

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77131

This is to certify that: PERRY WARD And
 HOLLY WARD
 3689 E 100 N
 RIGBY ID 83442
 (208)745-8976

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>
35-7421	WR/Decreed	05/21/1974	4.46 cfs	1280 af	N/A	320.0	GROUND WATER
35-13927	WR/Decreed	01/03/1950	2.9 cfs	N/A	146.0	152.0	GROUND WATER
35-13928	WR/Decreed	01/03/1950	3 cfs	N/A	149.0	156.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
35-13929	WR/Decreed	05/01/1979	0.12 cfs	N/A	N/A	152.0	GROUND WATER
35-13930	WR/Decreed	05/01/1979	0.13 cfs	N/A	N/A	156.0	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>
35-7421	NO	NO	YES	NO	NO	NO
35-13927	YES	YES	YES	NO	NO	NO
35-13928	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>
35-7421	35-7421	4.46 cfs	1280 af	320.0	351.0		N/A	N/A	N/A	N/A
35-13927	35-14133	0.26 cfs	52.8 af	13.2	351.0	35-14132	2.64 cfs	529.6 af	132.4	138.8
35-13928	35-14135	0.36 cfs	71.2 af	17.8	351.0	35-14134	2.64 cfs	526.4 af	131.6	138.2
COMBINED										
TOTALS		5.08 cfs	1404 af	351.0	351.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 35-7421

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77131

Detailed Water Right Description(s) attached

Dated this 31st day of May, 2011



Water Resources Program Manager



WATER RIGHT NO. 35-7421
As Modified by Transfer No. 77131

In accordance with the approval of Transfer No. 77131, Water Right No. 35-7421 is now described as follows.

Right Holder: PERRY WARD And
HOLLY WARD
3689 E 100 N
RIGBY ID 83442

Priority Date: May 21, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	4.46 CFS	1,280.0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER SENENW Sec. 9 Twp 01S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<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>	<u>Totals</u>
01S 33E 9	34.1	32.7			36.7	35.8	35.2	36.4	34.8				34.3		36.0	35.0	351.0

Total Acres: 351

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 320 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7421, 35-14133 and 35-14135 when combined shall not exceed a total diversion rate of 5.08 cfs, a total annual maximum diversion volume of 1404 af at the field headgate, and the irrigation of 351 acres.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. 120.
5. Prior to the diversion and use of water under Transfer approval 77131, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

WATER RIGHT NO. 35-7421
As Modified by Transfer No. 77131

CONDITIONS OF APPROVAL

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The following rights are diverted through point(s) of diversion described above: 34-7421, 35-14133 and 35-14135.
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.
12. 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 31st day of May, 20 11


Water Resources Program Manager

**WATER RIGHT NO. 35-14132
As Modified by Transfer No. 77131**

In accordance with the approval of Transfer No. 77131, Water Right No. 35-14132 is now described as follows.

Right Holder: VIOLA J WARD And
DELOY Z WARD
1305 S 200 E
REXBURG ID 83440

Priority Date: January 03, 1950

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	2.64 CFS	529.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENE	Sec. 32 Twp 02S	Rge 33E	BINGHAM County
GROUND WATER	SENWNW	Sec. 32 Twp 02S	Rge 33E	BINGHAM 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	
02S	33E	32					35.0	34.0	34.9	34.9									138.8

Total Acres: 138.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 132.4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13929 and 35-14134 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 555.2 af at the field headgate, and the irrigation of 138.8 acres.
3. The following rights are diverted through point(s) of diversion described above: 35-13929, 35-13930, 35-14132 and 35-14134 .
4. Right No. 35-13929 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. 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. 35-14132
As Modified by Transfer No. 77131

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 31st day of May, 2011



Water Resources Program Manager



**WATER RIGHT NO. 35-14133
As Modified by Transfer No. 77131**

In accordance with the approval of Transfer No. 77131, Water Right No. 35-14133 is now described as follows.

Right Holder: PERRY WARD And
HOLLY WARD
3689 E 100 N
RIGBY ID 83442

Priority Date: January 03, 1950

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	0.26 CFS	52.8 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER SENENW Sec. 9 Twp 01S Rge 33E BINGHAM 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	
01S	33E	9	34.1	32.7			36.7	35.8	35.2	36.4	34.8				34.3		36.0	35.0	351.0

Total Acres: 351

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13.2 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7421, 35-14133, and 35-14135 when combined shall not exceed a total diversion rate of 5.08 cfs, a total annual maximum diversion volume of 1404 af at the field headgate, and the irrigation of 351 acres.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. 120.
5. Prior to the diversion and use of water under Transfer approval 77131, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

WATER RIGHT NO. 35-14133
As Modified by Transfer No. 77131

CONDITIONS OF APPROVAL

7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The following rights are diverted through point(s) of diversion described above: 35-7421, 35-14133 and 35-14135.
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.
12. 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 31st day of May, 20 11


Water Resources Program Manager

**WATER RIGHT NO. 35-14134
As Modified by Transfer No. 77131**

In accordance with the approval of Transfer No. 77131, Water Right No. 35-14134 is now described as follows.

