

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 74989

This is to certify that: LORAIN D DRISCOLL And  
TAMARA DRISCOLL  
2370 DEAN SUB RD  
AMERICAN FALLS ID 83211

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 35-2893      | WR/Decreed          | 09/14/1966      | 2.56 cfs    | 632 af        | N/A               | 158.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-2893               | NO           | NO         | NO         | YES            | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-2893               | <b>35-2893</b>                   | 2.56 cfs             | 632 af                 | N/A               | 158.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>2.56 cfs</b>      | <b>632 af</b>          | <b>N/A</b>        | <b>158.0</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 15<sup>th</sup> day of October, 20 08

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-2893**  
**As Modified by Transfer No. 74989**

In accordance with the approval of Transfer No. 74989, Water Right No. 35-2893 is now described as follows.

**Right Holder:** LORAIN D DRISCOLL And  
 TAMARA DRISCOLL  
 2370 DEAN SUB RD  
 AMERICAN FALLS ID 83211

**Priority Date:** September 14, 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     | 2.56 CFS              | 632.0 AF      |

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

|              |        |                 |         |              |
|--------------|--------|-----------------|---------|--------------|
| GROUND WATER | SENESE | Sec. 34 Twp 06S | Rge 30E | POWER County |
| GROUND WATER | NESWSE | Sec. 34 Twp 06S | Rge 30E | POWER 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   |        |
| 06S | 30E | 34  |    |    |    |    |    |    |    |    |    |    |    |    | 39.5 | 40.0 | 39.5 | 39.0 | 158.0  |

Total Acres: 158

**CONDITIONS OF APPROVAL**

1. 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.
2. 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.
3. Prior to the diversion and use of water under Transfer approval 74989, 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.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

**WATER RIGHT NO. 35-2893**  
**As Modified by Transfer No. 74989**

**CONDITIONS OF APPROVAL**

6. 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.
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.

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 15<sup>th</sup> day of October, 20 08

  
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Chief, Water Allocation Bureau