



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 21, 2003

SCOTT O SEARLE  
621 E 600 S  
BURLEY ID 83318

RE: Transfer No.: 70269 - Water Rights 45-7028, 45-7338, 45-7151, 45-7358B  
Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

*for*   
Jeff Peppersack, Manager  
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED  
MAR 16 2003

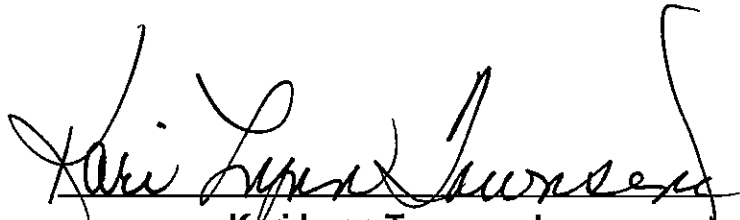
**CERTIFICATE OF SERVICE**

I hereby certify that on February 21, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 70269**

**WATER RIGHTS 45-7028, 45-7338, 45-7151, 45-7358B**

**SCOTT O SEARLE  
621 E 600 S  
BURLEY ID 83318**

  
Kari Lynn Townsend  
Secretary

**MICROFILMED**

**MAR 06 2003**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MAR 06 2003

# TRANSFER REVIEW SHEET

Trans # 70269

Date Reviewed 2-3-03

Right No(s). \* 5-7022 45-7151 45-7338 45-7358B  
 Split? Y XN Y XN Y XN Y XN Y XN Y XN

AREA OF CONCERN:

ESPA

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Add p/d Change use period Change p/u  
 Change nature of use

RightID's of From & To records correct? Y N (resolve with State Office personnel)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U        Lien Holder Release       

## GROUNDWATER:

### DRILLING PERMIT

All wells 046  
 DP upgrade req'd Y N (contact GW personnel)  
 WMD North/East/West  
≤ 0.24 cfs/5 acres No MD  
> 0.24 cfs/5 acres 067  
 WMD No MD  
≤ 0.24 cfs/5 acres No MD  
> 0.24 cfs/5 acres 01M or 01Q

## SURFACE WATER:

WD R05 (WD#       ) WM comments rec'd         
≤ 0.20 cfs/others R02, 01P or No MD  
> 0.20 cfs R43  
 WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE  
≤ 0.24 cfs/5 acres No MD  
> 0.24 cfs/5 acres 01M or 01Q

STANDARD SEASON        to        (use X61 if extended season)  
 STANDARD VOLUME 4 af/ac  
 CONSUMPTIVE USE VOLUME 3 af/ac

SUPPLEMENTAL (irr = only use) - 065-104  
 SUPPLEMENTAL (irr + other uses) - 100-105

## USES:

STORAGE - 18C-R02-01P-18B-NA  
 IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)  
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)  
 STOCKWATER - R37 (all BLM/USFS)  
 MINING - 054-106  
 FISH PROP - 029(70'S only)-007-122-106  
 HEAT/COOL - R07 (injection well)  
 FIRE PROT. - 077  
 DAIRY - 082 (zoning if a concern)-106-WD8

## USES:

POWER - 17H-17K (+uses)-025-106  
 MUNICIPAL  
 Restricted area - 022-075 RAFN - 007-109-X64  
 Irr., GW supp to SW - 102  
 DOMESTIC  
 Surface water - WB5 (Big Wood or Boise above Star Bridge)  
 - 27A (Payette River)  
 >1 in restricted area - 070-071-075 (no parks/common areas, etc)  
 Irr use listed separate - WB5

## MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop  
T08 - comply or rescind  
T17 - measure all p/d's (used with WB4)  
T18 - Special T17 & R43 combined multiple pds in WD

Protested - 020-X19  
 Water Quality - 106-R07

X27 - Number of acres/season in ppu  
 X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)  
 X51 - 2+ yrs to develop  
 X53 - Use ltd to orig. source availability  
 X54 - forfeited ac/rate (used rarely)  
 X55 - (transfer shrinks total water to less ac)  
 X57 - no right-of-way  
 X58 - pending claim (statutory or AJ b/u claim)  
 X61 - extended irr season  
 X62 - replaces N11 and N13  
 X63 - replaces C12  
 WB4 - + p/ds, cfs & afa (used with T17)  
 WD8 - land application of waste water  
 01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

## Apply one to chg'd and unchg'd rts:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)  
 T19 - replaces C18 (if at Recommendation or Partial Decree stage)  
 T20 - use instead of T09 where not ongoing in SRBA

## OTHER CONDITIONS/REMARKS

## COMMENTS

Database files updated ✓ Approval form printed ✓ Shape files created ✓

Special Mailing Instructions (cc's, etc) ✓

Final database update after approval 2/21/03 \*Comment to WR No(s). ✓

## MEMORANDUM

**Date:** February 21, 2003  
**To:** Transfer 70269  
**From:** jfreitag  
**Re:** criteria

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**Authority to File:**

**Water Right Validity:**

All rights have recommendations, which the transfer is based on..

