

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82617

This is to certify that: WHEATLEY PROPERTIES LLC
1598 E 3200 S
PRESTON, ID 83263

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
13-218	WR/DECREE	4/1/1872	0.430 cfs	151.0 af	N/A	43.0	UNNAMED STREAMS

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
13-7102	WR/LICENSE	2/25/1975	1.100 cfs	430.5 af		123.0	GROUND WATER
13-7464	WR/LICENSE	8/6/1989	1.610 cfs	441.0 af	126.0	135.0	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>
13-218	NO	YES	YES	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>
13-218	13-218	0.430 cfs	151.0 af	N/A	43.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.430 cfs	151.0 af	N/A	43.0		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 14th day of November, 2018.


Water Resources Program Manager

SUPPORT DATA

Transfer No. 82617

IN FILE # 13-218

WATER RIGHT NO. 13-218**As Modified by Transfer No. 82617**

In accordance with the approval of Transfer No. 82617, Water Right No. 13-218 is now described as follows:

Right Holder: WHEATLEY PROPERTIES LLC
1598 E 3200 S
PRESTON, ID 83263

Priority Date: 4/1/1872

Source: UNNAMED STREAMS

Tributary: WORM CREEK

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

0.430 cfs

0.430 cfs

Diversion Volume

151.0 af

151.0 af

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAMS	NWNE	Sec 6	Twp 16S Rge 40E	FRANKLIN County
UNNAMED STREAMS	NWNW	Sec 6	Twp 16S Rge 40E	FRANKLIN County
UNNAMED STREAMS	NWNW	Sec 6	Twp 16S Rge 40E	FRANKLIN County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	39E	7									17.0	26.0							43.0

POU Total Acres: 43.0

CONDITIONS OF APPROVAL

1. Rights 13-218, 13-7102 and 13-7464 when combined shall not exceed a total diversion rate of 2.70 cfs, a total annual maximum diversion volume of 472.5 af at the field headgate, and the irrigation of 135 acres.
2. Use of water under this right may 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. 13A.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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 place of use.
5. Point of injection into and point of rediversion from Spring Creek.
6. This right does not grant any right-of-way or easement across the land of another.

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WATER RIGHT NO. 13-218
As Modified by Transfer No. 82617

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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.



WATER RIGHT NO. 13-7102**As Modified by Transfer No. 82617**

In accordance with the approval of Transfer No. 82617, Water Right No. 13-7102 is now described as follows:

Right Holder: WHEATLEY PROPERTIES LLC
1598 E 3200 S
PRESTON, ID 83263

Priority Date: 2/25/1975

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.100 cfs

1.100 cfs

Diversion Volume

430.5 af

430.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (NWSW) Sec 7 Twp 16S Rge 40E FRANKLIN County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	40E	7									22.0	30.0	32.0	39.0					123.0
											L 3	L 4							

POU Total Acres: 123.0

CONDITIONS OF APPROVAL

1. Rights 13-218, 13-7102 and 13-7464 when combined shall not exceed a total diversion rate of 2.70 cfs, a total annual maximum diversion volume of 472.5 af at the field headgate, and the irrigation of 135 acres.
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 place of use.
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. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.

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WATER RIGHT NO. 13-7102
As Modified by Transfer No. 82617

CONDITIONS OF APPROVAL

5. Rights 13-218, 13-221, 13-7102 and 13-7464 are used in combination on this place of use.



WATER RIGHT NO. 13-7464**As Modified by Transfer No. 82617**

In accordance with the approval of Transfer No. 82617, Water Right No. 13-7464 is now described as follows:

Right Holder: WHEATLEY PROPERTIES LLC
1598 E 3200 S
PRESTON, ID 83263

Priority Date: 8/6/1989

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
1.610 cfs
1.610 cfs

Diversion Volume
441.0 af
441.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 7 Twp 16S Rge 40E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	40E	7									22.0	30.0	32.0	39.0			12.0		135.0
											L 3	L 4							

Right Acre Limit: 126.0

POU Total Acres: 135.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 126 acres within the authorized place of use in a single irrigation season.
2. Rights 13-218, 13-7102 and 13-7464 when combined shall not exceed a total diversion rate of 2.70 cfs, a total annual maximum diversion volume of 472.5 af at the field headgate, and the irrigation of 135 acres.
3. 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 place of use.
4. 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.

WATER RIGHT NO. 13-7464

As Modified by Transfer No. 82617

CONDITIONS OF APPROVAL

5. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.
6. Rights 13-218, 13-221, 13-7102 and 13-7464 are used in combination on this place of use..



Attachment to Transfer Approval 82617

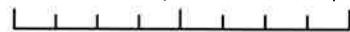
This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 650 1,300 2,600 Feet



1 inch = 1,485 feet

