

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79145**

This is to certify that: **BANNOCK COUNTY**
5500 S 5TH
POCATELLO, ID 83204

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>
29-7329	WR/DECREED	5/12/1976	0.820 cfs	143.5 af	N/A	41.4	GROUND WATER
29-7972	WR/LICENSE	5/5/1990	0.480 cfs	96.0 af	N/A	24.0	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>
29-7329	NO	NO	YES	NO	NO	NO
29-7972	NO	NO	YES	NO	YES	YES

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>
29-7329	29-7329	0.820 cfs	143.5 af	41.4	61.1	N/A	N/A	N/A	N/A	N/A
29-7972	29-7972	0.480 cfs	90.0 af	19.7	61.1	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.300 cfs	233.5 af	61.1	61.1		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 17th day of April, 2014.


for Chief, Water Allocation Bureau

Transfer No. 79145

SUPPORT DATA
IN FILE # 29-7329

WATER RIGHT NO. 29-7972**As Modified by Transfer No. 79145**

In accordance with the approval of Transfer No. 79145, Water Right No. 29-7972 is now described as follows:

Right Holder: BANNOCK COUNTY
5500 S 5TH
POCATELLO, ID 83204

Priority Date: 5/5/1990

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.390 cfs	78.8 af
RECREATION STORAGE	01/01	to 12/31		11.2 af
DIVERSION TO STORAGE	01/01	to 12/31	0.090 cfs	
			0.480 cfs	90.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L5 (SWNW) Sec 12 Twp 06S Rge 34E 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	
06S	34E	12					24.0	16.5	4.0		5.0	11.6							61.1
							L 3	L 4	L 5		L 11	L 12							

Right Acre Limit: 19.7

POU Total Acres: 61.1

PLACE OF USE: RECREATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	34E	12						X											0
								L 4											

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 79145, the right holder shall rent water from the Water Supply Bank to facilitate the initial filling of the pond.
2. Right 29-7972 authorizes the diversion of an annual total of 11.2 acre-feet to be used for the replacement of losses caused by evaporation from the recreation pond.

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WATER RIGHT NO. 29-7972
As Modified by Transfer No. 79145

CONDITIONS OF APPROVAL

3. The pond established by the storage of water under this right shall not exceed a total capacity of 14.2 acre-feet or a total surface area of 5.3 acres.
4. This right is limited to the irrigation of 19.7 acres within the authorized place of use in a single irrigation season.
5. Rights 29-7329 and 29-7972 when combined shall not exceed the irrigation of 61.1 acres.
6. Rights 29-7329, 29-7972 and 29-13466 when combined shall not exceed a total diversion rate of 1.85 cfs.
7. 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 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.
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.

WATER RIGHT NO. 29-7329

As Modified by Transfer No. 79145

In accordance with the approval of Transfer No. 79145, Water Right No. 29-7329 is now described as follows:

Right Holder: BANNOCK COUNTY
5500 S 5TH
POCATELLO, ID 83204

Priority Date: 5/12/1976

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

to 10/31

Diversion Rate

0.820 cfs

0.820 cfs

Diversion Volume

143.5 af

143.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

L5 (SWNW)

Sec 12 Twp 06S Rge 34E BANNOCK 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	
06S	34E	12					24.0	16.5	4.0		5.0	11.6							61.1
							L 3	L 4	L 5		L 11	L 12							

Right Acre Limit: 41.4

POU Total Acres: 61.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 41.4 acres within the authorized place of use in a single irrigation season.
2. Rights 29-7329 and 29-7972 when combined shall not exceed the irrigation of 61.1 acres.
3. Rights 29-7329, 29-7972 and 29-13466 when combined shall not exceed a total diversion rate of 1.85 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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CONDITIONS OF 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.
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.

