

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70358

This is to certify that: ROGER SAYER And
BIRGITTA SAYER
4644 S LOCUST LN
SALT LAKE CITY UT 84117
(801)277-7205

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>
34-13778	WR/Decreed	05/06/1954	0.31 cfs	18 af	N/A	5.0	GROUND WATER
34-13812	WR/Decreed	06/01/1900	1.38 cfs	N/A	N/A	82.0	BIG LOST RIVER
34-13814	WR/Decreed	05/26/1904	1.29 cfs	N/A	N/A	82.0	BIG LOST RIVER
34-13816	WR/Decreed	03/10/1894	0.37 cfs	N/A	18.5	82.0	BIG LOST RIVER

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>
34-13778	NO	YES	NO	NO	NO	NO
34-13812	YES	NO	NO	NO	NO	NO
34-13814	YES	NO	NO	NO	NO	NO
34-13816	YES	NO	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>
34-13778	34-13778	0.15 cfs	17.5 af	N/A	5.0		N/A	N/A	N/A	N/A
34-13812	34-13828	0.08 cfs	N/A	N/A	5.0	34-13827	1.30 cfs	N/A	N/A	77.0
34-13814	34-13826	0.08 cfs	N/A	N/A	5.0	34-13825	1.21 cfs	N/A	N/A	77.0
34-13816	34-13824	0.02 cfs	N/A	1.1	5.0	34-13823	0.35 cfs	N/A	17.4	77.0
COMBINED										
TOTALS		0.18 cfs	17.5 af	5.0	5.0		2.86 cfs	N/A	77.0	77.0

Detailed Water Right Description(s) attached

Dated this 3rd day of March, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13778
As Modified by Transfer No. 70358

In accordance with the approval of Transfer No. 70358, Water Right No. 34-13778 is now described as follows.

Right Holder: BIRGITTA SAYER And
 ROGER SAYER
 4644 S LOCUST LN
 SALT LAKE CITY UT 84117

Priority Date: May 06, 1954

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	0.15 CFS	17.5 AF
			0.15 CFS	17.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNE Sec. 9 Twp 06N Rge 25E CUSTER 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	
06N	25E	9				5.0													5.0

Total Acres: 5

CONDITIONS OF APPROVAL

1. Rights 34-13778, 34-13824, 34-13826 and 34-13828 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 17.5 af at the field headgate, and the irrigation of 5 acres.
2. 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.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

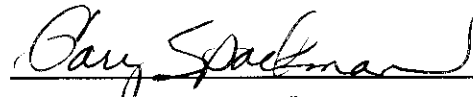
WATER RIGHT NO. 34-13778
As Modified by Transfer No. 70358

CONDITIONS OF APPROVAL

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 portion of Right 34-13778 in excess of this transfer approval in the amount of 0.16 cfs shall be considered abandoned through approval of Transfer 70249.

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, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13823
As Modified by Transfer No. 70358

In accordance with the approval of Transfer No. 70358, Water Right No. 34-13823 is now described as follows.

Right Holder: WENDELL HURST TEW
 3939 HWY 93
 LESLIE ID 83255

Priority Date: March 10, 1894

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.35 CFS	
			0.35 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER 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	
06N	25E	9		15.0	28.0	5.0	12.0	6.0		11.0									77.0
Total Acres:			77																

CONDITIONS OF APPROVAL

1. Rights 34-13823, 34-13825 and 34-13827 when combined shall not exceed a total diversion rate of 2.86 cfs and the irrigation of 77 acres.
2. This right is limited to the irrigation of 17.4 acres within the place of use described above in a single irrigation season.
3. Water delivered through the Sutter Ditch.
4. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13824
As Modified by Transfer No. 70358

In accordance with the approval of Transfer No. 70358, Water Right No. 34-13824 is now described as follows.

