	NO	NO	NO
34-45	NO	NO	YES	NO	NO	NO
34-2487	NO	NO	YES	NO	NO	NO
34-13410	NO	NO	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 34-16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75238

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-16	34-16	3.66 cfs	N/A	207.0	294.0		N/A	N/A	N/A	N/A
34-254	34-254	2.5 cfs	N/A	125.0	294.0		N/A	N/A	N/A	N/A
34-727A	34-727A	0.8 cfs	N/A	40.0	294.0		N/A	N/A	N/A	N/A
34-2253A	34-2253A	2.0 cfs	N/A	50.0	294.0		N/A	N/A	N/A	N/A
34-44	34-44	0.8 cfs	N/A	40.0	294.0		N/A	N/A	N/A	N/A
34-45	34-45	0.4 cfs	N/A	20.0	294.0		N/A	N/A	N/A	N/A
34-2487	34-2487	2.51 cfs	439.3 af	101.5	294.0		N/A	N/A	N/A	N/A
34-13410	34-13410	1.72 cfs	N/A	93.0	294.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		12.33 cfs	N/A	294.0	294.0		N/A	N/A	N/A	N/A

SFER NO. 75238

Detailed Water Right Description(s) attached

Dated this 24 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 34-254
As Modified by Transfer No. 75238

In accordance with the approval of Transfer No. 75238, Water Right No. 34-254 is now described as follows.

Right Holder: BARBARA J SPENGLER REVOCABLE TRUST
 BARBARA & DONALD SPENGLER TRUSTEE
 4412 N FRANKLIN CANYON RD
 MACKAY ID 83251

Priority Date: February 03, 1903

Source: PASS CREEK

Tributary: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to 10/15	2.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

PASS CREEK NWSWNE Sec. 23 Twp 07N 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	
07N	25E	21												6.0			6.0		12.0
07N	25E	27						16.0	3.0										19.0
07N	25E	28	29.0	40.0	37.0	8.0	37.0			31.0	19.0			9.0		35.0	18.0		263.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.
2. Rights 34-16, 34-44, 34-45, 34-254, 34-727A, 34-2253A, 34-2487 and 34-13410 when combined shall not exceed a total diversion rate of 12.33 cfs and the irrigation of 294 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The following rights are diverted through point(s) of diversion described above: 34-16, 34-727A and 34-254.

WATER RIGHT NO. 34-254
As Modified by Transfer No. 75238

CONDITIONS OF APPROVAL

7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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 24 day of April, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 34-16
As Modified by Transfer No. 75238

In accordance with the approval of Transfer No. 75238, Water Right No. 34-16 is now described as follows.

Right Holder: BARBARA J SPENGLER REVOCABLE TRUST
 BARBARA & DONALD SPENGLER TRUSTEE
 4412 N FRANKLIN CANYON RD
 MACKAY ID 83251

Priority Date: December 16, 1907

Source: PASS CREEK

Tributary: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	3.66 CFS

LOCATION OF POINT(S) OF DIVERSION:

PASS CREEK NWSWNE Sec. 23 Twp 07N 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	
07N 25E 21												6.0				6.0	12.0
07N 25E 27						16.0	3.0										19.0
07N 25E 28	29.0	40.0	37.0	8.0	37.0			31.0	19.0			9.0		35.0	18.0		263.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 207 acres within the place of use described above in a single irrigation season.
2. Rights 34-16, 34-44, 34-45, 34-254, 34-727A, 34-2253A, 34-2487 and 34-13410 when combined shall not exceed a total diversion rate of 12.33 cfs and the irrigation of 294 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The following rights are diverted through point(s) of diversion described above: 34-16, 34-727A and 34-254.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 34-16
As Modified by Transfer No. 75238

CONDITIONS OF APPROVAL

7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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 24 day of April, 2009

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 34-44
As Modified by Transfer No. 75238

In accordance with the approval of Transfer No. 75238, Water Right No. 34-44 is now described as follows.

