

**STARTING
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FILE**

Transfer # 69002

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF TRANSFER)
NO. 69002 IN THE NAME OF)
TRACY L. BAXTER OR)
SHARON L. BAXTER_____)**

**ORDER DENYING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right transfer approval, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On September 3, 2002, the Department issued a preliminary order approving Transfer No. 69002 authorizing Tracy L. Baxter or Sharon L. Baxter (right holders) to change the place of use and point of diversion for a portion of Water Right Nos. 11-946 and 11-947. The transfer approval was amended and reissued as a preliminary order (transfer) on September 18, 2002. The transfer approval split Water Right No. 11-946 into parts; the part in the name of the right holders was numbered 11-7456. The transfer also split Water Right No. 11-947 into parts; the part in the name of the right holders was numbered 11-7458.
2. The transfer approval authorized irrigation under Water Right No. 11-7458 for the period beginning on April 15 and ending on September 30 each year.
3. On October 3, 2002, the Department received a petition for reconsideration (petition) from the right holders. The petition indicated that water has historically been diverted beyond September 30 under Water Right No. 11-7458 (11-947) and asked to have the transfer approval changed to remove the cut-off date for the irrigation season.
4. The rights holders did not request a hearing in connection with the preliminary order.
5. On October 15, 2002, the Department granted the petition and retained jurisdiction of the matter to review and consider the information submitted by the right holders.
6. On June 26, 2003, the Department received a Notice of Change in Water Right Ownership indicating that ownership of Water Right Nos. 11-7456 and 11-7458 had changed to North Hills Ltd. and UR Ranches LLC.
7. The District Court of the Fifth Judicial District of the State of Idaho for Bear Lake County issued a decree of water rights on March 7, 1924 in the case *Preston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al* (Terrell decree). The Terrell decree designated

rights as either a “meadow right” or “agricultural right.” The Terrell decree indicated that “...the duty of water shall be fixed and determined at one and one-half (1 ½) miners inches per acre of water from April 15th to July 1st each year, and at one (1) miners inch per acre from July 1st to September 30th of each year for the lands designated as meadow lands, and for the lands designated as agricultural lands, it is agreed that the duty shall be one miners inch per acre through the irrigation season...” The Terrell decree included Water Right No. 11-947 and designated the right as an agricultural right.

8. The Department has historically interpreted the irrigation season for agricultural rights listed in the Terrell decree to be April 15 to September 30 based on the overall season listed for meadow rights and based on other court decrees for water rights in the Bear River basin. This interpretation ensures consistency for water distribution purposes in the Bear River Basin.

CONCLUSIONS OF LAW

1. Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The rights holder’s petition for reconsideration was filed timely.
3. Section 42-222(5), *Idaho Code*, provides in pertinent part as follows:

Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to change the point of diversion, place, period of use or nature of use of water under an established right...may request a hearing pursuant to section 42-1701A(3), *Idaho Code*, for the purpose of contesting the action of the director...

4. Section 42-1701A(3), *Idaho Code*, provides in pertinent part as follows:

...The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. The director shall give such notice of the petition as is necessary to provide other affected persons an opportunity to participate in the proceeding...

5. The rights holders did not request a hearing in connection with the preliminary order.
6. Rule 730.02a of the Rules of Procedure of the Department provides in pertinent part that the

Department will "... dispose of the petition for reconsideration within twenty-one (21) days of its receipt or the petition will be considered denied by operation of law."

7. The Department disposed of the petition by order and retained jurisdiction of the matter to review and consider the information submitted by the right holders.
8. Section 42-222(1), *Idaho Code*, provides in pertinent part as follows:

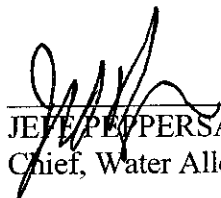
The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, *Idaho Code*, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, ...

9. The irrigation season cut-off date is necessary to prevent injury or adverse effects to other rights from the Bear River.
10. The right holders have not provided suitable justification for the Department to amend the transfer approval by removing the cut-off date for the irrigation season.
11. The Department should deny the petition for reconsideration of the preliminary order pursuant to Section 67-5243(3), *Idaho Code*.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order approving Transfer No. 69002 is **DENIED**.

Dated this 24th day of October, 2007.



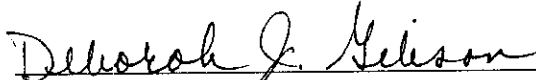
JEFF PETERSACK
Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October, 2007, a true and correct copy of the document(s) described below were served by placing the same in the United States mail, by certified mail, return receipt requested, postage prepaid and properly addressed to the following:

Document(s) Served: ORDER DENYING PETITION FOR RECONSIDERATION and EXPLANATORY INFORMATION sheet when an Order Denying Petition for Reconsideration has been issued.

TRACY L BAXTER
SHARON L BAXTER
3000 PEGRAM RD
MONTPELIER ID 83254


Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69002

This is to certify that: TRACY L BAXTER Or
SHARON L BAXTER
3000 PEGRAM RD
MONTPELIER ID 83254
(208)847-2130

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
11-946	WR/Decreed	04/15/1877	4.8 cfs	N/A			BEAR RIVER
11-947	WR/Decreed	04/15/1885	2 cfs	N/A			BEAR RIVER

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>
11-946	YES	NO	YES	YES	NO	NO
11-947	YES	NO	YES	YES	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>
11-946	11-7456	1.75 cfs	498.8 af	N/A	153.7	11-7457 & 11-7460 (See Transfers 69003 & 69211)				
11-947	11-7458	0.73 cfs	287.6 af	N/A	153.7	11-7459 & 11-7462 (See Transfers 69003 & 69211)				
TOTALS		2.48 cfs	538 af	153.7	153.7					

Detailed Water Right Description(s) attached

Dated this 18th day of September, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 8 2002

WATER RIGHT NO. 11-7458
As Modified by Transfer No. 69002

In accordance with the approval of Transfer No. 69002, Water Right No. 11-7458 is now described as follows.

