

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 76833**

This is to certify that: PRESTON WHITNEY IRRIGATION CO  
 C/O LYLE PORTER, PRESIDENT  
 PO BOX 311  
 PRESTON ID 83263  
 (208) 339-1864

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 Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 13-2108      | WR/Decreed          | 12/15/1924      | N/A         | 6000 af       | N/A               | 1,559.0            | WORM CREEK    |
| 13-2288      | WR/Decreed          | 12/15/1924      | N/A         | 6000 af       | N/A               | 10,449.0           | WORM CREEK    |
| 13-2288A     | WR/License          | 12/15/1924      | 215.0 cfs   | 6000 af       | N/A               | 10,449.0           | CUB 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 13-2108               | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 13-2288               | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 13-2288A              | NO           | YES        | YES        | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 13-2108               | <b>13-2108</b>                   | 215.0 cfs            | 6000 af                | 15,708.9          | Irrigation         |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 13-2288               | <b>13-2288</b>                   | 215.0 cfs            | 6000 af                | 15,708.9          | Service            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 13-2288A              | <b>13-2288A</b>                  | 215.0 cfs            | 6000 af                | 15,708.9          | Boundary           |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

**COMBINED**

|               |                  |                |                |                   |            |            |            |            |
|---------------|------------------|----------------|----------------|-------------------|------------|------------|------------|------------|
| <b>TOTALS</b> | <b>215.0 cfs</b> | <b>6000 af</b> | <b>15708.9</b> | <b>Irrigation</b> | <b>N/A</b> | <b>N/A</b> | <b>N/A</b> | <b>N/A</b> |
|               |                  |                |                | <b>Service</b>    |            |            |            |            |
|               |                  |                |                | <b>Boundary</b>   |            |            |            |            |

SUPPORT DATA

IN FILE # 13-2108

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 76833

Detailed Water Right Description(s) attached

Dated this 31<sup>st</sup> day of October, 2011

  
\_\_\_\_\_  
Water Resources Program Manager



[illegible]

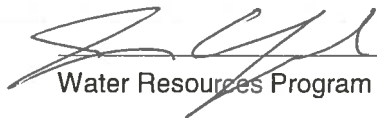
**WATER RIGHT NO. 13-2288**  
**As Modified by Transfer No. 76833**

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Rights 13-2108, 13-2288 and 13-2288A when combined shall not exceed a diversion to storage rate of 215.0 cfs, and an annual storage volume of 6000.0 acre feet.
3. Rights 13-2288, 13-2288A and 13-2108 when combined shall not exceed the irrigation of 15708.9 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. 13-A.
5. 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).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Storage facility is known as Glendale Reservoir.
8. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
9. This right does not grant any right-of-way or easement across the land of another.
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.

This water right 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.

Dated this 31<sup>st</sup> day of October, 20 11

  
Water Resources Program Manager

**Right Holder:** PRESTON WHITNEY IRRIGATION CO  
C/O LYLE PORTER, PRESIDENT  
PO BOX 311  
PRESTON ID 83263

**Source:** CUB RIVER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| IRRIGATION FROM STORAGE      | 04/01              | to 11/01         |                              | 6,000.0 AF           |
| IRRIGATION STORAGE           | 01/01              | to 12/31         |                              | 6,000.0 AF           |
| DIVERSION TO STORAGE         | 11/01              | to 06/15         | 215.00 CFS                   |                      |

|                            |        |                 |         |                 |
|----------------------------|--------|-----------------|---------|-----------------|
| CUB RIVER<br>(Rediversion) | NENESE | Sec. 13 Twp 15S | Rge 39E | FRANKLIN County |
| CUB RIVER<br>(Rediversion) | NWNESW | Sec. 24 Twp 15S | Rge 39E | FRANKLIN County |
| CUB RIVER<br>(Rediversion) | NWNENW | Sec. 25 Twp 15S | Rge 39E | FRANKLIN County |
| CUB RIVER<br>(Rediversion) | SESENE | Sec. 36 Twp 15S | Rge 39E | FRANKLIN County |
| CUB RIVER<br>(Injection)   | NESWSW | Sec. 8 Twp 15S  | Rge 40E | FRANKLIN County |
| CUB RIVER<br>(Rediversion) | NESESW | Sec. 8 Twp 15S  | Rge 40E | FRANKLIN County |
| CUB RIVER<br>(Injection)   | SENESE | Sec. 10 Twp 15S | Rge 40E | FRANKLIN County |
| CUB RIVER<br>(Injection)   | SENESE | Sec. 30 Twp 15S | Rge 40E | FRANKLIN County |
| CUB RIVER                  | NWNENW | Sec. 8 Twp 15S  | Rge 41E | FRANKLIN County |

