

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77159

This is to certify that: MICHAEL P WHEELER And DIANA M WHEELER
 2155 E 100 S
 DECLO ID 83323
 (208)349-5761

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>
43-4171	WR/Decreed	05/20/1960	1.79 cfs	368 af		92.0	GROUND WATER
43-7020C	WR/Decreed	02/12/1971	3.11 cfs	1040 af		260.0	GROUND WATER
43-7192	WR/License	05/16/1983	0.82 cfs	172 af	43.0	183.0	GROUND WATER
43-7129	WR/Decreed	09/13/1978	2.8 cfs	560 af	140.0	183.0	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>
43-4171	YES	YES	YES	YES	NO	NO
43-7020C	YES	YES	YES	YES	NO	NO
43-7192	NO	YES	YES	NO	NO	NO
43-7129	NO	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>
43-4171	43-13688	0.35 cfs	72 af	18.0	205.2	43-13687	1.44 cfs	296 af	N/A	74.0
43-7020C	43-13690	0.05 cfs	16.8 af	4.2	205.2	43-13689	3.06 cfs	1023.2 af	255.8	255.8
43-7192	43-7192	0.82 cfs	172 af	43.0	205.2		N/A	N/A	N/A	N/A
43-7129	43-7129	2.8 cfs	560 af	140.0	205.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		3.26 cfs	820.8 af	205.2	205.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21st day of June, 20 11

SUPPORT DATA

IN FILE # 43-4171


 Southern Region Manager

WATER RIGHT NO. 43-13687
As Modified by Transfer No. 77159

In accordance with the approval of Transfer No. 77159, Water Right No. 43-13687 is now described as follows.

Right Holder: GUY YALE MONTGOMERY
 PO BOX 37
 MALTA ID 83342

Priority Date: May 20, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.44 CFS	296.0 AF
			1.44 CFS	296.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWNW Sec. 33 Twp 15S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 26E 33					25.0	35.0	12.0	2.0									74.0

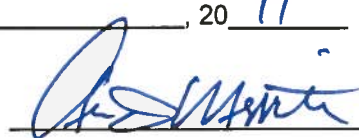
Total Acres: 74

CONDITIONS OF APPROVAL

1. 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. 43B.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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 21st day of June, 20 11


 Southern Region Manager

WATER RIGHT NO. 43-13688
As Modified by Transfer No. 77159

In accordance with the approval of Transfer No. 77159, Water Right No. 43-13688 is now described as follows.

Right Holder: DIANA M WHEELER
 2155 E 100 S
 DECLO ID 83323

And

MICHAEL P WHEELER
 2155 E 100 S
 DECLO ID 83323

Priority Date: May 20, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.35 CFS	72.0 AF
			0.35 CFS	72.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSENW Sec. 25 Twp 10S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 26E 25							30.0	30.5	40.0	40.0							140.5
10S 26E 26	36.0	9.7	1.0	18.0													64.7

Total Acres: 205.2

WATER RIGHT NO. 43-13688
As Modified by Transfer No. 77159

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 18 acres within the authorized place of use in a single irrigation season.
2. Rights 43-7129, 43-7192, 43-13688, and 43-13690 when combined shall not exceed a total diversion rate of 3.26 cfs, a total annual maximum diversion volume of 820.8 af at the field headgate, and the irrigation of 205.2 acres.
3. 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.
4. 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.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the approval date of Transfer No. 77159.
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.
8. 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.

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 21st day of June, 20 11



Southern Region Manager

WATER RIGHT NO. 43-7129
As Modified by Transfer No. 77159

In accordance with the approval of Transfer No. 77159, Water Right No. 43-7129 is now described as follows.

Right Holder: MICHAEL P WHEELER
 2155 E 100 S
 DECLO ID 83323

And

DIANA M WHEELER
 2155 E 100 S
 DECLO ID 83323

Priority Date: September 13, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.80 CFS	560.0 AF
			2.80 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSENW Sec. 25 Twp 10S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	25							30.0	30.5	40.0	40.0							140.5
10S	26E	26	36.0	9.7	1.0	18.0													64.7

Total Acres: 205.2

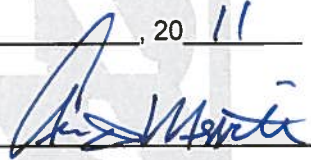
WATER RIGHT NO. 43-7129
As Modified by Transfer No. 77159

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 140 acres within the authorized place of use in a single irrigation season.
2. Rights 43-7129 and 43-7192 when combined shall not exceed a total diversion rate of 2.86 cfs and a total annual maximum diversion volume of 732 af at the field headgate.
3. Rights 43-7129, 43-7192, 43-13688, and 43-13690 when combined shall not exceed a total diversion rate of 3.26 cfs, a total annual maximum diversion volume of 820.8 af at the field headgate, and the irrigation of 205.2 acres.
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 4.0 afa per acre at the field headgate for irrigation of the place of use.
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.
8. 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.

