

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75305

This is to certify that: IRMA M GAY And
 WALTER A GAY
 628 W 300 S
 BLACKFOOT ID 83221
 (208)785-5457

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>
35-2524	WR/Decreed	04/18/1966	0.9 cfs	N/A	45.0	518.0	GROUND WATER
35-2772	WR/Decreed	04/12/1965	3.4 cfs	N/A	240.0	518.0	GROUND WATER
35-2859	WR/Decreed	01/18/1967	1.77 cfs	N/A	135.0	518.0	GROUND WATER
35-7278	WR/Decreed	02/15/1973	1.98 cfs	N/A	99.0	518.0	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>
35-2524	NO	NO	YES	NO	NO	NO
35-2772	NO	NO	YES	NO	NO	NO
35-2859	NO	NO	YES	NO	NO	NO
35-7278	NO	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>
35-2524	35-2524	0.9 cfs	180 af	45.0	518.0		N/A	N/A	N/A	N/A
35-2772	35-2772	3.4 cfs	960 af	240.0	518.0		N/A	N/A	N/A	N/A
35-2859	35-2859	1.77 cfs	540 af	135.0	518.0		N/A	N/A	N/A	N/A
35-7278	35-7278	1.98 cfs	396 af	99.0	518.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		7.73 cfs	2072 af	518.0	518.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27 day of January, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau
 SUPPORT DATA

IN FILE # 35-2524

WATER RIGHT NO. 35-2772
As Modified by Transfer No. 75305

In accordance with the approval of Transfer No. 75305, Water Right No. 35-2772 is now described as follows.

Right Holder: WALTER A GAY And
 IRMA M GAY
 628 W 300 S
 BLACKFOOT ID 83221

Priority Date: April 12, 1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.40 CFS	960.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENE	Sec. 33 Twp 02S	Rge 32E	BINGHAM County
GROUND WATER	SENWNW	Sec. 34 Twp 02S	Rge 32E	BINGHAM County
GROUND WATER	SENWSW	Sec. 34 Twp 02S	Rge 32E	BINGHAM 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	
02S	32E	33	34.0	28.0	30.0	36.0													128.0
02S	32E	34		32.0	34.0		34.0	33.0	37.0	36.0	33.0	37.0	36.0	27.0		18.0	33.0		390.0

Total Acres: 518

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.
2. Rights 35-2524, 35-2772, 35-2859 and 35-7278 when combined shall not exceed a total diversion rate of 7.73 cfs, a total annual maximum diversion volume of 2072 af at the field headgate, and the irrigation of 518 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. 120.
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 75305, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.

WATER RIGHT NO. 35-2772
As Modified by Transfer No. 75305

CONDITIONS OF APPROVAL

6. The following rights are diverted through points of diversion described above: 35-2524, 35-2772, 35-2859, and 35-7278.
7. 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.
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 27 day of January, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7278
As Modified by Transfer No. 75305

In accordance with the approval of Transfer No. 75305, Water Right No. 35-7278 is now described as follows.

Right Holder: IRMA M GAY And
WALTER A GAY
628 W 300 S
BLACKFOOT ID 83221

Priority Date: February 15, 1973

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	1.98 CFS	396.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENE	Sec. 33 Twp 02S	Rge 32E	BINGHAM County
GROUND WATER	SENWNW	Sec. 34 Twp 02S	Rge 32E	BINGHAM County
GROUND WATER	SENWSW	Sec. 34 Twp 02S	Rge 32E	BINGHAM 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	
02S	32E	33	34.0	28.0	30.0	36.0													128.0
02S	32E	34		32.0	34.0		34.0	33.0	37.0	36.0	33.0	37.0	36.0	27.0		18.0	33.0		390.0

Total Acres: 518

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 99 acres within the place of use described above in a single irrigation season.
2. Rights 35-2524, 35-2772, 35-2859 and 35-7278 when combined shall not exceed a total diversion rate of 7.73 cfs, a total annual maximum diversion volume of 2072 af at the field headgate, and the irrigation of 518 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. 120.
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 75305, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.

WATER RIGHT NO. 35-7278
As Modified by Transfer No. 75305

CONDITIONS OF APPROVAL

6. The following rights are diverted through points of diversion described above: 35-2524, 35-2772, 35-2859, and 35-7278.
7. 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.
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 27 day of January, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2524
As Modified by Transfer No. 75305

In accordance with the approval of Transfer No. 75305, Water Right No. 35-2524 is now described as follows.

Right Holder: IRMA M GAY And
 WALTER A GAY
 628 W 300 S
 BLACKFOOT ID 83221

Priority Date: April 18, 1966

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	0.90 CFS	180.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENE	Sec. 33 Twp 02S	Rge 32E	BINGHAM County
GROUND WATER	SENWNW	Sec. 34 Twp 02S	Rge 32E	BINGHAM County
GROUND WATER	SENWSW	Sec. 34 Twp 02S	Rge 32E	BINGHAM 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	
02S	32E	33	34.0	28.0	30.0	36.0													128.0
02S	32E	34		32.0	34.0		34.0	33.0	37.0	36.0	33.0	37.0	36.0	27.0		18.0	33.0		390.0

Total Acres: 518

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 45 acres within the place of use described above in a single irrigation season.
2. Rights 35-2524, 35-2772, 35-2859 and 35-7278 when combined shall not exceed a total diversion rate of 7.73 cfs, a total annual maximum diversion volume of 2072 af at the field headgate, and the irrigation of 518 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. 120.
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 75305, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.

WATER RIGHT NO. 35-2524
As Modified by Transfer No. 75305

CONDITIONS OF APPROVAL

6. The following rights are diverted through points of diversion described above: 35-2524, 35-2772, 35-2859, and 35-7278.
7. 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.
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 27 day of January, 2009

Ernst Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2859
As Modified by Transfer No. 75305

In accordance with the approval of Transfer No. 75305, Water Right No. 35-2859 is now described as follows.

Right Holder: IRMA M GAY And
WALTER A GAY
628 W 300 S
BLACKFOOT ID 83221

Priority Date: January 18, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	1.77 CFS	540.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENE	Sec. 33 Twp 02S	Rge 32E	BINGHAM County
GROUND WATER	SENWNW	Sec. 34 Twp 02S	Rge 32E	BINGHAM County
GROUND WATER	SENWSW	Sec. 34 Twp 02S	Rge 32E	BINGHAM 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	
02S	32E	33	34.0	28.0	30.0	36.0													128.0
02S	32E	34		32.0	34.0		34.0	33.0	37.0	36.0	33.0	37.0	36.0	27.0		18.0	33.0		390.0

Total Acres: 518

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 135 acres within the place of use described above in a single irrigation season.
2. Rights 35-2524, 35-2772, 35-2859 and 35-7278 when combined shall not exceed a total diversion rate of 7.73 cfs, a total annual maximum diversion volume of 2072 af at the field headgate, and the irrigation of 518 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. 120.
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 75305, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.

WATER RIGHT NO. 35-2859
As Modified by Transfer No. 75305

CONDITIONS OF APPROVAL

6. The following rights are diverted through points of diversion described above: 35-2524, 35-2772, 35-2859, and 35-7278.
7. 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.
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 27 day of January, 2009

Ernest Coulson
for Chief, Water Allocation Bureau