

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80752**

This is to certify that: **ARTHUR MARTINEZ AND
LORRIE MARTINEZ
300 S 5800 W
MALAD CITY, ID 83252**

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>
29-14132	WR/DECREED	10/10/1878	1.970 cfs	N/A	N/A	98.5	BIRCH CREEK
29-14133	WR/DECREED	5/1/1884	1.970 cfs	N/A	N/A	98.5	ROWLEY CREEK
29-7257	WR/LICENSE	4/25/1975	0.510 cfs	147.0 af	N/A	42.0	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>
29-14132	NO	NO	YES	NO	NO	NO
29-14133	NO	NO	YES	NO	NO	NO
29-7257	YES	YES	YES	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>
29-14132	29-14132	1.970 cfs	N/A	N/A	98.5	N/A	N/A	N/A	N/A	N/A
29-14133	29-14133	1.970 cfs	N/A	N/A	98.5	N/A	N/A	N/A	N/A	N/A
29-7257	29-14180	0.300 cfs	85.8 af	24.5	98.5	29-7257	0.210 cfs	61.2 af	N/A	17.5
COMBINED TOTALS		2.270 cfs	N/A	0.0	98.5		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 12th day of May, 2016.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 80752

IN FILE # 29-7257

WATER RIGHT NO. 29-14132**As Modified by Transfer No. 80752**

In accordance with the approval of Transfer No. 80752, Water Right No. 29-14132 is now described as follows:

Right Holder: ARTHUR MARTINEZ AND
LORRIE MARTINEZ
300 S 5800 W
MALAD CITY, ID 83252

Priority Date: 10/10/1878

Source: BIRCH CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31 **Diversion Rate**
1.970 cfs
1.970 cfs

LOCATION OF POINT(S) OF DIVERSION

BIRCH CREEK	SESENE	Sec 23 Twp 12S Rge 36E	BANNOCK County	(R)
BIRCH CREEK	SENWSW	Sec 27 Twp 12S Rge 36E	BANNOCK County	
BIRCH CREEK	SENWSW	Sec 27 Twp 12S Rge 36E	BANNOCK County	
BIRCH CREEK	SENWSW	Sec 27 Twp 12S Rge 36E	BANNOCK County	(I)
BIRCH CREEK	SENWSW	Sec 27 Twp 12S Rge 36E	BANNOCK County	(I)

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	
12S	36E	11	40.0	19.7															59.7
12S	36E	12					1.0	30.0	7.8										38.8

POU Total Acres: 98.5

CONDITIONS OF APPROVAL

1. Rights 29-14132, 29-14133, and 29-14180 when combined shall not exceed the irrigation of 98.5 acres.
2. Rights 29-14132 and 29-14133 when combined shall not exceed a total diversion rate of 1.97 cfs and the irrigation of 98.5 acres.
3. The amount of water diverted under this water right may not exceed 2.84% of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than 0.02 cubic feet per second per acre at any time.
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. 29G.

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WATER RIGHT NO. 29-14132

As Modified by Transfer No. 80752

CONDITIONS OF APPROVAL

5. 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).
6. Water is delivered through Birch Creek Canal/Ditch.
7. Two points of diversion and two points of injection located in the NWSW of Section 27, T12S R36E.
8. 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.
9. Point of injection into and point of rediversion from Birch Creek.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 8/26/2014.

WATER RIGHT NO. 29-14133

As Modified by Transfer No. 80752

In accordance with the approval of Transfer No. 80752, Water Right No. 29-14133 is now described as follows:

Right Holder: LORRIE MARTINEZ AND
ARTHUR MARTINEZ
300 S 5800 W
MALAD CITY, ID 83252

Priority Date: 5/1/1884

Source: ROWLEY CREEK

Tributary: BIRCH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
1.970 cfs
1.970 cfs

LOCATION OF POINT(S) OF DIVERSION

ROWLEY CREEK SWSNW Sec 11 Twp 12S Rge 36E BANNOCK 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	
12S	36E	11	40.0	19.7															59.7
12S	36E	12					1.0	30.0	7.8										38.8

