

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73212

This is to certify that: RICHARD WINBERG

1027 S 2600 W
 ABERDEEN ID 83210
 (208)397-4416

And

REID G STEWART
 3100 W 1000 S
 ABERDEEN ID 83210
 (208)220-8000

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>
35-7574	WR/Decreed	01/26/1976	1.5 cfs	300 af	75.0	132.0	GROUND WATER
35-13610	WR/Decreed	09/05/1972	0.12 cfs	40 af	N/A	10.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

35-13579	WR/License	02/09/1990	0.88 cfs	208 af	52.0	132.0	GROUND WATER
35-13581	WR/Decreed	03/27/1981	0.1 cfs	20 af	5.0	132.0	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>
35-7574	YES	YES	YES	NO	NO	NO
35-13610	NO	YES	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>
35-7574	35-13607	1.16 cfs	232 af	58.0	131.0	35-13606	0.34 cfs	68 af	17.0	74.0
35-13610	35-13610	0.12 cfs	40 af	10.0	131.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.28 cfs	272 af	68.0	131.0		0.34 cfs	68 af	17.0	74.0

SUPPORT DATA

IN FILE # 35-7574

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73212

Detailed Water Right Description(s) attached

Dated this 29th day of August, 20 07



Administrator, Water Management Division

WATER RIGHT NO. 35-13606
As Modified by Transfer No. 73212

In accordance with the approval of Transfer No. 73212, Water Right No. 35-13606 is now described as follows.

Right Holder: RICHARD WINBERG Or
 MYRNA WINBERG
 1027 S 2600 W
 ABERDEEN ID 83210

Priority Date: January 26, 1976

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	0.34 CFS	68.0 AF
			0.34 CFS	68.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNESW Sec. 2 Twp 04S Rge 31E BINGHAM County

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
04S	31E	2									4.0	4.0	33.0	33.0					74.0

Total Acres: 74

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
3. Prior to the diversion and use of water under Transfer approval 73167 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. Rights 35-13606, 35-13579 and 35-13581 when combined shall not exceed the irrigation of 74 acres.
5. This right is limited to the irrigation of 17 acres within the place of use described above in a single irrigation season.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 35-13606
As Modified by Transfer No. 73212

CONDITIONS OF APPROVAL

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. 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.
9. 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.
10. Rights 35-13579 and 35-13581 are also diverted through the point(s) of diversion described above.

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 29th day of August, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 35-13607
As Modified by Transfer No. 73212

In accordance with the approval of Transfer No. 73212, Water Right No. 35-13607 is now described as follows.

Right Holder: RICHARD WINBERG Or
 MYRNA WINBERG
 1027 S 2600 W
 ABERDEEN ID 83210

Priority Date: January 26, 1976

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	1.16 CFS	232.0 AF
			1.16 CFS	232.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NWNENE) Sec. 3 Twp 05S Rge 30E BINGHAM 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
05S	30E	3	33.0	33.0	32.0	33.0													131.0

Total Acres: 131

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 58 acres within the place of use described above in a single irrigation season.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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. 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.
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. 120.

WATER RIGHT NO. 35-13607
As Modified by Transfer No. 73212

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under Transfer approval 73212 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. Rights 35-2209B, 35-4047B, 35-13607, 35-13610 and 35- 13589 when combined shall not exceed the irrigation of 131 acres.

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 29th day of August, 20 07



Administrator, Water Management Division

WATER RIGHT NO. 35-13579
As Modified by Transfer No. 73212

In accordance with the approval of Transfer No. 73212, Water Right No. 35-13579 is now described as follows.

Right Holder: RICHARD WINBERG
 1027 S 2600 W
 ABERDEEN ID 83210

Priority Date: February 09, 1990

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	0.88 CFS	208.0 AF
			0.88 CFS	208.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNESW Sec. 2 Twp 04S Rge 31E 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	
04S	31E	2									4.0	4.0	33.0	33.0					74.0

Total Acres: 74

CONDITIONS OF APPROVAL

1. Rights 35-13606 and 35-13581 are also diverted through the point(s) of diversion described above.
2. 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.
3. This right is limited to the irrigation of 52 acres within the place of use described above in a single irrigation season.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
6. Prior to the diversion and use of water under Transfer approval 73167 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 use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

WATER RIGHT NO. 35-13579
As Modified by Transfer No. 73212

CONDITIONS OF APPROVAL

8. Rights 35-13606, 35-13579 and 35-13581 when combined shall not exceed the irrigation of 74 acres.
9. 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.
10. 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.

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 29th day of August, 2007


Administrator, Water Management Division

WATER RIGHT NO. 35-13581
As Modified by Transfer No. 73212

In accordance with the approval of Transfer No. 73212, Water Right No. 35-13581 is now described as follows.

Right Holder: MYRNA WINBERG Or
 RICHARD WINBERG
 1027 S 2600 W
 ABERDEEN ID 83210

Priority Date: March 27, 1981

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	0.10 CFS	20.0 AF
		0.10 CFS	20.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNESW Sec. 2 Twp 04S Rge 31E 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	
04S 31E 2									4.0	4.0	33.0	33.0					74.0

Total Acres: 74

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.
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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Rights 35-13579 and 35-13606 are also diverted through the point(s) of diversion described above.
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.
6. Rights 35-13606, 35-13579 and 35-13581 when combined shall not exceed the irrigation of 74 acres.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

WATER RIGHT NO. 35-13581
As Modified by Transfer No. 73212

CONDITIONS OF APPROVAL

8. 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.
9. 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.
10. Prior to the diversion and use of water under Transfer approval 73167 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.

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 29th day of August, 2007



Administrator, Water Management Division

WATER RIGHT NO. 35-13610
As Modified by Transfer No. 73212

In accordance with the approval of Transfer No. 73212, Water Right No. 35-13610 is now described as follows.

Right Holder: RICHARD WINBERG Or
 MYRNA WINBERG
 1027 S 2600 W
 ABERDEEN ID 83210

Priority Date: September 05, 1972

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	0.12 CFS	40.0 AF
			0.12 CFS	40.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NWNENE) Sec. 3 Twp 05S Rge 30E 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	
05S	30E	3	33.0	33.0	32.0	33.0													131.0

Total Acres: 131

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
7. Rights 35-2209B, 35-4047B, 35-13607, 35-13610 and 35- 13589 when combined shall not exceed the irrigation of 131 acres.

WATER RIGHT NO. 35-13610
As Modified by Transfer No. 73212

CONDITIONS OF APPROVAL

8. Prior to the diversion and use of water under Transfer approval 73212 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.
9. 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.

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 29th day of August, 2007


Chief, Water Allocation Bureau