Right Holder: BARBARA J SPENGLER REVOCABLE TRUST
 BARBARA & DONALD SPENGLER TRUSTEE
 4412 N FRANKLIN CANYON RD
 MACKAY ID 83251

Priority Date: June 01, 1884

Source: JENSEN SPRINGS

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

JENSEN SPRINGS SWNWSE Sec. 21 Twp 07N 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	
07N	25E	21												6.0			6.0		12.0
07N	25E	27						16.0	3.0										19.0
07N	25E	28	29.0	40.0	37.0	8.0	37.0			31.0	19.0			9.0		35.0	18.0		263.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
2. Rights 34-16, 34-44, 34-45, 34-254, 34-727A, 34-2253A, 34-2487 and 34-13410 when combined shall not exceed a total diversion rate of 12.33 cfs and the irrigation of 294 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The following rights are diverted through point(s) of diversion described above: 34-44 and 34-45.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 34-44
As Modified by Transfer No. 75238

CONDITIONS OF APPROVAL

7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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 24 day of April, 2009

Ernest Carlson
for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 34-45
As Modified by Transfer No. 75238

In accordance with the approval of Transfer No. 75238, Water Right No. 34-45 is now described as follows.

Right Holder: BARBARA J SPENGLER REVOCABLE TRUST
BARBARA & DONALD SPENGLER TRUSTEE
4412 N FRANKLIN CANYON RD
MACKAY ID 83251

Priority Date: June 01, 1902

Source: JENSEN SPRINGS

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

JENSEN SPRINGS SWNWSE Sec. 21 Twp 07N 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	
07N	25E	21												6.0			6.0		12.0
07N	25E	27						16.0	3.0										19.0
07N	25E	28	29.0	40.0	37.0	8.0	37.0			31.0	19.0			9.0		35.0	18.0		263.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
2. Rights 34-16, 34-44, 34-45, 34-254, 34-727A, 34-2253A, 34-2487 and 34-13410 when combined shall not exceed a total diversion rate of 12.33 cfs and the irrigation of 294 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The following rights are diverted through point(s) of diversion described above: 34-44 and 34-45.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 34-45
As Modified by Transfer No. 75238

CONDITIONS OF APPROVAL

7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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 24 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 34-2487
As Modified by Transfer No. 75238

In accordance with the approval of Transfer No. 75238, Water Right No. 34-2487 is now described as follows.

Right Holder: BARBARA J SPENGLER REVOCABLE TRUST
 BARBARA & DONALD SPENGLER TRUSTEE
 4412 N FRANKLIN CANYON RD
 MACKAY ID 83251

Priority Date: August 16, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/31	2.51 CFS	439.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENE Sec. 28 Twp 07N 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	
07N	25E	21												6.0			6.0		12.0
07N	25E	27						16.0	3.0										19.0
07N	25E	28	29.0	40.0	37.0	8.0	37.0			31.0	19.0			9.0		35.0	18.0		263.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 101.5 acres within the place of use described above in a single irrigation season.
2. Rights 34-16, 34-44, 34-45, 34-254, 34-727A, 34-2253A, 34-2487 and 34-13410 when combined shall not exceed a total diversion rate of 12.33 cfs and the irrigation of 294 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. 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.
5. Prior to the diversion and use of water under Transfer approval 75238, 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.

WATER RIGHT NO. 34-2487
As Modified by Transfer No. 75238

CONDITIONS OF APPROVAL

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. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The use of water for irrigation under this right may begin as early as 4/1 provided other elements of the rights 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 7/3/2002.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 24 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 34-727A
As Modified by Transfer No. 75238

In accordance with the approval of Transfer No. 75238, Water Right No. 34-727A is now described as follows.

