

Transfer No. 75322

Receipt No. E034698

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

1. Applicant Information MICHAEL E HEANEY
8076 N KAREN RD
POCATELLO ID 83204
(208)233-7426

Will this transfer result in an ownership change? _____ Yes X No

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

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
35-8111	WR/License	0.88			44.0	GROUND WATER
35-7971	WR/License	3.78	756.0		189.0	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
35-8111	NO	NO	YES	NO	NO	NO
35-7971	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Owner has installed a pivot irrigation system and increased his area of irrigation. This resulted in a POU change.

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

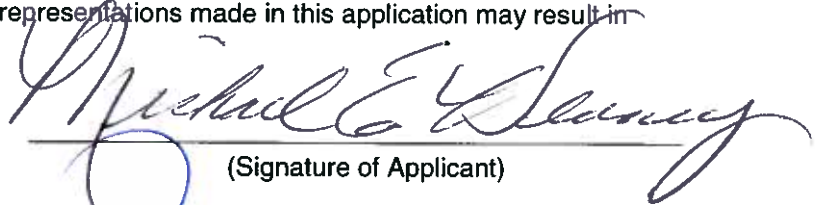
	Rate	Acre Limit	Total Acres	Volume
35-8111	0.88 cfs		233.0	
35-7971	3.78 cfs		233.0	756.0 af
TOTAL	4.52 cfs	233.0		

Transfer No. 75322

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

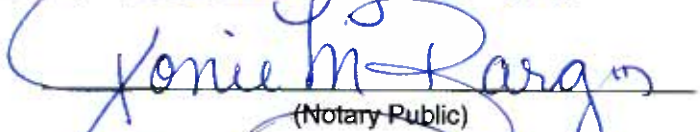
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

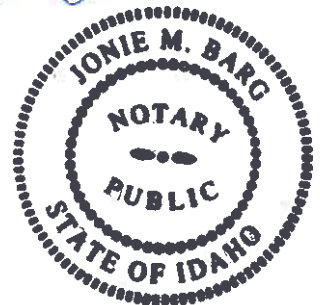
(Title or Office)

Subscribed and sworn to before me this 6TH day of January, 2009.



(Notary Public)

My commission expires July 24, 2013



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

Current Water Right No. 35-8111

Priority Date: March 09, 1983

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.88 CFS		
	Total Diversion	0.88 CFS		

Source and 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 22					16.0	9.0		19.0									44.0

Total Acres: 44

Conditions/Remarks:

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
 This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
 This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed an annual diversion volume of 176 af for the lands above.
 This right uses the same well as Right 35-07971 and when combined with Right 35-07971 shall not exceed a diversion rate of 4.52 cfs.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

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

It will be dry.

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

NO

Transfer No. 75322
 Receipt No. _____

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

Current Water Right No. 35-7971

Priority Date: March 31, 1981
 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	4/01 11/01	3.78 CFS	756.0 AFA	
	Total Diversion	3.78 CFS	756.0 AFA	

Source and 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				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	31E	22					16.0	31.0	40.0	13.0	10.0	40.0	39.0						189.0

Total Acres: 189

Conditions/Remarks:

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Page 6

Documentation of Ownership of the Current Place of Use

Warranty Deed

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

NO

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

It will be dry.

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

NO

Transfer No. 75322
 Receipt No. _____

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

Proposed Water Right No. 35-8111

Priority Date: March 09, 1983

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.88 CFS		
	Total Diversion	0.88 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWSW Sec. 22 Twp 04S Rge 31E BINGHAM County

Describe the proposed diversion system

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

Transfer No. 75322

Receipt No. _____

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

Proposed Water Right No. 35-7971

Priority Date: March 31, 1981

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	04/01 11/01	3.78 CFS	756.0 AFA	
	Total Diversion	3.78 CFS	756.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESWSW Sec. 22 Twp 04S Rge 31E BINGHAM County

Describe the proposed diversion system

Point of Diversion # 1 WELL/PUMP & SPRINKLERS.