POU Total Acres: 98.5

CONDITIONS OF APPROVAL

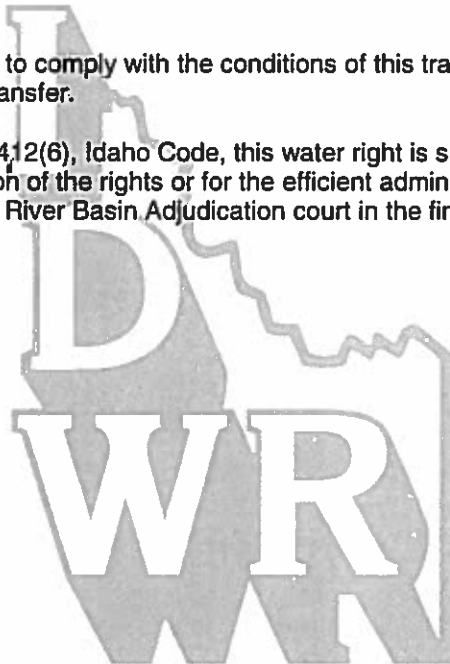
1. Rights 29-14132, 29-14133, and 29-14180 when combined shall not exceed the irrigation of 98.5 acres.
2. Rights 29-14132 and 29-14133 when combined shall not exceed the irrigation of 98.5 acres.
3. The amount of water diverted under this water right may not exceed 19.5% of the stream flow of Rowley Creek at the point of diversion described below at any given time. This water right shall not provide more than 0.02 cubic feet per second per acre at any time.
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. 29G.
5. 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).

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WATER RIGHT NO. 29-14133
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CONDITIONS OF APPROVAL

6. Water is delivered through Birch Creek Canal/Ditch.
7. 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.
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 8/26/2014.



WATER RIGHT NO. 29-7257

As Modified by Transfer No. 80752

In accordance with the approval of Transfer No. 80752, Water Right No. 29-7257 is now described as follows:

Right Holder: JOY B JEWKES And
MAX CURTIS JEWKES
2263 W 7800 S
WEST JORDAN, UT 84088

Priority Date: 4/25/1975

Source: GROUND WATER

BENEFICIAL USE IRRIGATION

From
04/01

to 10/31
00

Diversion Rate
0.210 cfs
0.210 cfs

Diversion Volume
61.2 af
61.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 12 Twp 12S Rge 36E BANNOCK 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	
12S	36E	12						6.3	11.2										17.5

POU Total Acres: 17.5

CONDITIONS OF APPROVAL

1. Rights 29-328A, 29-14168, 29-13469 and 29-7257 when combined shall not exceed the irrigation of 41.5 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.

WATER RIGHT NO. 29-14180**As Modified by Transfer No. 80752**

In accordance with the approval of Transfer No. 80752, Water Right No. 29-14180 is now described as follows:

Right Holder: ARTHUR MARTINEZ AND
LORRIE MARTINEZ
300 S 5800 W
MALAD CITY, ID 83252

Priority Date: 4/25/1975

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
0.300 cfs
0.300 cfs

Diversion Volume
85.8 af
85.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 12 Twp 12S Rge 36E BANNOCK 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	
12S	36E	11	40.0	19.7															59.7
12S	36E	12					1.0	30.0	7.8										38.8

Right Acre Limit: 24.5

POU Total Acres: 98.5

CONDITIONS OF APPROVAL

1. Rights 29-14132, 29-14133, and 29-14180 when combined shall not exceed the irrigation of 98.5 acres.
2. This right is limited to the irrigation of a specific 24.5 acres within the 98.5 acre place of use authorized by this right in a single irrigation season. The specific 24.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 24.5 acres to be irrigated within the 98.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