Right Holder: TRACY L BAXTER And
 SHARON L BAXTER
 3000 PEGRAM RD
 MONTPELIER ID 83254

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 09/30	0.73 CFS	287.6 AF
			0.73 CFS	287.6 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE County

BEAR RIVER SENE Sec. 26 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23												34.8			37.6	37.5	109.9
14S 45E 24											5.6						5.6
14S 45E 26	38.2																38.2

Total Acres: 153.7

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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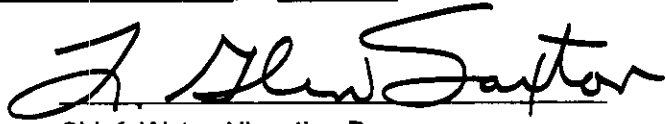
WATER RIGHT NO. 11-7458
As Modified by Transfer No. 69002

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7456 and 11-7458 shall not exceed 2.48 cfs.
7. Rights 11-7456 and 11-7458 when combined shall not exceed a total annual maximum diversion volume of 538.0 af at the field headgate, and the irrigation of 153.7 acres.

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 18th day of September, 2002



Chief, Water Allocation Bureau

MICROFILMED

OCT 04 2002

WATER RIGHT NO. 11-7456
As Modified by Transfer No. 69002

In accordance with the approval of Transfer No. 69002, Water Right No. 11-7456 is now described as follows.

Right Holder: TRACY L BAXTER And
 SHARON L BAXTER
 3000 PEGRAM RD
 MONTPELIER ID 83254

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01 to 09/30		1.16 CFS	232.0 AF
IRRIGATION	04/15 to 07/01		1.75 CFS	266.8 AF
			1.75 CFS	498.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE County

BEAR RIVER SENE Sec. 26 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23												34.8			37.6	37.5	109.9
14S 45E 24									5.6								5.6
14S 45E 26	38.2																38.2

Total Acres: 153.6

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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OCT 9 4 2002

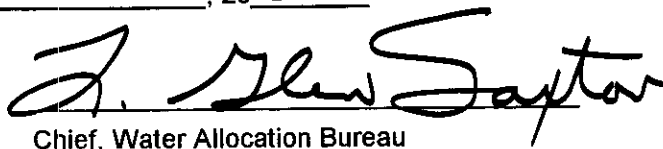
WATER RIGHT NO. 11-7456
As Modified by Transfer No. 69002

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7456 and 11-7458 shall not exceed 2.48 cfs.
7. Rights 11-7456 and 11-7458 when combined shall not exceed a total annual maximum diversion volume of 538.0 af at the field headgate, and the irrigation of 153.7 acres.

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 18th day of September, 2002


Chief, Water Allocation Bureau

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OCT 9 4 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69002

This is to certify that: TRACY L BAXTER Or
SHARON L BAXTER
3000 PEGRAM RD
MONTPELIER ID 83254
(208)847-2130

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
11-946	WR/Decreed	04/15/1877	4.8 cfs	N/A			BEAR RIVER
11-947	WR/Decreed	04/15/1885	2 cfs	N/A			BEAR RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>PQU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-946	YES	NO	YES	YES	NO	NO
11-947	YES	NO	YES	YES	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>
11-946	11-7456	1.75 cfs	498.8 af	N/A	153.7	11-7457 & 11-7460 (See Transfers 69003 & 69211)				
11-947	11-7458	0.73 cfs	287.6 af	N/A	153.7	11-7459 & 11-7462 (See Transfers 69003 & 69211)				
TOTALS		2.48 cfs	538 af	153.7	153.7					

Detailed Water Right Description(s) attached

Dated this 3rd day of September, 2002

[Signature]
Chief, Water Allocation Bureau

SUPERSEDED

MICROFILMED
SEP 11 2002

MICROFILMED

OCT 04 2002

WATER RIGHT NO. 11-7458
As Modified by Transfer No. 69002

In accordance with the approval of Transfer No. 69002, Water Right No. 11-7458 is now described as follows.

Right Holder: TRACY L BAXTER And
 SHARON L BAXTER
 3000 PEGRAM RD
 MONTPELIER ID 83254

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.73 CFS	287.6 AF
			0.73 CFS	287.6 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE County

BEAR RIVER SENE Sec. 26 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23												34.8			37.6	37.5	109.9
14S 45E 24											5.6						5.6
14S 45E 26	38.2																38.2

Total Acres: 153.7

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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SUPERSEDED

WATER RIGHT NO. 11-7458
As Modified by Transfer No. 69002

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7456 and 11-7458 shall not exceed 2.48 cfs.
7. Rights 11-7456 and 11-7458 when combined shall not exceed a total annual maximum diversion volume of 538.0 af at the field headgate, and the irrigation of 153.7 acres.

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 3rd day of September, 2002


Chief, Water Allocation Bureau

SUPERSEDED

SUPERSEDED

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SEP 11 2002

WATER RIGHT NO. 11-7456
As Modified by Transfer No. 69002

In accordance with the approval of Transfer No. 69002, Water Right No. 11-7456 is now described as follows.

Right Holder: TRACY L BAXTER And
 SHARON L BAXTER
 3000 PEGRAM RD
 MONTPELIER ID 83254

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01 to 09/30		1.16 CFS	232.0 AF
IRRIGATION	04/15 to 07/01		1.75 CFS	266.8 AF
			1.75 CFS	498.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE County

BEAR RIVER SENE Sec. 26 Twp 14S Rge 45E BEAR LAKE 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		
14S 45E 23												34.8				37.6	37.5	109.9
14S 45E 24											5.6							5.6
14S 45E 26	38.2																	38.2

Total Acres: 153.6

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

MICROFILMED

SUPERSEDED

2002

WATER RIGHT NO. 11-7456
As Modified by Transfer No. 69002

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7456 and 11-7458 shall not exceed 2.48 cfs.
7. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. Rights 11-7456 and 11-7458 when combined shall not exceed a total annual maximum diversion volume of 538.0 af at the field headgate, and the irrigation of 153.7 acres.