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

T4S R31E Section 21
Owner: Michael Heaney

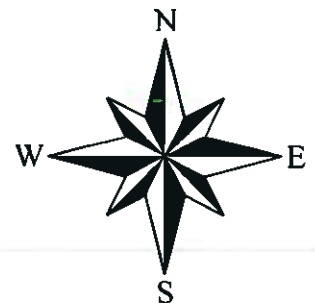
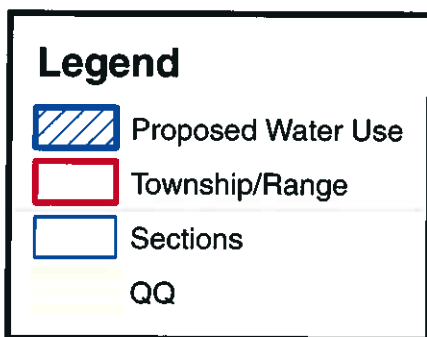
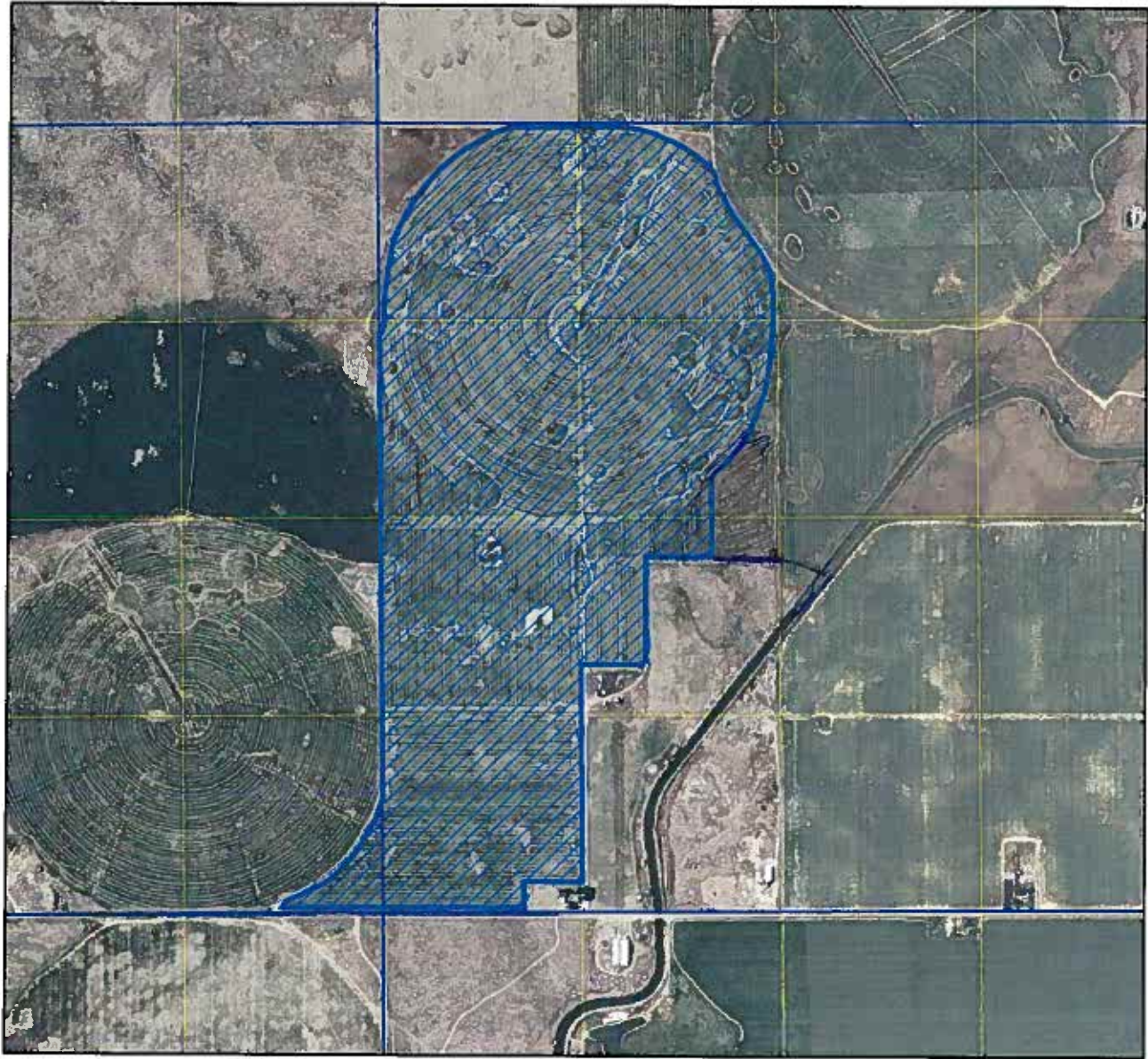


