

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78925**

This is to certify that: LINDA K WATERS AND
TIM H WATERS
1931 HUNT RD
JEROME, ID 83338

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>
36-2409E	WR/DECREED	12/2/1959	4.700 cfs	1248.8 af	312.2	701.0	GROUND WATER
36-2440A	WR/DECREED	6/1/1960	1.740 cfs	463.2 af	115.8	701.0	GROUND WATER
36-2543A	WR/DECREED	6/18/1962	1.120 cfs	308.8 af	77.2	701.0	GROUND WATER
36-2637B	WR/DECREED	1/27/1966	1.540 cfs	308.8 af	77.2	701.0	GROUND WATER
36-7096A	WR/DECREED	12/1/1969	0.770 cfs	154.4 af	38.6	701.0	GROUND WATER
36-7613	WR/DECREED	2/26/1976	1.600 cfs	320.0 af	80.0	701.0	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>
36-2409E	NO	NO	NO	YES	NO	NO
36-2440A	NO	NO	NO	YES	NO	NO
36-2543A	NO	NO	NO	YES	NO	NO
36-2637B	NO	NO	NO	YES	NO	NO
36-7096A	NO	NO	NO	YES	NO	NO
36-7613	NO	NO	NO	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>
36-2409E	36-2409E	4.700 cfs	1248.8 af	312.2	701.0	N/A	N/A	N/A	N/A	N/A
36-2440A	36-2440A	1.740 cfs	463.2 af	115.8	701.0	N/A	N/A	N/A	N/A	N/A
36-2543A	36-2543A	1.120 cfs	308.8 af	77.2	701.0	N/A	N/A	N/A	N/A	N/A
36-2637B	36-2637B	1.540 cfs	308.8 af	77.2	701.0	N/A	N/A	N/A	N/A	N/A
36-7096A	36-7096A	0.770 cfs	154.4 af	38.6	701.0	N/A	N/A	N/A	N/A	N/A
36-7613	36-7613	1.600 cfs	320.0 af	80.0	701.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.470 cfs	2804.0 af	701.0	701.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-2409E

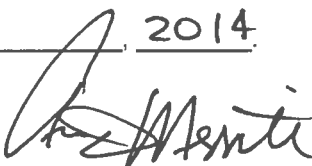
Transfer No. 78925

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78925

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 3rd day of February, 2014.



Southern Region Manager



WATER RIGHT NO. 36-7613**As Modified by Transfer No. 78925**

In accordance with the approval of Transfer No. 78925, Water Right No. 36-7613 is now described as follows:

Right Holder: TIM H WATERS
LINDA K WATERS
1931 HUNT RD
JEROME, ID 83338

Priority Date: 2/26/1976

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/15

to 11/15

To**Diversion Rate**

1.600 cfs

1.600 cfs

Diversion Volume

320.0 af

320.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER
GROUND WATER

SENWNW
SENESE
NWNW

Sec 29 Twp 08S Rge 20E JEROME County
Sec 30 Twp 08S Rge 20E JEROME County
Sec 32 Twp 08S Rge 20E JEROME 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	
08S	20E	29					40.0	40.0	40.0	35.0		40.0	40.0						235.0
08S	20E	30	40.0	40.0	40.0	40.0					33.0			33.0	40.0	40.0	40.0	40.0	386.0
08S	20E	31	40.0																40.0
08S	20E	32						40.0											40.0

Right Acre Limit: 80.0

POU Total Acres: 701.0

CONDITIONS OF APPROVAL

1. 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. 130.
2. This right is limited to the irrigation of 80 acres within the authorized place of use in a single irrigation season.
3. Rights 36-02409E, 36-02440A, 36-02543A, 36-02637B, 36-07096A AND 36-07613 when combined shall not exceed a total diversion rate of 11.47 cfs, a total annual maximum diversion volume of 2804.0 af at the field headgate, and the irrigation of 701 acres.