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 3rd day of September, 2002

[Signature]
Chief, Water Allocation Bureau

SUPERSEDED

MICROFILMED
SEP 11 2002

SUPERSEDED

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

TRANSFER NO. 69211

This is to certify that: SMITH BROKEN HEART RANCH L C

C/O JIM SMITH
3936 HWY 126
OGDEN UT 84404
(801)731-1120

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
11-939	WR/Decreed	04/15/1877	7.5 cfs	N/A			BEAR RIVER
11-940	WR/Decreed	04/15/1885	0.8 cfs	N/A			BEAR RIVER
11-946	WR/Decreed	04/15/1877	4.8 cfs	N/A			BEAR RIVER
11-947	WR/Decreed	04/15/1885	2 cfs	N/A			BEAR RIVER

Purpose of Transfer (Changes Proposed)

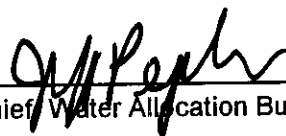
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-939	YES	YES	YES	NO	NO	NO
11-940	YES	YES	YES	NO	NO	NO
11-946	YES	YES	YES	NO	NO	NO
11-947	YES	YES	YES	NO	NO	NO

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>
11-939	11-7467	1.54 cfs	199.5 af	57	131.8	11-7466 (See Transfer 69003)				
11-940	11-7469	0.16 cfs	20.3 af	5.8	131.8	11-7468 (See Transfer 69003)				
11-946	11-7460	1.33 cfs	171.5 af	49	131.8	11-7456 & 11-7457 (See Transfers 69002 & 69003)				
11-947	11-7462	0.55 cfs	70.0 af	20	131.8	11-7458 & 11-7459 (See Transfers 69002 & 69003)				
TOTALS		3.58 cfs	461.3 af	131.8	131.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 25 day of March, 2003

For 
Chief Water Allocation Bureau

Transfer # 69211

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69211

This is to certify that: SMITH BROKEN HEART RANCH L C

C/O JIM SMITH
3936 HWY 126
OGDEN UT 84404
(801)731-1120

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
11-939	WR/Decreed	04/15/1877	7.5 cfs	N/A			BEAR RIVER
11-940	WR/Decreed	04/15/1885	0.8 cfs	N/A			BEAR RIVER
11-946	WR/Decreed	04/15/1877	4.8 cfs	N/A			BEAR RIVER
11-947	WR/Decreed	04/15/1885	2 cfs	N/A			BEAR RIVER

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>
11-939	YES	YES	YES	NO	NO	NO
11-940	YES	YES	YES	NO	NO	NO
11-946	YES	YES	YES	NO	NO	NO
11-947	YES	YES	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>
11-939	11-7467	5.96 cfs	963.2 af	N/A	275.2	11-7466 (See Transfer 69003)				
11-940	11-7469	0.64 cfs	252.2 af	N/A	275.2	11-7468 (See Transfer 69003)				
11-946	11-7460	1.72 cfs	492.2 af	260.0	275.2	11-7456 & 11-7457 (See Transfers 69002 & 69003)				
11-947	11-7462	0.72 cfs	283.7 af	260.0	275.2	11-7458 & 11-7459 (See Transfers 69002 & 69003)				
TOTALS		3.58 cfs	461.3 af	131.8	131.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of September, 2002

[Signature]
Chief, Water Allocation Bureau

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MICROFILMED
OCT 04 2002

WATER RIGHT NO. 11-7467
As Modified by Transfer No. 69211

In accordance with the approval of Transfer No. 69211, Water Right No. 11-7467 is now described as follows.

Right Holder: SMITH BROKEN HEART RANCH L C
 C/O JIM SMITH
 3936 HWY 126
 OGDEN UT 84404

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01 to	09/30	1.03 CFS	199.5 AF
IRRIGATION	04/15 to	07/01	1.54 CFS	199.5 AF
			1.54 CFS	199.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23	1.8	20.0	40.0	25.0										30.0	15.0		131.8

Total Acres: 131.8

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 11-7460, 11-7462, 11-7467 and 11-7469 when combined shall not exceed a total annual maximum diversion volume of 461.3 af at the field headgate, and the irrigation of 131.8 acres.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7460, 11-7462, 11-7467 and 11-7469 shall not exceed 3.58 cfs.
7. This right is limited to the irrigation of 57 acres within the place of use described above in a single irrigation season.

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OCT 04 2002

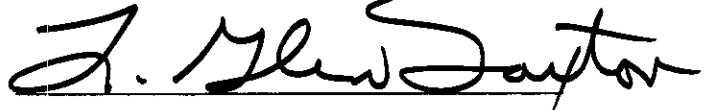
WATER RIGHT NO. 11-7467
As Modified by Transfer No. 69211

CONDITIONS OF APPROVAL

8. This right when combined with all other rights shall provide no more than 3.5 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 18th day of September, 2002



Chief, Water Allocation Bureau

MICROFILMED
OCT 14 2002

WATER RIGHT NO. 11-7462
As Modified by Transfer No. 69211

In accordance with the approval of Transfer No. 69211, Water Right No. 11-7462 is now described as follows.

Right Holder: SMITH BROKEN HEART RANCH L C
 C/O JIM SMITH
 3936 HWY 126
 OGDEN UT 84404

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	09/30	0.55 CFS	70.0 AF
			0.55 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23	1.8	20.0	40.0	25.0										30.0	15.0		131.8

Total Acres: 131.8

CONDITIONS OF APPROVAL

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. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. Rights 11-7460, 11-7462, 11-7467 and 11-7469 when combined shall not exceed a total annual maximum diversion volume of 461.3 af at the field headgate, and the irrigation of 131.8 acres.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-7460, 11-7462, 11-7467 and 11-7469 shall not exceed 3.58 cfs.
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. 11.
7. This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 3.5 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 18th day of September, 2002

MICROFILMED

OCT 04 2002

J. Glen Saylor
 Chief, Water Allocation Bureau

WATER RIGHT NO. 11-7469
As Modified by Transfer No. 69211

In accordance with the approval of Transfer No. 69211, Water Right No. 11-7469 is now described as follows.

