

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80112

This is to certify that: BROWN INC
C/O TERRY WILCOX
1110 GOLDEN BEAUTY DR
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>
22-13453	WR/DECREED	6/10/1985	0.210 cfs	171.5 af	49.0	1297.0	GROUND WATER
22-2254	WR/DECREED	8/9/1965	5.320 cfs	2258.2 af	1248.0	1297.0	GROUND WATER
22-7066	WR/DECREED	3/20/1973	2.550 cfs	560.0 af	N/A	156.0	GROUND WATER
22-7512	WR/LICENSE	6/27/1985	0.480 cfs	204.0 af	N/A	1348.4	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>
22-13453	NO	YES	YES	YES	NO	NO
22-2254	NO	YES	YES	YES	NO	NO
22-7066	NO	YES	YES	YES	NO	NO
22-7512	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>
22-13453	22-13453	0.210 cfs	171.5 af	49.0	1348.4	N/A	N/A	N/A	N/A	N/A
22-2254	22-2254	5.320 cfs	2258.2 af	1248.0	1348.4	N/A	N/A	N/A	N/A	N/A
22-7066	22-7066	2.550 cfs	560.0 af	156.0	1348.4	N/A	N/A	N/A	N/A	N/A
22-7512	22-7512	0.480 cfs	204.0 af	N/A	1348.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.350 cfs	3022.0 af	1348.4	1348.4		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 22nd day of July, 2015.

SUPPORT DATA for 
Chief, Water Allocation Bureau

Transfer No. 80112

IN FILE # 22-2254

WATER RIGHT NO. 22-7066 **As Modified by Transfer No. 80112**

In accordance with the approval of Transfer No. 80112, Water Right No. 22-7066 is now described as follows:

Right Holder: BROWN INC
C/O TERRY WILCOX
1110 GOLDEN BEAUTY DR
REXBURG, ID 83440

Priority Date: 3/20/1973

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/21

Diversion Rate
2.550 cfs
2.550 cfs

Diversion Volume
560.0 af
560.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 2 Twp 05N Rge 41E MADISON County
GROUND WATER NWSESW Sec 35 Twp 06N Rge 41E MADISON 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	
05N	41E	1			2.5			10.0	28.0	8.3	38.0	38.0	38.0	38.0		8.0	10.3		219.1
								L 4											
05N	41E	2	13.0	13.0	31.0	33.0	13.0	11.0	15.0	25.0	38.0	37.0	39.0	37.0	38.0	38.0	35.0	38.0	454.0
			L 1	L 2				L 2	L 4										
05N	41E	3				4.0									36.0				40.0
05N	41E	12		5.3			17.0												22.3
06N	41E	34			10.0	38.0									29.0			39.0	116.0
06N	41E	35	39.0		39.0	39.0			38.0	38.0	36.0	39.0	40.0	37.0	40.0	38.0	38.0	36.0	497.0

Right Acre Limit: 156.0
POU Total Acres: 1348.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 156 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.

Transfer No. 80112

WATER RIGHT NO. 22-7066
As Modified by Transfer No. 80112

CONDITIONS OF APPROVAL

3. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 21 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
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. 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.
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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 22-2254
As Modified by Transfer No. 80112

In accordance with the approval of Transfer No. 80112, Water Right No. 22-2254 is now described as follows:

Right Holder: BROWN INC
C/O TERRY WILCOX
1110 GOLDEN BEAUTY DR
REXBURG, ID 83440

Priority Date: 8/9/1965

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 11/01

Diversion Rate
5.320 cfs
5.320 cfs

Diversion Volume
2258.2 af
2258.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SWNE
NWSESW

Sec 2 Twp 05N Rge 41E MADISON County
Sec 35 Twp 06N Rge 41E MADISON 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	
05N	41E	1			2.5			10.0	28.0	8.3	38.0	38.0	38.0	38.0		8.0	10.3		219.1
								L 4											
05N	41E	2	13.0	13.0	31.0	33.0	13.0	11.0	15.0	25.0	38.0	37.0	39.0	37.0	38.0	38.0	35.0	38.0	454.0
			L 1	L 2			L 2	L 4											
05N	41E	3				4.0									36.0				40.0
05N	41E	12		5.3			17.0												22.3
06N	41E	34			10.0	38.0									29.0			39.0	116.0
06N	41E	35	39.0			39.0	39.0		38.0	38.0	36.0	39.0	40.0	37.0	40.0	38.0	38.0	36.0	497.0

Right Acre Limit: 1248.0

POU Total Acres: 1348.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1248 acres within the authorized place of use in a single irrigation season.
2. Rights 22-2254 and 22-13453 when combined shall not exceed a total diversion rate of 5.32 cfs, a total annual maximum diversion volume of 2429.7 af at the field headgate, and the irrigation of 1297 acres.
3. Rights 22-2254, 22-7512, and 22-13453 when combined shall not exceed a total diversion rate of 5.80 cfs, a total annual maximum diversion volume of 2462 af at the field headgate, and the irrigation of 1348.4 acres.

