

T5465 FLYING H CORPORATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 10 2000

TRANSFER OF WATER RIGHT

TRANSFER NO. 5465
WATER RIGHT NO(S). 22-07047B/22-07083B/22-07553B

Department of Water Resources
Eastern Region

This is to certify that: FLYING H CORPORATION
35 S MILL HOLLOW RD
REXBURG ID 83440

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 22-07047B : IRRIGATION Priority: 09/09/1971	05/15 to 11/01	0.16 CFS	35.0 AF
Right No. 22-07083B : IRRIGATION Priority: 11/11/1973	04/01 to 11/01	0.83 CFS	182.0 AF
Right No. 22-07553B : IRRIGATION Priority: 08/25/1988	04/15 to 10/15	0.08 CFS	33.8 AF
TOTAL:		1.07 CFS	* 234.5 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 19, Township 06N, Range 41E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	41E	20	NESE 18	SESE 15		33
		29	NWNE 5	NENW 28	SENW 1	34
Total number of acres irrigated:						67 **

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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.

TRANSFER NO. 5465
WATER RIGHT NO(S). 22-07047B/22-07083B/22-07553B

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 6. Right 22-07047B is limited to the irrigation of 10.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right 22-07083B is limited to the irrigation of 52.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 22-07553B is limited to the irrigation of 5.0 acres in the place of use described above in a single irrigation season.
- * 9. Rights 22-07047B, 22-07083B and 22-07553B when combined shall not exceed a total annual maximum diversion volume of 234.5 af at the field headgate.
10. The period of use for the irrigation described under Rights 22-07047B and 22-07553B in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before and after the identified season of use 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.
11. Right 22-07553B is for water held in trust by the state and is subject to review to determine availability of water for the use and to reevaluate the public interest on or after April 2, 2011.
12. Diversion and use of water under Right 22-07553B is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
13. The Director retains jurisdiction of Right 22-07553B and may change, add, or remove any requirement as determined to be appropriate.
14. The five (5) acres of land previously irrigated under Right 22-07553 shall cease to be irrigated upon the approval of Transfer 5465.

Dated this 7th day of

March, 2000


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 1

Name of applicant: Flying H Corporation Phone: (208) 356-6987
Mailing address: 35 South Mill Hollow Road, Rexburg, Idaho 83440

A. PURPOSE OF TRANSFER

1. X Change point of diversion Add point of diversion(s) X Change place of use
 Change nature of use Change period of use X Other: Create permissible place of use
2. Describe the reason for the proposed changes: Applicant has purchased property and wishes to move portions of three water rights to cover the area he wishes to irrigate with a "windshield wiper" pivot. As water is comingled, a permissible place of use will be setup under the area covered by the transfer.

B. DESCRIPTION OF RIGHT(S) OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE

- | 1. | Right Number | Priority | Amount
(cfs/ac-ft) | Nature of Use | Period of Use |
|----|--------------|------------|-----------------------|---------------|------------------|
| | 22-07047(B) | 09/09/1971 | 0.16 | Irrigation | 15-Apr to 15-Oct |
| | 22-07083(B) | 11/11/1973 | 0.83 | Irrigation | 15-Apr to 15-Oct |
| | 22-07553(B) | 08/25/1988 | 0.08 | Irrigation | 15-Apr to 15-Oct |
| | | | | | to |
| | | | | | to |

2. Total amount of water being transferred: 1.07 cfs and/or _____ ac-ft per annum

3. Source of water: Groundwater tributary to: _____

4. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	19	06N	41E	Madison	

5. Land irrigated or place of use:

			NE				NW				SW				SE				
Twp.	Rge.	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	41E	20													18			15	33
		29		5			28			1									34
			Permissible places of use shall be as follows: 22-07047(B) shall be limited to 10 acres within the 67 listed. 22-07083(B) shall be limited to 52 acres within the 67 listed. 22-07553(B) shall be limited to 5 acres within the 67 listed.																
																		Total acres:	67

PART 1

6. General information:

- a. Description of diversion system: Well, pump, booster and pipelines to "windshield wiper" center pivot for irrigation.
- b. Are the lands from which you propose to transfer the water right(s) subject to any liens, deeds of trust, mortgages, or contracts?
Yes X No
 If yes, provide a notarized statement from the holder of the lien, deed fo trust, mortgage, or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: Ground will be dried up.
- d. Remarks:

ACTION OF THE DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights Number _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19_____.

