

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70561

This is to certify that: O SULLIVAN FARMS LIMITED PARTNERSHIP
DENNIS O SULLIVAN AND SHERRY K O SULLIVAN
499 E 2300 N
MONTEVIEW ID 83435
(208)657-2223

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>
31-11692	WR/Decreed	03/13/1952	3.00 cfs	560 af	160.0	312.0	GROUND WATER
31-11696	WR/Decreed	05/22/1953	1.83 cfs	476 af	136.0	312.0	GROUND WATER
31-11699	WR/Decreed	04/01/1980	0.25 cfs	56 af	N/A	312.0	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>
31-11692	NO	NO	YES	NO	NO	NO
31-11696	NO	NO	YES	NO	NO	NO
31-11699	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>
31-11692	31-11692	3.00 cfs	560 af	160.0	312.0		N/A	N/A	N/A	N/A
31-11696	31-11696	1.83 cfs	476 af	136.0	312.0		N/A	N/A	N/A	N/A
31-11699	31-11699	0.25 cfs	56 af	16.0	312.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		4.83 cfs	1092 af	N/A	3.12		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24 day of July, 2003

For 
Chief Water Allocation Bureau

WATER RIGHT NO. 31-11692
As Modified by Transfer No. 70561

In accordance with the approval of Transfer No. 70561, Water Right No. 31-11692 is now described as follows.

Right Holder: O SULLIVAN FARMS LIMITED PARTNERSHIP
 DENNIS O SULLIVAN AND SHERRY K O SULLIVAN
 499 E 2300 N
 MONTEVIEW ID 83435

Priority Date: March 13, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.00 CFS	560.0 AF
			3.00 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (SWNWNW) Sec. 5 Twp 07N Rge 33E JEFFERSON 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	
07N	33E	5	39.0	39.0	40.0	40.0	39.0	35.0	40.0	40.0	39.0	35.0	40.0	40.0					
			L1	L2			L3	L4											

Total Acres: 312

CONDITIONS OF APPROVAL

1. Rights 31-11692, 31-11696 and 31-11699 when combined shall not exceed a total diversion rate of 4.83 cfs.
2. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70561, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and 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.
4. Right No. 31-11699 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. 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.
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 lands above.

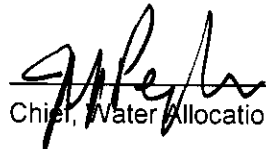
WATER RIGHT NO. 31-11692
As Modified by Transfer No. 70561

CONDITIONS OF 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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, 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 24 day of July, 2003

For  _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11696
As Modified by Transfer No. 70561

In accordance with the approval of Transfer No. 70561, Water Right No. 31-11696 is now described as follows.

Right Holder: O SULLIVAN FARMS LIMITED PARTNERSHIP
 DENNIS O SULLIVAN AND SHERRY K O SULLIVAN
 499 E 2300 N
 MONTEVIEW ID 83435

Priority Date: May 22, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.83 CFS	476.0 AF
			1.83 CFS	476.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (SWNWNW) Sec. 5 Twp 07N Rge 33E JEFFERSON 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	
07N 33E 5	39.0	39.0	40.0	40.0	39.0	35.0	40.0	40.0									312.0
	L 1	L 2			L 3	L 4											

Total Acres: 312

CONDITIONS OF APPROVAL

1. Rights 31-11692, 31-11696 and 31-11699 when combined shall not exceed a total diversion rate of 4.83 cfs.
2. This right is limited to the irrigation of 136 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70561, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and 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.
4. Right No. 31-11699 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. 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.

WATER RIGHT NO. 31-11696
As Modified by Transfer No. 70561

CONDITIONS OF APPROVAL

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 lands above.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, 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 24 day of July, 20 03


For Chief Water Allocation Bureau

WATER RIGHT NO. 31-11699
As Modified by Transfer No. 70561

In accordance with the approval of Transfer No. 70561, Water Right No. 31-11699 is now described as follows.

Right Holder: O SULLIVAN FARMS LIMITED PARTNERSHIP
 DENNIS O SULLIVAN AND SHERRY K O SULLIVAN
 499 E 2300 N
 MONTEVIEW ID 83435

Priority Date: April 01, 1980

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	0.25 CFS	56.0 AF
			0.25 CFS	56.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (SWNWNW) Sec. 5 Twp 07N Rge 33E JEFFERSON 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	
07N	33E	5	39.0	39.0	40.0	40.0	39.0	35.0	40.0	40.0									
			L 1	L 2			L 3	L 4											

Total Acres: 312

CONDITIONS OF APPROVAL

1. Rights 31-11692, 31-11696 and 31-11699 when combined shall not exceed a total diversion rate of 4.83 cfs.
2. This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.
3. Prior to the diversion and use of water under Transfer approval 70561, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and 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.
4. This right is based upon an enlargement of Right Nos. 31-11692, 31-11696 pursuant to Section 42-1426, Idaho Code.
5. 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.

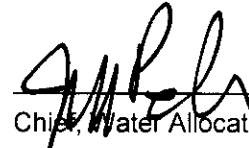
WATER RIGHT NO. 31-11699
As Modified by Transfer No. 70561

CONDITIONS OF APPROVAL

8. 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 lands above.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. 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.

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 24 day of July, 2003

For  Chief, Water Allocation Bureau