

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72854

This is to certify that: RONALD E BABNEAU And

LORI P BABNEAU
 4316 HOUSTON RD
 MACKAY ID 83251
 (208)588-2582
 And

GARY L KIMBALL And
 LINDA L KIMBALL
 PO BOX 273
 MACKAY ID 83251
 (208)588-3080

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>
34-610C	WR/Decreed	07/09/1908	1.9 cfs	N/A	95.0	99.0	CONGDON SPRINGS
34-2276A	WR/Decreed	07/25/1946	1.9 cfs	N/A	N/A	99.0	CONGDON SPRINGS

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>
34-610C	YES	NO	YES	NO	NO	NO
34-2276A	YES	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>
34-610C	34-13883	0.67 cfs	N/A	34.0	35.0	34-13882	1.23 cfs	N/A	61.0	64.0
34-2276A	34-13943	0.67 cfs	N/A	N/A	35.0	34-13942	1.23 cfs	N/A	N/A	64.0
COMBINED TOTALS		1.34 cfs	N/A	35.0	35.0		N/A	N/A	N/A	N/A

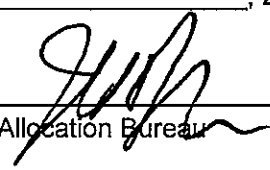
SUPPORT DATA

IN FILE # 34-610C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72854

Detailed Water Right Description(s) attached

Dated this 3rd day of July, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13882
As Modified by Transfer No. 72854

In accordance with the approval of Transfer No. 72854, Water Right No. 34-13882 is now described as follows.

Right Holder: GARY L KIMBALL Or
 LINDA L KIMBALL
 PO BOX 273
 MACKAY ID 83251

Priority Date: July 09, 1908

Source: CONGDON SPRINGS

Tributary: CONGDON SPRINGS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	1.23 CFS
			1.23 CFS

LOCATION OF POINT(S) OF DIVERSION:

CONGDON SPRINGS SENWNE Sec. 31 Twp 07N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
07N	25E	33	29.0	8.5	23.0	3.5	64.0

Total Acres: 64

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 61 acres within the place of use described above in a single irrigation season.
2. Rights 34-13882 and 34-13942 when combined shall not exceed the irrigation of 64.0 acres.
3. The following rights are diverted through point(s) of diversion described above: 34-13882, 34-13883, 34-13942, and 34-13943.
4. Water is delivered through Burnett Ditch.
5. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
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.

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 3rd day of July, 20 08

 Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13883
As Modified by Transfer No. 72854

In accordance with the approval of Transfer No. 72854, Water Right No. 34-13883 is now described as follows.

Right Holder: GREGORY M BRULEY Or
 LAURA M BRULEY
 3917 BAR ROAD
 MACKAY ID 83251

Priority Date: July 09, 1908

Source: CONGDON SPRINGS

Tributary: CONGDON SPRINGS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	0.67 CFS
			0.67 CFS

LOCATION OF POINT(S) OF DIVERSION:

CONGDON SPRINGS SENWNE Sec. 31 Twp 07N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	25E	33			1.5	31.0									2.5				35.0

Total Acres: 35

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34.0 acres within the place of use described above in a single irrigation season.
2. Rights 34-13883 and 34-13943 when combined shall not exceed the irrigation of 35.0 acres.
3. The following rights are diverted through point(s) of diversion described above: 34-13882, 34-13883, 34-13942, and 34-13943.
4. Water is delivered through Burnett Ditch.
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).
6. 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.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

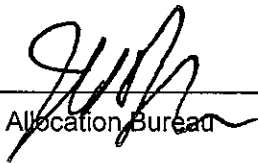
WATER RIGHT NO. 34-13883
As Modified by Transfer No. 72854

CONDITIONS OF APPROVAL

8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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 3rd day of July, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13942
As Modified by Transfer No. 72854

In accordance with the approval of Transfer No. 72854, Water Right No. 34-13942 is now described as follows.

Right Holder: LINDA L KIMBALL Or
 GARY L KIMBALL
 PO BOX 273
 MACKAY ID 83251

Priority Date: July 25, 1946

Source: CONGDON SPRINGS

Tributary: CONGDON SPRINGS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	1.23 CFS
			1.23 CFS

LOCATION OF POINT(S) OF DIVERSION:

CONGDON SPRINGS SENWNE Sec. 31 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	33			29.0	8.5									23.0	3.5			64.0

Total Acres: 64

CONDITIONS OF APPROVAL

1. Rights 34-13882 and 34-13942 when combined shall not exceed the irrigation of 64.0 acres.
2. Water is delivered through Burnett Ditch.
3. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
4. 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 3rd day of July, 2008

 Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13943
As Modified by Transfer No. 72854

In accordance with the approval of Transfer No. 72854, Water Right No. 34-13943 is now described as follows.

Right Holder: GREGORY M BRULEY Or
 LAURA M BRULEY
 3917 BAR ROAD
 MACKAY ID 83251

Priority Date: July 25, 1946

Source: CONGDON SPRINGS

Tributary: CONGDON SPRINGS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	0.67 CFS
			0.67 CFS

LOCATION OF POINT(S) OF DIVERSION:

CONGDON SPRINGS SENWNE Sec. 31 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	33			1.5	31.0									2.5				35.0

Total Acres: 35

CONDITIONS OF APPROVAL

1. Rights 34-13883 and 34-13943 when combined shall not exceed the irrigation of 35.0 acres.
2. The following rights are diverted through point(s) of diversion described above: 34-13882, 34-13883, 34-13942, and 34-13943.
3. Water is delivered through Burnett Ditch.
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. 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 period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 34-13943
As Modified by Transfer No. 72854

CONDITIONS OF APPROVAL

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 3rd day of July, 2008



Chief, Water Allocation Bureau