Right Holder: BIRGITTA SAYER Or
 ROGER SAYER
 4644 S LOCUST LN
 SALT LAKE CITY UT 84117

Priority Date: March 10, 1894

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.02 CFS	
			0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06N	25E	9	5.0				5.0

Total Acres: 5

CONDITIONS OF APPROVAL

1. Rights 34-13778, 34-13824, 34-13826 and 34-13828 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 17.5 af at the field headgate, and the irrigation of 5 acres.
2. This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.
3. 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.
4. Water delivered through the Sutter Ditch.
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. 34.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

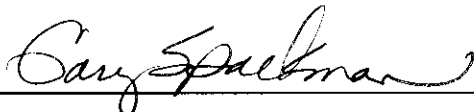
WATER RIGHT NO. 34-13824
As Modified by Transfer No. 70358

CONDITIONS OF APPROVAL

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 3rd day of March, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13825
As Modified by Transfer No. 70358

In accordance with the approval of Transfer No. 70358, Water Right No. 34-13825 is now described as follows.

Right Holder: WENDELL HURST TEW
 3939 HWY 93
 LESLIE ID 83255

Priority Date: May 26, 1904

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	1.21 CFS	
			1.21 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	25E	9	15.0	28.0	5.0	12.0	6.0	11.0											77.0

Total Acres: 77

CONDITIONS OF APPROVAL

1. Rights 34-13823, 34-13825 and 34-13827 when combined shall not exceed a total diversion rate of 2.86 cfs and the irrigation of 77 acres.
2. Water delivered through the Sutter Ditch.
3. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13826
As Modified by Transfer No. 70358

In accordance with the approval of Transfer No. 70358, Water Right No. 34-13826 is now described as follows.

Right Holder: BIRGITTA SAYER Or
 ROGER SAYER
 4644 S LOCUST LN
 SALT LAKE CITY UT 84117

Priority Date: May 26, 1904

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.08 CFS	
			0.08 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER 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	
06N	25E	9																	5.0

Total Acres: 5

CONDITIONS OF APPROVAL

1. Rights 34-13778, 34-13824, 34-13826 and 34-13828 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 17.5 af at the field headgate, and the irrigation of 5 acres.
2. 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.
3. Water delivered through the Sutter Ditch.
4. 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. 34.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

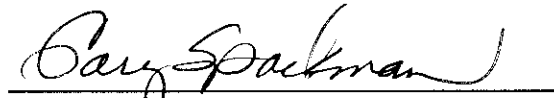
WATER RIGHT NO. 34-13826
As Modified by Transfer No. 70358

CONDITIONS OF APPROVAL

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 31st day of March, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13827
As Modified by Transfer No. 70358

In accordance with the approval of Transfer No. 70358, Water Right No. 34-13827 is now described as follows.

Right Holder: WENDELL HURST TEW
3939 HWY 93
LESLIE ID 83255

Priority Date: June 01, 1900

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	1.30 CFS	
			1.30 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER 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	
06N	25E	9	15.0	28.0	5.0	12.0	6.0	11.0							77.0
Total Acres: 77															

CONDITIONS OF APPROVAL

1. Rights 34-13823, 34-13825 and 34-13827 when combined shall not exceed a total diversion rate of 2.86 cfs and the irrigation of 77 acres.
2. Water delivered through the Sutter Ditch.
3. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
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. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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 31st day of March, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13828
As Modified by Transfer No. 70358

In accordance with the approval of Transfer No. 70358, Water Right No. 34-13828 is now described as follows.

Right Holder: ROGER SAYER Or
 BIRGITTA SAYER
 4644 S LOCUST LN
 SALT LAKE CITY UT 84117

Priority Date: June 01, 1900

Source: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.08 CFS	
			0.08 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER 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	
06N	25E	9			5.0														5.0

Total Acres: 5

CONDITIONS OF APPROVAL

1. Rights 34-13778, 34-13824, 34-13826 and 34-13828 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 17.5 af at the field headgate, and the irrigation of 5 acres.
2. 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.
3. Water delivered through the Sutter Ditch.
4. 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. 34.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

WATER RIGHT NO. 34-13828
As Modified by Transfer No. 70358

CONDITIONS OF APPROVAL

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 31st day of March, 2004



Chief, Water Allocation Bureau