

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75106

This is to certify that: DELWYN V ELLIS
 904 W 200 N
 BLACKFOOT ID 83221
 (208)684-4268

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>
35-7773	WR/Decreed	01/24/1978	1.56 cfs	N/A	N/A	343.0	GROUND WATER
35-2493	WR/Decreed	02/06/1957	4.04 cfs	N/A	295.0	343.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

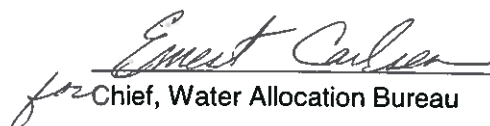
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-7773	NO	NO	YES	NO	NO	NO
35-2493	NO	NO	YES	NO	NO	NO

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>
35-7773	35-7773	1.56 cfs	192 af	N/A	343.0		N/A	N/A	N/A	N/A
35-2493	35-2493	4.04 cfs	1180 af	295.0	343.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		5.6 cfs	1372 af	343.0	343.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11 day of December, 2008


 for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 35-2493

WATER RIGHT NO. 35-2493
As Modified by Transfer No. 75106

In accordance with the approval of Transfer No. 75106, Water Right No. 35-2493 is now described as follows.

Right Holder: DELWYN V ELLIS
 904 W 200 N
 BLACKFOOT ID 83221

Priority Date: February 06, 1957

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	4.04 CFS	1,180.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENE SW	Sec. 22 Twp 01S	Rge 33E	BINGHAM County
GROUND WATER	SENE	Sec. 27 Twp 01S	Rge 33E	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	
01S	33E	22									27.0	20.0	21.0	28.0	19.0	24.0	31.0	25.0	195.0
01S	33E	26						19.0	27.0										46.0
01S	33E	27	24.0	34.0	26.0	18.0													102.0

Total Acres: 343

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 295 acres within the place of use described above in a single irrigation season.
2. Rights 35-2493 and 35-7773 when combined shall not exceed a total diversion rate of 5.6 cfs, a total annual maximum diversion volume of 1372 af at the field headgate, and the irrigation of 343 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. Approval of Transfer 75106 creates an overlap with Right 35-7310A that has been accepted into the water supply bank and is currently not used on these lands. Upon renewed use of Right 35-7310A on its current place of use within the S1/2NW and N1/2SW, Sec 22, T01S, R33E; Rights 35-2493, 35-7310A and 35-7773 when combined shall not exceed a combined total of 403 irrigated acres and a total annual maximum diversion volume of 1612.0 af.
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. 120.

WATER RIGHT NO. 35-2493
As Modified by Transfer No. 75106

CONDITIONS OF APPROVAL

6. 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.
7. Prior to the diversion and use of water under Transfer approval 75106, the right holder shall install and maintain acceptable measuring device(s), including data logger(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.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) 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 11 day of December, 2008


for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7773
As Modified by Transfer No. 75106

In accordance with the approval of Transfer No. 75106, Water Right No. 35-7773 is now described as follows.

Right Holder: DELWYN V ELLIS
 904 W 200 N
 BLACKFOOT ID 83221

Priority Date: January 24, 1978

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	1.56 CFS	192.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENE SW	Sec. 22 Twp 01S	Rge 33E	BINGHAM County
GROUND WATER	SENE	Sec. 27 Twp 01S	Rge 33E	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	
01S	33E	22									27.0	20.0	21.0	28.0	19.0	24.0	31.0	25.0	195.0
01S	33E	26						19.0	27.0										46.0
01S	33E	27	24.0	34.0	26.0	18.0													102.0

Total Acres: 343

CONDITIONS OF APPROVAL

1. Rights 35-2493 and 35-7773 when combined shall not exceed a total diversion rate of 5.6 cfs, a total annual maximum diversion volume of 1372 af at the field headgate, and the irrigation of 343 acres.
2. 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.
3. Approval of Transfer 75106 creates an overlap with Right 35-7310A that has been accepted into the water supply bank and is currently not used on these lands. Upon renewed use of Right 35-7310A on its current place of use within the S1/2NW and N1/2SW, Sec 22, T01S, R33E; Rights 35-2493, 35-7310A and 35-7773 when combined shall not exceed a combined total of 403 irrigated acres and a total annual maximum diversion volume of 1612.0 af.
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. 120.
5. 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.

WATER RIGHT NO. 35-7773
As Modified by Transfer No. 75106

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 75106, the right holder shall install and maintain acceptable measuring device(s), including data logger(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.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 11 day of December, 2008

Ernest Carlson
for Chief, Water Allocation Bureau