

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71597

This is to certify that: PAUL H DAY And
 DEANA L DAY
 1056 W 100 S
 BLACKFOOT ID 83221
 (208)684 3932

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>
35-8355	WR/License	06/11/1985	0.21 cfs	60 af	N/A	15.0	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>
35-8355	YES	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>
35-8355	35-13520	0.03 cfs	8.8 af	N/A	2.2	35-13519	0.18 cfs	51.2 af	N/A	12.8
COMBINED										
TOTALS		0.03 cfs	8.8 af	N/A	2.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of March, 20 05


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 35-8355

WATER RIGHT NO. 35-13519
As Modified by Transfer No. 71597

In accordance with the approval of Transfer No. 71597, Water Right No. 35-13519 is now described as follows.

Right Holder: STUART JOHNSON And/Or
 MARY ANN JOHNSON And/Or
 RUSSELL JOHNSON
 1072 W 100 S
 BLACKFOOT ID 83221

Priority Date: June 11, 1985

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	0.18 CFS	51.2 AF
			0.18 CFS	51.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESW Sec. 5 Twp 03S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03S	34E	5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	12.8
Total Acres:			12.8																12.8

CONDITIONS OF APPROVAL

1. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
2. 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.
3. 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.
4. 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.
5. Approval of this transfer does not confirm the validity of this water right.

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 3rd day of March, 2005


 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13520
As Modified by Transfer No. 71597

In accordance with the approval of Transfer No. 71597, Water Right No. 35-13520 is now described as follows.

Right Holder: DEANA L DAY And
 PAUL H DAY
 1056 W 100 S
 BLACKFOOT ID 83221

Priority Date: June 11, 1985

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	0.03 CFS	8.8 AF
			0.03 CFS	8.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESW Sec. 5 Twp 03S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03S	34E	5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.2
Total Acres: 2.2																			2.2

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 71597, 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.
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. 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.
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 when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. 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.

WATER RIGHT NO. 35-13520
As Modified by Transfer No. 71597

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

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 3rd day of March, 2005


Chief, Water Allocation Bureau