

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 80616

This is to certify that: GAYLEN POND AND  
LOIS L POND  
3546 W 6800 S  
REXBURG, ID 83440

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 1-319B             | WR/DECREED          | 4/1/1939             | 1.075 cfs             | N/A                     | N/A               | 61.0               | SNAKE RIVER   |
| 1-37A              | WR/DECREED          | 6/1/1891             | 2.400 cfs             | N/A                     | N/A               | 61.0               | SNAKE 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 1-319B                | NO           | NO         | NO         | NO             | NO                   | NO                   |
| 1-37A                 | NO           | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 1-319B                | 1-319B                           | 1.075 cfs            | N/A                    | N/A               | 61.0               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 1-37A                 | 1-37A                            | 2.400 cfs            | N/A                    | N/A               | 61.0               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| COMBINED TOTALS       |                                  | 3.475 cfs            | N/A                    | N/A               | 61.0               |                                    | 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 23<sup>rd</sup> day of February, 2016.

  
for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 1-37A

Transfer No. 80616

# **WATER RIGHT NO. 1-37A**

## **As Modified by Transfer No. 80616**

In accordance with the approval of Transfer No. 80616, Water Right No. 1-37A is now described as follows:

**Right Holder:** LOIS L POND AND  
GAYLEN POND  
3546 W 6800 S  
REXBURG, ID 83440

**Priority Date:** 6/1/1891

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

**BENEFICIAL USE**  
IRRIGATION

**From**  
04/01

**To**  
to 10/31

**Diversion Rate**  
2.400 cfs  
2.400 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER SESENV Sec 35 Twp 05N Rge 39E MADISON 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 |        |
| 05N | 39E | 27  |    |    | 30.5 | 26.0 |    |    |    |    |    |    |    |    | 4.5 |    |    |    | 61.0   |

POU Total Acres: 61.0

### **CONDITIONS OF APPROVAL**

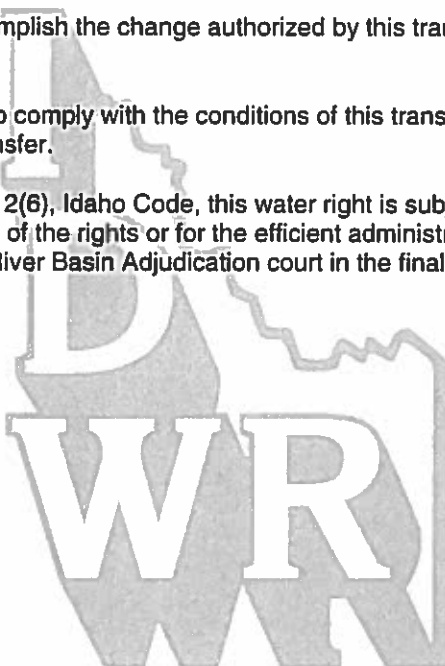
1. The diversion of water through the Bannock Jim Canal shall not exceed a total combined maximum diversion rate of 1.11 cfs.
2. Rights 1-37A and 1-319B when combined shall not exceed the irrigation of 61.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility 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. 01.
4. 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).
5. Prior to April 1st of each year, the right holder shall notify the watermaster of the amount of water under this right that will be delivered to the Nelson Corey Canal and to the Bannock Jim Canal. Failure to notify the watermaster by April 1st of each year will result in this right being delivered to the Nelson Corey Canal.

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**WATER RIGHT NO. 1-37A**  
**As Modified by Transfer No. 80616**

**CONDITIONS OF APPROVAL**

6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.
8. Water is delivered through Bannock Jim Canal and Nelson Corey Canal.
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. 1-319B** **As Modified by Transfer No. 80616**

In accordance with the approval of Transfer No. 80616, Water Right No. 1-319B is now described as follows:

**Right Holder:** LOIS L POND AND  
 GAYLEN POND  
 3546 W 6800 S  
 REXBURG, ID 83440

**Priority Date:** 4/1/1939

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

**BENEFICIAL USE**  
 IRRIGATION

**From**  
 04/01

**To**  
 to 10/31

**Diversion Rate**  
 1.075 cfs  
 1.075 cfs

**LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER SESENW Sec 35 Twp 05N Rge 39E MADISON 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 |        |
| 05N | 39E | 27  |    |    | 30.5 | 26.0 |    |    |    |    |    |    |    |    | 4.5 |    |    |    | 61.0   |

POU Total Acres: 61.0

**CONDITIONS OF APPROVAL**

1. The diversion of water to the Bannock Jim Canal shall not exceed a total combined maximum diversion rate of 1.11 cfs.
2. Rights 1-37A and 1-319B when combined shall not exceed the irrigation of 61.0 acres.
3. 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. 01.
4. 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).
5. Prior to April 1st of each year, the right holder shall notify the watermaster of the amount of water under this right that will be delivered to the Nelson Corey Canal and to the Bannock Jim Canal. Failure to notify the watermaster by April 1st of each year will result in this right being delivered to the Nelson Corey Canal.

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**WATER RIGHT NO. 1-319B**  
**As Modified by Transfer No. 80616**

**CONDITIONS OF APPROVAL**

6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.
8. Water is delivered through Bannock Jim Canal and Nelson Corey Canal.
9. The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
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 08/26/2014.