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 21st day of June, 2011


Southern Region Manager

WATER RIGHT NO. 43-7192
As Modified by Transfer No. 77159

In accordance with the approval of Transfer No. 77159, Water Right No. 43-7192 is now described as follows.

Right Holder: MICHAEL P WHEELER
 2155 E 100 S
 DECLO ID 83323

And

DIANA M WHEELER
 2155 E 100 S
 DECLO ID 83323

Priority Date: May 16, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.82 CFS	172.0 AF
			0.82 CFS	172.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSENW Sec. 25 Twp 10S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
10S 26E 25							30.0	30.5	40.0	40.0							140.5
10S 26E 26	36.0	9.7	1.0	18.0													64.7

Total Acres: 205.2

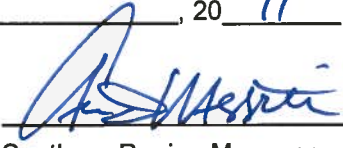
WATER RIGHT NO. 43-7192
As Modified by Transfer No. 77159

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 43.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-7129 and 43-7192 when combined shall not exceed a total diversion rate of 2.86 cfs and a total annual maximum diversion volume of 732 af at the field headgate.
3. Rights 43-7129, 43-7192, 43-13688, and 43-13690 when combined shall not exceed a total diversion rate of 3.26 cfs, a total annual maximum diversion volume of 820.8 af at the field headgate, and the irrigation of 205.2 acres.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. 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.
6. 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 lands above.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this transfer approval.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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.

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 21st day of June, 20 11


Southern Region Manager

WATER RIGHT NO. 43-13689
As Modified by Transfer No. 77159

In accordance with the approval of Transfer No. 77159, Water Right No. 43-13689 is now described as follows.

Right Holder: ADTD FARMS LLC
 246 E 300 S
 BURLEY ID 83318

Priority Date: February 12, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.06 CFS	1,023.2 AF
			3.06 CFS	1,023.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESW Sec. 26 Twp 10S Rge 26E CASSIA County

GROUND WATER NWSESE Sec. 26 Twp 10S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	26									32.5	32.5	32.5	32.5	29.7	32.5	32.5	31.1	255.8

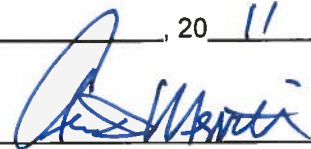
Total Acres: 255.8

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002, the SRBA partial decree date.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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 21st day of June, 20 11


 Southern Region Manager

WATER RIGHT NO. 43-13690
As Modified by Transfer No. 77159

In accordance with the approval of Transfer No. 77159, Water Right No. 43-13690 is now described as follows.

Right Holder: DIANA M WHEELER
 2155 E 100 S
 DECLO ID 83323

And

MICHAEL P WHEELER
 2155 E 100 S
 DECLO ID 83323

Priority Date: February 12, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.05 CFS	16.8 AF
			0.05 CFS	16.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSENW Sec. 25 Twp 10S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	25							30.0	30.5	40.0	40.0							140.5
10S	26E	26	36.0	9.7	1.0	18.0													64.7

Total Acres: 205.2

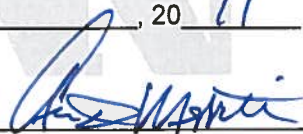
WATER RIGHT NO. 43-13690
As Modified by Transfer No. 77159

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.2 acres within the authorized place of use in a single irrigation season.
2. Rights 43-7129, 43-7192, 43-13688, and 43-13690 when combined shall not exceed a total diversion rate of 3.26 cfs, a total annual maximum diversion volume of 820.8 af at the field headgate, and the irrigation of 205.2 acres.
3. 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.
4. 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.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002, the SRBA partial decree date.
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.
8. 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.

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 21st day of June, 20 11



Southern Region Manager