

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82250

This is to certify that: **BARBARA ELLIS AND
DELWYN V ELLIS**
904 W 200 N
BLACKFOOT, ID 83221

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>
35-2684D	WR/DECREED	8/15/1961	1.590 cfs	328.0 af	N/A	82.0	GROUND WATER
35-2687	WR/DECREED	10/19/1961	1.700 cfs	N/A	85.0	179.0	GROUND WATER
35-4261	WR/DECREED	5/15/1972	0.890 cfs	N/A	N/A	179.0	GROUND WATER
35-8585	WR/LICENSE	6/12/1985	1.420 cfs	384.0 af	96.0	181.0	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>
35-2684D	YES	YES	NO	NO	NO	NO
35-2687	YES	YES	NO	NO	NO	NO
35-4261	YES	YES	NO	NO	NO	NO
35-8585	YES	YES	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>
35-2684D	35-14578	0.100 cfs	20.0 af	N/A	5.0	35-2684D	1.490 cfs	308.0 af	N/A	77.0
35-2687	35-14580	0.310 cfs	64.0 af	16.0	33.0	35-2687	1.390 cfs	276.0 af	69.0	146.0
35-4261	35-14579	0.160 cfs	68.0 af	17.0	33.0	35-4261	0.730 cfs	308.0 af	77.0	146.0
35-8585	35-14577	0.260 cfs	72.0 af	18.0	33.0	35-8585	1.160 cfs	312.0 af	78.0	148.0
COMBINED TOTALS		0.590 cfs	152.0 af	38.0	38.0		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 25th day of May, 2018.

SUPPORT DATA


Water Resources Program Manager

Transfer No. 82250

IN FILE #

35-2684D

WATER RIGHT NO. 35-8585**As Modified by Transfer No. 82250**

In accordance with the approval of Transfer No. 82250, Water Right No. 35-8585 is now described as follows:

Right Holder: DELWYN V ELLIS
BARBARA ELLIS
904 W 200 N
BLACKFOOT, ID 83221

Priority Date: 6/12/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	1,160 cfs	312.0 af
			1,160 cfs	312.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 21 Twp 02S Rge 34E BINGHAM 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	
02S	34E	21			7.0										37.0	40.0	26.0	38.0	148.0

Right Acre Limit: 78.0

POU Total Acres: 148.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 78 acres within the authorized place of use in a single irrigation season.
2. Rights 35-8585 and 35-2687 when combined shall not exceed a total diversion rate of 2.18 cfs.
3. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

WATER RIGHT NO. 35-8585
As Modified by Transfer No. 82250

CONDITIONS OF APPROVAL

6. Right No 35-2687 is also diverted through the point of diversion described above.



WATER RIGHT NO. 35-14577 **As Modified by Transfer No. 82250**

In accordance with the approval of Transfer No. 82250, Water Right No. 35-14577 is now described as follows:

Right Holder: BARBARA ELLIS
 DELWYN V ELLIS
 904 W 200 N
 BLACKFOOT, ID 83221

Priority Date: 6/12/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.260 cfs	72.0 af
			0.260 cfs	72.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 21 Twp 02S Rge 34E BINGHAM 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	
02S	34E	21			33.0														33.0
Right Acre Limit:			18.0																
POU Total Acres:			33.0																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 18 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14577, 35-14579 and 35-14580 when combined shall not exceed a total diversion rate of 0.49 cfs, a total annual maximum diversion volume of 132 af at the field headgate, and the irrigation of 33 acres.
3. 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. 120.
4. Prior to diversion and use of water under Transfer approval 82250, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

WATER RIGHT NO. 35-14577
As Modified by Transfer No. 82250

CONDITIONS OF APPROVAL

5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. The right holder shall accomplish the change authorized by this transfer within one 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. 35-2684D
As Modified by Transfer No. 82250

In accordance with the approval of Transfer No. 82250, Water Right No. 35-2684D is now described as follows:

Right Holder: BARBARA ELLIS OR
 DELWYN V ELLIS
 904 W 200 N
 BLACKFOOT, ID 83221

Priority Date: 8/15/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	1,490 cfs	308.0 af
			1,490 cfs	308.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSENE Sec 16 Twp 02S Rge 34E BINGHAM 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	
02S	34E	16												5.0			39.0	33.0	77.0

POU Total Acres: 77.0

CONDITIONS OF APPROVAL

1. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. Right Nos. 35-8032 and 35-13244 are also diverted through the point of diversion described above.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

WATER RIGHT NO. 35-14578**As Modified by Transfer No. 82250**

In accordance with the approval of Transfer No. 82250, Water Right No. 35-14578 is now described as follows:

Right Holder: BARBARA ELLIS OR
DELWYN V ELLIS
904 W 200 N
BLACKFOOT, ID 83221

Priority Date: 8/15/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.100 cfs	20.0 af
			0.100 cfs	20.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 21 Twp 02S Rge 34E BINGHAM 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	
02S	34E	16																5.0	5.0

POU Total Acres: 5.0

CONDITIONS OF APPROVAL

1. 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. 120.
2. Prior to diversion and use of water under Transfer approval 82250, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 82250

WATER RIGHT NO. 35-14578
As Modified by Transfer No. 82250

CONDITIONS OF APPROVAL

6. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 35-4261

As Modified by Transfer No. 82250

In accordance with the approval of Transfer No. 82250, Water Right No. 35-4261 is now described as follows:

Right Holder: DELWYN V ELLIS
BARBARA ELLIS
904 W 200 N
BLACKFOOT, ID 83221

Priority Date: 5/15/1972

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
4/01

To
to 10/31

Diversion Rate
0.730 cfs
0.730 cfs

Diversion Volume
308.0 af
308.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWSE Sec 21 Twp 02S Rge 34E BINGHAM 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	
02S	34E	21			7.0										37.0	40.0	25.0	37.0	146.0

Right Acre Limit: 77.0
POU Total Acres: 146.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 77 acres within the place of use described for this right.
2. Rights 35-4261 and 35-2687 when combined shall not exceed a total diversion rate of 1.39 cfs, a total annual maximum diversion volume of 584 af at the field headgate, and the irrigation of 146 acres.
3. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
4. This right is based upon an enlargement of Right No. 35-2687 pursuant to Section 42-1426, Idaho Code.
5. Right No. 35-2687 is also diverted through the point of diversion described above.

Transfer No. 82250

WATER RIGHT NO. 35-4261
As Modified by Transfer No. 82250

CONDITIONS OF APPROVAL

6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



WATER RIGHT NO. 35-14579
As Modified by Transfer No. 82250

In accordance with the approval of Transfer No. 82250, Water Right No. 35-14579 is now described as follows:

Right Holder: BARBARA ELLIS
 DELWYN V ELLIS
 904 W 200 N
 BLACKFOOT, ID 83221

Priority Date: 5/15/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.160 cfs	68.0 af
			0.160 cfs	68.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 21 Twp 02S Rge 34E BINGHAM 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	
02S	34E	21			33.0														33.0
Right Acre Limit:			17.0																
POU Total Acres:			33.0																

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 17 acres within the place of use described for this right.
2. Rights 35-14579 and 35-14580 when combined shall not exceed a total diversion rate of 0.31 cfs, a total annual maximum diversion volume of 132 af at the field headgate, and the irrigation of 33 acres.
3. Rights 35-14577, 35-14579 and 35-14580 when combined shall not exceed a total diversion rate of 0.49 cfs, a total annual maximum diversion volume of 132 af at the field headgate, and the irrigation of 33 acres.
4. 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. 120.

WATER RIGHT NO. 35-14579
As Modified by Transfer No. 82250

CONDITIONS OF APPROVAL

5. Prior to diversion and use of water under Transfer approval 82250, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right is based upon an enlargement of Right No. 35-14580 pursuant to Section 42-1426, Idaho Code.
8. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
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.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 35-2687**As Modified by Transfer No. 82250**

In accordance with the approval of Transfer No. 82250, Water Right No. 35-2687 is now described as follows:

Right Holder: DELWYN V ELLIS OR
BARBARA ELLIS
904 W 200 N
BLACKFOOT, ID 83221

Priority Date: 10/19/1961

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

1.390 cfs

1.390 cfs

Diversion Volume

276.0 af

276.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWNWSE

Sec 21 Twp 02S Rge 34E BINGHAM 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	
02S	34E	21			7.0										37.0	40.0	25.0	37.0	146.0

Right Acre Limit: 69.0

POU Total Acres: 146.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 69 acres within the authorized place of use in a single irrigation season.
2. Rights 35-4261 and 35-2687 when combined shall not exceed a total diversion rate of 1.39 cfs, a total annual maximum diversion volume of 584 af at the field headgate, and the irrigation of 146 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Right No. 35-4261 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. Right No. 35-4261 is also diverted through the point of diversion described above.
6. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Transfer No. 82250

WATER RIGHT NO. 35-14580

As Modified by Transfer No. 82250

In accordance with the approval of Transfer No. 82250, Water Right No. 35-14580 is now described as follows:

Right Holder: BARBARA ELLIS
 DELWYN V ELLIS
 904 W 200 N
 BLACKFOOT, ID 83221

Priority Date: 10/19/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.310 cfs	64.0 af
			0.310 cfs	64.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 21 Twp 02S Rge 34E BINGHAM 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	
02S	34E	21				33.0														33.0

Right Acre Limit: 16.0

POU Total Acres: 33.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14580 and 35-14579 when combined shall not exceed a total diversion rate of 0.31 cfs, a total annual maximum diversion volume of 132 af at the field headgate, and the irrigation of 33 acres.
3. Rights 35-14577, 35-14579 and 35-14580 when combined shall not exceed a total diversion rate of 0.49 cfs, a total annual maximum diversion volume of 132 af at the field headgate, and the irrigation of 33 acres.
4. 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. 120.