Right Holder: PERRY WARD And
HOLLY WARD
3689 E 100 N
RIGBY ID 83442

Priority Date: January 03, 1950

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	2.64 CFS	526.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENE	Sec. 32 Twp 02S	Rge 33E	BINGHAM County
GROUND WATER	SENWNW	Sec. 32 Twp 02S	Rge 33E	BINGHAM 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	
02S	33E	32	35.0	34.4	34.3	34.5													138.2

Total Acres: 138.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 131.6 acres within the authorized place of use in a single irrigation season.
2. Rights 35-13930 and 35-14134 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 552.8 af at the field headgate, and the irrigation of 138.2 acres.
3. The following rights are diverted through point(s) of diversion described above: 35-13929, 35-13930, 35-14132 and 35-14134.
4. Right No. 35-13930 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. 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. 35-14134
As Modified by Transfer No. 77131

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 31st day of May, 2011



Water Resources Program Manager



WATER RIGHT NO. 35-14135
As Modified by Transfer No. 77131

In accordance with the approval of Transfer No. 77131, Water Right No. 35-14135 is now described as follows.

Right Holder: PERRY WARD And
 HOLLY WARD
 3689 E 100 N
 RIGBY ID 83442

Priority Date: January 03, 1950

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	0.36 CFS	71.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 9 Twp 01S Rge 33E BINGHAM 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	
01S	33E	9	34.1	32.7			36.7	35.8	35.2	36.4	34.8			34.3		36.0	35.0		351.0

Total Acres: 351

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 17.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7421, 35-14133 and 35-14135 when combined shall not exceed a total diversion rate of 5.08 cfs, a total annual maximum diversion volume of 1404 af at the field headgate, and the irrigation of 351 acres.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. 120.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 77131, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

WATER RIGHT NO. 35-14135
As Modified by Transfer No. 77131

CONDITIONS OF APPROVAL

7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The following rights are diverted through point(s) of diversion described above: 35-7421, 35-14133 and 35-14135.
10. Right No. 35-13930 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 31st day of May, 20 11


Water Resources Program Manager

WATER RIGHT NO. 35-13929
As Modified by Transfer No. 77131

In accordance with the approval of Transfer No. 77131, Water Right No. 35-13929 is now described as follows.

Right Holder: DELOY Z WARD And
 VIOLA J WARD
 1305 S 200 E
 REXBURG ID 83440

Priority Date: May 01, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENE	Sec. 32 Twp 02S	Rge 33E	BINGHAM County
GROUND WATER	SENWNW	Sec. 32 Twp 02S	Rge 33E	BINGHAM 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	
02S	33E	32					35.0	34.0	34.9	34.9									138.8

Total Acres: 138.8

CONDITIONS OF APPROVAL

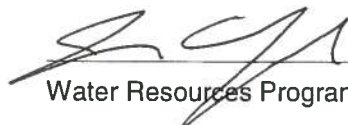
1. Rights 35-13929 and 35-14132 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 555.2 af at the field headgate, and the irrigation of 138.8 acres.
2. The following rights are diverted through point(s) of diversion described above: 35-13929, 35-13930, 35-14132 and 35-14134.
3. This right is based upon an enlargement of Right No. 35-14132 pursuant to Section 42-1426, Idaho Code.
4. This right is for an enlargement of 6.4 acres within the place of use described for this right.
5. 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.
6. 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. 35-13929
As Modified by Transfer No. 77131

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 31st day of May, 2011


Water Resources Program Manager



WATER RIGHT NO. 35-13930
As Modified by Transfer No. 77131

In accordance with the approval of Transfer No. 77131, Water Right No. 35-13930 is now described as follows.

Right Holder: PERRY WARD And
 HOLLY WARD
 3689 E 100 N
 RIGBY ID 83442

Priority Date: May 01, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.13 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENE	Sec. 32 Twp 02S	Rge 33E	BINGHAM County
GROUND WATER	SENWNW	Sec. 32 Twp 02S	Rge 33E	BINGHAM 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	
02S	33E	32	35.0	34.4	34.3	34.5													138.2

Total Acres: 138.2

CONDITIONS OF APPROVAL

1. Rights 35-13930 and 35-14134 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 552.8 af at the field headgate, and the irrigation of 138.2 acres.
2. The following rights are diverted through point(s) of diversion described above: 35-13929, 35-14132 and 35-14134.
3. This right is based upon an enlargement of Right No. 35-14134 pursuant to Section 42-1426, Idaho Code.
4. This right is for an enlargement of 6.6 acres within the place of use described for this right.
5. 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.
6. 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. 35-13930
As Modified by Transfer No. 77131

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 31st day of May, 2011


Water Resources Program Manager