WATER RIGHT NO. 36-7613
As Modified by Transfer No. 78925

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 78925, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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.
8. The point of diversion located in the NWNW, S32, T8S, R20E is limited to a maximum diversion rate of 7.00 cfs.
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. 36-2440A**As Modified by Transfer No. 78925**

In accordance with the approval of Transfer No. 78925, Water Right No. 36-2440A is now described as follows:

Right Holder: TIM H WATERS
LINDA K WATERS
1931 HUNT RD
JEROME, ID 83338

Priority Date: 6/1/1960

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 4/01 **To** 10/31

Diversion Rate
1.740 cfs
1.740 cfs

Diversion Volume
463.2 af
463.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 29 Twp 08S Rge 20E	JEROME County
GROUND WATER	SENESE	Sec 30 Twp 08S Rge 20E	JEROME County
GROUND WATER	NWNW	Sec 32 Twp 08S Rge 20E	JEROME 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	
08S	20E	29					40.0	40.0	40.0	35.0		40.0	40.0						235.0
08S	20E	30	40.0	40.0	40.0	40.0					33.0				33.0	40.0	40.0	40.0	386.0
08S	20E	31	40.0																40.0
08S	20E	32						40.0											40.0

Right Acre Limit: 115.8

POU Total Acres: 701.0

CONDITIONS OF APPROVAL

1. 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. 130.
2. This right is limited to the irrigation of 115.8 acres within the authorized place of use in a single irrigation season.
3. Rights 36-02409E, 36-02440A, 36-02543A, 36-02637B, 36-07096A AND 36-07613 when combined shall not exceed a total diversion rate of 11.47 cfs, a total annual maximum diversion volume of 2804.0 af at the field headgate, and the irrigation of 701 acres.

WATER RIGHT NO. 36-2440A
As Modified by Transfer No. 78925

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Prior to the diversion and use of water under Transfer approval 78925, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. The point of diversion located in the NWNW, S32, T8S, R20E is limited to a maximum diversion rate of 7.00 cfs.
9. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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 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. 36-2543A

As Modified by Transfer No. 78925

In accordance with the approval of Transfer No. 78925, Water Right No. 36-2543A is now described as follows:

Right Holder: LINDA K WATERS
TIM H WATERS
1931 HUNT RD
JEROME, ID 83338

Priority Date: 6/18/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	1.120 cfs	308.8 af
			1.120 cfs	308.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 29 Twp 08S Rge 20E JEROME County
GROUND WATER	SENESE	Sec 30 Twp 08S Rge 20E JEROME County
GROUND WATER	NWNW	Sec 32 Twp 08S Rge 20E JEROME 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	
08S	20E	29					40.0	40.0	40.0	35.0		40.0	40.0						235.0
08S	20E	30	40.0	40.0	40.0	40.0					33.0			33.0	40.0	40.0	40.0	40.0	386.0
08S	20E	31	40.0																40.0
08S	20E	32						40.0											40.0

Right Acre Limit: 77.2
POU Total Acres: 701.0

CONDITIONS OF APPROVAL

1. 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. 130.
2. This right is limited to the irrigation of 77.2 acres within the authorized place of use in a single irrigation season.
3. Rights 36-02409E, 36-02440A, 36-02543A, 36-02637B, 36-07096A AND 36-07613 when combined shall not exceed a total diversion rate of 11.47 cfs, a total annual maximum diversion volume of 2804.0 af at the field headgate, and the irrigation of 701 acres.

WATER RIGHT NO. 36-2543A
As Modified by Transfer No. 78925

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 78925, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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.
8. The point of diversion located in the NWNW, S32, T8S, R20E is limited to a maximum diversion rate of 7.00 cfs.
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. 36-2637B
As Modified by Transfer No. 78925

In accordance with the approval of Transfer No. 78925, Water Right No. 36-2637B is now described as follows:

Right Holder: TIM H WATERS
LINDA K WATERS
1931 HUNT RD
JEROME, ID 83338

Priority Date: 1/27/1966

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
4/01	to 10/31	1.540 cfs	308.8 af
		1.540 cfs	308.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 29 Twp 08S Rge 20E JEROME County
GROUND WATER	SENESE	Sec 30 Twp 08S Rge 20E JEROME County
GROUND WATER	NWNW	Sec 32 Twp 08S Rge 20E JEROME 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	
08S	20E	29					40.0	40.0	40.0	35.0		40.0	40.0						235.0
08S	20E	30	40.0	40.0	40.0	40.0					33.0				33.0	40.0	40.0	40.0	386.0
08S	20E	31	40.0																40.0
08S	20E	32						40.0											40.0

Right Acre Limit: 77.2

POU Total Acres: 701.0

CONDITIONS OF APPROVAL

1. 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. 130.
2. This right is limited to the irrigation of 77.2 acres within the authorized place of use in a single irrigation season.
3. Rights 36-02409E, 36-02440A, 36-02543A, 36-02637B, 36-07096A AND 36-07613 when combined shall not exceed a total diversion rate of 11.47 cfs, a total annual maximum diversion volume of 2804.0 af at the field headgate, and the irrigation of 701 acres.

