

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78540**

This is to certify that: **LEE H SUTTON**
1577 E 10000 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>
22-10897	WR/DECREED	6/20/1976	5.520 cfs	1288.0 af	368.0	824.0	GROUND WATER
22-2242B	WR/DECREED	1/28/1965	6.160 cfs	1435.0 af	410.0	824.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

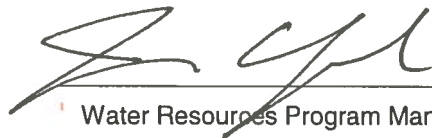
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-10897	NO	NO	YES	NO	NO	NO
22-2242B	NO	NO	YES	NO	NO	NO

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>
22-10897	22-10897	5.520 cfs	1288.0 af	368.0	844.0	N/A	N/A	N/A	N/A	N/A
22-2242B	22-2242B	6.160 cfs	1435.0 af	410.0	844.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.160 cfs	2614.7 af	778.0	844.0		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 24th day of April, 2013.


Water Resources Program Manager

WATER RIGHT NO. 22-2242B**As Modified by Transfer No. 78540**

In accordance with the approval of Transfer No. 78540, Water Right No. 22-2242B is now described as follows:

Right Holder: RICHARD THOMAS SUTTON
7586 W PORTNEUF RD
POCATELLO, ID 83204
Or
LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440
Or
ESTATE OF JESSE L SUTTON Or
KENT V SUTTON
9471 S 600 E
REXBURG, ID 83440

Priority Date: 1/28/1965

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

6.160 cfs

6.160 cfs

Diversion Volume

1435.0 af

1435.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWSESW

Sec 2 Twp 04N Rge 40E MADISON 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	
04N	40E	1						23.0	40.0			29.0	0.4						92.4
04N	40E	2	38.0	21.0	37.0	40.0						39.0	40.0	38.0	40.0	20.0	40.0	18.0	371
04N	40E	3	32.0	36.0	38.0	36.0	5.1			5.9					33.0	6.7		34.0	226.7
04N	40E	10	12.0		0.5	26.0													38.5
04N	40E	11		7.6			29.0	38.0	31.0	9.8									115.4

Right Acre Limit: 410.0

POU Total Acres: 844.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 410.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 78540

WATER RIGHT NO. 22-2242B
As Modified by Transfer No. 78540

CONDITIONS OF APPROVAL

2. Rights 22-2242B and 22-10897 when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 2614.7 af at the field headgate, and the irrigation of 778.0 acres.
3. Rights 22-2242B and 22-10897 are limited to the irrigation of a specific 778.0 acres within the 844.0 acre place of use authorized by this right in a single irrigation season. The specific 778.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 778.0 acres to be irrigated within the 844.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. 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.
5. Right No. 22-10897 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6. 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 22-10897**As Modified by Transfer No. 78540**

In accordance with the approval of Transfer No. 78540, Water Right No. 22-10897 is now described as follows:

Right Holder: LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440

Priority Date: 6/20/1976

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate5.520 cfs
5.520 cfs**Diversion Volume**1288.0 af
1288.0 af**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER

NWSESW

Sec 2 Twp 04N Rge 40E MADISON 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	
04N	40E	1						23.0	40.0			29.0	0.4						92.4
04N	40E	2	38.0	21.0	37.0	40.0						39.0	40.0	38.0	40.0	20.0	40.0	18.0	371
04N	40E	3	32.0	36.0	38.0	36.0	5.1			5.9					33.0	6.7		34.0	226.7
04N	40E	10	12.0		0.5	26.0													38.5
04N	40E	11		7.6			29.0	38.0	31.0	9.8									115.4

Right Acre Limit: 368.0

POU Total Acres: 844.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 368.0 acres within the place of use described for this right.
2. Rights 22-2242B and 22-10897 when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 2614.7 af at the field headgate, and the irrigation of 778.0 acres.
3. Rights 22-2242B and 22-10897 are limited to the irrigation of a specific 778.0 acres within the 844.0 acre place of use authorized by this right in a single irrigation season. The specific 778.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 778.0 acres to be irrigated within the 844.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 78540

WATER RIGHT NO. 22-10897
As Modified by Transfer No. 78540

CONDITIONS OF APPROVAL

4. 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.
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.
6. This right is based upon an enlargement of Right No. 22-2242B pursuant to Section 42-1426, Idaho Code.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
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.