

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75705

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>
13-2	WR/Decreed	04/01/1882	30 cfs	N/A	N/A	N/A	CUB RIVER
13-3	WR/Decreed	04/01/1882	25 cfs	N/A	N/A	N/A	CUB RIVER
13-2104	WR/License	03/14/1924	25 cfs	N/A	N/A	N/A	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>
13-2	NO	YES	YES	YES	NO	NO
13-3	NO	NO	YES	YES	NO	NO
13-2104	NO	NO	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>
13-2	13-2	30 cfs	N/A	3,100	16,545.1		N/A	N/A	N/A	N/A
13-3	13-3	25 cfs	N/A	9,331	16,545.1		N/A	N/A	N/A	N/A
13-2104	13-2104	25 cfs	N/A	8,410	16,545.1		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		80 cfs	N/A	N/A	16,545.1		N/A	N/A	N/A	N/A

Rights 13-2, 13-3, and 13-2104 are subject to the conditions of the Final Order dated June 21, 2011 in the matter of Application for Transfer No. 75705

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75705

Detailed Water Right Description(s) attached

Dated this 25th day of October, 20 11

for Pamela S. Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 13-2
As Modified by Transfer No. 75705

In accordance with the approval of Transfer No. 75705, Water Right No. 13-2 is now described as follows.

Right Holder: PRESTON WHITNEY IRRIGATION CO
 PO BOX 311
 PRESTON ID 83263

Priority Date: April 01, 1882

Source: CUB RIVER

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to	10/31	30.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CUB RIVER (Rediversion)	NENESE	Sec. 13 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	NWNESW	Sec. 24 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	NWNENW	Sec. 25 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	SESENE	Sec. 36 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Injection)	NESWSW	Sec. 8 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Rediversion)	NESWSW	Sec. 8 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Injection)	SWNESE	Sec. 10 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Rediversion)	SENWSE	Sec. 10 Twp 15S Rge 40E FRANKLIN County
CUB RIVER	NWNWSE	Sec. 24 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Injection)	SENESE	Sec. 30 Twp 15S Rge 40E FRANKLIN County
CUB RIVER	NWNENW	Sec. 8 Twp 15S Rge 41E FRANKLIN County

WATER RIGHT NO. 13-2
As Modified by Transfer No. 75705

CONDITIONS OF APPROVAL

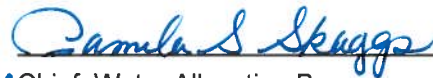
1. Prior to diversion and use of water under Transfer approval 75705, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
2. Prior to the diversion and use of water under transfer approval 75705, the right holder shall install and maintain acceptable measuring devices at all points of injection into and diversions from Worm Creek and Spring Creek.
3. 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 will be attached to the transfer approval document to illustrate the place of use described by the digital boundary.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Place of use is within the area served by Preston-Whitney Irrigation Company. Irrigation with water diverted under rights 13-2, 13-3, and 13-2104 within the service area of Preston-Whitney Irrigation Company is limited to 12,431 acres.
7. 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.
8. 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. 13A.
9. The right holder shall keep records identifying the specific locations where water under rights 13-2, 13-3 and 13-2104 is used during each irrigation season and shall make those records available for inspection by the watermaster and/or the Department. To ensure that enlargement does not occur under rights 13-2, 13-3 and 13-2104, the right holder shall limit the number of acres irrigated within its service area to 12,431 acres until such time that delivery of storage water is commenced to provide water to the remaining acres within the service area of Preston-Whitney Irrigation Company. As an alternative, the right holder shall identify other water rights that are sufficient to irrigate the remaining acres within the service area of Preston-Whitney Irrigation Company during the early part of the irrigation season and shall prepare a plan of operation, approved by the Department, to demonstrate that enlargement of rights 13-2, 13-3, and 13-2104 will not occur.
10. This right is limited to the irrigation of 3,100 acres within the authorized place of use in a single irrigation season.
11. This right authorizes diversion of 30 cfs as a "primary" water right. When all primary water rights decreed by the McEwan Decree are satisfied and there is excess flow, water right no. 13-2 authorizes the additional diversion of 30% of the flow exceeding what is necessary to satisfy the primary rights, up to a total of 69.9 cfs

WATER RIGHT NO. 13-2
As Modified by Transfer No. 75705

CONDITIONS OF APPROVAL

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 25th day of October, 20 11


for Chief, Water Allocation Bureau



WATER RIGHT NO. 13-3
As Modified by Transfer No. 75705

In accordance with the approval of Transfer No. 75705, Water Right No. 13-3 is now described as follows.

