

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71770

This is to certify that: JAMES H SPAFFORD And/Or
 THE SPAFFORD TRUST
 3614 N 3600 E
 KIMBERLY ID 83341-5321
 (208)423-6133

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>
33-14866	WR/Decreed	11/10/1948	0.90 cfs	N/A	N/A	76.0	GROUND WATER

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

33-2102	WR/Decreed	06/21/1961	1.60 cfs	N/A	N/A	77.0	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>
33-14866	NO	YES	NO	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>
33-14866	33-14866	0.90 cfs	266 af	N/A	76.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.90 cfs	266 af	N/A	76.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of September, 20 05


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 33-14866

WATER RIGHT NO. 33-2102
As Modified by Transfer No. 71770

In accordance with the approval of Transfer No. 71770, Water Right No. 33-2102 is now described as follows.

Right Holder: THE SPAFFORD TRUST
 3614 N 3600 E
 KIMBERLY ID 83341-5321

Priority Date: June 21, 1961

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	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER NWNENE Sec. 26 Twp 06N Rge 29E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	29E	26	37.0	40.0			77.0

Total Acres: 77

CONDITIONS OF APPROVAL

1. Use of water under this right is combined with water from Blaine County 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.
3. Rights 33-2102 and 33-14866 when combined shall not exceed a total diversion rate of 1.60 cfs, a total annual maximum diversion volume 266 af at the field headgate, and the irrigation of 76 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 12th day of September, 2005


 Chief, Water Allocation Bureau

WATER RIGHT NO. 33-14866
As Modified by Transfer No. 71770

In accordance with the approval of Transfer No. 71770, Water Right No. 33-14866 is now described as follows.

Right Holder: THE SPAFFORD TRUST
 3614 N 3600 E
 KIMBERLY ID 83341-5321

Priority Date: November 10, 1948

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	0.90 CFS	266.0 AF
			0.90 CFS	266.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 26 Twp 06N Rge 29E BUTTE 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	
06N	29E	26	37.0			39.0													76.0

Total Acres: 76

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Rights 33-2102 and 33-14866 when combined shall not exceed a total diversion rate of 1.60 cfs, a total annual maximum diversion volume 266 af at the field headgate, and the irrigation of 76 acres.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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.
5. 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.
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.
7. Use of water under this right is combined with water from Blaine County Canal Co.

WATER RIGHT NO. 33-14866
As Modified by Transfer No. 71770

CONDITIONS OF APPROVAL

8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. Prior to the diversion and use of water under Transfer approval 71770, 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 12th day of September, 20 05


Chief, Water Allocation Bureau