

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75440**

This is to certify that:

RUSSELL PATTERSON And
LISA PATTERSON
1800 Z ST
HEYBURN ID 83336
(208)678-0441

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>
36-2145A	WR/Decreed	07/20/1951	1.06 cfs	218 af	N/A	54.5	GROUND WATER
36-2721A	WR/Decreed	10/15/1948	3.06 cfs	652 af	N/A	163.0	GROUND WATER
36-2721B	WR/Decreed	10/15/1948	2.89 cfs	713.6 af	N/A	178.4	GROUND WATER
36-16499	WR/Decreed	04/01/1984	0.04 cfs	N/A	N/A	24.0	GROUND WATER
36-16526	WR/Decreed	04/01/1955	0.31 cfs	N/A	21.0	24.0	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>
36-2145A	NO	NO	YES	YES	NO	NO
36-2721A	NO	NO	YES	YES	NO	NO
36-2721B	NO	NO	YES	YES	NO	NO
36-16499	NO	NO	YES	YES	NO	NO
36-16526	NO	NO	YES	YES	NO	NO

SUPPORT DATA

IN FILE # 36-2145A

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75440**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-2145A	36-2145A	1.06 cfs	218 af	54.5	466.5		N/A	N/A	N/A	N/A
36-2721A	36-2721A	3.06 cfs	652 af	163.0	466.5		N/A	N/A	N/A	N/A
36-2721B	36-2721B	2.89 cfs	713.6 af	178.4	466.5		N/A	N/A	N/A	N/A
36-16499	36-16499	0.04 cfs	12 af	3.0	466.5		N/A	N/A	N/A	N/A
36-16526	36-16526	0.31 cfs	84 af	21.0	466.5		N/A	N/A	N/A	N/A
COMBINED TOTALS		7.05 cfs	1679.6 af	419.9	466.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of July, 2009


FOR _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2145A
As Modified by Transfer No. 75440

In accordance with the approval of Transfer No. 75440, Water Right No. 36-2145A is now described as follows.

Right Holder: RUSSELL PATTERSON
 AND
 LISA PATTERSON
 1800 Z ST
 HEYBURN ID 83336

Priority Date: July 20, 1951

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	1.06 CFS	218.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWSW Sec. 9 Twp 10S Rge 20E JEROME County

GROUND WATER NENWSE Sec. 9 Twp 10S Rge 20E JEROME 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	
10S	20E	8													37.0	39.0		38.0	114.0
10S	20E	9			2.0	2.1				.4	40.0	38.0	37.0	39.0	39.0	40.0	39.0	38.0	314.5
10S	20E	17	38.0																38.0

Total Acres: 466.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 54.5 acres within the place of use described above in a single irrigation season.
2. Rights 36-2145A and 36-2721A when combined shall not exceed a total diversion rate of 3.85 cfs.
3. Rights 36-2145A, 36-2721A, 36-2721B, 36-16499 and 36-16526 when combined shall not exceed a total diversion rate of 7.05 cfs, a total annual maximum diversion volume of 1679.6 af at the field headgate, and the irrigation of 419.9 acres.
4. 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.

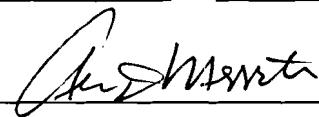
WATER RIGHT NO. 36-2145A
As Modified by Transfer No. 75440

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 75440 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. 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.
7. 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 130.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.
11. 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.
12. 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.
13. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.

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 20th day of July, 2009



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2721A
As Modified by Transfer No. 75440

In accordance with the approval of Transfer No. 75440, Water Right No. 36-2721A is now described as follows.

Right Holder: RUSSELL PATTERSON
 AND
 LISA PATTERSON
 1800 Z ST
 HEYBURN ID 83336

Priority Date: October 15, 1948

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	3.06 CFS	652.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWSW Sec. 9 Twp 10S Rge 20E JEROME County

GROUND WATER NENWSE Sec. 9 Twp 10S Rge 20E JEROME 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	
10S 20E 8													37.0	39.0		38.0	114.0
10S 20E 9			2.0	2.1				.4	40.0	38.0	37.0	39.0	39.0	40.0	39.0	38.0	314.5
10S 20E 17	38.0																38.0

Total Acres: 466.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 163 acres within the place of use described above in a single irrigation season.
2. Rights 36-2145A and 36-2721A when combined shall not exceed a total diversion rate of 3.85 cfs.
3. Rights 36-2145A, 36-2721A, 36-2721B, 36-16499 and 36-16526 when combined shall not exceed a total diversion rate of 7.05 cfs, a total annual maximum diversion volume of 1679.6 af at the field headgate, and the irrigation of 419.9 acres.

WATER RIGHT NO. 36-2721A
As Modified by Transfer No. 75440

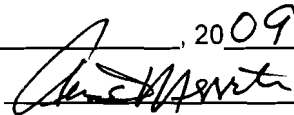
CONDITIONS OF APPROVAL

4. 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.
5. Prior to the diversion and use of water under Transfer approval 75440 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. 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.
7. 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 130.
8. 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.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.
13. 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.

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 20th day of July, 2009

FOR



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2721B
As Modified by Transfer No. 75440

In accordance with the approval of Transfer No. 75440, Water Right No. 36-2721B is now described as follows.

