

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 74542**

This is to certify that: MARGARET VERBREE

PO BOX 30  
WENDELL ID 83355  
(208)536-5608

And

JACK VERBREE JR  
PO BOX 30  
WENDELL ID 83355  
(208)536-2732

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 36-2448      | WR/Decreed          | 07/20/1960      | 4.46 cfs    | N/A           | 310.0             | 610.0              | GROUND WATER  |

**Associated Water Rights Also Included In Transfer Approval (Conditions Updated)**

|         |            |            |          |         |       |         |              |
|---------|------------|------------|----------|---------|-------|---------|--------------|
| 36-7604 | WR/Decreed | 03/11/1976 | 5.74 cfs | 1812 af |       | 1,063.0 | GROUND WATER |
| 36-2458 | WR/Decreed | 12/19/1960 | 5.08 cfs | N/A     | 300.0 | 610.0   | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-2448               | YES          | NO         | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-2448               | <b>36-16567</b>                  | 0.56 cfs             | 130.4 af               | N/A               |                    | <b>36-16566</b>                    | 3.9 cfs               | 1080 af                 | 270.0                       | 616.0                        |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.56 cfs</b>      | <b>130.4 af</b>        | <b>N/A</b>        |                    |                                    | <b>3.9 cfs</b>        | <b>1080 af</b>          | <b>270.0</b>                | <b>616.0</b>                 |

**SUPPORT DATA**

IN FILE # 36-2448

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 74542

Detailed Water Right Description(s) attached

Dated this 8<sup>th</sup> day of January, 2009



Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-16566**  
**As Modified by Transfer No. 74542**

In accordance with the approval of Transfer No. 74542, Water Right No. 36-16566 is now described as follows.

**Right Holder:** JACK VERBREE JR  
 PO BOX 30  
 WENDELL ID 83355

And

MARGARET VERBREE  
 PO BOX 30  
 WENDELL ID 83355

**Priority Date:** July 20, 1960

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 3.90 CFS              | 1,080.0 AF    |
|                       |             |           | 3.90 CFS              | 1,080.0 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |             |                                        |
|--------------|-------------|----------------------------------------|
| GROUND WATER | NWNWSE      | Sec. 35 Twp 06S Rge 21E LINCOLN County |
| GROUND WATER | NWNWSW      | Sec. 36 Twp 06S Rge 21E LINCOLN County |
| GROUND WATER | L1 (NWNENE) | Sec. 6 Twp 07S Rge 22E LINCOLN 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 21E 35  | 30.0 | 36.0 | 28.0 | 30.0 |      |      |      |      |      |      |      |      | 3.0 | 36.0 | 11.0 | 30.0 | 204.0  |
| 06S 21E 36  | 26.0 | 31.0 | 32.0 |      | 32.0 | 29.0 | 31.0 | 34.0 | 39.0 | 29.0 | 30.0 | 34.0 |     | 35.0 | 30.0 |      | 412.0  |

Total Acres: 616

**WATER RIGHT NO. 36-16566**  
**As Modified by Transfer No. 74542**

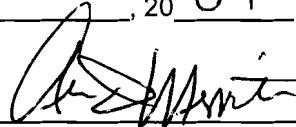
**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 270 acres within the place of use described above in a single irrigation season.
2. Use of this right with Right No. 36-2458 is limited to the irrigation of a combined total of 570 acres in a single irrigation season.
3. Use of this right with Right No. 36-2458 is limited to a total combined diversion rate of 8.98 cfs and a total combined annual diversion volume of 2280 af.
4. Right included accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. Rights 36-2458 and 36-7604 are also diverted through the points of diversion described above.
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.
8. 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.

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 8<sup>th</sup> day of January, 20 09

FOR

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-16567**  
**As Modified by Transfer No. 74542**

In accordance with the approval of Transfer No. 74542, Water Right No. 36-16567 is now described as follows.

**Right Holder:** JACK VERBREE JR  
 PO BOX 30  
 WENDELL ID 83355

And

MARGARET VERBREE  
 PO BOX 30  
 WENDELL ID 83355

**Priority Date:** July 20, 1960

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01       | 12/31     | 0.56 CFS              | 130.4 AF      |
| STOCKWATER            | 01/01       | 12/31     | 0.56 CFS              | 130.4 AF      |
|                       |             |           | 0.56 CFS              | 130.4 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWNWSE      Sec. 35 Twp 06S    Rge 21E    LINCOLN County

GROUND WATER      NWNWSW      Sec. 36 Twp 06S    Rge 21E    LINCOLN County

**PLACE OF USE:**    COMMERCIAL

| 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 21E 35  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |        |
| 06S 21E 36  |    |    |    |    |    |    | X  |    |    | X  |    |    |    |    |    |    |        |

**PLACE OF USE:**    STOCKWATER

| 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 21E 35  |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |
| 06S 21E 36  |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |        |

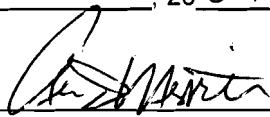
**WATER RIGHT NO. 36-16567**  
**As Modified by Transfer No. 74542**

**CONDITIONS OF APPROVAL**

1. 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.
2. Prior to the diversion and use of water under Transfer approval 74542, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications. Water diverted from the irrigation wells within NWNWSE Sec 35 and NWNWSW Sec 36, T06S R21E, for use at the facility for stockwater and commercial purposes must be measured independently from the irrigation water also diverted from these wells.
3. Rights 36-16566, 36-36-2458 and 36-7604 are also diverted through the point(s) of diversion described above for irrigation purposes.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Commercial use is for truck washing, dust control and other non-stockwater uses at a feedlot.
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.
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.

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 8<sup>th</sup> day of January, 2009

  
\_\_\_\_\_  
FOR Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-2458**  
**As Modified by Transfer No. 74542**

In accordance with the approval of Transfer No. 74542, Water Right No. 36-2458 is now described as follows.

**Right Holder:** JACK VERBREE JR  
 PO BOX 30  
 WENDELL ID 83355

And

MARGARET VERBREE  
 PO BOX 30  
 WENDELL ID 83355

**Priority Date:** December 19, 1960

**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  | 5.08 CFS              | 1,200.0 AF    |
|                       |             |           | 5.08 CFS              | 1,200.0 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |             |                 |         |                |
|--------------|-------------|-----------------|---------|----------------|
| GROUND WATER | NWNWSE      | Sec. 35 Twp 06S | Rge 21E | LINCOLN County |
| GROUND WATER | NWNWSW      | Sec. 36 Twp 06S | Rge 21E | LINCOLN County |
| GROUND WATER | L1 (NWNENE) | Sec. 6 Twp 07S  | Rge 22E | LINCOLN 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 | 21E | 35  | 30.0 | 36.0 | 28.0 | 30.0 |      |      |      |      |      |      |      |      |    |    |    | 3.0 | 36.0   | 11.0 | 30.0 | 204.0 |       |
| 06S | 21E | 36  | 26.0 | 31.0 | 32.0 |      | 32.0 | 29.0 | 31.0 | 34.0 | 39.0 | 29.0 | 30.0 | 34.0 |    |    |    |     | 35.0   | 30.0 |      |       | 412.0 |

Total Acres: 616

**WATER RIGHT NO. 36-2458**  
**As Modified by Transfer No. 74542**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.
2. Use of this right with Right No. 36-16566 is limited to the irrigation of a combined total of 570 acres in a single irrigation season.
3. Use of this right with Right No. 36-16566 is limited to a total combined diversion rate of 8.98 cfs and a total combined annual diversion volume of 2280 af.
4. Right included accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. Rights 36-16566 and 36-7604 are also diverted through the points of diversion described above.
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.
8. 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.

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 8<sup>th</sup> day of January, 20 09

  
FOR Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-7604**  
**As Modified by Transfer No. 74542**

In accordance with the approval of Transfer No. 74542, Water Right No. 36-7604 is now described as follows.

**Right Holder:** JACK VERBREE JR  
 PO BOX 30  
 WENDELL ID 83355

And

MARGARET VERBREE  
 PO BOX 30  
 WENDELL ID 83355

**Priority Date:** March 11, 1976

**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     | 5.74 CFS              | 1,344.0 AF    |
|                       |             |           | 5.74 CFS              | 1,344.0 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER              NWSE              Sec. 35 Twp 06S    Rge 21E    LINCOLN County

GROUND WATER              NWSW              Sec. 36 Twp 06S    Rge 21E    LINCOLN County

GROUND WATER              L1 (NENE)              Sec. 6    Twp 07S    Rge 22E    LINCOLN 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 21E 35  | 30.0 | 36.0 | 28.0 | 30.0 |      |      |      |      |      |      |      |      | 3.0  | 36.0 | 11.0 | 30.0 | 204.0  |
| 06S 21E 36  | 26.0 | 31.0 | 32.0 | 30.0 | 32.0 | 29.0 | 31.0 | 34.0 | 39.0 | 29.0 | 30.0 | 34.0 | 25.0 | 35.0 | 30.0 | 29.0 | 496.0  |
| 07S 22E 5   | 14.0 | 21.0 | 31.0 | 23.0 | 17.0 | 23.0 | 26.0 | 31.0 |      |      |      |      |      |      |      |      | 186.0  |
| 07S 22E 6   | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      | 20.0   |
|             | 20.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 906

**WATER RIGHT NO. 36-7604**  
**As Modified by Transfer No. 74542**

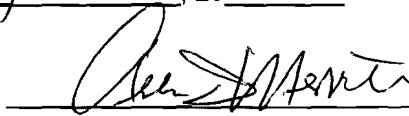
**CONDITIONS OF APPROVAL**

1. Right Nos. 36-2458, 36-7604 and 36-16566 are limited to the irrigation of a combined total of 906 acres in a single irrigation season.
2. Right Nos. 36-2458, 36-7604 and 36-16566 are limited to a total combined diversion rate of 14.72 cfs and to a total combined annual diversion volume of 3624 af.
3. This right represents the irrigation of 336 acres not previously allocated under Rights 36-2458 and 36-16566.
4. The portion of Right 36-7604 in excess of 336 acres and 1344 afa shall be considered forfeited through approval of Transfer 74542.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
6. Right Nos. 36-2458 and 36-16566 are also diverted through the points of diversion described above.
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 8<sup>th</sup> day of January, 2009

FOR

  
Chief, Water Allocation Bureau