**Injury to Other Water Rights:**

Creating PPU and adding POD. No increase in flow/volume/acres. I see no issues of injury.

**Enlargement of Use:**

No apparent increase in use proposed.

**Local Public Interest:**

Use is remaining as irrigation, I see no issues.

**Beneficial Use/Conservation of Water Resources:**

Does not appear to be contrary to conservation practices.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MICROFILMED

MAR 06 2003

## IDWR TRANSFER ANALYSIS SHEET

APPLICANT Scott O. Seale TRANSFER NO. 70269

1. Right number(s) 45-7028-7151-7338-7358

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim  
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other: \_\_\_\_\_

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose  
☒ Period ☒ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights on original place of use

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☒ Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None apparent

\_\_\_\_\_  
\_\_\_\_\_

- i. Existing rights from same source, on land water is being transferred to; right number(s):

- j.        SRBA claim(s) - Comments (**NOTE!** Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) \_\_\_\_\_

- [illegible]

INITIAL ALLOCATION REVIEW BY  
SRBA SUPERVISOR REVIEW BY  
PUBLICATION REVIEW BY

DATE 12-20-02  
DATE \_\_\_\_\_  
DATE \_\_\_\_\_

1. copy of app. sent to S.O.        Yes  
copy of Pg 1 to AJ ✓ Yes 12/27/02
2. COMMENT LETTERS

Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly?      Yes      No
4. Affidavit of publication received?      Yes      No
5. Protests received?      Yes      No; Acknowledgement sent?      Yes
6. Copies made for Region file (see attached supplemental page)?      Yes

## RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny due to \_\_\_\_\_
- \_\_\_\_\_
3. Conditions (special conditions in Water Districts) \_\_\_\_\_

Also see attached memo for recommendation dated:

4. By AD Date 2/12/03

Transfer # 70269 Applicant Scott O. Searle Basin 45

[illegible]

APM review

POD ID

45-7028

673506 ✓

45-7151

673512 ✓

45-7338

673513 -

45-7358B

673514 ✓

POD ID

45-7028

581002 ✓

581011 ✓

581001 ✓

45-7151

581019 ✓

581020 ✓

581021<sup>18</sup> ✓

45-7338

581022 ✓

581023 ✓

581021 ✓

45-7358B

581025 ✓

581026 ✓

581024 ✓

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 70269

This is to certify that: SCOTT O SEARLE  
621 E 600 S  
BURLEY ID 83318  
(208)654-2817

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 45-7028      | AJC/License         | 03/19/1968      | 3 cfs       | N/A           |                   | 227.0              | GROUND WATER  |
| 45-7151      | AJC/License         | 08/29/1973      | 1.38 cfs    | N/A           |                   | 227.0              | GROUND WATER  |
| 45-7358B     | AJC/License         | 03/20/1979      | 1.54 cfs    | N/A           |                   | 154.0              | GROUND WATER  |
| 45-7338      | AJC/License         | 01/31/1978      | 1.54 cfs    | N/A           |                   | 77.0               | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

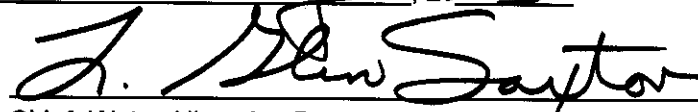
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 45-7028               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 45-7151               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 45-7358B              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 45-7338               | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 45-7028               | <b>45-7028</b>                   | 3.00 cfs             | 600.0 af               | 150.0             | 458.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-7151               | <b>45-7151</b>                   | 1.38 cfs             | 276.0 af               | 69.0              | 458.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-7358B              | <b>45-7358B</b>                  | 1.54 cfs             | 616.0 af               | 154.0             | 458.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-7338               | <b>45-7338</b>                   | 1.54 cfs             | 308.0 af               | 77.0              | 458.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>5.50 cfs</b>      | <b>1800.0 af</b>       | <b>450</b>        | <b>458</b>         |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

Detailed Water Right Description(s) attached

Dated this 19<sup>th</sup> day of February, 2003

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 45-7028**  
**As Modified by Transfer No. 70269**

In accordance with the approval of Transfer No. 70269, Water Right No. 45-7028 is now described as follows.