Right Holder: PRESTON WHITNEY IRRIGATION CO
33 SOUTH 1 EAST
PRESTON ID 83263

Priority Date: April 01, 1882

Source: CUB RIVER

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	25.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CUB RIVER (Rediversion)	NENESE	Sec. 13 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	NWNESW	Sec. 24 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	NWNENW	Sec. 25 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	SESENE	Sec. 36 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Injection)	NESWSW	Sec. 8 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Rediversion)	NESWSW	Sec. 8 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Injection)	SWNESE	Sec. 10 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Rediversion)	SENWSE	Sec. 10 Twp 15S Rge 40E FRANKLIN County
CUB RIVER	NWNWSE	Sec. 24 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Injection)	SENESE	Sec. 30 Twp 15S Rge 40E FRANKLIN County
CUB RIVER	NWNENW	Sec. 8 Twp 15S Rge 41E FRANKLIN County

WATER RIGHT NO. 13-3
As Modified by Transfer No. 75705

CONDITIONS OF APPROVAL

1. Prior to diversion and use of water under Transfer approval 75705, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
2. Prior to the diversion and use of water under transfer approval 75705, the right holder shall install and maintain acceptable measuring devices at all points of injection into and rediversions from Worm Creek and Spring Creek.
3. 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 will be attached to the transfer approval document to illustrate the place of use described by the digital boundary.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Place of use is within the area served by Preston-Whitney Irrigation Company. Irrigation with water diverted under rights 13-2, 13-3, and 13-2104 within the service area of Preston-Whitney Irrigation Company is limited to 12,431 acres.
7. 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.
8. 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. 13A.
9. The right holder shall keep records identifying the specific locations where water under rights 13-2, 13-3 and 13-2104 is used during each irrigation season and shall make those records available for inspection by the watermaster and/or the Department. To ensure that enlargement does not occur under rights 13-2, 13-3 and 13-2104, the right holder shall limit the number of acres irrigated within its service area to 12,431 acres until such time that delivery of storage water is commenced to provide water to the remaining acres within the service area of Preston-Whitney Irrigation Company. As an alternative, the right holder shall identify other water rights that are sufficient to irrigate the remaining acres within the service area of Preston-Whitney Irrigation Company during the early part of the irrigation season and shall prepare a plan of operation, approved by the Department, to demonstrate that enlargement of rights 13-2, 13-3, and 13-2104 will not occur.
10. This right is limited to the irrigation of 9,331 acres within the authorized place of use in a single irrigation season.
11. This right authorizes diversion of 25 cfs as a "primary" water right. When all primary water rights decreed by the McEwan Decree are satisfied and there is excess flow, water right no. 13-3 authorizes the additional diversion of 25% of the flow exceeding what is necessary to satisfy the primary water rights, up to a total of 85 cfs

WATER RIGHT NO. 13-3
As Modified by Transfer No. 75705

CONDITIONS OF APPROVAL

12. Rights 13-3 and 13-2104 when combined shall not exceed the irrigation of 9,331 acres.

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 25th day of October, 20 11

for Pamela S. Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 13-2104
As Modified by Transfer No. 75705

In accordance with the approval of Transfer No. 75705, Water Right No. 13-2104 is now described as follows.

Right Holder: PRESTON WHITNEY IRRIGATION CO
 33 SOUTH 1 EAST
 PRESTON ID 83263

Priority Date: March 14, 1924

Source: CUB RIVER

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to	10/31	25.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CUB RIVER (Rediversion)	NENESE	Sec. 13 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	NWNESW	Sec. 24 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	NWNENW	Sec. 25 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Rediversion)	SESENE	Sec. 36 Twp 15S Rge 39E FRANKLIN County
CUB RIVER (Injection)	NESWSW	Sec. 8 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Rediversion)	NESWSW	Sec. 8 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Injection)	SWNESE	Sec. 10 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Rediversion)	SENWSE	Sec. 10 Twp 15S Rge 40E FRANKLIN County
CUB RIVER	NWNWSE	Sec. 24 Twp 15S Rge 40E FRANKLIN County
CUB RIVER (Injection)	SENESE	Sec. 30 Twp 15S Rge 40E FRANKLIN County
CUB RIVER	NWNENW	Sec. 8 Twp 15S Rge 41E FRANKLIN County

WATER RIGHT NO. 13-2104
As Modified by Transfer No. 75705

CONDITIONS OF APPROVAL

1. Prior to diversion and use of water under Transfer approval 75705, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
2. Prior to the diversion and use of water under transfer approval 75705, the right holder shall install and maintain acceptable measuring devices at all points of injection into and rediversions from Worm Creek and Spring Creek.
3. 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 will be attached to the transfer approval document to illustrate the place of use described by the digital boundary.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Place of use is within the area served by Preston-Whitney Irrigation Company. Irrigation with water diverted under rights 13-2, 13-3, and 13-2104 within the service area of Preston-Whitney Irrigation Company is limited to 12, 431 acres.
7. 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.
8. 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. 13A.
9. The right holder shall keep records identifying the specific locations where water under rights 13-2, 13-3 and 13-2104 is used during each irrigation season and shall make those records available for inspection by the watermaster and/or the Department. To ensure that enlargement does not occur under rights 13-2, 13-3 and 13-2104, the right holder shall limit the number of acres irrigated within its service area to 12,431 acres until such time that delivery of storage water is commenced to provide water to the remaining acres within the service area of Preston-Whitney Irrigation Company. As an alternative, the right holder shall identify other water rights that are sufficient to irrigate the remaining acres within the service area of Preston-Whitney Irrigation Company during the early part of the irrigation season and shall prepare a plan of operation, approved by the Department, to demonstrate that enlargement of rights 13-2, 13-3, and 13-2104 will not occur.
10. This right is limited to the irrigation of 8,410 acres within the authorized place of use in a single irrigation season.
11. Rights 13-3 and 13-2104 when combined shall not exceed the irrigation of 9,331 acres.

