

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76174

This is to certify that: MICHAEL D FERGUSON
 PO BOX 413
 REXBURG ID 83440
 (208)356-4336

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>
31-4117	WR/Decreed	05/01/1961	3.76 cfs	658 af	188.0	338.0	GROUND WATER
31-10405A	WR/Decreed	01/20/1931	1.6 cfs	280 af	80.0	338.0	GROUND WATER
31-10405B	WR/Decreed	04/01/1960	0.8 cfs	245 af	150.0	338.0	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>
31-4117	NO	NO	YES	NO	NO	NO
31-10405A	NO	NO	YES	NO	NO	NO
31-10405B	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>
31-4117	31-4117	3.76 cfs	658 af	188.0	338.0		N/A	N/A	N/A	N/A
31-10405A	31-10405A	1.6 cfs	280 af	80.0	338.0		N/A	N/A	N/A	N/A
31-10405B	31-10405B	0.8 cfs	245 af	150.0	338.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		6.16 cfs	1183 af	338.0	338.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15 day of December, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 31-4117

WATER RIGHT NO. 31-10405A
As Modified by Transfer No. 76174

In accordance with the approval of Transfer No. 76174, Water Right No. 31-10405A is now described as follows.

Right Holder: MICHAEL D FERGUSON
 PO BOX 413
 REXBURG ID 83440

Priority Date: January 20, 1931

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	1.60 CFS	280.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE	Sec. 24 Twp 08N	Rge 33E	JEFFERSON County
GROUND WATER	SENW	Sec. 30 Twp 08N	Rge 34E	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	
08N	33E	25	27.8	27.0	27.8	28.8					32.3	18.3	17.8	29.2					209.0
08N	34E	30					32.8	32.4	31.6	32.2									129.0

Total Acres: 338

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 31-4117, 31-10405A and 31-10405B when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 1183 af at the field headgate, and the irrigation of 338 acres.
3. 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. 110.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 76174, 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. 31-10405A
As Modified by Transfer No. 76174

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 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The following rights are diverted through point(s) of diversion described above: 31-4117, 31-10405A, 31-10405B.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 15 day of December, 2009


for Chief, Water Allocation Bureau

WATER RIGHT NO. 31-4117
As Modified by Transfer No. 76174

In accordance with the approval of Transfer No. 76174, Water Right No. 31-4117 is now described as follows.

Right Holder: MICHAEL D FERGUSON
 PO BOX 413
 REXBURG ID 83440

Priority Date: May 01, 1961

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	3.76 CFS	658.0 AF

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER SENW Sec. 30 Twp 08N Rge 34E JEFFERSON County

<u>PLACE OF USE:</u>			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>
08N	33E	25	27.8	27.0	27.8	28.8					32.3	18.3	17.8	29.2					209.0
08N	34E	30					32.8	32.4	31.6	32.2									129.0

Total Acres: 338

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 188 acres within the place of use described above in a single irrigation season.
2. Rights 31-4117, 31-10405A and 31-10405B when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 1183 af at the field headgate, and the irrigation of 338 acres.
3. 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. 110.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 76174, 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. 31-4117
As Modified by Transfer No. 76174

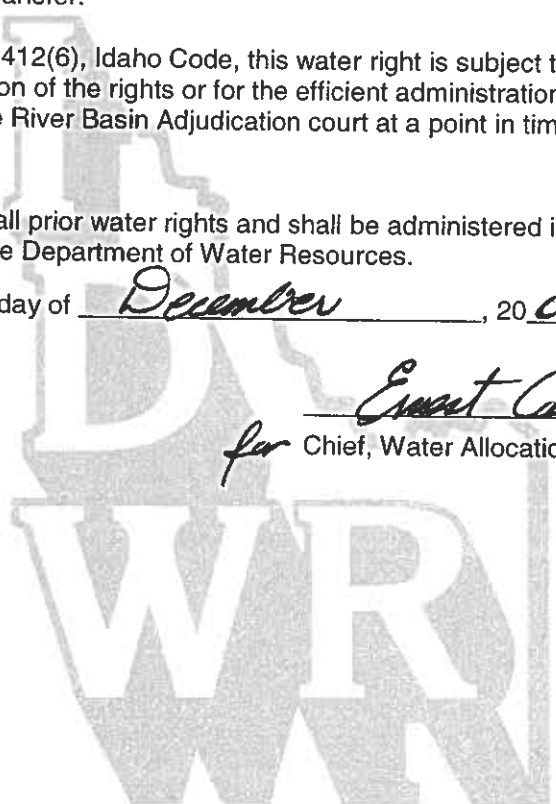
CONDITIONS OF APPROVAL

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The following rights are diverted through point(s) of diversion described above: 31-4117, 31-10405A, 31-10405B.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 15 day of December, 20 09


for Chief, Water Allocation Bureau



WATER RIGHT NO. 31-10405B
As Modified by Transfer No. 76174

In accordance with the approval of Transfer No. 76174, Water Right No. 31-10405B is now described as follows.

Right Holder: MICHAEL D FERGUSON
 PO BOX 413
 REXBURG ID 83440

Priority Date: April 01, 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	0.80 CFS	245.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE	Sec. 24 Twp 08N	Rge 33E	JEFFERSON County
GROUND WATER	SENW	Sec. 30 Twp 08N	Rge 34E	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	
08N	33E	25	27.8	27.0	27.8	28.8					32.3	18.3	17.8	29.2					209.0
08N	34E	30					32.8	32.4	31.6	32.2									129.0

Total Acres: 338

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.
2. Rights 31-4117, 31-10405A and 31-10405B when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 1183 af at the field headgate, and the irrigation of 338 acres.
3. 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. 110.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 76174, 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. 31-10405B
As Modified by Transfer No. 76174

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 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The following rights are diverted through point(s) of diversion described above: 31-4117, 31-10405A, 31-10405B.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 15 day of December, 2009

Ernest Carlson
for Chief, Water Allocation Bureau