

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 71628

This is to certify that: ELROY D BRANDT And  
LEROY E BRANDT  
1085 S TEN MILE RD  
MERIDIAN ID 83642  
(208)888-3994

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**

| Right    | Origin/Basis | Priority   | Rate     | Volume   | Acre Limit | Total Acres | Source       |
|----------|--------------|------------|----------|----------|------------|-------------|--------------|
| 63-31860 | WR/License   | 02/01/1990 | 0.89 cfs | 283.5 af | N/A        | 63.0        | GROUND WATER |

**Purpose of Transfer (Changes Proposed)**

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 63-31860       | NO    | YES | NO  | NO      | NO            | NO            |

**Summary of Water Rights After the Approved Change**

| Existing Right  | New No. (changed portion) | Transfer Rate   | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|-----------------|---------------------------|-----------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-31860        | <b>63-31860</b>           | 0.89 cfs        | 283.5 af        | N/A        | 63.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED</b> |                           |                 |                 |            |             |                             |                |                  |                      |                       |
| <b>TOTALS</b>   |                           | <b>0.89 cfs</b> | <b>283.5 af</b> | <b>N/A</b> | <b>63.0</b> |                             | <b>N/A</b>     | <b>N/A</b>       | <b>N/A</b>           | <b>N/A</b>            |

Detailed Water Right Description(s) attached

Dated this 22nd day of February, 2005

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31860**  
**As Modified by Transfer No. 71628**

In accordance with the approval of Transfer No. 71628, Water Right No 63-31860 is now described as follows

**Right Holder:** ELROY D BRANDT And  
 LEROY E BRANDT  
 1085 S TEN MILE RD  
 MERIDIAN ID 83642

**Priority Date:** February 01, 1990

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-----------------------|-----------------------|---------------|
| IRRIGATION            | 03/15 to 11/15        | 0.89 CFS              | 283.5 AF      |
|                       |                       | 0.89 CFS              | 283.5 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      SWSE      Sec. 23 Twp 04N   Rge 01W ADA 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   |        |
| 04N 01W 23  |      |    |    |    |    |    |    |    |    |    |    |    |    |    | 38.0 | 15.0 | 53.0   |
| 04N 01W 26  | 10.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |      |      | 10.0   |

Total Acres: 63

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. The well previously used under Right 63-31860 shall be abandoned in a manner which complies with Department well abandonment rules.
5. 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

**WATER RIGHT NO. 63-31860**  
**As Modified by Transfer No. 71628**

**CONDITIONS OF APPROVAL**

- 6 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.
7. 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
- 8 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval
- 9 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above
- 10 Use of this right is combined with water from Settlers Irrigation District.

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 22<sup>nd</sup> day of February, 20 05

  
Chief, Water Allocation Bureau