Image: NAIP 2006

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Miles

Idaho Department of Water Resources

Map Prepared by Heather Bohac, December 2, 2008



December 30, 2008

TO: Heather
IDWR

FROM: Jan Gamble
Northwest Farm Credit Services
(fka Farm Credit Bank of Spokane)

RE: Michael Heaney
Water Right # 35-81111

Regarding your inquiry of the above water right, we can find no record of any obligation to NW Farm Credit Services under the name of Michael Heaney. Therefore, I feel it safe to assume that Mr. Heaney's loan has been paid in full for longer than 10 years, as that is our retention requirement for paid off loans. It was probably an oversight that the water right was never transferred back into Mr. Heaney's name. Please feel free to do that at this time.

If you have any further questions, please call me at 782-3800.

574804 WARRANTY DEED

For Value Received POLLY L. HEANEY, an unmarried person,
Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MICHAEL E. HEANEY, a married man as his sole and separate
whose address is: P O Box 4823 Pocatello, Id. 83205

Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit: 83211

SEE ATTACHED LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

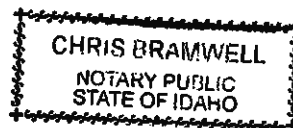
Dated: 11/28/06

Polly L Heaney By Mark L Heaney P.O.A
POLLY L. HEANEY BY MARK L. HEANEY, attorney in fact

STATE OF Idaho
)ss.
COUNTY OF BANNOCK

On this 28th day of November, 2006, before me the undersigned, personally appeared MARK L. HEANEY, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument as attorney in fact of POLLY L. HEANEY,, and acknowledged to me that he subscribed the name of POLLY L. HEANEY thereto as principal, and his own name as attorney in fact.

Chris Bramwell
Notary Public of Idaho
Residing at: Blackfoot, Idaho
Commission Expires: 10/30/12



RECORDED IN THE OFFICE OF
BLACKFOOT, IDAHO
FEE 6-DEP C
2006 DEC -5 PM 3:27

RETURNED TO THE REQUEST OF
Mark Heaney
740 Fillmore
American Falls ID
83211

SNAKE RIVER SURVEYING, INC.

460 Lincoln Street, Suite C
American Falls, Idaho 83211
Phone (208) 226-5764, Fax (208) 226-5767



26059-3
Mark Heaney
5.09 Acres
Date: September 18, 2006

A parcel of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 4 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, described as follows:

Commencing at the E $\frac{1}{4}$ corner of said Section 22;

Thence, N 89°33'03" W, along the East-West centerline of said Section, 2081.39 feet to the point of intersection with the Centerline of the High Line Canal, the TRUE POINT OF BEGINNING;

Thence, S 38°21'10" W, along said canal centerline, 950.27 feet to the point of intersection with the North-South centerline of said Section;

Thence, N 00°10'32" W, along said North-South centerline, 749.85 feet to the Center $\frac{1}{4}$ corner of said Section and monumented with a 5/8" rebar and plastic cap stamped PLS 843, buried 18 inches;

Thence, S 89°33'03" E, along the East-West centerline of said Section, 591.96 feet to the TRUE POINT OF BEGINNING, said parcel containing 5.09 acres more or less.

Subject to an easement of 109.00 feet in width for the NW'ly side of the High Line Canal and canal maintenance, described as the SE'ly 109.00 feet of the above-described parcel.

574804

The United States of America
To all to whom these presents shall come, Greeting:

441449

IDI 8397

WHEREAS

Michael E. Heaney

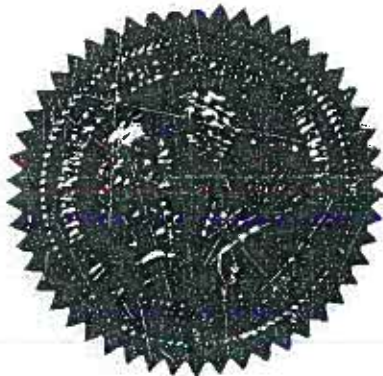
is entitled to a land patent pursuant to the Desert Land Act of March 3, 1877, as amended and supplemented (43 U.S.C. 321, et seq.), for the following described land:

Boise Meridian, Idaho
T. 4 S., R. 31 E.,
sec. 21: S½NE¼, SE¼

Containing 240 acres.