**Right Holder:** SCOTT O SEARLE  
 621 E 600 S  
 BURLEY ID 83318

**Priority Date:** March 19, 1968

**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  | 3.00 CFS              | 600.0 AF      |
|                       |             |           | 3.00 CFS              | 600.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |               |
|--------------|--------|-----------------|---------|---------------|
| GROUND WATER | SESWSE | Sec. 29 Twp 11S | Rge 24E | CASSIA County |
| GROUND WATER | SESE   | Sec. 29 Twp 11S | Rge 24E | CASSIA County |
| GROUND WATER | SESESE | Sec. 29 Twp 11S | Rge 24E | 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   |        |
| 11S 24E 28  |      |      |      |      | 37.0 | 38.0 | 39.0 | 40.0 |    |    |    |    |      |      |      |      | 154.0  |
| 11S 24E 29  | 35.0 | 38.0 | 38.0 | 38.0 |      |      |      |      |    |    |    |    | 39.0 | 39.0 | 38.0 | 39.0 | 304.0  |

Total Acres: 458

**CONDITIONS OF APPROVAL**

1. Rights 45-7028 and 457151 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 876 af at the field headgate, and the irrigation of 219 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-7028, 45-7151, 45-7338, and 45-7358B shall not exceed 5.50 cfs, nor total combined annual volume of 1800.0 af for irrigation of 450 acres in a single irrigation season within the place of use described above.
3. This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 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.
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.

**WATER RIGHT NO. 45-7028**  
**As Modified by Transfer No. 70269**

**CONDITIONS OF APPROVAL**

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this 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 19<sup>th</sup> day of February, 2003



Chief, Water Allocation Bureau

**WATER RIGHT NO. 45-7151**  
**As Modified by Transfer No. 70269**

In accordance with the approval of Transfer No. 70269, Water Right No. 45-7151 is now described as follows.

**Right Holder:** SCOTT O SEARLE  
 621 E 600 S  
 BURLEY ID 83318

**Priority Date:** August 29, 1973

**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  | 1.38 CFS              | 276.0 AF      |
|                       |             |           | 1.38 CFS              | 276.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |               |
|--------------|--------|-----------------|---------|---------------|
| GROUND WATER | SESWSE | Sec. 29 Twp 11S | Rge 24E | CASSIA County |
| GROUND WATER | SESE   | Sec. 29 Twp 11S | Rge 24E | CASSIA County |
| GROUND WATER | SESESE | Sec. 29 Twp 11S | Rge 24E | 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   |        |
| 11S | 24E | 28  |      |      |      |      | 37.0 | 38.0 | 39.0 | 40.0 |    |    |    |    |      |      |      |      | 154.0  |
| 11S | 24E | 29  | 35.0 | 38.0 | 38.0 | 38.0 |      |      |      |      |    |    |    |    | 39.0 | 39.0 | 38.0 | 39.0 | 304.0  |

Total Acres: 458

**CONDITIONS OF APPROVAL**

1. Rights 45-7028 and 457151 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 876 af at the field headgate, and the irrigation of 219 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-7028, 45-7151, 45-7338, and 45-7358B shall not exceed 5.50 cfs, nor total combined annual volume of 1800.0 af for the irrigation of 450 acres in a single irrigation season within the place of use described above.
3. 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.
4. This right is limited to the irrigation of 69 acres within the place of use described above in a single irrigation season.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. 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.

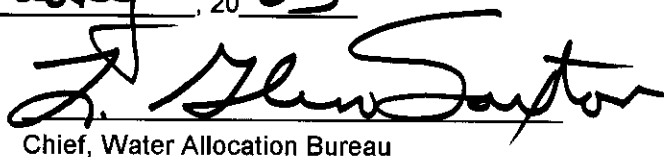
**WATER RIGHT NO. 45-7151**  
**As Modified by Transfer No. 70269**

**CONDITIONS OF APPROVAL**

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this 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 19<sup>th</sup> day of February, 20 03

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 45-7338**  
**As Modified by Transfer No. 70269**

In accordance with the approval of Transfer No. 70269, Water Right No. 45-7338 is now described as follows.