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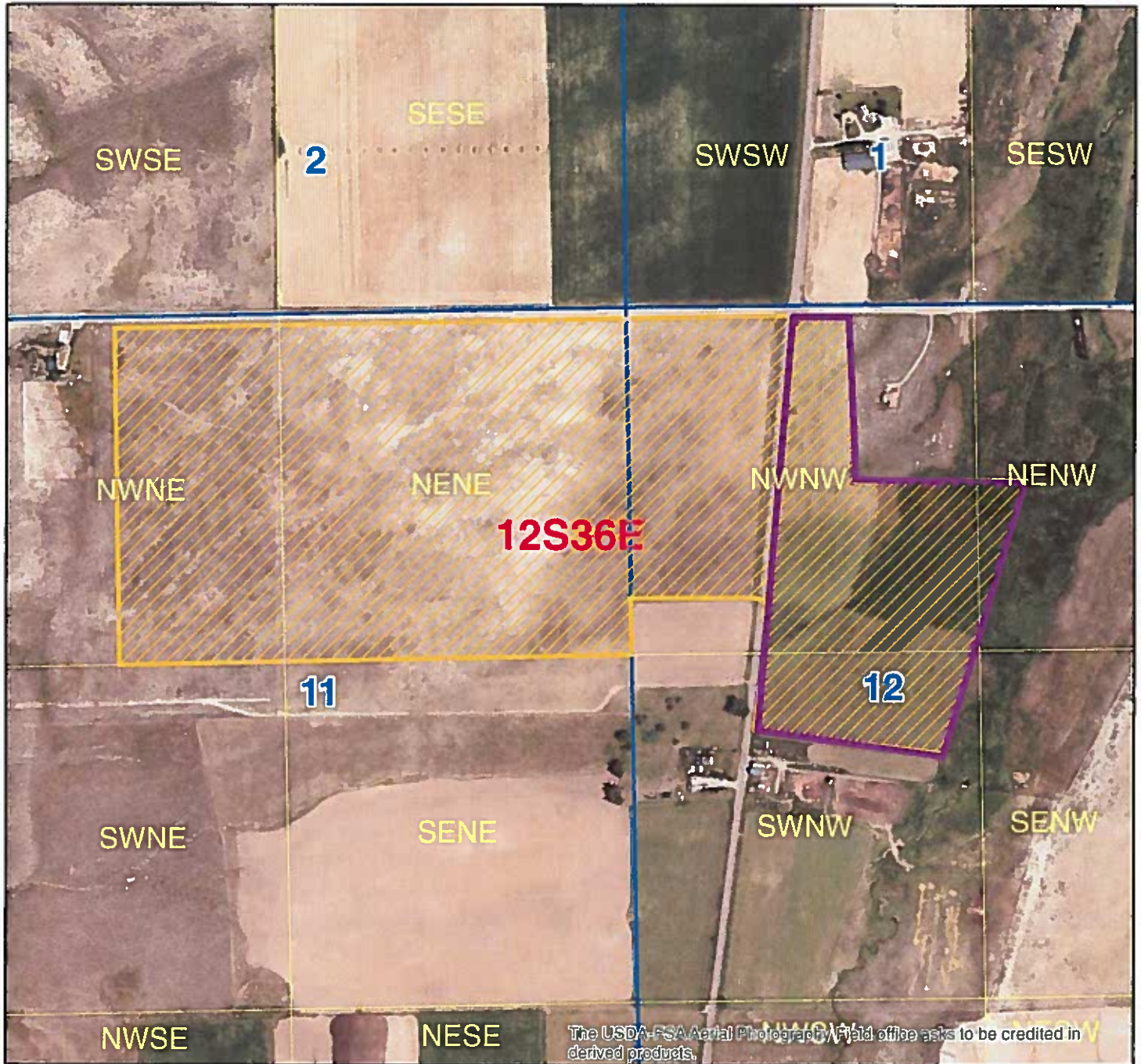
WATER RIGHT NO. 29-14180
As Modified by Transfer No. 80752

CONDITIONS OF APPROVAL

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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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 Approval 80752



Legend

Water Right POU

-  29-14132, 29-14133
-  29-14180
-  Township/Range
-  Sections
-  QQ

0 255 510 1,020 Feet
1 inch = 576 feet

