

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73325

This is to certify that: RICHARD WINBERG Or
 MYRNA WINBERG
 1027 S 2600 W
 ABERDEEN ID 83210
 (208)397-4416

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>
35-2209B	WR/Decreed	12/24/1951	0.26 cfs	52 af	13.0	21.0	GROUND WATER
35-4047B	WR/Decreed	06/18/1954	0.16 cfs	32 af	8.0	21.0	GROUND WATER
35-13580	WR/Decreed	03/27/1981	3.86 cfs	772 af	N/A	193.0	GROUND WATER

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

35-13578	WR/License	02/09/1990	2.12 cfs	424 af	N/A	106.0	GROUND WATER
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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>
35-2209B	NO	NO	YES	NO	NO	NO
35-4047B	NO	NO	YES	NO	NO	NO
35-13580	YES	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>
35-2209B	35-2209B	0.26 cfs	52 af	13.0	63.0		N/A	N/A	N/A	N/A
35-4047B	35-4047B	0.16 cfs	32 af	8.0	63.0		N/A	N/A	N/A	N/A
35-13580	35-13588	0.84 cfs	168 af	42.0	63.0	35-13588	3.02 cfs	604 af	N/A	151.0
COMBINED TOTALS		1.26 cfs	252 af	63.0	63.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of April, 20 07


 Acting Administrator, Water Management Division

SUPPORT DATA

IN FILE # 35-2209B

WATER RIGHT NO. 35-13588
As Modified by Transfer No. 73325

In accordance with the approval of Transfer No. 73325, Water Right No. 35-13588 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	3.02 CFS	604.0 AF
		3.02 CFS	604.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 16 Twp 04S 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	
04S 32E 16	18.0				34.0	33.0	33.0	33.0									151.0

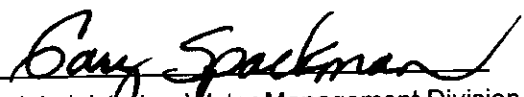
Total Acres: 151

CONDITIONS OF APPROVAL

1. Use of this right is combined with water from Aberdeen Springfield Canal Co.
2. 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 17th day of April, 20 07


 Acting Administrator, Water Management Division

WATER RIGHT NO. 35-13589
As Modified by Transfer No. 73325

In accordance with the approval of Transfer No. 73325, Water Right No. 35-13589 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	0.84 CFS	168.0 AF
		0.84 CFS	168.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NENE) 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			30.0													63.0
	L 1																

Total Acres: 63

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 42 acres within the place of use described above in a single irrigation season.
2. Rights 35-2209B, 35-4047B and 35-13589 when combined shall not exceed the irrigation of 63 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. Prior to the diversion and use of water under Transfer approval 73325, 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.
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.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

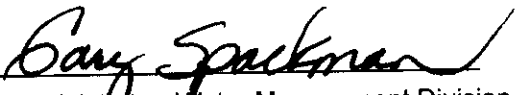
WATER RIGHT NO. 35-13589
As Modified by Transfer No. 73325

CONDITIONS OF 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 17th day of April, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 35-2209B
As Modified by Transfer No. 73325

In accordance with the approval of Transfer No. 73325, Water Right No. 35-2209B is now described as follows.

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

Priority Date: December 24, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.26 CFS	52.0 AF
			0.26 CFS	52.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NENE) 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			30.0													63.0
	L 1																

Total Acres: 63

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13 acres within the place of use described above in a single irrigation season.
2. Rights 35-2209B, 35-4047B and 35-13589 when combined shall not exceed the irrigation of 63 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. Prior to the diversion and use of water under Transfer approval 73325, 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.
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.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

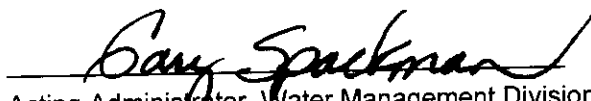
WATER RIGHT NO. 35-2209B
As Modified by Transfer No. 73325

CONDITIONS OF 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 17th day of April, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 35-4047B
As Modified by Transfer No. 73325

In accordance with the approval of Transfer No. 73325, Water Right No. 35-4047B is now described as follows.

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

Priority Date: June 18, 1954

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	0.16 CFS	32.0 AF
			0.16 CFS	32.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NENE) 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			30.0													63.0
	L 1																

Total Acres: 63

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8 acres within the place of use described above in a single irrigation season.
2. Rights 35-2209B, 35-4047B and 35-13589 when combined shall not exceed the irrigation of 63 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. Prior to the diversion and use of water under Transfer approval 73325, 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.
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.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

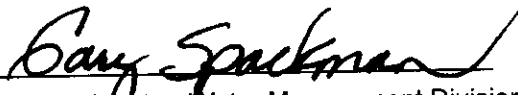
WATER RIGHT NO. 35-4047B
As Modified by Transfer No. 73325

CONDITIONS OF 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 17th day of April, 20 07


Acting Administrator, Water Management Division

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

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	2.12 CFS	424.0 AF
			2.12 CFS	424.0 AF

LOCATION OF POINT(S) OF DIVERSION: GROUND WATER NWNE Sec. 16 Twp 04S Rge 32E BINGHAM County

	NE				NW				SW				SE				
Twp Rge Sec	<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 32E 9									31.0				14.0		33.0	28.0	106.0

CONDITIONS OF APPROVAL

1. Approval of this transfer does not confirm the validity of this water right.
2. Rights 35-13578 and 35-13588 when combined shall not exceed a total diversion rate of 4.33 cfs
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4. 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.
5. Right No. 35-13588 is also diverted through point of diversion described above.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

Dated this 17th day of April, 20 07

Gary Spackman
Acting Administrator, Water Management Division