NOW KNOW YE, that there is, therefore, granted by the **UNITED STATES** unto Michael E. Heaney, the land described above: **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto Michael E. Heaney, and to his heirs and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho the thirtieth day of January in the year of our Lord one thousand nine hundred and NINETY SIX and of the Independence of the United States the two hundred and TWENTIETH.

By J. David [Signature]
Deputy State Director, Resource Services Division

Patent Number 11-96-0012

441449

75 322

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE
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200
251P

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

NO. 5157SHARES 40**Aberdeen-Springfield Canal Company**

CAPITAL STOCK \$75,000.00

75,000 SHARES

PAR VALUE \$1.00

This Certifies That \$0Michael E. Heaneyof Aberdeen, Idaho is the holder of

_____ shares of the capital stock of the ~~Aberdeen-Springfield~~ Aberdeen-Springfield Canal Company and this stock certificate is issued and accepted subject to the following conditions which shall be binding upon the holder, his assigns, or successors in interest:

1. That this certificate represents a water right which is appurtenant to the following described land to wit:

The Southeast Quarter Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northeast Quarter Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) in Section Twenty-two (22), Township Four (4) South, Range Thirty-one E.B.M., in Bingham County, Idaho,

and a proportionate interest in all of the irrigation works of this company.

2. Each share of stock herein represents and is equivalent to and stands for one share of water right as herein defined, and such shares of water right are appurtenant to the above described premises.

3. The ownership of each share of stock represented by this certificate carries with it, as an incident thereto, a right to one vote for each share at all stockholders' meetings of this company; to have water delivered to the holder hereof for the irrigation of the lands to which such shares of water right are appurtenant during the irrigating season of each year hereafter, the share of stock representing a water right which has a carrying capacity sufficient to deliver .625 miners inches per acre in the main canal and in all laterals, not exceeding four acre feet per share in any one year, or a proportionate part of all water available for distribution by this company; and such water may be delivered by a proper system of rotation.

4. Any transfer, whether by gift, grant or operation of law, of any of the lands to which the water rights represented by these shares of stock are appurtenant, shall operate, whether it be so expressed or not, as a transfer to the grantee, or successor in interest, of all rights to the use of the water for the irrigation of such lands, and all other rights incident to the ownership of these shares of stock, and any transfer, or attempted transfer, of any of said shares shall be of no force or effect except in connection with the transfer of the lands herein described and of the water rights which this stock represents, excepting only such transfers as are made pursuant to law in the separation of such water rights from the lands to which the same are now appurtenant.

5. This certificate is transferable only on the books of the Company in person or by attorney, upon the surrender of this certificate properly endorsed.

In Witness Whereof the President and Secretary have hereunto subscribed their names and affixed the Corporate Seal of this Company at Aberdeen, Idaho this Twenty-fifth day of September 1996

ABERDEEN-SPRINGFIELD CANAL COMPANY

Attest:

15/ Paul J. [Signature]