WATER RIGHT NO. 36-2637B
As Modified by Transfer No. 78925

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 78925, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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.
8. The point of diversion located in the NWNW, S32, T8S, R20E is limited to a maximum diversion rate of 7.00 cfs.
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. 36-7096A **As Modified by Transfer No. 78925**

In accordance with the approval of Transfer No. 78925, Water Right No. 36-7096A is now described as follows:

Right Holder: LINDA K WATERS
TIM H WATERS
1931 HUNT RD
JEROME, ID 83338

Priority Date: 12/1/1969

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 4/01 **To** 10/31

Diversion Rate
0.770 cfs
0.770 cfs

Diversion Volume
154.4 af
154.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 29 Twp 08S Rge 20E	JEROME County
GROUND WATER	SENESE	Sec 30 Twp 08S Rge 20E	JEROME County
GROUND WATER	NWNW	Sec 32 Twp 08S Rge 20E	JEROME 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	
08S	20E	29					40.0	40.0	40.0	35.0		40.0	40.0						235.0
08S	20E	30	40.0	40.0	40.0	40.0					33.0			33.0	40.0	40.0	40.0	40.0	386.0
08S	20E	31	40.0																40.0
08S	20E	32						40.0											40.0

Right Acre Limit: 38.6

POU Total Acres: 701.0

CONDITIONS OF APPROVAL

1. 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. 130.
2. This right is limited to the irrigation of 38.6 acres within the authorized place of use in a single irrigation season.
3. Rights 36-02409E, 36-02440A, 36-02543A, 36-02637B, 36-07096A AND 36-07613 when combined shall not exceed a total diversion rate of 11.47 cfs, a total annual maximum diversion volume of 2804.0 af at the field headgate, and the irrigation of 701 acres.

WATER RIGHT NO. 36-7096A
As Modified by Transfer No. 78925

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 78925, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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.
8. The point of diversion located in the NWNW, S32, T8S, R20E is limited to a maximum diversion rate of 7.00 cfs.
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. 36-2409E
As Modified by Transfer No. 78925

In accordance with the approval of Transfer No. 78925, Water Right No. 36-2409E is now described as follows:

Right Holder: TIM H WATERS
 LINDA K WATERS
 1931 HUNT RD
 JEROME, ID 83338

Priority Date: 12/2/1959

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 4/01 **To** 10/31

Diversion Rate
 4.700 cfs
 4.700 cfs

Diversion Volume
 1248.8 af
 1248.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 29 Twp 08S Rge 20E	JEROME County
GROUND WATER	SENESE	Sec 30 Twp 08S Rge 20E	JEROME County
GROUND WATER	NWNW	Sec 32 Twp 08S Rge 20E	JEROME 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	
08S	20E	29					40.0	40.0	40.0	35.0		40.0	40.0						235.0
08S	20E	30	40.0	40.0	40.0	40.0					33.0			33.0	40.0	40.0	40.0	40.0	386.0
08S	20E	31	40.0																40.0
08S	20E	32						40.0											40.0

Right Acre Limit: 312.2

POU Total Acres: 701.0

CONDITIONS OF APPROVAL

1. 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. 130.
2. This right is limited to the irrigation of 312.2 acres within the authorized place of use in a single irrigation season.
3. Rights 36-02409E, 36-02440A, 36-02543A, 36-02637B, 36-07096A AND 36-07613 when combined shall not exceed a total diversion rate of 11.47 cfs, a total annual maximum diversion volume of 2804.0 af at the field headgate, and the irrigation of 701 acres.

