

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68535

This is to certify that: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT #12
 NEW YORK NY 10075
 (208)578-7775

have 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>
37-2686B	AJC/License	12/11/1962	0.232 cfs	N/A	N/A	28.0	GROUND WATER
37-7598B	AJC/License	07/08/1977	0.328 cfs	N/A	N/A	28.0	GROUND WATER
37-2696	AJC/License	05/19/1964	3.44 cfs	605.5 af	N/A	173.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

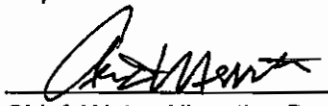
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2686B	YES	YES	NO	NO	YES	YES
37-7598B	YES	YES	NO	NO	YES	YES
37-2696	YES	YES	YES	NO	YES	YES

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>
37-2686B	37-2686F	N/A	6.3 af	N/A		37-2686E	0.21 cfs	76.2 af	N/A	25.4
37-7598B	37-7598F	N/A	6.3 af	N/A		37-7598E	0.29 cfs	76.2 af	N/A	25.4
37-2696	37-22454	N/A	13.0 af	N/A		37-22453	3.33 cfs	586.6 af	N/A	167.6
COMBINED										
TOTA		N/A	19.3 af	N/A			N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of September, 2009


 FOR _____
 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 37-21686B

all 10 pg

SCANNED
 SEP 30 2009

WATER RIGHT NO. 37-2686E
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-2686E is now described as follows.

Right Holder: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT # 12
 NEW YORK NY 10075

Priority Date: December 11, 1962

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	0.21 CFS	76.2 AF
			0.21 CFS	76.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE 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	19E	23													24.4	1.0			25.4

Total Acres: 25.4

CONDITIONS OF APPROVAL

- Right Nos. 37-2686E and 37-7598E are limited to a total combined annual diversion volume of 76.2 AF.
- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- Right Nos. 37-2686E and 37-7598E are limited to the irrigation of a combined total of 25.4 acres in a single irrigation season.
- 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 17th day of September, 2009


 For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2686F
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-2686F is now described as follows.

Right Holder: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT # 12
 NEW YORK NY 10075

Priority Date: December 11, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
RECREATION STORAGE	01/01 to	12/31	6.3 AF
AESTHETIC STORAGE	01/01 to	12/31	6.3 AF
			6.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: RECREATION STORAGE

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	19E	23														X			

PLACE OF USE: AESTHETIC STORAGE

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	19E	23														X			

WATER RIGHT NO. 37-2686F
As Modified by Transfer No. 68535

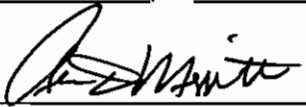
CONDITIONS OF APPROVAL

1. Rights 37-2686F and 37-7598F when combined shall not exceed a total annual maximum diversion volume of 6.3 af.
2. The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.
3. Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.
4. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 17th day of September, 20 09

For



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7598E
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-7598E is now described as follows.

Right Holder: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT # 12
 NEW YORK NY 10075

Priority Date: July 08, 1977

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	0.29 CFS	76.2 AF
		0.29 CFS	76.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
01S 19E 23	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	24.4 1.0 25.4

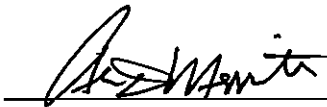
Total Acres: 25.4

CONDITIONS OF APPROVAL

1. Right Nos. 37-2686E and 37-7598E are limited to a total combined annual diversion volume of 76.2 AF.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. Right Nos. 37-2686E and 37-7598E are limited to the irrigation of a combined total of 25.4 acres in a single irrigation season.
4. 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 17th day of September, 2009


 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7598F
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-7598F is now described as follows.

Right Holder: CHARLES T And KATHLEEN MAHER FOLEY
 1 EAST END AVE APT # 12
 NEW YORK NY 10075

Priority Date: July 08, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
RECREATION STORAGE	01/01 to	12/31	6.3 AF
AESTHETIC STORAGE	01/01 to	12/31	6.3 AF
			6.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 19E 23													X				

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 19E 23													X				

WATER RIGHT NO. 37-7598F
As Modified by Transfer No. 68535

CONDITIONS OF APPROVAL

1. Rights 37-2686F and 37-7598F when combined shall not exceed a total annual maximum diversion volume of 6.3 af.
2. The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.
3. Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.
4. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 17th day of September, 2009



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22453
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-22453 is now described as follows.

Right Holder: CHARLES T FOLEY
1 EAST END AVE APT #12
NEW YORK NY 10075

Priority Date: May 19, 1964

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	3.33 CFS	586.6 AF
			3.33 CFS	586.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 14 Twp 01S Rge 19E BLAINE 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
01S 19E 14									29.8	31.0	28.0	36.0		31.0	11.8		167.6

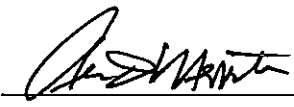
Total Acres: 167.6

CONDITIONS OF APPROVAL

1. 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 17th day of September, 20 09


for Chief, Water Allocation Bureau

WATER RIGHT NO. 37-22454
As Modified by Transfer No. 68535

In accordance with the approval of Transfer No. 68535, Water Right No. 37-22454 is now described as follows.

Right Holder: CHARLES T FOLEY
 1 EAST END AVE APT #12
 NEW YORK NY 10075

Priority Date: May 19, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
AESTHETIC STORAGE	01/01 to	12/31	13.0 AF
RECREATION STORAGE	01/01 to	12/31	13.0 AF
			13.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 23 Twp 01S Rge 19E BLAINE County

PLACE OF USE: AESTHETIC STORAGE

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 19E 23													X				

PLACE OF USE: RECREATION STORAGE

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 19E 23													X				

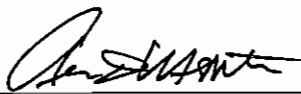
WATER RIGHT NO. 37-22454
As Modified by Transfer No. 68535

CONDITIONS OF APPROVAL

1. The pond established by the storage of water under rights 37-2686F, 37-7598F, and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.
2. Rights 37-2686F, 37-7598F, and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

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 17th day of September, 2009



FOR Chief, Water Allocation Bureau