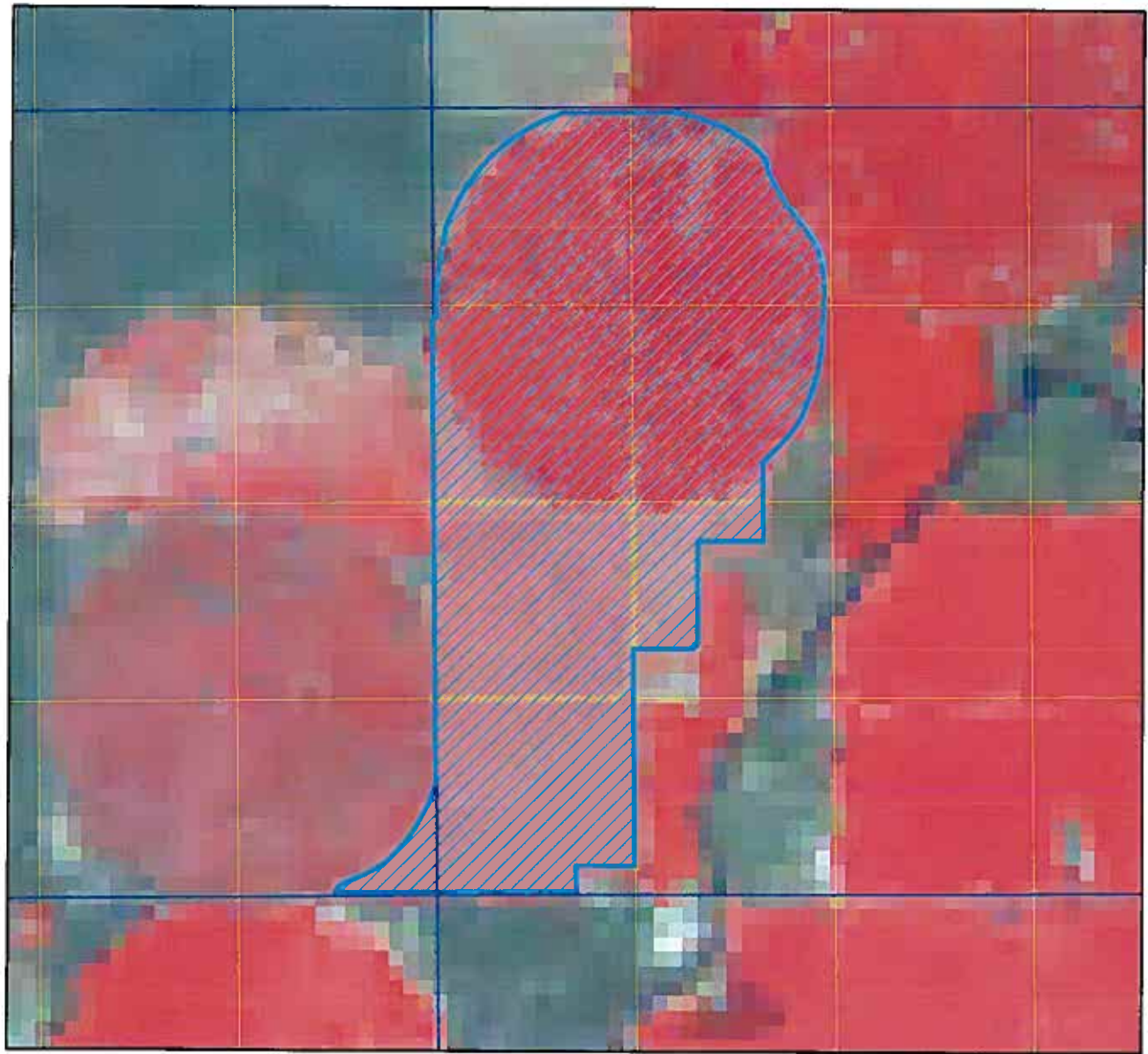
Secretary

By:

15/ Michael E. Heaney

President

74S R31E Section 21
Owner: Michael Heaney



Legend

-  Proposed Water Use
-  Township/Range
-  Sections
-  QQ

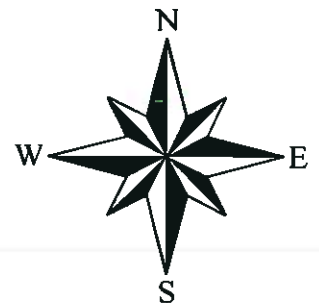


Image: Landsat 2008 Mosaic

Idaho Department of Water Resources

Map Prepared by Heather Bohac, December 2, 2008

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Miles

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74S R31E Section 21
Owner: Michael Heaney

