

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75322

This is to certify that: MICHAEL E HEANEY
 8076 N KAREN RD
 POCATELLO ID 83204
 (208)233-7426

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>
35-8111	WR/License	03/09/1983	0.88 cfs	N/A	N/A	44.0	GROUND WATER
35-7971	WR/Decreed	03/31/1981	3.78 cfs	756 af	N/A	189.0	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>
35-8111	NO	NO	YES	NO	NO	NO
35-7971	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>
35-8111	35-8111	0.88 cfs	176 af	44.0	233.0		N/A	N/A	N/A	N/A
35-7971	35-7971	3.78 cfs	756 af	189.0	233.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		4.52 cfs	932 af	233.0	233.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6 day of March, 2009


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 35-7971

**WATER RIGHT NO. 35-7971
As Modified by Transfer No. 75322**

In accordance with the approval of Transfer No. 75322, Water Right No. 35-7971 is now described as follows.

Right Holder: MICHAEL E HEANEY
8076 N KAREN RD
POCATELLO ID 83204

Priority Date: March 31, 1981

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	3.78 CFS	756.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSW Sec. 22 Twp 04S Rge 31E BINGHAM 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	
04S 31E 21																4.0	4.0
04S 31E 22					31.0	33.0	40.0	34.0	13.0	40.0	38.0						229.0

Total Acres: 233

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 189 acres within the place of use described above in a single irrigation season.
2. Rights 35-7971 and 35-8111 when combined shall not exceed a total diversion rate of 4.52 cfs, a total annual maximum diversion volume of 932 af at the field headgate, and the irrigation of 233 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. 120.
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. 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. Prior to the diversion and use of water under Transfer approval 75322, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) 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.

WATER RIGHT NO. 35-7971
As Modified by Transfer No. 75322

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 6 day of March, 2009

Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-8111
As Modified by Transfer No. 75322

In accordance with the approval of Transfer No. 75322, Water Right No. 35-8111 is now described as follows.

Right Holder: MICHAEL E HEANEY
 8076 N KAREN RD
 POCATELLO ID 83204

Priority Date: March 09, 1983

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	0.88 CFS	176.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 22 Twp 04S Rge 31E BINGHAM 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	
04S	31E	21																4.0	4.0
04S	31E	22					31.0	33.0	40.0	34.0	13.0	40.0	38.0						229.0

Total Acres: 233

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 44 acres within the place of use described above in a single irrigation season.
2. Rights 35-7971 and 35-8111 when combined shall not exceed a total diversion rate of 4.52 cfs, a total annual maximum diversion volume of 932 af at the field headgate, and the irrigation of 233 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. 120.
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. 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.

WATER RIGHT NO. 35-8111
As Modified by Transfer No. 75322

CONDITIONS OF APPROVAL

7. 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.
8. Prior to the diversion and use of water under Transfer approval 75322, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) 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.
9. The right holder shall accomplish the change authorized by this transfer within one year 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.

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 6 day of March, 2009

Ernest Carlson.
Chief, Water Allocation Bureau