[illegible]

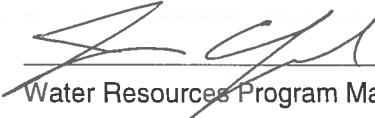
**WATER RIGHT NO. 13-2288A**  
**As Modified by Transfer No. 76833**

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Rights 13-2108, 13-2288 and 13-2288A when combined shall not exceed a diversion to storage rate of 215.0 cfs, and an annual storage volume of 6000.0 acre feet.
3. Rights 13-2288, 13-2288A and 13-2108 when combined shall not exceed the irrigation of 15708.9 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. 13-A.
5. 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).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Storage facility is known as Glendale Reservoir.
8. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
9. This right does not grant any right-of-way or easement across the land of another.
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.

This water right 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.

Dated this 31<sup>st</sup> day of October, 20 11

  
Water Resources Program Manager

**Right Holder:** PRESTON WHITNEY IRRIGATION CO  
C/O LYLE PORTER, PRESIDENT  
PO BOX 311  
PRESTON ID 83263

**Source:** WORM CREEK

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| IRRIGATION FROM STORAGE      | 04/01              | to 11/01         |                              | 6,000.0 AF           |
| DIVERSION TO STORAGE         | 11/01              | to 06/15         | 215.00 CFS                   |                      |
| IRRIGATION STORAGE           | 01/01              | to 12/31         |                              | 6,000.0 AF           |

|                             |        |                 |         |                 |
|-----------------------------|--------|-----------------|---------|-----------------|
| WORM CREEK<br>(Rediversion) | NENESE | Sec. 13 Twp 15S | Rge 39E | FRANKLIN County |
| WORM CREEK<br>(Rediversion) | NWNESW | Sec. 24 Twp 15S | Rge 39E | FRANKLIN County |
| WORM CREEK<br>(Rediversion) | NWNENW | Sec. 25 Twp 15S | Rge 39E | FRANKLIN County |
| WORM CREEK<br>(Rediversion) | SESENE | Sec. 36 Twp 15S | Rge 39E | FRANKLIN County |
| WORM CREEK<br>(Injection)   | NESWSW | Sec. 8 Twp 15S  | Rge 40E | FRANKLIN County |
| WORM CREEK<br>(Injection)   | SENESW | Sec. 30 Twp 15S | Rge 40E | FRANKLIN County |
| WORM CREEK                  | NESESW | Sec. 8 Twp 15S  | Rge 40E | FRANKLIN County |

[illegible]

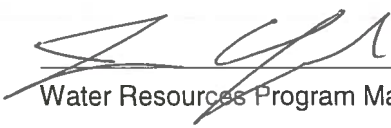
**WATER RIGHT NO. 13-2108**  
**As Modified by Transfer No. 76833**

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Rights 13-2108, 13-2288 and 13-2288A when combined shall not exceed a diversion to storage rate of 215.0 cfs, and an annual storage volume of 6000.0 acre feet.
3. Rights 13-2288, 13-2288A and 13-2108 when combined shall not exceed the irrigation of 15708.9 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. 13-A.
5. 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).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Storage facility is known as Glendale Reservoir.
8. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
9. This right does not grant any right-of-way or easement across the land of another.
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.

