

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72848

This is to certify that: REID G STEWART
3100 W 1000 S
ABERDEEN ID 83210
(208)397-4572

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>
35-2774B	WR/Decreed	04/16/1965	2.125 cfs	N/A	N/A	152.0	GROUND WATER
35-7644B	WR/Decreed	01/06/1977	0.23 cfs	N/A	N/A	152.0	GROUND WATER
35-13488	WR/Decreed	06/09/1977	2.84 cfs	733.3 af	N/A	183.0	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>
35-2774B	NO	NO	YES	YES	NO	NO
35-7644B	NO	NO	YES	YES	NO	NO
35-13488	NO	NO	YES	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>
35-2774B	35-2774B	2.13 cfs	608.0 af	152.0	335.0		N/A	N/A	N/A	N/A
35-7644B	35-7644B	0.23 cfs	98.0 af	152.0	335.0		N/A	N/A	N/A	N/A
35-13488	35-13488	2.84 cfs	733.3 af	183.0	335.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		5.19 cfs	1341.3 af	335.0	335.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of October, 2006



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 35-2774B

WATER RIGHT NO. 35-13488
As Modified by Transfer No. 72848

In accordance with the approval of Transfer No. 72848, Water Right No. 35-13488 is now described as follows.

Right Holder: SUPERIOR L & L LLC
 3100 W 1000 S
 ABERDEEN ID 83210

Priority Date: June 09, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	05/01	to 12/15	0.05 CFS	1.3 AF
IRRIGATION	04/01	to 11/01	2.84 CFS	732.0 AF
			2.84 CFS	733.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNENE	Sec. 29 Twp 04S	Rge 31E	BINGHAM County
GROUND WATER	NWSWNW	Sec. 29 Twp 04S	Rge 31E	BINGHAM County

PLACE OF USE: STOCKWATER

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	29						X											

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	29	33.0	34.0	34.0	36.0	39.0	39.0	40.0										255.0
04S	31E	30				40.0								40.0					80.0

Total Acres: 335

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 183 acres within the place of use described above in a single irrigation season.
2. Rights 35-2774B, 35-7644B and 35-13488 when combined shall not exceed a total diversion rate of 5.19 cfs, a total annual maximum diversion volume of 1341.3 af at the field headgate, and the irrigation of 335 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.

WATER RIGHT NO. 35-13488
As Modified by Transfer No. 72848

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 72848, 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 quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
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 19th day of October, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2774B
As Modified by Transfer No. 72848

In accordance with the approval of Transfer No. 72848, Water Right No. 35-2774B is now described as follows.

Right Holder: REID G STEWART
 3100 W 1000 S
 ABERDEEN ID 83210

Priority Date: April 16, 1965

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	2.13 CFS	608.0 AF
		2.13 CFS	608.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 29 Twp 04S Rge 31E BINGHAM County

GROUND WATER NWSNW Sec. 29 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	29	33.0	34.0	34.0	36.0	39.0	39.0	40.0										255.0
04S	31E	30				40.0									40.0				80.0

Total Acres: 335

CONDITIONS OF APPROVAL

1. Rights 35-2774B and 35-7644B when combined shall not exceed a total diversion rate of 2.35 cfs, a total annual maximum diversion volume of 608 af at the field headgate, and the irrigation of 152 acres.
2. Rights 35-2774B, 35-7644B and 35-13488 when combined shall not exceed a total diversion rate of 5.19 cfs, a total annual maximum diversion volume of 1341.3 af at the field headgate, and the irrigation of 335 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 72848, 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.

WATER RIGHT NO. 35-2774B
As Modified by Transfer No. 72848

CONDITIONS OF APPROVAL

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 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 19th day of October, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7644B
As Modified by Transfer No. 72848

In accordance with the approval of Transfer No. 72848, Water Right No. 35-7644B is now described as follows.

Right Holder: REID G STEWART
 3100 W 1000 S
 ABERDEEN ID 83210

Priority Date: January 06, 1977

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	0.23 CFS	98.0 AF
			0.23 CFS	98.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 29 Twp 04S Rge 31E BINGHAM County

GROUND WATER NWSWNW Sec. 29 Twp 04S Rge 31E BINGHAM County

PLACE OF USE: IRRIGATION

Tw	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	29	33.0	34.0	34.0	36.0	39.0	39.0	40.0										255.0
04S	31E	30				40.0									40.0				80.0

Total Acres: 335

CONDITIONS OF APPROVAL

1. Rights 35-2774B and 35-7644B when combined shall not exceed a total diversion rate of 2.35 cfs, a total annual maximum diversion volume of 608 af at the field headgate, and the irrigation of 152 acres.
2. Rights 35-2774B, 35-7644B and 35-13488 when combined shall not exceed a total diversion rate of 5.19 cfs, a total annual maximum diversion volume of 1341.3 af at the field headgate, and the irrigation of 335 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 72848, 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.

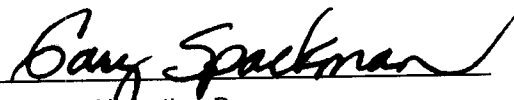
WATER RIGHT NO. 35-7644B
As Modified by Transfer No. 72848

CONDITIONS OF APPROVAL

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 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 19th day of October, 20 06



Chief, Water Allocation Bureau