

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79896**

This is to certify that: **HANK POVEY**
398 E 200 S
CLIFTON, ID 83228

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>
13-2220	WR/LICENSE	9/6/1960	0.130 cfs	55.2 af	N/A	30.7	GROUND WATER
13-7476	WR/LICENSE	10/29/1990	2.060 cfs	N/A	N/A	185.0	GROUND WATER
13-7927	WR/LICENSE	9/6/1960	0.170 cfs	72.2 af	N/A	38.6	GROUND WATER
13-7928	WR/LICENSE	9/6/1960	0.040 cfs	17.0 af	N/A	9.7	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>
13-2220	NO	NO	YES	YES	NO	NO
13-7476	NO	NO	YES	YES	YES	NO
13-7927	NO	NO	YES	YES	NO	NO
13-7928	NO	NO	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>
13-2220	13-2220	0.130 cfs	55.2 af	30.7	264.0	N/A	N/A	N/A	N/A	N/A
13-7476	13-7476	2.060 cfs	647.5 af	185.0	264.0	N/A	N/A	N/A	N/A	N/A
13-7927	13-7927	0.170 cfs	72.2 af	38.6	264.0	N/A	N/A	N/A	N/A	N/A
13-7928	13-7928	0.040 cfs	17.0 af	9.7	264.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.400 cfs	791.9 af	264.0	264.0		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 27th day of April, 2015.

for 
Chief, Water Allocation Bureau

Transfer No. 79896

SUPPORT DATA

IN FILE # 13-2220

WATER RIGHT NO. 13-2220**As Modified by Transfer No. 79896**

In accordance with the approval of Transfer No. 79896, Water Right No. 13-2220 is now described as follows:

Right Holder: HANK POVEY
398 E 200 S
CLIFTON, ID 83228

Priority Date: 9/6/1960

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.130 cfs
0.130 cfs

Diversion Volume
55.2 af
55.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW
GROUND WATER NENE

Sec 22 Twp 14S Rge 38E FRANKLIN County
Sec 27 Twp 14S Rge 38E 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	
14S	38E	21				3.3													3.3
14S	38E	22							30.5				4.8						35.3
14S	38E	23							15.0			27.0	38.0						80.0
14S	38E	26		4.8	4.9		39.0	39.0		15.7	15.0								118.4
14S	38E	27	27.0																27.0

Right Acre Limit: 30.7

POU Total Acres: 264.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30.7 acres within the authorized place of use in a single irrigation season.
2. Rights 13-7476, 13-2220, 13-2224, 13-7927, and 13-7928 when combined shall not exceed a total annual maximum diversion volume of 1264.4 af at the field headgate and the irrigation of 399 acres.
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.
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.

Transfer No. 79896

WATER RIGHT NO. 13-2220

As Modified by Transfer No. 79896

CONDITIONS OF APPROVAL

5. 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.
6. If the surface water right(s) appurtenant to the place of use is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), 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.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.

WATER RIGHT NO. 13-7476**As Modified by Transfer No. 79896**

In accordance with the approval of Transfer No. 79896, Water Right No. 13-7476 is now described as follows:

Right Holder: HANK POVEY
398 E 200 S
CLIFTON, ID 83228

Priority Date: 10/29/1990

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/15

Diversion Rate
2.060 cfs
2.060 cfs

Diversion Volume
647.5 af
647.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW
GROUND WATER NENE

Sec 22 Twp 14S Rge 38E FRANKLIN County
Sec 27 Twp 14S Rge 38E 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	
14S	38E	21				3.3													3.3
14S	38E	22							30.5			4.8							35.3
14S	38E	23							15.0		27.0	38.0							80.0
14S	38E	26		4.8	4.9		39.0	39.0		15.7	15.0								118.4
14S	38E	27	27.0																27.0

Right Acre Limit: 185.0

POU Total Acres: 264.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 185 acres within the authorized place of use in a single irrigation season.
2. Rights 13-7476, 13-2220, 13-2224, 13-7927, and 13-7928 when combined shall not exceed a total annual maximum diversion volume of 1264.4 af at the field headgate and the irrigation of 399 acres.
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.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