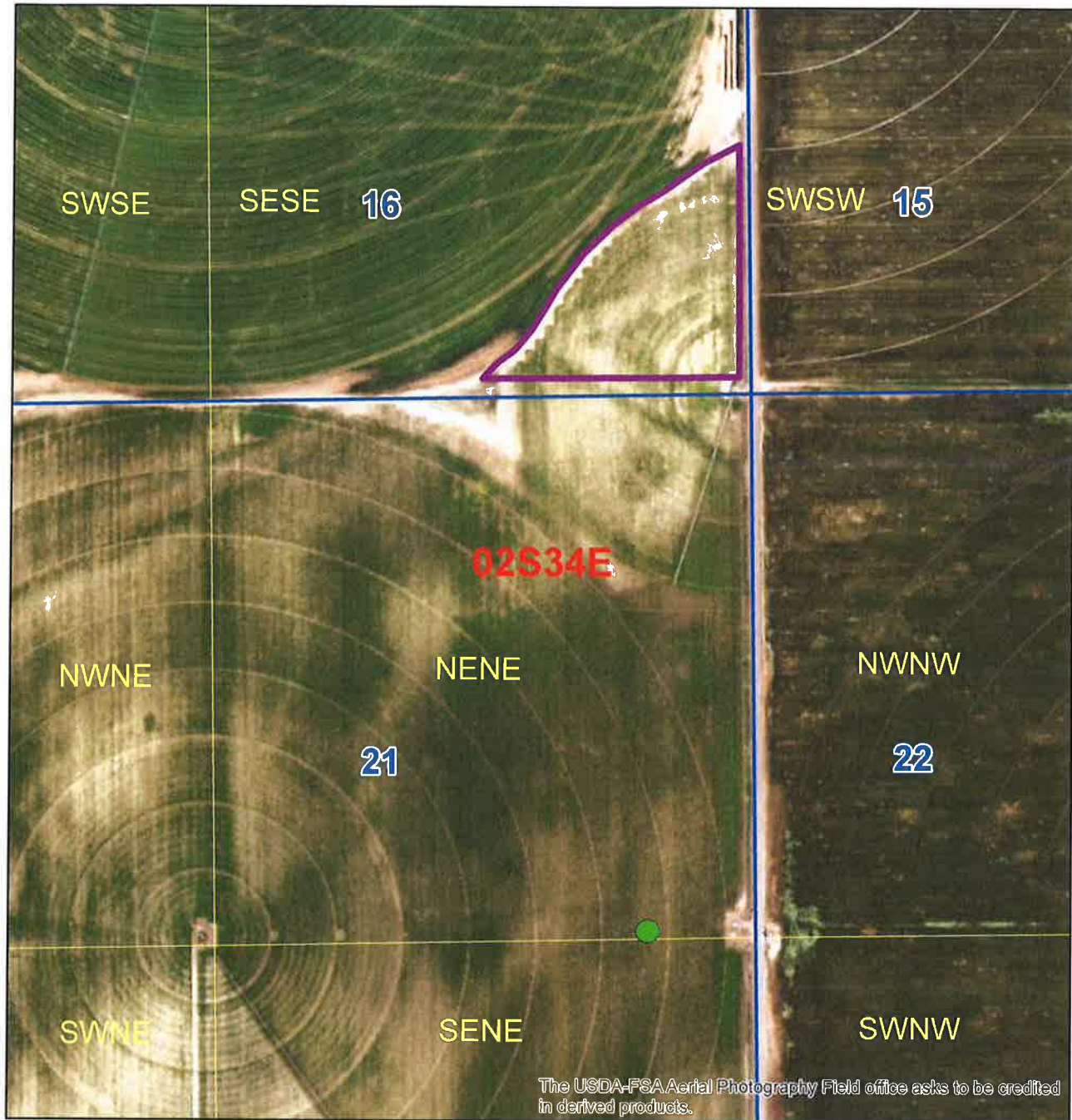
WATER RIGHT NO. 35-14580
As Modified by Transfer No. 82250

CONDITIONS OF APPROVAL

5. Prior to diversion and use of water under Transfer approval 82250, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Right No. 35-14579 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 82250

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
- QQ

0 180 360 720 Feet

1 inch = 390 feet