Transfer No. 80112

WATER RIGHT NO. 22-2254
As Modified by Transfer No. 80112

CONDITIONS OF APPROVAL

4. Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
5. 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.
6. 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.
7. Right No. 22-13453 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 22-13453
As Modified by Transfer No. 80112

In accordance with the approval of Transfer No. 80112, Water Right No. 22-13453 is now described as follows:

Right Holder: BROWN INC
C/O TERRY WILCOX
1110 GOLDEN BEAUTY DR
REXBURG, ID 83440

Priority Date: 6/10/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.210 cfs
0.210 cfs

Diversion Volume
171.5 af
171.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SWNE
NWSESW

Sec 2 Twp 05N Rge 41E MADISON County
Sec 35 Twp 06N Rge 41E MADISON 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	
05N	41E	1			2.5			10.0	28.0	8.3	38.0	38.0	38.0	38.0		8.0	10.3		219.1
								L 4											
05N	41E	2	13.0	13.0	31.0	33.0	13.0	11.0	15.0	25.0	38.0	37.0	39.0	37.0	38.0	38.0	35.0	38.0	454.0
			L 1	L 2			L 2	L 4											
05N	41E	3				4.0									36.0				40.0
05N	41E	12		5.3			17.0												22.3
06N	41E	34			10.0	38.0									29.0			39.0	116.0
06N	41E	35	39.0		39.0	39.0			38.0	38.0	36.0	39.0	40.0	37.0	40.0	38.0	38.0	36.0	497.0

Right Acre Limit: 49.0

POU Total Acres: 1348.4

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 49.0 acres within the place of use described for this right.
2. Rights 22-2254 and 22-13453 when combined shall not exceed a total diversion rate of 5.32 cfs, a total annual maximum diversion volume of 2429.7 af at the field headgate, and the irrigation of 1297 acres.
3. Rights 22-2254, 22-7512, and 22-13453 when combined shall not exceed a total diversion rate of 5.80 cfs, a total annual maximum diversion volume of 2462 af at the field headgate, and the irrigation of 1348.4 acres.

Transfer No. 80112

WATER RIGHT NO. 22-13453
As Modified by Transfer No. 80112

CONDITIONS OF APPROVAL

4. Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
5. This right is based upon an enlargement of Right No. 22-2254 pursuant to Section 42-1426, Idaho Code.
6. 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.
7. 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.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 22-7512
As Modified by Transfer No. 80112

In accordance with the approval of Transfer No. 80112, Water Right No. 22-7512 is now described as follows:

Right Holder: BROWN INC
 C/O TERRY WILCOX
 1110 GOLDEN BEAUTY DR
 REXBURG, ID 83440

Priority Date: 6/27/1985

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.480 cfs
 0.480 cfs

Diversion Volume
 204.0 af
 204.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 2 Twp 05N Rge 41E MADISON County
 GROUND WATER NWSESW Sec 35 Twp 06N Rge 41E MADISON 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	
05N	41E	1			2.5			10.0	28.0	8.3	38.0	38.0	38.0	38.0		8.0	10.3		219.1
								L 4											
05N	41E	2	13.0	13.0	31.0	33.0	13.0	11.0	15.0	25.0	38.0	37.0	39.0	37.0	38.0	38.0	35.0	38.0	454.0
			L 1	L 2			L 2	L 4											
05N	41E	3				4.0									36.0				40.0
05N	41E	12		5.3			17.0												22.3
06N	41E	34			10.0	38.0									29.0			39.0	116.0
06N	41E	35	39.0		39.0	39.0			38.0	38.0	36.0	39.0	40.0	37.0	40.0	38.0	38.0	36.0	497.0

POU Total Acres: 1348.4

CONDITIONS OF APPROVAL

1. Rights 22-2254, 22-7512, and 22-13453 when combined shall not exceed a total diversion rate of 5.80 cfs, a total annual maximum diversion volume of 2462 af at the field headgate, and the irrigation of 1348.4 acres.
2. Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 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.

Transfer No. 80112

WATER RIGHT NO. 22-7512
As Modified by Transfer No. 80112

CONDITIONS OF APPROVAL

4. 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.
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.
7. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

