

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71097

This is to certify that: LARRY J CLEMENT
780 W HWY 26
BLACKFOOT ID 83221
(208)684-4287

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>
35-2691	WR/Decreed	09/12/1961	2.40 cfs	N/A	159.0	208.0	GROUND WATER
35-7300	WR/Decreed	06/25/1973	0.78 cfs	N/A	159.0	208.0	GROUND WATER
35-2689D	WR/Decreed	09/11/1961	1.00 cfs	N/A	50.0	208.0	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>
35-2691	NO	NO	NO	YES	NO	NO
35-7300	NO	NO	NO	YES	NO	NO
35-2689D	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>
35-2691	35-2691	2.40 cfs	636 af	159.0	208.0		N/A	N/A	N/A	N/A
35-7300	35-7300	0.78 cfs	N/A	159.0	208.0		N/A	N/A	N/A	N/A
35-2689D	35-2689D	1.00 cfs	200 af	50.0	208.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.35 cfs	832 af	208.0	208.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of June, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2689D
As Modified by Transfer No. 71097

In accordance with the approval of Transfer No. 71097, Water Right No. 35-2689D is now described as follows.

Right Holder: LARRY J CLEMENT And
 MARILYN CLEMENT
 780 W HWY 26
 BLACKFOOT ID 83221

Priority Date: September 11, 1961

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	1.00 CFS	200.0 AF
			1.00 CFS	200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENE Sec. 20 Twp 02S Rge 34E BINGHAM County
 GROUND WATER NWSNW Sec. 21 Twp 02S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02S	34E	20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	54.0
					16.0	36.0									2.0				
02S	34E	21					40.0	39.0	35.0	40.0									154.0

Total Acres: 208

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. 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.
3. Prior to the diversion and use of water under Transfer approval 71097, 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. 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.
5. 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.
6. 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.

WATER RIGHT NO. 35-2689D
As Modified by Transfer No. 71097

CONDITIONS OF APPROVAL

7. Use of this right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
8. Rights 35-2689D, 35-7300, and 35-2691 when combined shall not exceed a total diversion rate of 3.35 cfs from all points of diversion, a total combined annual maximum diversion volume of 832.0 af, and the irrigation of 208.0 acres.
9. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
11. 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.

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 4th day of June, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7300
As Modified by Transfer No. 71097

In accordance with the approval of Transfer No. 71097, Water Right No. 35-7300 is now described as follows.

Right Holder: LARRY J CLEMENT And
 MARILYN CLEMENT
 780 W HWY 26
 BLACKFOOT ID 83221

Priority Date: June 25, 1973

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	0.78 CFS	
			0.78 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENE	Sec. 20 Twp 02S	Rge 34E	BINGHAM County
GROUND WATER	NWSENW	Sec. 21 Twp 02S	Rge 34E	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	
02S	34E	20			16.0	36.0									2.0				54.0
02S	34E	21					40.0	39.0	35.0	40.0									154.0

Total Acres: 208

CONDITIONS OF APPROVAL

- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 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.
- Prior to the diversion and use of water under Transfer approval 71097, 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.
- 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.
- 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.
- 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.

WATER RIGHT NO. 35-7300
As Modified by Transfer No. 71097

CONDITIONS OF APPROVAL

7. Use of this right with right 35-2691 is limited to the irrigation of 159 acres within the place of use described above in a single irrigation season.
8. Rights 35-2689D, 35-7300, and 35-2691 when combined shall not exceed a total diversion rate of 3.35 cfs from all points of diversion, a total combined annual maximum diversion volume of 832.0 af, and the irrigation of 208.0 acres.
9. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
11. 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.

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 4th day of June, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2691
As Modified by Transfer No. 71097

In accordance with the approval of Transfer No. 71097, Water Right No. 35-2691 is now described as follows.

Right Holder: MARILYN CLEMENT And
 LARRY J CLEMENT
 780 W HWY 26
 BLACKFOOT ID 83221

Priority Date: September 12, 1961

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	2.40 CFS	636.0 AF
			2.40 CFS	636.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENE	Sec. 20 Twp 02S	Rge 34E	BINGHAM County
GROUND WATER	NWSENW	Sec. 21 Twp 02S	Rge 34E	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	
02S	34E	20			16.0	36.0									2.0				54.0
02S	34E	21					40.0	39.0	35.0	40.0									154.0

Total Acres: 208

CONDITIONS OF APPROVAL

- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 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.
- Prior to the diversion and use of water under Transfer approval 71097, 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.
- 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.
- 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.
- 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.

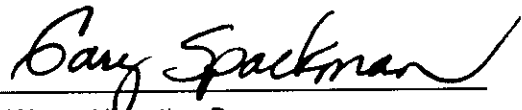
WATER RIGHT NO. 35-2691
As Modified by Transfer No. 71097

CONDITIONS OF APPROVAL

7. Use of this right with right 35-7300 is limited to the irrigation of 159 acres within the place of use described above in a single irrigation season.
8. Rights 35-2689D, 35-7300, and 35-2691 when combined shall not exceed a total diversion rate of 3.35 cfs from all points of diversion, a total combined annual maximum diversion volume of 832.0 af, and the irrigation of 208.0 acres.
9. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
11. 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.

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 4th day of June, 2004



Chief, Water Allocation Bureau