Right Holder: SMITH BROKEN HEART RANCH L C

C/O JIM SMITH
 3936 HWY 126
 OGDEN UT 84404

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 09/30	0.16 CFS	20.3 AF
			0.16 CFS	20.3 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23	1.8	20.0	40.0	25.0										30.0	15.0		131.8

Total Acres: 131.8

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 11-7460, 11-7462, 11-7467 and 11-7469 when combined shall not exceed a total annual maximum diversion volume of 461.3 af at the field headgate, and the irrigation of 131.8 acres.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7460, 11-7462, 11-7467 and 11-7469 shall not exceed 3.58 cfs.
7. This right is limited to the irrigation of 5.8 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 3.5 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 18th day of September, 2002

J. Glen Saylor
 Chief, Water Allocation Bureau

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OCT 8 4 2002

WATER RIGHT NO. 11-7460
As Modified by Transfer No. 69211

In accordance with the approval of Transfer No. 69211, Water Right No. 11-7460 is now described as follows.

Right Holder: SMITH BROKEN HEART RANCH L C
 C/O JIM SMITH
 3936 HWY 126
 OGDEN UT 84404

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01 to 09/30		0.89 CFS	171.5 AF
IRRIGATION	04/15 to 07/01		1.33 CFS	171.5 AF
			1.33 CFS	171.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23	1.8	20.0	40.0	25.0										30.0	15.0		131.8

Total Acres: 131.8

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 11-7460, 11-7462, 11-7467 and 11-7469 when combined shall not exceed a total annual maximum diversion volume of 461.3 af at the field headgate, and the irrigation of 131.8 acres.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7460, 11-7462, 11-7467 and 11-7469 shall not exceed 3.58 cfs, nor total combined annual volume of 461.3 af.
7. This right is limited to the irrigation of 49 acres within the place of use described above in a single irrigation season.

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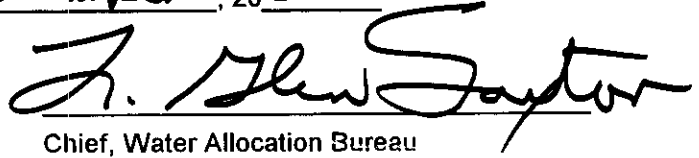
WATER RIGHT NO. 11-7460
As Modified by Transfer No. 69211

CONDITIONS OF APPROVAL

8. This right when combined with all other rights shall provide no more than 3.5 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 18th day of September, 2002


Chief, Water Allocation Bureau

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OCT 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69211

This is to certify that: SMITH BROKEN HEART RANCH L C

C/O JIM SMITH
3936 HWY 126
OGDEN UT 84404
(801)731-1120

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
11-939	WR/Decreed	04/15/1877	7.5 cfs	N/A			BEAR RIVER
11-940	WR/Decreed	04/15/1885	0.8 cfs	N/A			BEAR RIVER
11-946	WR/Decreed	04/15/1877	4.8 cfs	N/A			BEAR RIVER
11-947	WR/Decreed	04/15/1885	2 cfs	N/A			BEAR RIVER

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>
11-939	YES	YES	YES	NO	NO	NO
11-940	YES	YES	YES	NO	NO	NO
11-946	YES	YES	YES	NO	NO	NO
11-947	YES	YES	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>
11-939	11-7467	5.96 cfs	963.2 af	N/A	275.2	11-7466 (See Transfer 69003)				
11-940	11-7469	0.64 cfs	252.2 af	N/A	275.2	11-7468 (See Transfer 69003)				
11-946	11-7460	1.72 cfs	492.2 af	260.0	275.2	11-7456 & 11-7457 (See Transfers 69002 & 69003)				
11-947	11-7462	0.72 cfs	283.7 af	260.0	275.2	11-7458 & 11-7459 (See Transfers 69002 & 69003)				
TOTALS		3.58 cfs	461.3 af	131.8	131.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of September, 2002

[Signature]
Chief, Water Allocation Bureau

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SEP 11 2002

WATER RIGHT NO. 11-7467
As Modified by Transfer No. 69211

In accordance with the approval of Transfer No. 69211, Water Right No. 11-7467 is now described as follows.

Right Holder: SMITH BROKEN HEART RANCH L C
 C/O JIM SMITH
 3936 HWY 126
 OGDEN UT 84404

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01 to 09/30		1.03 CFS	199.5 AF
IRRIGATION	04/15 to 07/01		1.54 CFS	199.5 AF
			1.54 CFS	199.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23	1.8	20.0	40.0	25.0													131.8

Total Acres: 131.8

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 11-7460, 11-7462, 11-7467 and 11-7469 when combined shall not exceed a total annual maximum diversion volume of 461.3 af at the field headgate, and the irrigation of 131.8 acres.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7460, 11-7462, 11-7467 and 11-7469 shall not exceed 3.58 cfs.
7. This right is limited to the irrigation of 57 acres within the place of use described above in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

SUPERSEDED

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SEP 11 2002

WATER RIGHT NO. 11-7467
As Modified by Transfer No. 69211

CONDITIONS OF APPROVAL

9. This right when combined with all other rights shall provide no more than 3.5 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 3rd day of September, 2002

J. [Signature]
Chief, Water Allocation Bureau

SUPERSEDED

MICROFILMED

SEP 11 2002

WATER RIGHT NO. 11-7462
As Modified by Transfer No. 69211

In accordance with the approval of Transfer No. 69211, Water Right No. 11-7462 is now described as follows.

Right Holder: SMITH BROKEN HEART RANCH L C

C/O JIM SMITH
 3936 HWY 126
 OGDEN UT 84404

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.55 CFS	70.0 AF
			0.55 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23	1.8	20.0	40.0	25.0										30.0	15.0		131.8

Total Acres: 131.8

CONDITIONS OF APPROVAL

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. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. Rights 11-7460, 11-7462, 11-7467 and 11-7469 when combined shall not exceed a total annual maximum diversion volume of 461.3 af at the field headgate, and the irrigation of 131.8 acres.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-7460, 11-7462, 11-7467 and 11-7469 shall not exceed 3.58 cfs.
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. 11.
7. This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 3.5 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 3rd day of September, 2002

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SEP 11 2002

Chief, Water Allocation Bureau

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[Signature]
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WATER RIGHT NO. 11-7469
As Modified by Transfer No. 69211

In accordance with the approval of Transfer No. 69211, Water Right No. 11-7469 is now described as follows.