WATER RIGHT NO. 36-2409E
As Modified by Transfer No. 78925

CONDITIONS OF APPROVAL

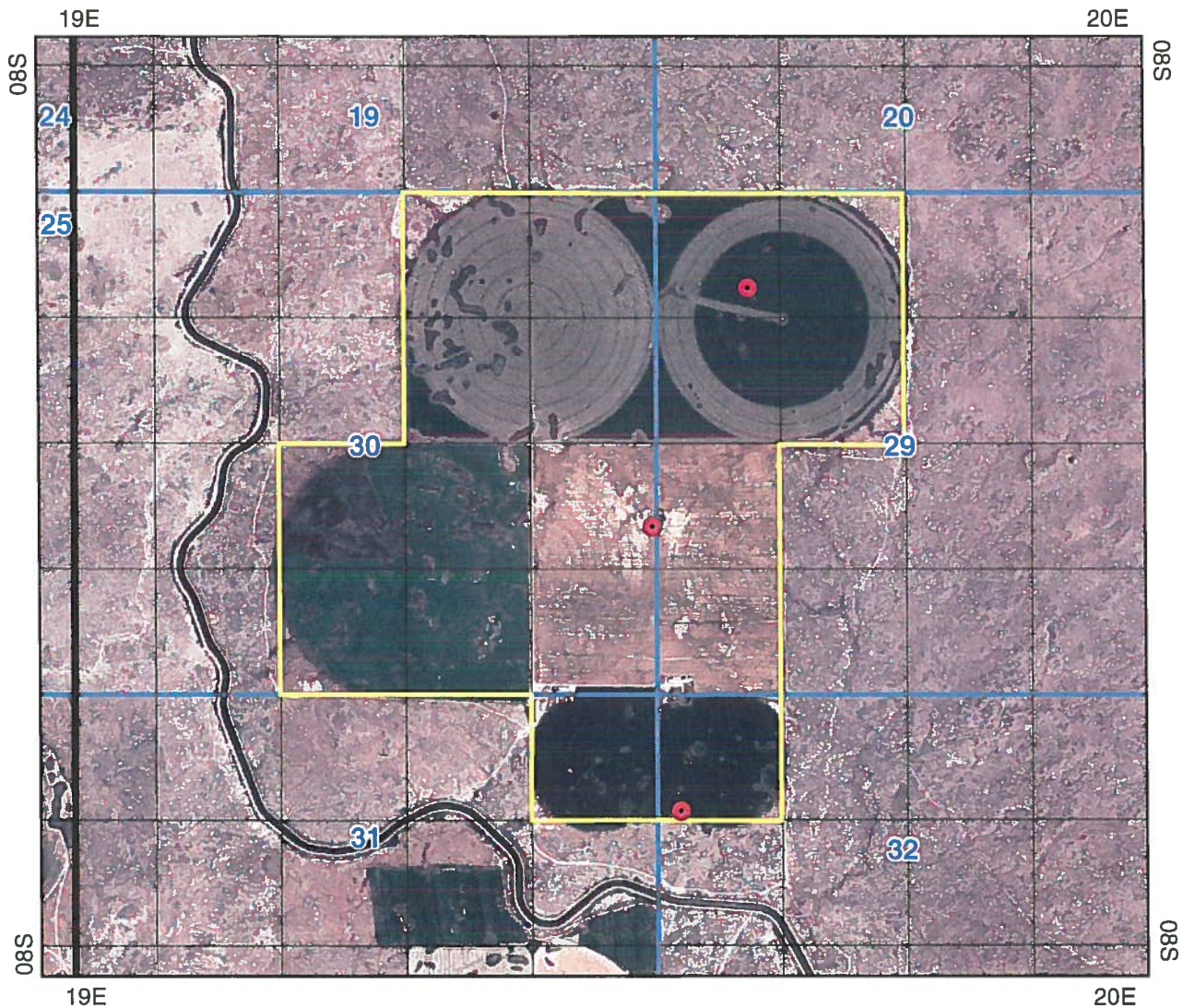
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 78925, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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.
8. The point of diversion located in the NWNW, S32, T8S, R20E is limited to a maximum diversion rate of 7.00 cfs.
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.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78925

Rights: 36-2409E, 36-2440A, 36-2543A, 36-2637B, 36-7096A and 36-7613

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 6, 2014

TIM H WATERS
LINDA K WATERS
1931 HUNT RD
JEROME ID 83338

Re: Transfer No: 78925
Water Right No(s): 36-2409, 36-2440, 36-2543, 36-2637, 36-7096, 36-7613

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78925

Water Right No(s): 36-2409, 36-2440, 36-2543, 36-2637, 36-7096, 36-7613

**TIM H WATERS
LINDA K WATERS
1931 HUNT RD
JEROME ID 83338**

A handwritten signature in cursive script, reading "Denise Maline", written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 6, 2014

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

Hand-Delivered

Re: **APPROVED Transfer No. 78925 (Tim H & Linda K Waters)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 78925
Water Right No: 36-2409E
Applicant Name: Waters

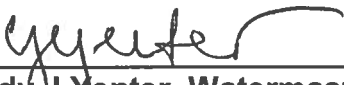
Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
b) ☐ I do not oppose approval of this application under the following terms:
c) ☐ I oppose approval of this application(s) for the following reasons:
d) ☒ Additional comment:

Per conversation with applicant, flow meter will be installed on new well

Dated: January 7, 2014

Water District 130


Cindy J Yenter, Watermaster