WATER RIGHT NO. 13-2104
As Modified by Transfer No. 75705

CONDITIONS OF APPROVAL

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 25th day of October, 20 11


for Camela S Skaggs
Chief, Water Allocation Bureau

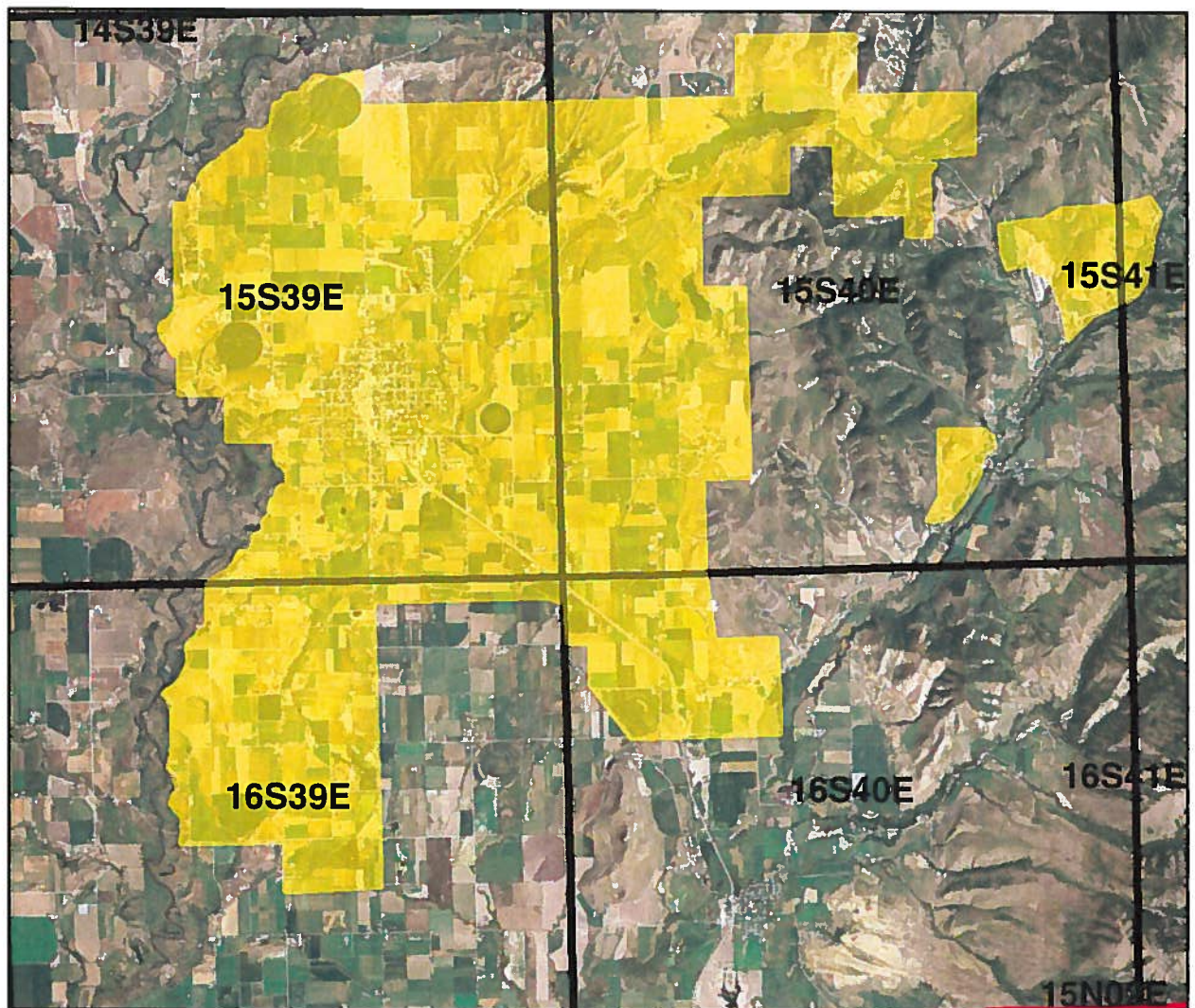
State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 75705

Water Service Area Boundary for Preston Whitney Irrigation Co

Rights: 13-2, 13-3, 13-2104

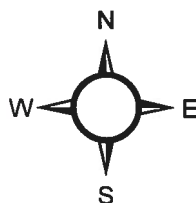
(for illustrative purposes)



0 1.5 3 6 Miles

Legend

-  Place Of Use Boundary
-  Townships



2011 aerial imagery