

Transfer No. 76097
Receipt No. S031169

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Amended **APPLICATION FOR TRANSFER OF WATER RIGHT**
PART 1

1. Applicant Information JOHNNY SUDIK
3332 N 3500 E
KIMBERLY ID 83341
(208)423-6455

And

GINNY F SUDIK
3332 E 3500 N
KIMBERLY ID 83341
(208)423-6455

RECEIVED

NOV 1 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? ☒ Yes ☐ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-13642	WR/Decreed	6.78	3,108.0	777.0	1,582.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-13642	YES	NO	YES	YES	YES	YES

Associated Right Included In Application (Conditions Updated)

45-2320	WR/Decreed	2.34	1,141.7	805.0	1,582.0	GROUND WATER
45-13644	WR/Decreed	4.92			1,582.0	WASTE WATER
45-2746	WR/License	2.00	798.5	214.3	1,874.0	GROUND WATER
1-7072	AJC/License	1.54	751.4		1,647.0	SNAKE RIVER

Describe the reason for the proposed changes

We have not been able to mitigate for Permit 47-8246 as required, so are purchasing enough groundwater from Darrell Funk to supply the existing dairy. In return for the Funk water, we are trading him shares in the Twin Falls Canal Co. system that he will pump out of Murtaugh Lake so that all his land can continue to be irrigated. If the transfer is approved, we will relinquish our water permit.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

Any wastewater will be land applied as required by our nutrient-management plan. This dairy generates very little wastewater, however.

B. Describe the effects on other water uses resulting from the proposed change

Bargain and Sale Deed

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
45-14265	0.11 cfs			40.5 af
TOTAL	0.11 cfs			40.5 af

FROM : SUDIK

PHONE NO. : 2084235590

Nov. 17 2009 12:01PM F1

002

11/16/09 WED 16:53 FAX 208 3243135

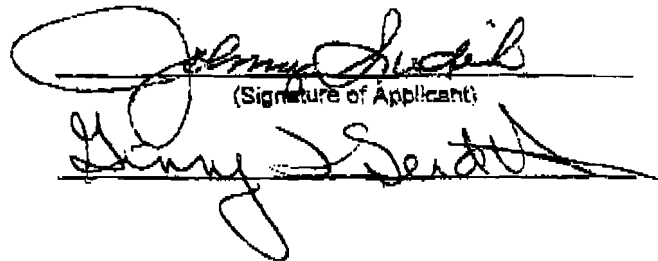
Page 3

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any wilful misrepresentations made in this application may result in voiding its approval.

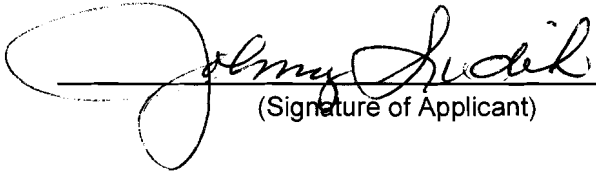

(Signature of Applicant)

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PART 1

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(Signature of Applicant)

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 45-13642

Priority Date: January 15, 1958

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	6.78 CFS	3,108.0 AFA	
	Total Diversion		6.78 CFS	3,108.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNWSE	Sec. 10 Twp 11S	Rge 20E	TWIN FALLS County
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GROUND WATER	SWSWSE	Sec. 10 Twp 11S	Rge 20E	TWIN FALLS County
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GROUND WATER	NESW	Sec. 14 Twp 11S	Rge 20E	TWIN FALLS County
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GROUND WATER	SENE	Sec. 23 Twp 11S	Rge 20E	TWIN FALLS County
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GROUND WATER	SESW	Sec. 23 Twp 11S	Rge 20E	TWIN FALLS County
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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 20E 13							28.0	30.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	314.0
11S 20E 14				23.0					34.0	33.0	32.0	32.0	32.0	34.0	32.0	32.0	284.0
11S 20E 23	33.0	34.0	33.0	32.0	33.0	33.0	33.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0	33.0	32.0	528.0
11S 20E 24	32.0	32.0	33.0	32.0	32.0	31.0	32.0	33.0	34.0	33.0	32.0	33.0	33.0	34.0			456.0

Total Acres: 1582

Conditions/Remarks:

1. This right is limited to the irrigation of 777 acres within the place of use described above in a single irrigation season.
2. Rights 45-2320 and 45-13642 when combined shall not exceed a total diversion rate of 9.12 cfs and a total annual maximum diversion volume of 4249.7 af at the field headgate.
3. Rights 45-2320, 45-13642, and 45-13644 when combined shall not exceed the irrigation of 1582 acres.
4. Rights 45-2320, 45-2746, 45-13642, 45-13643, 45-13644, 45-13645, and 01-7072 when combined shall not exceed the irrigation of 1874 acres.
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 lands above.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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. 140.
9. 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.
10. Prior to the diversion and use of water under Transfer approval 71316, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
11. This right does not grant any right-of-way or easement across the land of another.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The right holder shall accomplish the change authorized by this transfer within two years of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Page 6

15. 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.

Documentation of Ownership of the Current Place of Use

Bargain and Sale Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

~~YES~~ NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-14265

Priority Date: January 15, 1958

Origin:

Basis: Decreed

Status: Pending
Transfer

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.11 CFS	40.5 AFA	
COMMERCIAL	01/01	12/31	0.11 CFS	40.5 AFA	Dairy
Total Diversion			0.11 CFS	40.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNESW Sec. 9 Twp 11S Rge 18E TWIN FALLS
County

GROUND WATER SWNESW Sec. 9 Twp 11S Rge 18E TWIN FALLS
County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, pipeline to storage tank, pipelines to dairy (east well in

tract; backup well)

Point of Diversion # 2 Existing well, motor, pump to storage tank, pipelines to dairy (west well in tract;

main well)

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	9									X	X	X	X					

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	9									X	X							

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3B**

PORTION OF RIGHT No. 45-13642 BEING TRANSFERRED

Priority Date: January 15, 1958

Origin:

Basis: Decreed

Status: Pending
Transfer**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.11 CFS	49.6 AFA	
	Total Diversion	0.11 CFS	49.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNWSE	Sec. 10 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SWSWSE	Sec. 10 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	NESW	Sec. 14 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SENE	Sec. 23 Twp 11S	Rge 20E	TWIN FALLS County
GROUND WATER	SESW	Sec. 23 Twp 11S	Rge 20E	TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	20E	14																12.4	12.4

Total Acres: 12.4

Corrals
Barn 
Wells

T76097 Sudik



Legend

- Simplot Well
- Funk_pipeline
- funk_sudik