

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71485

This is to certify that: JAMES W BAKER
 PO BOX 577
 BLACKFOOT ID 83221-0577
 (208)785-2310

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>
35-7488	WR/License	03/14/1975	4.24 cfs	1168 af	N/A	292.0	GROUND WATER
35-7489	WR/License	03/14/1975	3.35 cfs	670.4 af	N/A	167.6	GROUND WATER
35-13046	WR/Decreed	05/01/1979	0.44 cfs	N/A	N/A	313.0	GROUND WATER
35-2685	WR/Decreed	08/14/1961	3.66 cfs	N/A	276.0	313.0	GROUND WATER
35-7490	WR/Decreed	08/12/1976	5.46 cfs	1224 af	N/A	306.0	GROUND WATER
35-2599	WR/Decreed	07/26/1960	2.01 cfs	854 af	N/A	222.0	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>
35-7488	NO	NO	YES	YES	NO	NO
35-7489	NO	NO	YES	YES	NO	NO
35-13046	NO	NO	YES	YES	NO	NO
35-2685	NO	NO	YES	YES	NO	NO
35-7490	NO	NO	YES	YES	NO	NO
35-2599	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>
35-7488	35-7488	4.24 cfs	1168.0 af	292.0	1,300.6		N/A	N/A	N/A	N/A
35-7489	35-7489	3.35 cfs	670.4 af	167.6	1,300.6		N/A	N/A	N/A	N/A
35-13046	35-13046	0.44 cfs	N/A	37.0	1,300.6		N/A	N/A	N/A	N/A
35-2685	35-2685	3.66 cfs	N/A	276.0	1,300.6		N/A	N/A	N/A	N/A
35-7490	35-7490	5.46 cfs	1224.0 af	306.0	1,300.6		N/A	N/A	N/A	N/A
35-2599	35-2599	2.01 cfs	854.0 af	222.0	1,300.6		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		18.72 cfs	5168.4 af	1300.6	1300.6		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 35-2599

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71485

Detailed Water Right Description(s) attached

Dated this 9th day of March, 20 05

Bary Spackman
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7488
As Modified by Transfer No. 71485

In accordance with the approval of Transfer No. 71485, Water Right No. 35-7488 is now described as follows.

Right Holder: JAMES W BAKER
 PO BOX 577
 BLACKFOOT ID 83221-0577

Priority Date: March 14, 1975

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	4.24 CFS	1,168.0 AF
			4.24 CFS	1,168.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 25 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NWSW	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NENWSE	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	L4 (SWSW)	Sec. 30 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	NWNW	Sec. 31 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	SESENW	Sec. 31 Twp 03S	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	
03S	31E	25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S	31E	36	40.0	33.0	40.0	40.0	4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0		502.0
03S	32E	30								36.0	40.3	40.3	40.0		3.8	9.0			169.4
03S	32E	31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0			40.0				344.2
							L1	L2			L3								

Total Acres: 1300.6

CONDITIONS OF APPROVAL

1. This right is for water held in trust by the state and is subject to review to determine availability of water for the use and to reevaluate the public interest on or after February 5, 2010.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 35-7488
As Modified by Transfer No. 71485

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 71485, 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.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Prior to diversion of water under this approval, the right holder shall provide a means of lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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. 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. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
11. This right is limited to the irrigation of 292 acres within the place of use described above in a single irrigation season.

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 9th day of March, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2685
As Modified by Transfer No. 71485

In accordance with the approval of Transfer No. 71485, Water Right No. 35-2685 is now described as follows.

Right Holder: JAMES W BAKER
 PO BOX 577
 BLACKFOOT ID 83221-0577

Priority Date: August 14, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	3.66 CFS	
			3.66 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 25 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NWSW	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NENWSE	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	L4 (SWSW)	Sec. 30 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	NWNW	Sec. 31 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	SESENW	Sec. 31 Twp 03S	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	
03S 31E 25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S 31E 36	40.0	33.0	40.0	40.0		4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S 32E 30									36.0	40.3	40.3	40.0		3.8	9.0		169.4
03S 32E 31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0				40.0			344.2
						L 1	L 2			L 3							

Total Acres: 1300.6

CONDITIONS OF APPROVAL

- 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.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 35-2685
As Modified by Transfer No. 71485

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 71485, 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.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Prior to diversion of water under this approval, the right holder shall provide a means of lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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. 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. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
11. Right 35-13046 is based on an enlargement of right 35-2685 pursuant to Section 42-1426, Idaho Code.
12. Rights 35-2685 and 35-13046 when combined shall not exceed a total diversion rate of 3.66 cfs, a total annual maximum diversion volume of 1252 af at the field headgate, and the irrigation of 313 acres.
13. This right is limited to the irrigation of 276 acres within the place of use described above in a single irrigation season.

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 9th day of March, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13046
As Modified by Transfer No. 71485

In accordance with the approval of Transfer No. 71485, Water Right No. 35-13046 is now described as follows.

