

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70627

This is to certify that: DONNA S BYBEE Or
 ROBERT B BYBEE
 2014 E 1800 N
 TERRETON ID 83450
 (208)662-5526

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>
31-7014	WR/Decreed	10/21/1968	4.88 cfs	917 af	N/A	262.0	GROUND WATER
31-11443	WR/Decreed	05/14/1976	0.66 cfs	99 af	N/A	33.0	GROUND WATER

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

31-11604	WR/Decreed	12/31/1976	1.04 cfs	182 af	52.0	152.0	GROUND WATER
31-11688	WR/Decreed	12/31/1939	2.09 cfs	364 af	100.0	152.0	GROUND WATER
31-11689	WR/Decreed	06/30/1951	2.35 cfs	274.9 af	77.0	152.0	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>
31-7014	NO	NO	YES	NO	NO	NO
31-11443	NO	YES	YES	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>
31-7014	31-7014	4.88 cfs	917.0 af	262.0	295.0		N/A	N/A	N/A	N/A
31-11443	31-11443	0.66 cfs	99.0 af	33.0	295.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		5.54 cfs	1016.0 af	N/A	295.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28th day of October, 2004

Gary Spallman
 Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 31-7104

WATER RIGHT NO. 31-11443
As Modified by Transfer No. 70627

In accordance with the approval of Transfer No. 70627, Water Right No. 31-11443 is now described as follows.

Right Holder: I M FAMILY LIMITED PARTNERSHIP
 C/O BALL
 8006 BENT OAK LN
 SPRING TX 77379

Priority Date: May 14, 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 11/01	0.66 CFS	99.0 AF
		0.66 CFS	99.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 7 Twp 07N Rge 37E JEFFERSON 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	
07N	37E	7	38.0	39.0	40.0	39.0	39.0	30.0	30.0	40.0									295.0
								L1	L2										

Total Acres: 295

CONDITIONS OF APPROVAL

1. Rights 31-07014 and 31-11443 when combined shall not exceed a total irrigation of 295 acres.
2. This right is limited to the irrigation of 33 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70627, 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.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

WATER RIGHT NO. 31-11443
As Modified by Transfer No. 70627

CONDITIONS OF APPROVAL

8. 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.

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 28th day of October, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 31-7014
As Modified by Transfer No. 70627

In accordance with the approval of Transfer No. 70627, Water Right No. 31-7014 is now described as follows.

Right Holder: I M FAMILY LIMITED PARTNERSHIP
 C/O BALL
 8006 BENT OAK LN
 SPRING TX 77379

Priority Date: October 21, 1968

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	4.88 CFS	917.0 AF
			4.88 CFS	917.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 7 Twp 07N Rge 37E JEFFERSON 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	
07N	37E	7	38.0	39.0	40.0	39.0	39.0	30.0	30.0	40.0									295.0
								L1	L2										

Total Acres: 295

CONDITIONS OF APPROVAL

1. Rights 31-07014 and 31-11443 when combined shall not exceed a total irrigation of 295 acres.
2. This right is limited to the irrigation of 262 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70627, 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.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

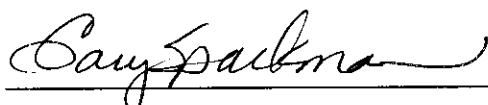
WATER RIGHT NO. 31-7014
As Modified by Transfer No. 70627

CONDITIONS OF APPROVAL

8. 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.

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 28th day of October, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11604
As Modified by Transfer No. 70627

In accordance with the approval of Transfer No. 70627, Water Right No. 31-11604 is now described as follows.