**Right Holder:** SCOTT O SEARLE  
 621 E 600 S  
 BURLEY ID 83318

**Priority Date:** January 31, 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  | 1.54 CFS              | 308.0 AF      |
|                       |             |           | 1.54 CFS              | 308.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |               |
|--------------|--------|-----------------|---------|---------------|
| GROUND WATER | SESWSE | Sec. 29 Twp 11S | Rge 24E | CASSIA County |
| GROUND WATER | SESE   | Sec. 29 Twp 11S | Rge 24E | CASSIA County |
| GROUND WATER | SESESE | Sec. 29 Twp 11S | Rge 24E | 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   |        |
| 11S | 24E | 28  |      |      |      |      | 37.0 | 38.0 | 39.0 | 40.0 |    |    |    |    |      |      |      |      | 154.0  |
| 11S | 24E | 29  | 35.0 | 38.0 | 38.0 | 38.0 |      |      |      |      |    |    |    |    | 39.0 | 39.0 | 38.0 | 39.0 | 304.0  |

Total Acres: 458

**CONDITIONS OF APPROVAL**

1. Rights 45-7028, 45-7151, 45-7338 and 45-7358 B when combined shall not exceed a total diversion rate of 5.50 cfs, a total annual maximum diversion volume of 1800.0 af at the field headgate, and the irrigation of 458 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-7028, 45-7151, 45-7338, and 45-7358B shall not exceed 5.50 cfs, nor total combined annual volume of 1800.0 af for the irrigation of 450 acres in a single irrigation season within the place of use described above.
3. 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.
4. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. 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.

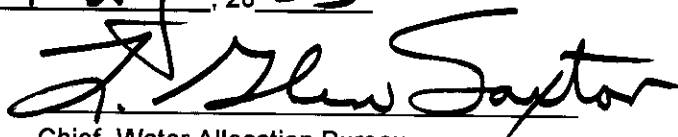
**WATER RIGHT NO. 45-7338**  
**As Modified by Transfer No. 70269**

**CONDITIONS OF APPROVAL**

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this 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 19<sup>th</sup> day of February, 2003

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 45-7358B**  
**As Modified by Transfer No. 70269**

In accordance with the approval of Transfer No. 70269, Water Right No. 45-7358B is now described as follows.

**Right Holder:** SCOTT O SEARLE  
 621 E 600 S  
 BURLEY ID 83318

**Priority Date:** March 20, 1979

**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  | 1.54 CFS              | 616.0 AF      |
|                       |             |           | 1.54 CFS              | 616.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |               |
|--------------|--------|-----------------|---------|---------------|
| GROUND WATER | SESWSE | Sec. 29 Twp 11S | Rge 24E | CASSIA County |
| GROUND WATER | SESE   | Sec. 29 Twp 11S | Rge 24E | CASSIA County |
| GROUND WATER | SESESE | Sec. 29 Twp 11S | Rge 24E | 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 |        |
| 11S | 24E | 28  |      |      |      |      | 37.0 | 38.0 | 39.0 | 40.0 |    |    |    |      |      |      |      |    | 154.0  |
| 11S | 24E | 29  | 35.0 | 38.0 | 38.0 | 38.0 |      |      |      |      |    |    |    | 39.0 | 39.0 | 38.0 | 39.0 |    | 304.0  |

Total Acres: 458

**CONDITIONS OF APPROVAL**

1. Rights 45-7028, 45-7151, 45-7338 and 45-7358 B when combined shall not exceed a total diversion rate of 5.50 cfs, a total annual maximum diversion volume of 1800.0 af at the field headgate, and the irrigation of 458 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-7028, 45-7151, 45-7338, and 45-7358B shall not exceed 5.50 cfs, nor total combined annual volume of 1800.0 af for the irrigation of 450 acres in a single irrigation season within the place of use described above.
3. 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.
4. This right is limited to the irrigation of 154 acres within the place of use described above in a single irrigation season.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. 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.

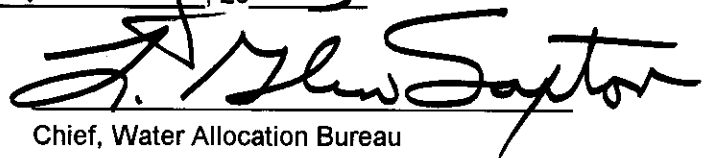
**WATER RIGHT NO. 45-7358B**  
**As Modified by Transfer No. 70269**

**CONDITIONS OF APPROVAL**

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this 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 19<sup>th</sup> day of February, 20 03

  
Chief, Water Allocation Bureau