

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 78526**

This is to certify that: **ROBERT & OLIVIA BOYACK LIVING TRUST**  
3168 E HWY 36  
PRESTON, ID 83263

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 13-7632            | WR/DECREED          | 5/1/1882             | 1.580 cfs             | N/A                     | N/A               | 53.0               | BEAR RIVER    |
| 13-969A            | WR/DECREED          | 5/1/1882             | 3.500 cfs             | N/A                     | 154.0             | N/A                | BEAR RIVER    |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 13-7632               | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 13-969A               | YES          | YES        | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 13-7632                | 13-7632                          | 1.580 cfs            | N/A                    | 67.0              | 69.0               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 13-969A                | 13-7881                          | 0.040 cfs            | N/A                    | 2.0               | 69.0               | 13-969A                            | 3.460 cfs             | N/A                     | N/A                         | 152.0                        |
| <b>COMBINED TOTALS</b> |                                  | <b>2.620 cfs</b>     | <b>N/A</b>             | <b>69.0</b>       | <b>69.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 2<sup>nd</sup> day of July, 2013.

  
Water Resources Program Manager

SUPPORT DATA

13-969A

Transfer No. 78526

# **WATER RIGHT NO. 13-969A** **As Modified by Transfer No. 78526**

In accordance with the approval of Transfer No. 78526, Water Right No. 13-969A is now described as follows:

**Right Holder:** A C BOSEN  
 HYRUM J SMITH  
 , ID

**Priority Date:** 5/1/1882

**Source:** BEAR RIVER

**Tributary:** GREAT SALT LAKE

**BENEFICIAL USE**  
 IRRIGATION

**From** 04/20 **To** 09/30

**Diversion Rate**  
 3.460 cfs  
 3.460 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BEAR RIVER SE Sec 16 Twp 14S Rge 40E 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 | 40E | 2   |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    | 0.0    |
| 14S | 40E | 21  | X  |    |    | X  |    |    |    |    |    |    |    |    | X  | X  |    |    | 0.0    |
| 14S | 40E | 22  |    |    | X  |    |    |    |    |    |    | X  |    |    |    |    |    |    | 0.0    |

**CONDITIONS OF APPROVAL**

1. AC Bosen Portion: 2.75 cfs, 119 irrigated acres (E1/2 Sec 21; Sec 22).  
 Hyrum J. Smith Portion: 0.71 cfs, 33 irrigated acres (SW1/4 Sec 21).  
 13-969A Totals: 3.46 cfs, 152 irrigated acres.
2. 1920 Decree contains errors in POU description.

## WATER RIGHT NO. 13-7881

### As Modified by Transfer No. 78526

In accordance with the approval of Transfer No. 78526, Water Right No. 13-7881 is now described as follows:

**Right Holder:** ROBERT & OLIVIA BOYACK LIVING TRUST  
3168 E HWY 36  
PRESTON, ID 83263

**Priority Date:** 5/1/1882

**Source:** BEAR RIVER

**Tributary:** GREAT SALT LAKE

**BENEFICIAL USE**

IRRIGATION

**From**

04/20

**To**

to 09/30

**Diversion Rate**

0.040 cfs

0.040 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BEAR RIVER SESE Sec 20 Twp 14S Rge 40E 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 | 40E | 20  |      |      |    |    |    |    |    |    |    |     |     |    | 0.3 |    | 9.2 | 29.5 | 39.0   |
| 14S | 40E | 21  |      |      |    |    |    |    |    |    |    | 2.0 | 1.0 |    |     |    |     |      | 3.0    |
| 14S | 40E | 29  | 13.2 | 13.8 |    |    |    |    |    |    |    |     |     |    |     |    |     |      | 27.0   |

Right Acre Limit: 2.0

POU Total Acres: 69.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 2.0 acres within the authorized place of use in a single irrigation season.
2. Rights 13-7632 and 13-7881 when combined shall not exceed the irrigation of 69.0 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. 11.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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. 78526

**WATER RIGHT NO. 13-7881**  
**As Modified by Transfer No. 78526**

**CONDITIONS OF APPROVAL**

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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.



# **WATER RIGHT NO. 13-7632**

## **As Modified by Transfer No. 78526**

In accordance with the approval of Transfer No. 78526, Water Right No. 13-7632 is now described as follows:

**Right Holder:** ROBERT & OLIVIA BOYACK LIVING TRUST  
3168 E HWY 36  
PRESTON, ID 83263

**Priority Date:** 5/1/1882

**Source:** BEAR RIVER

**Tributary:** GREAT SALT LAKE

### **BENEFICIAL USE**

IRRIGATION

### **From**

04/20

### **To**

to 09/30

### **Diversion Rate**

1.580 cfs

1.580 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

BEAR RIVER SESE Sec 20 Twp 14S Rge 40E FRANKLIN County

### **PLACE OF USE: IRRIGATION**

|     |     |     | NE   |      |    |    | NW |    |    |    | SW |     |     |    | SE  |    |     |      |        |
|-----|-----|-----|------|------|----|----|----|----|----|----|----|-----|-----|----|-----|----|-----|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW | SE | NE | NW | SW | SE | NE | NW  | SW  | SE | NE  | NW | SW  | SE   | Totals |
| 14S | 40E | 20  |      |      |    |    |    |    |    |    |    |     |     |    | 0.3 |    | 9.2 | 29.5 | 39.0   |
| 14S | 40E | 21  |      |      |    |    |    |    |    |    |    | 2.0 | 1.0 |    |     |    |     |      | 3.0    |
| 14S | 40E | 29  | 13.2 | 13.8 |    |    |    |    |    |    |    |     |     |    |     |    |     |      | 27.0   |

Right Acre Limit: 67.0

POU Total Acres: 69.0

### **CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 67.0 acres within the authorized place of use in a single irrigation season.
2. Rights 13-7632 and 13-7881 when combined shall not exceed the irrigation of 69.0 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. 11.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.

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**WATER RIGHT NO. 13-7632**  
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**CONDITIONS OF APPROVAL**

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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.