Right Holder: PAUL GUNDERSON
 1555 E 1500 N
 HAMER ID 83425

Priority Date: December 31, 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	0.46 CFS	87.5 AF
			0.46 CFS	87.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSW Sec. 25 Twp 07N Rge 35E JEFFERSON 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	
07N 35E 25																	38.0
07N 35E 26													37.0		39.0	38.0	114.0
Total Acres: 152																	

CONDITIONS OF APPROVAL

1. Rights 31-11604, 31-11688 and 31-11689 when combined shall not exceed a total diversion rate of 2.35 cfs and the irrigation of 119 acres.
2. This right is based upon an enlargement of right no. 31-11688 and right no. 31-11689 pursuant to Section 42-1426, Idaho Code.
3. 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.
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. Use of the rights listed below is limited to the irrigation of a combined total of 119 acres in a single irrigation season. Combined right nos.: 31-11604, 31-11688, 31-11689.

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 28th day of October, 2004



 Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11688
As Modified by Transfer No. 70627

In accordance with the approval of Transfer No. 70627, Water Right No. 31-11688 is now described as follows.

Right Holder: PAUL GUNDERSON
 1555 E 1500 N
 HAMER ID 83425

Priority Date: December 31, 1939

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	2.09 CFS	350.0 AF
STOCKWATER	01/01	to 12/31	0.23 CFS	14.0 AF
			2.09 CFS	364.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWSW	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NESE	Sec. 26 Twp 07N	Rge 35E	JEFFERSON 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	
07N 35E 25											38.0						38.0
07N 35E 26													37.0		39.0	38.0	114.0

Total Acres: 152

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	
07N 35E 25											X						
07N 35E 26													X		X	X	

CONDITIONS OF APPROVAL

1. Rights 31-11604, 31-11688 and 31-11689 when combined shall not exceed a total diversion rate of 2.35 cfs and the irrigation of 119 acres.
2. Use of the rights listed below is limited to the irrigation of a combined total of 119 acres in a single irrigation season. Combined right nos.: 31-11604, 31-11688, 31-11689
3. This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.
4. Rights 31-11688 and 31-11689 when combined shall not exceed a total diversion rate of 2.35 cfs, a total annual maximum diversion volume of 364 af at the field headgate, and the irrigation of 100 acres.

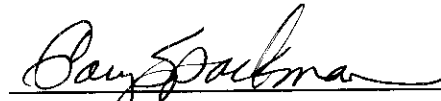
WATER RIGHT NO. 31-11688
As Modified by Transfer No. 70627

CONDITIONS OF APPROVAL

5. 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.
6. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 28th day of October, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11689
As Modified by Transfer No. 70627

In accordance with the approval of Transfer No. 70627, Water Right No. 31-11689 is now described as follows.

Right Holder: PAUL GUNDERSON
 1555 E 1500 N
 HAMER ID 83425

Priority Date: June 30, 1951

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	2.31 CFS	269.5 AF
STOCKWATER	01/01	to 12/31	0.04 CFS	5.4 AF
			2.35 CFS	274.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSW Sec. 25 Twp 07N Rge 35E JEFFERSON County
 GROUND WATER NESE Sec. 26 Twp 07N Rge 35E JEFFERSON 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	
07N	35E	25											38.0						38.0
07N	35E	26													37.0		39.0	38.0	114.0

Total Acres: 152

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	
07N	35E	25										X							
07N	35E	26													X		X	X	

CONDITIONS OF APPROVAL

1. Rights 31-11604, 31-11688 and 31-11689 when combined shall not exceed a total diversion rate of 2.35 cfs and the irrigation of 119 acres.
2. Use of the rights listed below is limited to the irrigation of a combined total of 119 acres in a single irrigation season. Combined right nos.: 31-11604, 31-11688, 31-11689.
3. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
4. Rights 31-11688 and 31-11689 when combined shall not exceed a total diversion rate of 2.35 cfs, a total annual maximum diversion volume of 364 af at the field headgate, and the irrigation of 100 acres.

WATER RIGHT NO. 31-11689
As Modified by Transfer No. 70627

CONDITIONS OF APPROVAL

5. 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.
6. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 28th day of October, 2004



Chief, Water Allocation Bureau