Right Holder: SMITH BROKEN HEART RANCH L C
 C/O JIM SMITH
 3936 HWY 126
 OGDEN UT 84404

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.16 CFS	20.3 AF
			0.16 CFS	20.3 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23	1.8	20.0	40.0	25.0										30.0	15.0		131.8

Total Acres: 131.8

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 11-7460, 11-7462, 11-7467 and 11-7469 when combined shall not exceed a total annual maximum diversion volume of 461.3 af at the field headgate, and the irrigation of 131.8 acres.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7460, 11-7462, 11-7467 and 11-7469 shall not exceed 3.58 cfs.
7. This right is limited to the irrigation of 5.8 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 3.5 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 3rd day of September, 2002

MICROFILMED

[Signature]
 Chief, Water Allocation Bureau

SEP 11 2002

SUPERSEDED
[Signature]

WATER RIGHT NO. 11-7460
As Modified by Transfer No. 69211

In accordance with the approval of Transfer No. 69211, Water Right No. 11-7460 is now described as follows.

Right Holder: SMITH BROKEN HEART RANCH L C
 C/O JIM SMITH
 3936 HWY 126
 OGDEN UT 84404

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01	to 09/30	0.89 CFS	171.5 AF
IRRIGATION	04/15	to 07/01	1.33 CFS	171.5 AF
			1.33 CFS	171.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NWNW Sec. 25 Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 23	1.8	20.0	40.0	25.0									30.0	15.0			131.8

Total Acres: 131.8

CONDITIONS OF APPROVAL

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. 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. 11.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 11-7460, 11-7462, 11-7467 and 11-7469 when combined shall not exceed a total annual maximum diversion volume of 461.3 af at the field headgate, and the irrigation of 131.8 acres.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7460, 11-7462, 11-7467 and 11-7469 shall not exceed 3.58 cfs, nor total combined annual volume of 461.3 af.
7. This right is limited to the irrigation of 49 acres within the place of use described above in a single irrigation season.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 9/30 is subordinate to all water rights having no subordinated early or late irrigation and a priority date earlier than the date of this approval.

SEP 11 2002

SUPERSEDED

WATER RIGHT NO. 11-7460
As Modified by Transfer No. 69211

CONDITIONS OF APPROVAL

9. This right when combined with all other rights shall provide no more than 3.5 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 3rd day of September, 2002

[Signature]
Chief, Water Allocation Bureau

SUPERSEDED

MICROFILMED

SEP 11 2002

SUPERSEDED

Transfer # 69003

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF TRANSFER)
NO. 69003 IN THE NAME OF)
MARRINER JENSEN OR)
EILEEN JENSEN)**

**ORDER DENYING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right transfer approval, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On September 3, 2002, the Department issued a preliminary order approving Transfer No. 69003 authorizing Marriner or Eileen Jensen (right holders) to change the place of use and point of diversion for a portion of Water Right Nos. 11-939, 11-940, 11-946, and 11-947. The transfer approval was amended and reissued as a preliminary order (transfer) on September 18, 2002. The transfer approval split the water rights into parts; the parts in the name of the right holders were numbered 11-7466 (11-939), 11-7468 (11-940), 11-7457 (11-946) and 11-7459 (11-947).
2. The transfer approval authorized irrigation under Water Right Nos. 11-7468 and 11-7459 for the period beginning on April 15 and ending on September 30 each year.
3. On October 2, 2002, the Department received a petition for reconsideration (petition) from the right holders. The petition indicated that water has historically been diverted beyond September 30 under Water Right Nos. 11-7468 (11-940) and 11-7459 (11-947) and asked to have the transfer approval changed to show the period for irrigation ending on October 31 each year. The petition included statements from several individuals indicating historical use of water on meadows beyond September 30.
4. The right holders did not request a hearing in connection with the preliminary order.
5. On October 15, 2002, the Department granted the petition and retained jurisdiction of the matter to review and consider the information submitted by the right holders.
6. The District Court of the Fifth Judicial District of the State of Idaho for Bear Lake County issued a decree of water rights on March 7, 1924 in the case *Preston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al* (Terrell decree). The Terrell decree designated rights as either a "meadow right" or "agricultural right." The Terrell decree indicated that "...the duty of water shall be fixed and determined at one and one-half (1 ½) miners inches per

acre of water from April 15th to July 1st each year, and at one (1) miners inch per acre from July 1st to September 30th of each year for the lands designated as meadow lands, and for the lands designated as agricultural lands, it is agreed that the duty shall be one miners inch per acre through the irrigation season..." The Terrell decree included Water Right Nos. 11-940 and 11-947 and designated the rights as agricultural rights.

7. The Department has historically interpreted the irrigation season for agricultural rights listed in the Terrell decree to be April 15 to September 30 based on the overall season listed for meadow rights and based on other court decrees for water rights in the Bear River basin. This interpretation ensures consistency for water distribution purposes in the Bear River Basin.

CONCLUSIONS OF LAW

1. Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The right holder's petition for reconsideration was filed timely.
3. Section 42-222(5), *Idaho Code*, provides in pertinent part as follows:

Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to change point of diversion, place, period of use or nature of use of water under an established right...may request a hearing pursuant to section 42-1701A(3), *Idaho code*, for the purpose of contesting the action of the director...

4. Section 42-1701A(3), *Idaho Code*, provides in pertinent part as follows:

...The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. The director shall give such notice of the petition as is necessary to provide other affected persons an opportunity to participate in the proceeding...

5. The right holders did not request a hearing in connection with the preliminary order.
6. Rule 730.02a of the Rules of Procedure of the Department provides in pertinent part that the Department will "... dispose of the petition for reconsideration within twenty-one (21) days of its receipt or the petition will be considered denied by operation of law."

7. The Department disposed of the petition by order and retained jurisdiction of the matter to review and consider the information submitted by the right holders.

8. Section 42-222(1), *Idaho Code*, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, *Idaho Code*, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, ...

9. The irrigation season cut-off date is necessary to prevent injury or adverse effects to other rights from the Bear River.

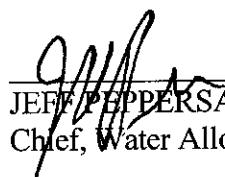
10. The right holders have not provided suitable justification for the Department to amend the transfer approval to show the period for irrigation ending on October 31 each year.

11. The Department should deny the petition for reconsideration of the preliminary order pursuant to Section 67-5243(3), *Idaho Code*.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order approving Transfer No. 69003 is **DENIED**.

Dated this 24th day of October, 2007.

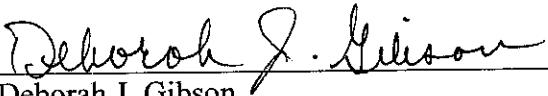

JEFF PEPPERSACK
Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October, 2007, a true and correct copy of the document(s) described below were served by placing the same in the United States mail, by certified mail, return receipt requested, postage prepaid and properly addressed to the following:

Document(s) Served: ORDER DENYING PETITION FOR RECONSIDERATION and EXPLANATORY INFORMATION sheet when an Order Denying Petition for Reconsideration has been issued.

MARRINER JENSEN
EILEEN JENSEN
8989 US HWY 30 S
MONTPELIER ID 83254


Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69003

This is to certify that: MARRINER JENSEN Or
EILEEN JENSEN
8989 US HWY 30 S
MONTPELIER ID 83254
(208)847-0263

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
11-939	WR/Decreed	04/15/1877	7.5 cfs	N/A			BEAR RIVER
11-940	WR/Decreed	04/15/1885	0.8 cfs	N/A			BEAR RIVER
11-946	WR/Decreed	04/15/1877	4.8 cfs	N/A			BEAR RIVER
11-947	WR/Decreed	04/15/1885	2 cfs	N/A			BEAR RIVER

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>
11-939	YES	YES	YES	NO	NO	NO
11-940	YES	YES	YES	NO	NO	NO
11-946	YES	YES	YES	NO	NO	NO
11-947	YES	YES	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>
11-939	11-7466	5.96 cfs	963.2 af	N/A	275.2	11-7467 (See Transfer 69211)				
11-940	11-7468	0.64 cfs	252.2 af	N/A	275.2	11-7469 (See Transfer 69211)				
11-946	11-7457	1.72 cfs	492.2 af	260.0	275.2	11-7456 & 11-7460 (See Transfers 69002 & 69211)				
11-947	11-7459	0.72 cfs	283.7 af	260.0	275.2	11-7458 & 11-7462 (See Transfers 69002 & 69211)				
TOTALS		9.04 cfs	963.2 af	275.2	275.2					

Detailed Water Right Description(s) attached

Dated this 18th day of September, 2002


Chief, Water Allocation Bureau

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OCT 04 2002

WATER RIGHT NO. 11-7466
As Modified by Transfer No. 69003

In accordance with the approval of Transfer No. 69003, Water Right No. 11-7466 is now described as follows.

Right Holder: MARRINER JENSEN And
 EILEEN JENSEN
 8989 US HWY 30 S
 MONTPELIER ID 83254

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01 to	09/30	3.97 CFS	633.5 AF
IRRIGATION	04/15 to	07/01	5.96 CFS	633.5 AF
			5.96 CFS	633.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	NENE	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	NENW	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	SENE	Sec. 26	Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 15												1.0			3.9	2.6	7.5
14S 45E 22	31.0			29.5	24.8	1.0											86.3
14S 45E 23					15.4	38.7	41.4	27.6	34.1	24.2							181.4

Total Acres: 275.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 181 acres within the place of use described above in a single irrigation season.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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. 11.

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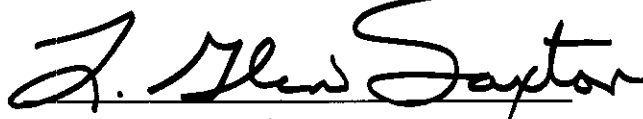
WATER RIGHT NO. 11-7466
As Modified by Transfer No. 69003

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7457, 11-7459, 11-7466 and 11-7468 shall not exceed 9.04 cfs.
7. Rights 11-7457, 11-7459, 11-7466 and 11-7468 when combined shall not exceed a total annual maximum diversion volume of 963.2 af at the field headgate, and the irrigation of 275.2 acres.
8. This right when combined with all other rights shall provide no more than 3.5 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 18th day of September, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 04 2002

WATER RIGHT NO. 11-7468
As Modified by Transfer No. 69003

In accordance with the approval of Transfer No. 69003, Water Right No. 11-7468 is now described as follows.

Right Holder: MARRINER JENSEN And
 EILEEN JENSEN
 8989 US HWY 30 S
 MONTPELIER ID 83254

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 09/30	0.64 CFS	70.0 AF
			0.64 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	NENE	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	NENW	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	SENE	Sec. 26	Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 15												1.0			3.9	2.6	7.5
14S 45E 22	31.0			29.5	24.8	1.0											86.3
14S 45E 23					15.4	38.7	41.4	27.6	34.1	24.2							181.4

Total Acres: 275.2

CONDITIONS OF APPROVAL

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. 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. 11.

MICROFILMED

OCT 04 2002

WATER RIGHT NO. 11-7468
As Modified by Transfer No. 69003

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-7457, 11-7459, 11-7466 and 11-7468 shall not exceed 9.04 cfs.
6. Rights 11-7457, 11-7459, 11-7466 and 11-7468 when combined shall not exceed a total annual maximum diversion volume of 963.2 af at the field headgate, and the irrigation of 275.2 acres.
7. This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 3.5 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 18th day of September, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 04 2002

WATER RIGHT NO. 11-7457
As Modified by Transfer No. 69003

In accordance with the approval of Transfer No. 69003, Water Right No. 11-7457 is now described as follows.

Right Holder: MARRINER JENSEN And
 EILEEN JENSEN
 8989 US HWY 30 S
 MONTPELIER ID 83254

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01	09/30	1.15 CFS	182.7 AF
IRRIGATION	04/15	07/01	1.72 CFS	182.7 AF
			1.72 CFS	182.7 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	NENE	Sec. 22	Twp 14S Rge 45E	BEAR LAKE County
BEAR RIVER	NENW	Sec. 22	Twp 14S Rge 45E	BEAR LAKE County
BEAR RIVER	SENE	Sec. 26	Twp 14S Rge 45E	BEAR LAKE 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	
14S 45E 15												1.0			3.9	2.6	7.5
14S 45E 22	31.0			29.5	24.8	1.0											86.3
14S 45E 23					15.4	38.7	41.4	27.6	34.1	24.2							181.4

Total Acres: 275.2

CONDITIONS OF APPROVAL

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. 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. 11.

OCT 04 2002

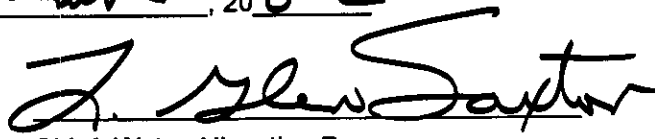
WATER RIGHT NO. 11-7457
As Modified by Transfer No. 69003

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-7457, 11-7459, 11-7466 and 11-7468 shall not exceed 9.04 cfs.
6. Rights 11-7457, 11-7459, 11-7466 and 11-7468 when combined shall not exceed a total annual maximum diversion volume of 963.2 af at the field headgate, and the irrigation of 275.2 acres.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of 52.2 acres within the place of use described above in a single irrigation season.

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 18th day of September, 2002


Chief, Water Allocation Bureau

MICROFILMED
OCT 04 2002

WATER RIGHT NO. 11-7459
As Modified by Transfer No. 69003

In accordance with the approval of Transfer No. 69003, Water Right No. 11-7459 is now described as follows.

Right Holder: MARRINER JENSEN And
 EILEEN JENSEN
 8989 US HWY 30 S
 MONTPELIER ID 83254

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	09/30	0.72 CFS	77.0 AF
			0.72 CFS	77.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	NENE	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	NENW	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	SENE	Sec. 26	Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 15												1.0			3.9	2.6	7.5
14S 45E 22	31.0			29.5	24.8	1.0											86.3
14S 45E 23					15.4	38.7	41.4	27.6	34.1	24.2							181.4

Total Acres: 275.2

CONDITIONS OF APPROVAL

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. 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. 11.

MICROFILMED

OCT 04 2002

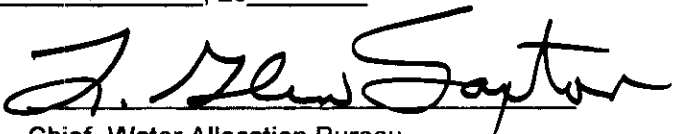
WATER RIGHT NO. 11-7459
As Modified by Transfer No. 69003

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-7457, 11-7459, 11-7466 and 11-7468 shall not exceed 9.04 cfs.
6. Rights 11-7457, 11-7459, 11-7466 and 11-7468 when combined shall not exceed a total annual maximum diversion volume of 963.2 af at the field headgate, and the irrigation of 275.2 acres.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of 22 acres within the place of use described above in a single irrigation season.

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 18th day of September, 2002


Chief, Water Allocation Bureau

MICROFILMED

OCT 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69003

This is to certify that: MARRINER JENSEN Or
EILEEN JENSEN
8989 US HWY 30 S
MONTPELIER ID 83254
(208)847-0263

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
11-939	WR/Decreed	04/15/1877	7.5 cfs	N/A			BEAR RIVER
11-940	WR/Decreed	04/15/1885	0.8 cfs	N/A			BEAR RIVER
11-946	WR/Decreed	04/15/1877	4.8 cfs	N/A			BEAR RIVER
11-947	WR/Decreed	04/15/1885	2 cfs	N/A			BEAR RIVER

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>
11-939	YES	YES	YES	NO	NO	NO
11-940	YES	YES	YES	NO	NO	NO
11-946	YES	YES	YES	NO	NO	NO
11-947	YES	YES	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>
11-939	11-7466	5.96 cfs	963.2 af	N/A	275.2	11-7467 (See Transfer 69211)				
11-940	11-7468	0.64 cfs	252.2 af	N/A	275.2	11-7469 (See Transfer 69211)				
11-946	11-7457	1.72 cfs	492.2 af	260.0	275.2	11-7456 & 11-7460 (See Transfers 69002 & 69211)				
11-947	11-7459	0.72 cfs	283.7 af	260.0	275.2	11-7458 & 11-7462 (See Transfers 69002 & 69211)				
TOTALS		9.04 cfs	963.2 af	275.2	275.2					

Detailed Water Right Description(s) attached

Dated this 3rd day of September, 2003

MICROFILMED

OCT 04 2002

Chief, Water Allocation Bureau

MICROFILMED

SEP 11 2002

WATER RIGHT NO. 11-7466
As Modified by Transfer No. 69003

In accordance with the approval of Transfer No. 69003, Water Right No. 11-7466 is now described as follows.

Right Holder: MARRINER JENSEN And
 EILEEN JENSEN
 8989 US HWY 30 S
 MONTPELIER ID 83254

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01 to 09/30		3.97 CFS	633.5 AF
IRRIGATION	04/15 to 07/01		5.96 CFS	633.5 AF
			5.96 CFS	633.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	NENE	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	NENW	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	SENE	Sec. 26	Twp 14S Rge 45E BEAR LAKE County

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>	
14S 45E 15												1.0			3.9	2.6	7.5
14S 45E 22	31.0			29.5	24.8	1.0											86.3
14S 45E 23					15.4	38.7	41.4	27.6	34.1	24.2							181.4

Total Acres: 275.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 181 acres within the place of use described above in a single irrigation season.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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. 11.

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SEP 11 2002

SUPERSEDED

WATER RIGHT NO. 11-7466
As Modified by Transfer No. 69003

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The total instantaneous diversion of water from all points of diversion under Rights 11-7457, 11-7459, 11-7466 and 11-7468 shall not exceed 9.04 cfs.
7. Rights 11-7457, 11-7459, 11-7466 and 11-7468 when combined shall not exceed a total annual maximum diversion volume of 963.2 af at the field headgate, and the irrigation of 275.2 acres.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. This right when combined with all other rights shall provide no more than 3.5 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 3rd day of September, 2002


Chief, Water Allocation Bureau

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SEP 11 2002

SUPERSEDED

WATER RIGHT NO. 11-7468
As Modified by Transfer No. 69003

In accordance with the approval of Transfer No. 69003, Water Right No. 11-7468 is now described as follows.

Right Holder: MARRINER JENSEN And
 EILEEN JENSEN
 8989 US HWY 30 S
 MONTPELIER ID 83254

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/03	0.64 CFS	70.0 AF
			0.64 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	NENE	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	NENW	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	SENE	Sec. 26	Twp 14S Rge 45E BEAR LAKE 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	
14S 45E 15									1.0						3.9	2.6	7.5
14S 45E 22	31.0			29.5	24.8	1.0											86.3
14S 45E 23					15.4	38.7	41.4	27.6	34.1	24.2							181.4

Total Acres: 275.2

CONDITIONS OF APPROVAL

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. 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. 11.

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WATER RIGHT NO. 11-7468
As Modified by Transfer No. 69003

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-7457, 11-7459, 11-7466 and 11-7468 shall not exceed 9.04 cfs.
6. Rights 11-7457, 11-7459, 11-7466 and 11-7468 when combined shall not exceed a total annual maximum diversion volume of 963.2 af at the field headgate, and the irrigation of 275.2 acres.
7. This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 3.5 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 3rd day of September, 2002

J. [Signature]
Chief, Water Allocation Bureau

SUPERSEDED

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WATER RIGHT NO. 11-7457
As Modified by Transfer No. 69003

In accordance with the approval of Transfer No. 69003, Water Right No. 11-7457 is now described as follows.

Right Holder: MARRINER JENSEN And
 EILEEN JENSEN
 8989 US HWY 30 S
 MONTPELIER ID 83254

Priority Date: 04/15/1877

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	07/01 to 09/30		1.15 CFS	182.7 AF
IRRIGATION	04/15 to 07/01		1.72 CFS	182.7 AF
			1.72 CFS	182.7 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	NENE	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	NENW	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	SENE	Sec. 26	Twp 14S Rge 45E BEAR LAKE 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		
14S 45E 15												1.0				3.9	2.6	7.5
14S 45E 22	31.0			29.5	24.8	1.0												86.3
14S 45E 23					15.4	38.7	41.4	27.6	34.1	24.2								181.4

Total Acres: 275.2

CONDITIONS OF APPROVAL

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. 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. 11.

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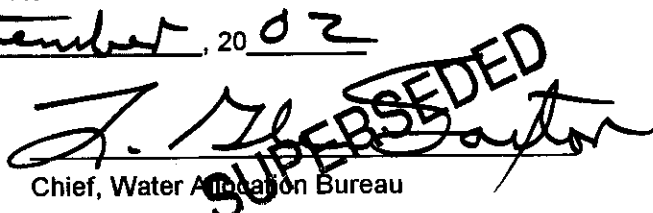
WATER RIGHT NO. 11-7457
As Modified by Transfer No. 69003

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-7457, 11-7459, 11-7466 and 11-7468 shall not exceed 9.04 cfs.
6. Rights 11-7457, 11-7459, 11-7466 and 11-7468 when combined shall not exceed a total annual maximum diversion volume of 963.2 af at the field headgate, and the irrigation of 275.2 acres.
7. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. This right is limited to the irrigation of 52.2 acres within the place of use described above in a single irrigation season.

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 3rd day of September, 2002


Chief, Water Allocation Bureau

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SEP 11 2002

WATER RIGHT NO. 11-7459
As Modified by Transfer No. 69003

In accordance with the approval of Transfer No. 69003, Water Right No. 11-7459 is now described as follows.

Right Holder: MARRINER JENSEN And
 EILEEN JENSEN
 8989 US HWY 30 S
 MONTPELIER ID 83254

Priority Date: 04/15/1885

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.72 CFS	77.0 AF
			0.72 CFS	77.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER	NENE	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	NENW	Sec. 22	Twp 14S Rge 45E BEAR LAKE County
BEAR RIVER	SENE	Sec. 26	Twp 14S Rge 45E BEAR LAKE 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		
14S 45E 15												1.0				3.9	2.6	7.5
14S 45E 22	31.0			29.5	24.8	1.0												86.3
14S 45E 23					15.4	38.7	41.4	27.6	34.1	24.2								181.4

Total Acres: 275.2

CONDITIONS OF APPROVAL

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. 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. 11.

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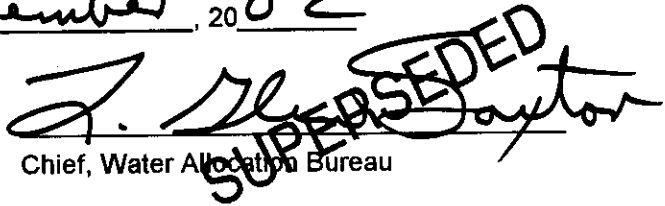
WATER RIGHT NO. 11-7459
As Modified by Transfer No. 69003

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-7457, 11-7459, 11-7466 and 11-7468 shall not exceed 9.04 cfs.
6. Rights 11-7457, 11-7459, 11-7466 and 11-7468 when combined shall not exceed a total annual maximum diversion volume of 963.2 af at the field headgate, and the irrigation of 275.2 acres.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of 22 acres within the place of use described above in a single irrigation season.

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 3rd day of September, 2002


Chief, Water Allocation Bureau

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SEP 11 2002

**STARTING
RIGHT
SIDE OF
FILE**

MEMORANDUM

TO: FILE 11-0457
FROM: VAULT
RE: TRANSFER # 69003/69211
DATE: 9.5.02

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Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 11-00939

MICROFILMED
SEP 11 2002

MEMORANDUM

TO: FILE 11-07457
FROM: VAULT
RE: TRANSFER # 69002
DATE: 9.5.02

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Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 11-00946

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SEP 11 2002