3 of 11

75465

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No.: _____ Decreed to: _____
in the case of: _____ vs. _____
dated: _____ in _____ county of: _____
- b. License No.: 22-07047 issued by the Idaho Department of Water Resources
- c. Claim No.: _____ on file with the Idaho Department of Water Resources
- d. Transfer No.: _____ which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as Attachment "A". Check appropriate descriptor below:

_____ Tax Notice _____ Warranty Deed _____ Other _____

3. Source of water: Groundwater tributary to: _____

4. Date of priority: September 9, 1971

5. Water is used for the following purpose:

amount 4.31 cfs for Irrigation purposes from 15-May to 1-Nov
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under this right: 4.31 cfs and or _____ ac-ft per annum

7. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	24	06N	40E	Madison	
		SW	SW	24	06N	40E	Madison	

8. Land irrigated or place of use:

			NE				NW				SW				SE				
Twp.	Rge.	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	40E	13																13	13
		24	34	30	20	35	30	30	38	40									257

Total acres: 270

9. Describe any other water rights used for the same purposes as described above: _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, please describe: _____

PART 2

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

1. amount 0.16 cfs for Irrigation purposes from 15-May to 1-Nov
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	24	06N	40E	Madison	
		SW	SW	24	06N	40E	Madison	

3. Land irrigated or place of use:

				NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	24				4				6										10

Total acres: 10

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. amount 4.15 cfs for Irrigation purposes from 1-May to 1-Nov
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	24	06N	40E	Madison	
		SW	SW	24	06N	40E	Madison	

3. Land irrigated or place of use:

				NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	13																	13	13
		24	34	30	16	35	30	30	32	40										247

Total acres: 260

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No.: _____ Decreed to: _____
in the case of: _____ vs. _____
dated: _____ in _____ county of: _____
- b. License No.: 22-07083 issued by the Idaho Department of Water Resources
- c. Claim No.: _____ on file with the Idaho Department of Water Resources
- d. Transfer No.: _____ which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as Attachment "A". Check appropriate descriptor below:

_____ Tax Notice _____ Warranty Deed _____ Other _____

3. Source of water: Groundwater tributary to: _____4. Date of priority: November 11, 1973

5. Water is used for the following purpose:

amount 2.89 cfs for Irrigation purposes from 1-Apr to 1-Nov
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under this right: 2.89 cfs and or _____ ac-ft per annum

7. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	18	06N	41E	Madison	

8. Land irrigated or place of use:

				NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	41E	18										30	22			20	29	40	40	181

Total acres: 181

9. Describe any other water rights used for the same purposes as described above: _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, please describe: _____

PART 2

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

1. amount 0.83 cfs for Irrigation purposes from 1-Apr to 1-Nov
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	18	06N	41E	Madison	

3. Land irrigated or place of use:

			NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	41E	18									30	22							52

Total acres: 52

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. amount 2.06 cfs for Irrigation purposes from 1-Apr to 1-Nov
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	18	06N	41E	Madison	

3. Land irrigated or place of use:

			NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	41E	18									~~30~~ 22				20	29	40	40	~~181~~ 129

Total acres: ~~181~~ 129

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No.: _____ Decreed to: _____
in the case of: _____ vs. _____
dated: _____ in _____ county of: _____
- b. License No.: 22-07553 issued by the Idaho Department of Water Resources
- c. Claim No.: _____ on file with the Idaho Department of Water Resources
- d. Transfer No.: _____ which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as Attachment "A". Check appropriate descriptor below:

_____ Tax Notice _____ Warranty Deed _____ Other _____

3. Source of water: Groundwater tributary to: _____4. Date of priority: August 25, 1988

5. Water is used for the following purpose:

amount 1.90 cfs for Irrigation purposes from 15-Apr to 15-Oct
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under this right: 1.90 cfs and or _____ ac-ft per annum

7. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	13	06N	40E	Madison	

8. Land irrigated or place of use:

			NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	13									40	37	40	40	12.5	40	39	1.5	250

Total acres: 2509. Describe any other water rights used for the same purposes as described above: 22-02244 used on a portion of the land shown above. 22-02244 does not overlap land that will be transferred.10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, please describe: _____

PART 2

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

1. amount 0.08 cfs for Irrigation purposes from 15-Apr to 15-Oct
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	13	06N	40E	Madison	

3. Land irrigated or place of use:

				NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	13											5							5

Total acres: 5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. amount 1.82 cfs for Irrigation purposes from 15-Apr to 15-Oct
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	13	06N	40E	Madison	

3. Land irrigated or place of use:

				NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	13										40	32	40	40	12.5	40	39	1.5	245

Total acres: 245

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in Part 1. Clearly depict the land by section, township, and range number.

A large grid for drawing a map, with a circular stamp on the right side. The stamp is from the State of Idaho Department of Water Resources, dated 10/1/00, and includes the text "STATE OF IDAHO", "DEPARTMENT OF WATER RESOURCES", and "DIVISION OF WATER RIGHTS".

PART 3

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/day/yr.</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

Subscribed and sworn to before me this 3rd day of June, 1999.

(Notary Public)

My commision expires 9-23-03

FOR DEPARTMENT USE ONLY

Transfer contains:	<u>11</u> pages and _____ attachments	Protest filed by: _____
Received by:	<u>HPM</u> Date: <u>6-3-99</u>	_____
Prelim. check by:	Fee: <u>\$100⁰⁰/100</u>	_____
Receipted by:	<u>HPM</u> Date: <u>6-3-99</u>	_____
Receipt Number:	<u>E025036</u>	_____
Published in:	<u>Rexburg Standard Journal</u>	Copies of protest forwarded by: _____
Published dates:	<u>6-17-99 & 6-24-99</u>	Hearing held by: _____ Date: _____
Watermaster recommendation requested on:	_____	Recommended for: _____ approval _____ denial
_____ rec'd: _____		by: _____
Copy of transfer sent to lien holder on:	_____	