Right Holder: RUSSELL PATTERSON
 AND
 LISA PATTERSON
 1800 Z ST
 HEYBURN ID 83336

Priority Date: October 15, 1948

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	2.89 CFS	713.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWSW Sec. 9 Twp 10S Rge 20E JEROME County

GROUND WATER NENWSE Sec. 9 Twp 10S Rge 20E JEROME 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	
10S 20E 8													37.0	39.0		38.0	114.0
10S 20E 9			2.0	2.1				.4	40.0	38.0	37.0	39.0	39.0	40.0	39.0	38.0	314.5
10S 20E 17	38.0																38.0

Total Acres: 466.5

CONDITIONS OF APPROVAL

1. Use of this right is combined with water from north side canal co. Ltd.
2. Rights 36-2145A, 36-2721A, 36-2721B, 36-16499 and 36-16526 when combined shall not exceed a total diversion rate of 7.05 cfs, a total annual maximum diversion volume of 1679.6 af at the field headgate, and the irrigation of 419.9 acres.
3. This right is limited to the irrigation of 178.4 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 36-2721B
As Modified by Transfer No. 75440

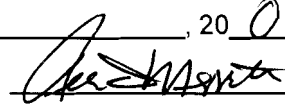
CONDITIONS OF APPROVAL

4. 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.
5. Prior to the diversion and use of water under Transfer approval 75440, 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. 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.
7. 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. 130.
8. 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.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.
13. 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.

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 20th day of July, 2009

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Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16499
As Modified by Transfer No. 75440

In accordance with the approval of Transfer No. 75440, Water Right No. 36-16499 is now described as follows.

Right Holder: RUSSELL PATTERSON
 AND
 LISA PATTERSON
 1800 Z ST
 HEYBURN ID 83336

Priority Date: April 01, 1984

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	0.04 CFS	12.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWSW Sec. 9 Twp 10S Rge 20E JEROME County

GROUND WATER NENWSE Sec. 9 Twp 10S Rge 20E JEROME 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	
10S	20E	8													37.0	39.0		38.0	114.0
10S	20E	9			2.0	2.1				.4	40.0	38.0	37.0	39.0	39.0	40.0	39.0	38.0	314.5
10S	20E	17	38.0																38.0

Total Acres: 466.5

CONDITIONS OF APPROVAL

1. 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.
2. This right is based upon an enlargement of Right No. 36-16526 pursuant to Section 42-1426, Idaho Code.
3. This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.

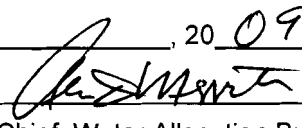
WATER RIGHT NO. 36-16499
As Modified by Transfer No. 75440

CONDITIONS OF APPROVAL

4. Rights 36-2145A, 36-2721A, 36-2721B, 36-16499 and 36-16526 when combined shall not exceed a total diversion rate of 7.05 cfs, a total annual maximum diversion volume of 1679.6 af at the field headgate, and the irrigation of 419.9 acres.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 75440, 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.
7. 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.
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. 130.
9. Rights 36-16499 and 36-16526 when combined shall not exceed a total diversion rate of 0.31 cfs, a total annual maximum diversion volume of 96 af at the field headgate, and the irrigation of 24 acres.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 20th day of July, 2009

FOR 
Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16526
As Modified by Transfer No. 75440

In accordance with the approval of Transfer No. 75440, Water Right No. 36-16526 is now described as follows.

Right Holder: RUSSELL PATTERSON
 AND
 LISA PATTERSON
 1800 Z ST
 HEYBURN ID 83336

Priority Date: April 01, 1955

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	0.31 CFS	84.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWSW Sec. 9 Twp 10S Rge 20E JEROME County

GROUND WATER NENWSE Sec. 9 Twp 10S Rge 20E JEROME 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	
10S	20E	8													37.0	39.0		38.0	114.0
10S	20E	9			2.0	2.1				.4	40.0	38.0	37.0	39.0	39.0	40.0	39.0	38.0	314.5
10S	20E	17	38.0																38.0

Total Acres: 466.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 21 acres within the place of use described above in a single irrigation season.
2. Rights 36-2145A, 36-2721A, 36-2721B, 36-16499 and 36-16526 when combined shall not exceed a total diversion rate of 7.05 cfs, a total annual maximum diversion volume of 1679.6 af at the field headgate, and the irrigation of 419.9 acres.
3. Rights 36-16499 and 36-16526 when combined shall not exceed a total diversion rate of 0.31 cfs, a total annual maximum diversion volume of 96 af at the field headgate, and the irrigation of 24 acres.
4. Right no. 36-16499 is an enlargement of this right pursuant to section 42-1426, Idaho code.

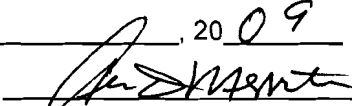
WATER RIGHT NO. 36-16526
As Modified by Transfer No. 75440

CONDITIONS OF APPROVAL

5. 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.
6. 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.130.
7. 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.
8. Prior to the diversion and use of water under Transfer approval 75440, 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.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 20th day of July, 2009


FOR Chief, Water Allocation Bureau