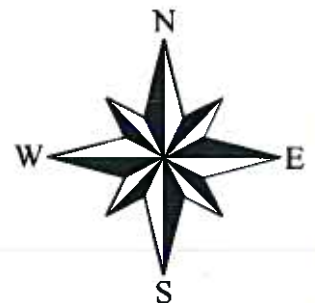
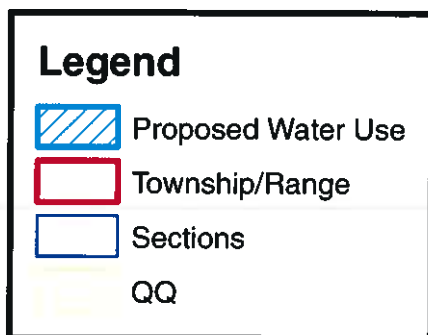
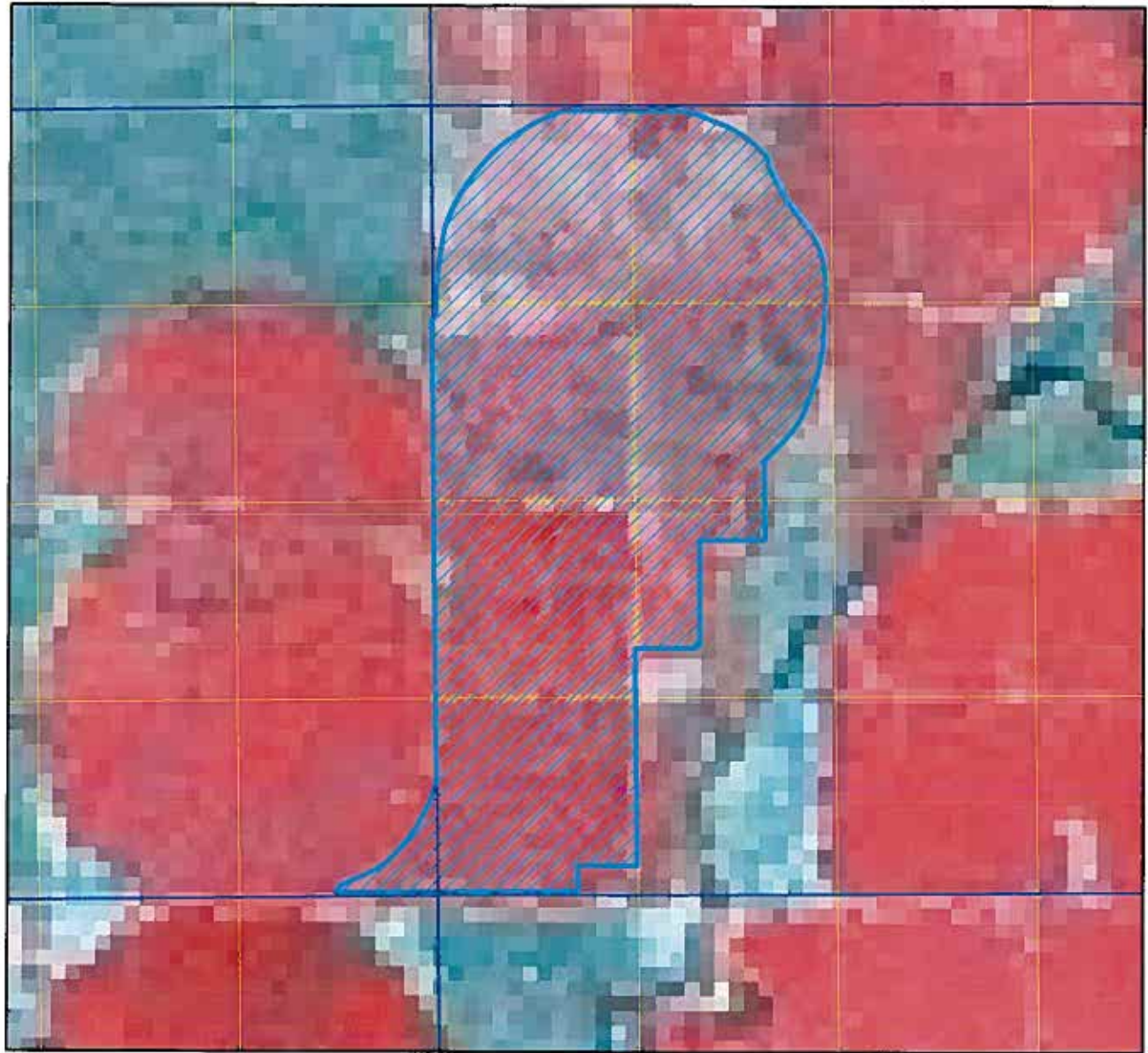


Image: Landsat 2003

Idaho Department of Water Resources

Map Prepared by Heather Bohac, December 2, 2008

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Miles

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4S R31E Section 21
Owner: Michael Heaney

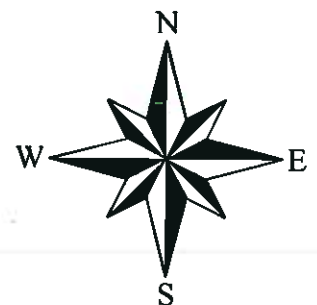
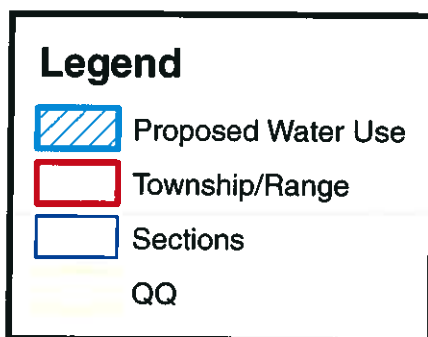
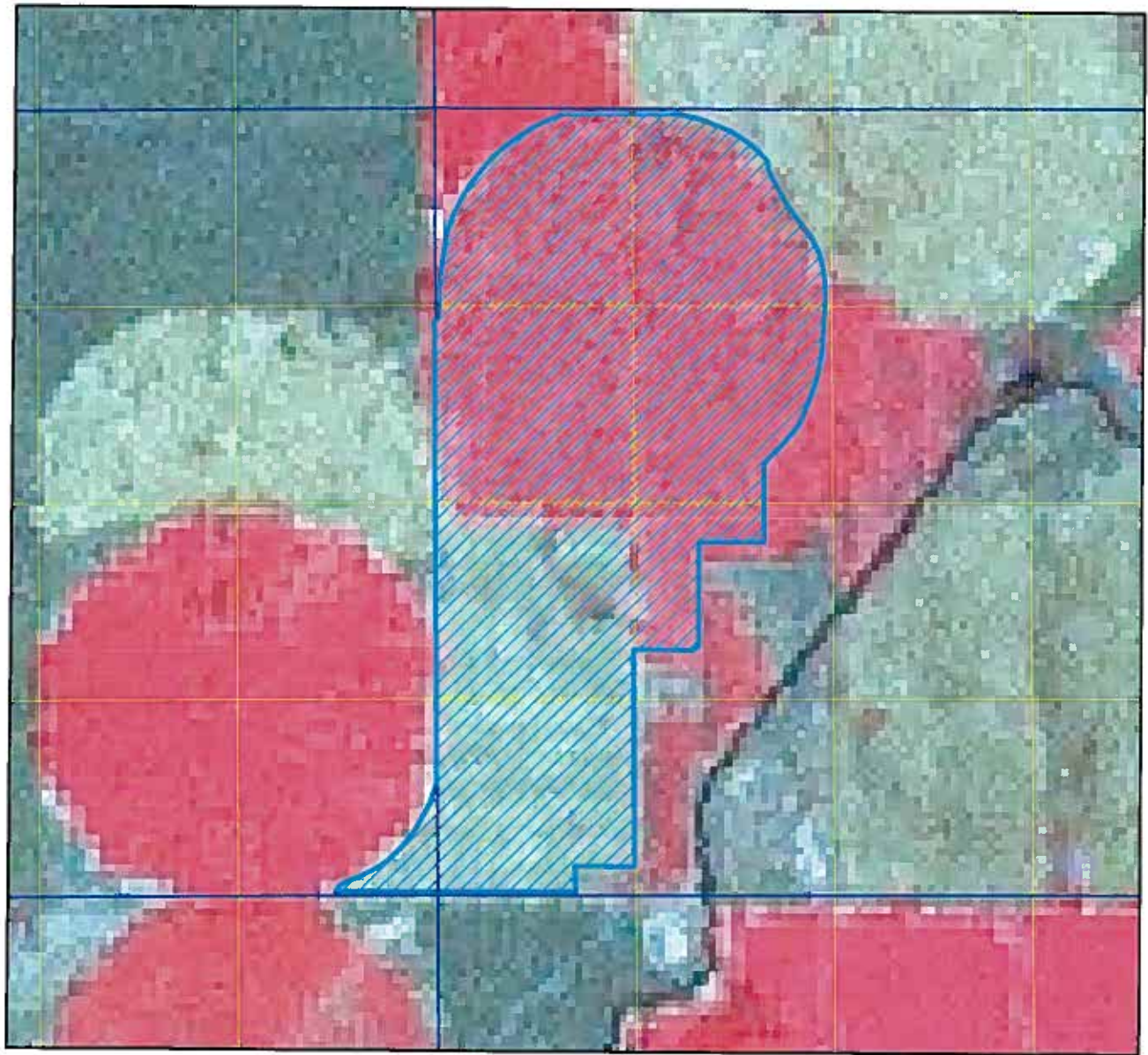


Image: Landsat 2000

Idaho Department of Water Resources

Map Prepared by Heather Bohac, December 2, 2008

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Miles

75 322

Quick Search:

Search Method:

Metal Tag Number

Metal Tag Number

Search

[Click Here for Important
Messages 05/12/06](#)

You are logged in as hbohac



Point Of Diversion	PCC	Flow Meter	Time Clock	Alternate	Contacts	Data Summary	Other	Logout
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PCC Power Usage

* = Required fields

Status: WMIS Number 600072; Metal Tag Number A0006689

Report Year*	Utility KWH	Total PCC	Acre Feet	AcreComments
2007	203940.00	07/30/07 422.60	482.58	Fee Qualifier
	Utility Idaho Power	Account Number	Service Number	
	Validated Validated by GWD Hydrgrapher	Preferred Method	Tracking No	
Report Year*	Utility KWH	Total PCC	Acre Feet	AcreComments
2006	180880.00	06/26/06 346.46	522.08	FeeMeasured Qualifiercondition
	Utility Idaho Power	Account Number	Service Number 2635695483	as operator was not available to make changes to the system. It was a full condition but there are several conditions that could exist.
	Validated	Preferred Method	Tracking No	
Report Year*	Utility KWH	Total PCC	Acre Feet	AcreComments
2005	174440.00			FeeEither no PCC Qualifierbeen
	Utility Idaho Power	Account Number	Service Number 2635695483	measured, or no valid PCC exists in WMIS at the time of volume calculation.
	Validated	Preferred Method	Tracking No	
Report Year*	Utility KWH	Total PCC	Acre Feet	AcreComments
2004	168800.00	07/11/97 404.50	417.30	Fee Qualifier

	Utility Idaho Power	Account Number 9350700908	Service Number 2635695483	
	Validated Validated by IDWR	Preferred Method	Tracking No	
Report Year* 2003	Utility KWH 201480.00	Total PCC 07/11/97 404.50	Acre Feet 498.10	AcreComments Feet Qualifier
	Utility Idaho Power	Account Number	Service Number 2635695483	
	Validated Validated by IDWR	Preferred Method	Tracking No	
Report Year* 2002	Utility KWH 163200.00	Total PCC 07/11/97 404.50	Acre Feet 403.50	AcreComments Feet Qualifier
	Utility Idaho Power	Account Number	Service Number 2635695483	
	Validated Validated by IDWR	Preferred Method	Tracking No	
Report Year* 2001	Utility KWH 164560.00	Total PCC 07/11/97 404.50	Acre Feet 406.80	AcreComments Feet Qualifier
	Utility Idaho Power	Account Number	Service Number 2635695483	
	Validated Validated by IDWR	Preferred Method	Tracking No	
Report Year* 2000	Utility KWH 221120.00	Total PCC 07/11/97 404.50	Acre Feet 546.70	AcreComments Feet Qualifier
	Utility Idaho Power	Account Number 20710070884	Service Number	
	Validated Validated by IDWR	Preferred Method	Tracking No	
Report Year* 1999	Utility KWH 104120.00	Total PCC 07/11/97 404.50	Acre Feet 257.40	AcreComments Feet Qualifier
	Utility Idaho Power	Account Number 20710070883	Service Number	
	Validated	Preferred Method	Tracking	

Validated by IDWR		No		
Report Year* 1998	Utility KWH 137960.00	Total PCC 07/11/97 404.50	Acre Feet 341.10	AcreComments Feet Qualifier
	Utility Idaho Power	Account Number 20710070882	Service Number	
	Validated Validated by IDWR	Preferred Method	Tracking No	
Report Year* 1997	Utility KWH 154920.00	Total PCC 07/11/97 404.50	Acre Feet 383.00	AcreComments Feet Qualifier
	Utility Idaho Power	Account Number 20710070882	Service Number	
	Validated Validated by IDWR	Preferred Method	Tracking No	

