

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78729**

This is to certify that: JEFFREY COOK AND
JENNY COOK
1076 S 7TH W
SUGAR CITY, ID 83448
AND
KARL COOK AND
MOLLY COOK
703 W 7TH S
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>
35-13241	WR/DECREED	4/1/1987	1.150 cfs	280.0 af	70.0	560.0	GROUND WATER
35-7280	WR/DECREED	2/26/1973	4.200 cfs	N/A	210.0	490.0	GROUND WATER
35-7281	WR/DECREED	2/26/1973	5.000 cfs	N/A	280.0	490.0	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>
35-13241	NO	NO	YES	NO	NO	NO
35-7280	NO	NO	YES	NO	NO	NO
35-7281	NO	NO	YES	NO	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>
35-13241	35-13241	1.150 cfs	280.0 af	70.0	560.0	N/A	N/A	N/A	N/A	N/A
35-7280	35-7280	4.200 cfs	840.0 af	210.0	560.0	N/A	N/A	N/A	N/A	N/A
35-7281	35-7281	5.000 cfs	1120.0 af	280.0	560.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.130 cfs	2187.7 af	560.0	560.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 35-7280

Transfer No. 78729

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78729

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 25th day of July, 2013.


Water Resources Program Manager

WATER RIGHT NO. 35-7280**As Modified by Transfer No. 78729**

In accordance with the approval of Transfer No. 78729, Water Right No. 35-7280 is now described as follows:

Right Holder: LINDEN J BUTIKOFER AND
LOIS J BUTIKOFER
6138 N 5TH W
IDAHO FALLS, ID 83401

Priority Date: 2/26/1973

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 11/01	4.200 cfs	840.0 af
			4.200 cfs	840.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESENW Sec 17 Twp 04N Rge 35E JEFFERSON 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	
04N	35E	17	32.0	35.0	38.0	33.0	33.0	34.0	39.0	38.0	37.0	40.0	33.0	32.0	32.0	38.0	34.0	32.0	560

Right Acre Limit: 210.0

POU Total Acres: 560

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 210.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7280 and 35-7281 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 1960.0 af at the field headgate, and the irrigation of 490.0 acres.
3. Rights 35-7280, 35-7281 and 35-13241 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 2187.7 af at the field headgate, and the irrigation of 560.0 acres.
4. 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. 120.

Transfer No. 78729

WATER RIGHT NO. 35-7280
As Modified by Transfer No. 78729

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under Transfer approval 78729, 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. 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.
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. Right 35-13241 is an enlargement of rights 35-7280 and 35-7281 pursuant to Section 42-1426, Idaho Code.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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. 35-7281**As Modified by Transfer No. 78729**

In accordance with the approval of Transfer No. 78729, Water Right No. 35-7281 is now described as follows:

Right Holder: LINDEN J BUTIKOFER AND
LOIS J BUTIKOFER
6138 N 5TH W
IDAHO FALLS, ID 83401

Priority Date: 2/26/1973

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 11/01	5.000 cfs	1120.0 af
			5.000 cfs	1120.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESENW Sec 17 Twp 04N Rge 35E JEFFERSON 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	
04N	35E	17	32.0	35.0	38.0	33.0	33.0	34.0	39.0	38.0	37.0	40.0	33.0	32.0	32.0	38.0	34.0	32.0	560

Right Acre Limit: 280.0

POU Total Acres: 560

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 280.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7280 and 35-7281 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 1960.0 af at the field headgate, and the irrigation of 490.0 acres.
3. Rights 35-7280, 35-7281 and 35-13241 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 2187.7 af at the field headgate, and the irrigation of 560.0 acres.
4. 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. 120.

Transfer No. 78729

WATER RIGHT NO. 35-7281

As Modified by Transfer No. 78729

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under Transfer approval 78729, 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. 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.
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. Right 35-13241 is an enlargement of rights 35-7280 and 35-7281 pursuant to Section 42-1426, Idaho Code.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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. 35-13241**As Modified by Transfer No. 78729**

In accordance with the approval of Transfer No. 78729, Water Right No. 35-13241 is now described as follows:

Right Holder: LINDEN J BUTIKOFER AND
LOIS J BUTIKOFER
6138 N 5TH W
IDAHO FALLS, ID 83401

Priority Date: 4/1/1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.150 cfs	280.0 af
			1.150 cfs	280.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESENW Sec 17 Twp 04N Rge 35E JEFFERSON 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	
04N	35E	17	32.0	35.0	38.0	33.0	33.0	34.0	39.0	38.0	37.0	40.0	33.0	32.0	32.0	38.0	34.0	32.0	560

Right Acre Limit: 70.0

POU Total Acres: 560

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 70.0 acres within the place of use described for this right.
2. Rights 35-7280, 35-7281 and 35-13241 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 2187.7 af at the field headgate, and the irrigation of 560.0 acres.
3. 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. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 78729

WATER RIGHT NO. 35-13241
As Modified by Transfer No. 78729

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 78729, 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.
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. 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. This right is based upon an enlargement of rights 35-7280 and 35-7281 pursuant to Section 42-1426, Idaho Code.
9. 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.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.