Right Holder: BARBARA J SPENGLER REVOCABLE TRUST
 BARBARA & DONALD SPENGLER TRUSTEE
 4412 N FRANKLIN CANYON RD
 MACKAY ID 83251

Priority Date: June 01, 1883

Source: PASS CREEK

Tributary: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

PASS CREEK NWSWNE Sec. 23 Twp 07N 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	
07N	25E	21												6.0			6.0		12.0
07N	25E	27							16.0	3.0									19.0
07N	25E	28	29.0	40.0	37.0	8.0	37.0			31.0	19.0			9.0		35.0	18.0		263.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
2. Rights 34-16, 34-44, 34-45, 34-254, 34-727A, 34-2253A, 34-2487 and 34-13410 when combined shall not exceed a total diversion rate of 12.33 cfs and the irrigation of 294 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The following rights are diverted through point of diversion described above: 34-16, 34-254 and 34-727A .
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 34-727A
As Modified by Transfer No. 75238

CONDITIONS OF APPROVAL

7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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 24 day of April, 2009

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 34-2253A
As Modified by Transfer No. 75238

In accordance with the approval of Transfer No. 75238, Water Right No. 34-2253A is now described as follows.

Right Holder: BARBARA J SPENGLER REVOCABLE TRUST
 BARBARA & DONALD SPENGLER TRUSTEE
 4412 N FRANKLIN CANYON RD
 MACKAY ID 83251

Priority Date: January 20, 1927

Source: UNNAMED STREAM

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	L1 (SESESE)	Sec. 21 Twp 07N	Rge 25E	CUSTER County
UNNAMED STREAM	L4 (NWSWSW)	Sec. 22 Twp 07N	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	
07N	25E	21												6.0			6.0		12.0
07N	25E	27						16.0	3.0										19.0
07N	25E	28	29.0	40.0	37.0	8.0	37.0			31.0	19.0			9.0		35.0	18.0		263.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
2. Rights 34-2253A and 34-13410 are limited to the irrigation of a combined total of 93 acres in a single irrigation season.
3. Rights 34-2253A and 34-2253B are limited to a total combined diversion rate of 2.00 cfs.
4. Rights 34-16, 34-44, 34-45, 34-254, 34-727A, 34-2253A, 34-2487 and 34-13410 when combined shall not exceed a total diversion rate of 12.33 cfs and the irrigation of 294 acres.
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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

WATER RIGHT NO. 34-2253A
As Modified by Transfer No. 75238

CONDITIONS OF APPROVAL

7. The following rights are diverted through point(s) of diversion described above: 34-2253A and 34-13410.
8. Source is also known as crows Nest Springs.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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 24 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13410
As Modified by Transfer No. 75238

In accordance with the approval of Transfer No. 75238, Water Right No. 34-13410 is now described as follows.

Right Holder: BARBARA J SPENGLER REVOCABLE TRUST
 BARBARA & DONALD SPENGLER TRUSTEE
 4412 N FRANKLIN CANYON RD
 MACKAY ID 83251

Priority Date: May 01, 1953

Source: UNNAMED STREAM

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	1.72 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	L1 (SESESE)	Sec. 21 Twp 07N	Rge 25E	CUSTER County
UNNAMED STREAM	L4 (NWSWSW)	Sec. 22 Twp 07N	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	
07N	25E	21												6.0			6.0		12.0
07N	25E	27						16.0	3.0										19.0
07N	25E	28	29.0	40.0	37.0	8.0	37.0			31.0	19.0			9.0		35.0	18.0		263.0

Total Acres: 294

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 93 acres within the place of use described above in a single irrigation season.
2. Right 34-2253A and 34-13410 are limited to the irrigation of a combined total of 93 acres in a single irrigation season.
3. Rights 34-16, 34-44, 34-45, 34-254, 34-727A, 34-2253A, 34-2487 and 34-13410 when combined shall not exceed a total diversion rate of 12.33 cfs and the irrigation of 294 acres.
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.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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6. The following rights are diverted through point(s) of diversion described above: 34-2253A and 34-13410.
7. Source is also known as crows Nest Springs.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
10. The right holder shall accomplish the change authorized by this transfer within one year 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 24 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau