

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71277

This is to certify that: A D NYE And
ANN NYE
2201 E 1625 S #2008
MALTA ID 83342
(208)645-2591

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>
43-10064	WR/Decreed	05/25/1955	5.70 cfs	1232 af	308.0	311.0	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>
43-10064	NO	NO	NO	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>
43-10064	43-10064	5.70 cfs	1232 af	308.0	308.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.70 cfs	1232 af	308.0	308.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of November, 20 04



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-10064
As Modified by Transfer No. 71277

In accordance with the approval of Transfer No. 71277, Water Right No. 43-10064 is now described as follows.

Right Holder: ANN NYE And
 A D NYE
 2201 E 1625 S #2008
 MALTA ID 83342

Priority Date: May 25, 1955

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	5.70 CFS	1,232.0 AF
			5.70 CFS	1,232.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNESW	Sec. 13 Twp 13S	Rge 26E	CASSIA County
GROUND WATER	NWSWSE	Sec. 13 Twp 13S	Rge 26E	CASSIA County
GROUND WATER	SWSWSE	Sec. 13 Twp 13S	Rge 26E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
13S 26E 13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			35.0	39.0				38.0	38.0				39.0	40.0	39.0	40.0	308.0

Total Acres: 308

CONDITIONS OF APPROVAL

1. Diversion of water from the new point of diversion located in the SWSWSE, S13, T13S, R24E shall not exceed 4.00 cfs.
2. The total instantaneous diversion of water from all points of diversion under Right 43-10064 shall not exceed 5.70 cfs, nor a total combined annual volume of 1232.0 af.
3. 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.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 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. 43-10064
As Modified by Transfer No. 71277

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 rights 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. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 22nd day of November, 2004



Chief, Water Allocation Bureau