

Transfer No. 73543

Receipt No. SD27440

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

**1. Applicant Information** RICHARD B DALLEY  
PO BOX 705  
RUPERT ID 83350  
(208)436-1889  
And

SHAUNA H DALLEY  
131 E 100 N  
RUPERT ID 83350  
(208)436-5730

RECEIVED

MAY 02 2007

DEPT. OF WATER RESOURCES  
SOUTHERN REGION**WITHDRAWN**

Will this transfer result in an ownership change? Yes

**2. Current Water Right****Part 2 Attached for Each Right**

|          | Origin/Basis | Rate | Volume | Acre Limit | Total Acres | Source       |
|----------|--------------|------|--------|------------|-------------|--------------|
| 36-16483 | WR/Decreed   | 0.44 | 132.0  | 33.0       | 264.0       | 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 |
|----------|-------|-----|-----|---------|---------------|---------------|
| 36-16483 | NO    | NO  | YES | YES     | NO            | NO            |

**Describe the reason for the proposed changes**

T72873 moves early-priority water to Sec. 34, while this transfer moves late-priority water from Sec. 34 to this farm. The same land will continue to be irrigated after the transfers are approved, subject to priority cutbacks of this right.

**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**

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

**5. Total Amounts Transferred**

|          | Rate     | Acre Limit | Total Acres | Volume   |
|----------|----------|------------|-------------|----------|
| 36-16483 | 0.44 cfs | 33.0       | 160.0       | 132.0 af |

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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 willful misrepresentations made in this application may result in voiding its approval.

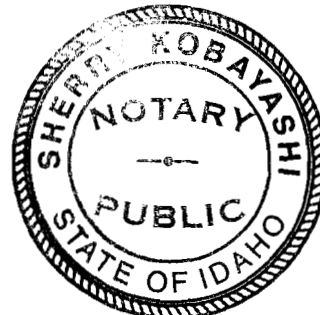
*Shawn H. Dalbey*  
(Signature of Applicant)

*Owner*  
(Title or Office)

Subscribed and sworn to before me this 2<sup>nd</sup> day of May, 2007.

*Sherry Kobayashi*  
(Notary Public)

My commission expires 12/14/07



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

**Current Water Right No.** 36-16483

Priority Date: September 10, 1984

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           | 0.44 CFS              | 132.0 AFA     |                    |
|                       | Total Diversion       | 0.44 CFS              | 132.0 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER      SESWNW      Sec. 34 Twp 06S   Rge 23E   MINIDOKA 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 |        |
| 06S 23E 34  |    |    |    |    | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 | 33.0 |    |    |    |    | 264.0  |

Total Acres: 264

Conditions/Remarks:

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.
4. Prior to the diversion and use of water under Transfer approval 70415, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion and 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.
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.

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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.
7. Rights 36-2149, 36-16128 and 36-16130 when combined shall not exceed the irrigation of 264 acres.
8. 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.
9. 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.

#### Documentation of Ownership of the Current Place of Use

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

YES

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

Transfer moves late-priority water right to land being dried up under T72843 in an exchange of early and late rights between lands own by applicants. Same land will be irrigated after all transfers are approved, subject to priority cutbacks.

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

NO

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

**Proposed Water Right No.** 36-16483

Priority Date: September 10, 1984

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           | 0.44 CFS              | 132.0 AFA     |                    |
|                       | Total Diversion       | 0.44 CFS              | 132.0 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER      SWNWSE      Sec. 21 Twp 07S    Rge 24E    MINIDOKA County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|     |     |     | <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> |        |
| 07S | 24E | 21  |           |           |           |           |           |           |           |           |           |           |           |           | 40.0      | 40.0      | 40.0      | 40.0      | 160.0  |

Total Acres: 160