Right Holder: JAMES W BAKER
 PO BOX 577
 BLACKFOOT ID 83221-0577

Priority Date: May 01, 1979

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	0.44 CFS	
			0.44 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 25 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NWSW	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NENWSE	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	L4 (SWSW)	Sec. 30 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	NWNW	Sec. 31 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	SESENW	Sec. 31 Twp 03S	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	
03S	31E	25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S	31E	36	40.0	33.0	40.0	40.0	4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	40.0	33.0	33.0	502.0
03S	32E	30									36.0	40.3	40.3	40.0		3.8	9.0		169.4
03S	32E	31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0			40.0				344.2
							L 1	L 2			L 3		L 4						

Total Acres: 1300.6

CONDITIONS OF APPROVAL

- 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.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 35-13046
As Modified by Transfer No. 71485

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 71485, 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.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Prior to diversion of water under this approval, the right holder shall provide a means of lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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. 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. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres
11. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
12. Right 34-13046 is based on an enlargement of right 35-2685 pursuant to Sec 42-1426, Idaho Code.
13. Rights 35-2685 and 35-13046 when combined shall not exceed a total diversion rate of 3.66 cfs, a total annual maximum diversion volume of 1252 af at the field headgate, and the irrigation of 313 acres.
14. This right is limited to the irrigation of 37 acres within the place of use described above in a single irrigation season.

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 9th day of March, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2599
As Modified by Transfer No. 71485

In accordance with the approval of Transfer No. 71485, Water Right No. 35-2599 is now described as follows.

Right Holder: JAMES W BAKER
 PO BOX 577
 BLACKFOOT ID 83221-0577

Priority Date: July 26, 1960

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	2.01 CFS	854.0 AF
			2.01 CFS	854.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 25 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NWSW	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NENWSE	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	L4 (SWSW)	Sec. 30 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	NWNW	Sec. 31 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	SESENW	Sec. 31 Twp 03S	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	
03S	31E	25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S	31E	36	40.0	33.0	40.0	40.0	4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	33.0	502.0
03S	32E	30									36.0	40.3	40.3	40.0	3.8	9.0			169.4
03S	32E	31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0			40.0				344.2
								L 1	L 2			L 3							

Total Acres: 1300.6

CONDITIONS OF APPROVAL

- 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.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 35-2599
As Modified by Transfer No. 71485

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 71485, 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.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Prior to diversion of water under this approval, the right holder shall provide a means of lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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. 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. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
11. This right is limited to the irrigation of 222 acres within the place of use described above in a single irrigation season.

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 9th day of March, 2005



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7489
As Modified by Transfer No. 71485

In accordance with the approval of Transfer No. 71485, Water Right No. 35-7489 is now described as follows.

Right Holder: JAMES W BAKER
 PO BOX 577
 BLACKFOOT ID 83221-0577

Priority Date: March 14, 1975

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	3.35 CFS	670.4 AF
			3.35 CFS	670.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 25 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NWSW	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NENWSE	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	L4 (SWSW)	Sec. 30 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	NWNW	Sec. 31 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	SESENW	Sec. 31 Twp 03S	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	
03S	31E	25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S	31E	36	40.0	33.0	40.0	40.0		4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S	32E	30									36.0	40.3	40.3	40.0		3.8	9.0		169.4
												L 3	L 4						
03S	32E	31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0				40.0			344.2
								L 1	L 2			L 3							

Total Acres: 1300.6

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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Prior to the diversion and use of water under Transfer approval 71485, 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.

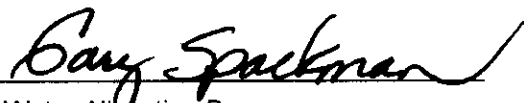
WATER RIGHT NO. 35-7489
As Modified by Transfer No. 71485

CONDITIONS OF APPROVAL

5. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. Prior to diversion of water under this approval, the right holder shall provide a means of lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. 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.
8. 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.
9. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
10. This right is limited to the irrigation of 167.6 acres within the place of use described above in a single irrigation season.

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 9th day of March, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7490
As Modified by Transfer No. 71485

In accordance with the approval of Transfer No. 71485, Water Right No. 35-7490 is now described as follows.

Right Holder: JAMES W BAKER
 PO BOX 577
 BLACKFOOT ID 83221-0577

Priority Date: August 12, 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	10/31	5.46 CFS	1,224.0 AF
			5.46 CFS	1,224.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 25 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NWSW	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	NENWSE	Sec. 36 Twp 03S	Rge 31E	BINGHAM County
GROUND WATER	L4 (SWSW)	Sec. 30 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	NWNW	Sec. 31 Twp 03S	Rge 32E	BINGHAM County
GROUND WATER	SESENW	Sec. 31 Twp 03S	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				
03S	31E	25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0			
03S	31E	36	40.0	33.0	40.0	40.0	4.0	39.0	21.0					33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S	32E	30									36.0	40.3	40.3	40.0		3.8	9.0					169.4
03S	32E	31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0				40.0						344.2

Total Acres: 1300.6

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 of the date of this approval.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 35-7490
As Modified by Transfer No. 71485

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 71485, 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.
6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Prior to diversion of water under this approval, the right holder shall provide a means of lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
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. 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. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
11. This right is limited to the irrigation of 306 acres within the place of use described above in a single irrigation season.

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 9th day of March, 20 05


Chief, Water Allocation Bureau