



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Director

September 23, 2013

Wheatley Properties LLC
1598 East 3200 South
Preston, ID 83263

RE: Revised Ownership Change

Dear Water User:

In November 2011, I completed an ownership change for you for a portion of water right 13-216 from Spring Creek (8/31/1903, 1.80 cfs, 400 acre-feet, 114 acres). The ownership change was based on a deed from E&M Trust stating that you owned $\frac{1}{2}$ of the water right. Your portion of the right, assigned right no. 13-7793, was for 0.90 cfs, 200 acre-feet, and 57 acres. E&M Trust remained the owner of the other $\frac{1}{2}$ of the right, assigned right no. 13-7792, for 0.90 cfs 200 acre-feet, and 57 acres.

Recently, Eldon Golightly was in the office discussing a proposed transfer for water right 13-7792. As I was reviewing Mr. Golightly's water rights, I realized that I made an error in splitting water right 13-216. Water right 13-216 included a condition stating that water rights 13-216 and 13-62 in combination are limited to an annual diversion volume of 400 acre-feet.

Right 13-62 (5/15/1902, 0.20 cfs, 36 acre-feet) is a more senior water right and should have been subtracted from the 400 acre-feet volume limit before splitting the rights. The following tables show how the rights should have been split.

Prior to the ownership split

13-216 (1903)	1.80 cfs	400 af	114 acres
13-62 (1902)	0.20 cfs	36 af	114 acres
Combined Limits		400 af	114 acres

After the ownership split

E&M Trust

13-62 (1902)	0.20 cfs	36 af	57 acres
13-7792 (1903)	0.90 cfs	182 af	57 acres
Combined Limits		218 af	57 acres

Wheatley Properties

13-7793 (1903)	0.90 cfs	182 af	57 acres
----------------	----------	--------	----------

You will notice that the E&M portion of 13-216 and the Wheatley Properties portion of 13-216 are identical. The right was still split exactly in half. I just needed to account for the combined volume limit associated with right 13-62, which remains with E&M Trust.

I have included a copy of the water rights as they now exist after the revised ownership split. Please feel free to contact me if you have any questions.

Sincerely,



James Cefalo

Cc: Eldon Golightly

Encl: Water right reports for 13-7792 and 13-7793

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/19/2013

Water Right 13-7792

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	E & M TRUST 2414 S 1600 E PRESTON, ID 83263 (208)852-2375

Priority Date: 8/31/1903

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING CREEK	CUB RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.900 CFS	182.0 AF
	<u>Total Diversion</u>		0.900 CFS	182.0 AF

Source and Point(s) of Diversion

SPRING CREEK L4(NWNW) Sec. 6, Twp 16S, Rge 40E, FRANKLIN County

Place Of Use

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	39E	12	6.0			19.0									7.0				32.0
16S	40E	7						2.0	23.0										25.0
								L1	L2										

POU Total Acres: 57.0

Conditions of Approval:

1. X35 Rights 13-62 and 13-7792 when combined shall not exceed a total annual maximum diversion volume of 218 af at the field headgate and the irrigation of 57 acres.
2. This decreed right was modified by the final worm creek decree.

9/20/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WHEATLEY PROPERTIES LLC 1598 E 3200 S PRESTON, ID 83263 (208)646-2516

Status: Active

Tributary
CUB RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.900 CFS	182.0 AF
	Total Diversion		0.900 CFS	182.0 AF

SPRING CREEK L4(NWNW) Sec. 6, Twp 16S, Rge 40E, FRANKLIN County

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16S	39E	12													33.0			24.0	57.0

POU Total Acres: 57.0

1. This decreed right was modified by the final worm creek decree.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/19/2013

Water Right 13-62

Owner Type **Name and Address**
Current Owner DONALD D GOLIGHTLY
RT 1
PRESTON, ID 83263

Current Owner NONA GOLIGHTLY
RT 1
PRESTON, ID 83263

Priority Date: 5/15/1902

Basis: Decreed

Status: Active

Source
SPRING CREEK

Tributary
CUB RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	7/01	0.200 CFS	36.0 AF
	<u>Total Diversion</u>		0.200 CFS	36.0 AF

Source and Point(s) of Diversion

SPRING CREEK L4(NWNW) Sec. 6, Twp 16S, Rge 40E, FRANKLIN County

Place Of Use

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	39E	12	6.0			19.0									40.0			24.0	89.0
16S	40E	7						2.0	23.0										25.0
								L1	L2										

POU Total Acres: 114.0

Conditions of Approval:

1. THIS DECREED RT. WAS MODIFIED BY THE FINAL WORM CREEK DECREE.
THIS RT. WHEN COMBINED WITH RTS. 13-0216 & 13-0217 SHALL NOT EXCEED
400.0 AF/YR.