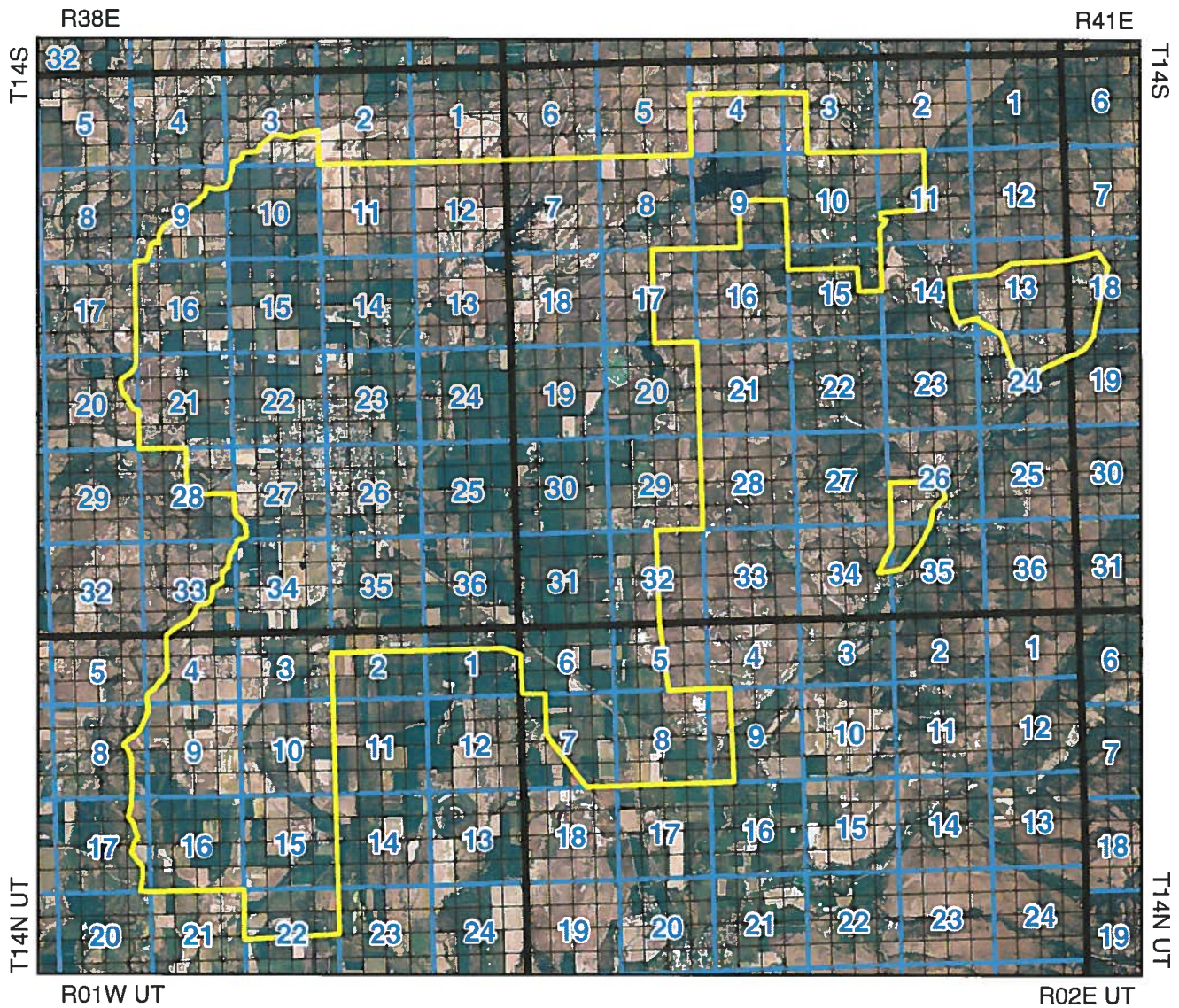
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 31<sup>st</sup> day of October, 20 11

  
Water Resources Program Manager

**Transfer No. 76833**

Water Service Area Boundary for Preston Whitney Irrigation Co  
Rights: 13-2108, 13-2288, 13-2288A



A horizontal number line representing distance in miles. It starts at 0 on the left and ends at 5 Miles on the right. There are major tick marks at 0, 1.25, 2.5, and 5 Miles. Between 0 and 1.25, there are two smaller tick marks, dividing the segment into three equal parts of 0.625 miles each. Similarly, between 1.25 and 2.5, and between 2.5 and 5 Miles, there are two smaller tick marks each, also dividing those segments into three equal parts of 0.625 miles each. This results in a total of 8 equal segments of 0.625 miles each along the entire 5-mile distance.

 Place Of Use Boundary  
 Townships  
 PLS Sections  
 Quarter Quarters