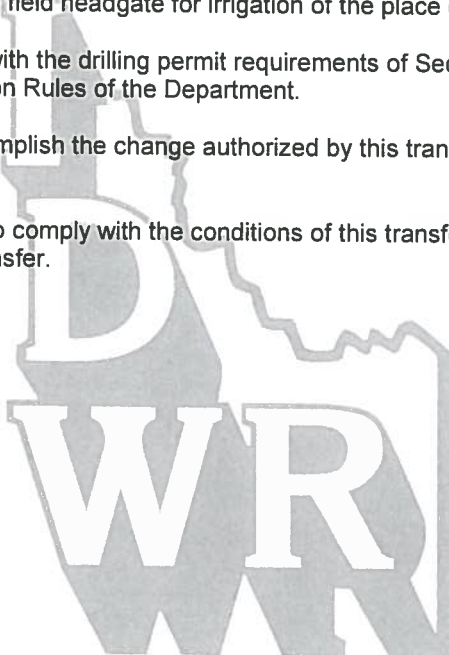
Transfer No. 79896

WATER RIGHT NO. 13-7476

As Modified by Transfer No. 79896

CONDITIONS OF APPROVAL

5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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. 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.



WATER RIGHT NO. 13-7927**As Modified by Transfer No. 79896**

In accordance with the approval of Transfer No. 79896, Water Right No. 13-7927 is now described as follows:

Right Holder: HANK POVEY
398 E 200 S
CLIFTON, ID 83228

Priority Date: 9/6/1960

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.170 cfs
0.170 cfs

Diversion Volume
72.2 af
72.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW
GROUND WATER NENE

Sec 22 Twp 14S Rge 38E FRANKLIN County
Sec 27 Twp 14S Rge 38E 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	
14S	38E	21				3.3													3.3
14S	38E	22							30.5				4.8						35.3
14S	38E	23							15.0				27.0	38.0					80.0
14S	38E	26		4.8	4.9		39.0	39.0		15.7	15.0								118.4
14S	38E	27	27.0																27.0

Right Acre Limit: 38.6
POU Total Acres: 264.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 38.6 acres within the authorized place of use in a single irrigation season.
2. Rights 13-7476, 13-2220, 13-2224, 13-7927, and 13-7928 when combined shall not exceed a total annual maximum diversion volume of 1264.4 af at the field headgate and the irrigation of 399 acres.
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.

Transfer No. 79896

WATER RIGHT NO. 13-7927

As Modified by Transfer No. 79896

CONDITIONS OF APPROVAL

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.
5. If the surface water right(s) appurtenant to the place of use is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), 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. 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.

WATER RIGHT NO. 13-7928**As Modified by Transfer No. 79896**

In accordance with the approval of Transfer No. 79896, Water Right No. 13-7928 is now described as follows:

Right Holder: HANK POVEY
398 E 200 S
CLIFTON, ID 83228

Priority Date: 9/6/1960

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.040 cfs
0.040 cfs

Diversion Volume
17.0 af
17.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW
GROUND WATER NENE

Sec 22 Twp 14S Rge 38E FRANKLIN County
Sec 27 Twp 14S Rge 38E 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	
14S	38E	21				3.3													3.3
14S	38E	22							30.5				4.8						35.3
14S	38E	23							15.0				27.0	38.0					80.0
14S	38E	26		4.8	4.9		39.0	39.0			15.7	15.0							118.4
14S	38E	27	27.0																27.0

Right Acre Limit: 9.7
POU Total Acres: 264.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.7 acres within the authorized place of use in a single irrigation season.
2. Rights 13-7476, 13-2220, 13-2224, 13-7927, and 13-7928 when combined shall not exceed a total annual maximum diversion volume of 1264.4 af at the field headgate and the irrigation of 399 acres.
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.

Transfer No. 79896

WATER RIGHT NO. 13-7928

As Modified by Transfer No. 79896

CONDITIONS OF APPROVAL

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.
5. If the surface water right(s) appurtenant to the place of use is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), 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. 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.