

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73540**

This is to certify that: THEDA C NEVILLE
675 N 12TH W
REXBURG ID 83440
(208)356-6178

And

DARRELL C NEVILLE
2263 W 1000 N
REXBURG ID 83440
(208)356-4130

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>
22-2178	AJC/License	05/17/1960	2.20 cfs	383.9 af	N/A	109.7	GROUND WATER
22-2256D	AJC/License	08/12/1965	2.36 cfs	1033.0 af	N/A	295.0	GROUND WATER
22-7364	AJC/License	06/05/1981	0.46 cfs	200.0 af	N/A	57.0	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>
22-2178	NO	YES	YES	NO	NO	NO
22-2256D	NO	NO	YES	NO	NO	NO
22-7364	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-2178	22-2178	2.20 cfs	383.9 af	109.7	422.6		N/A	N/A	N/A	N/A
22-2256D	22-2256D	2.36 cfs	1033.0 af	295.0	422.6		N/A	N/A	N/A	N/A
22-7364	22-7364	0.46 cfs	200.0 af	57.0	422.6		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.02 cfs	1479.1 af	422.6	422.6		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 22-2178

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73540

Detailed Water Right Description(s) attached

Dated this 13th day of September, 20 07

for 
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-2178
As Modified by Transfer No. 73540

In accordance with the approval of Transfer No. 73540, Water Right No. 22-2178 is now described as follows.

Right Holder: DKJ FARMS LLC
 665 CENTENNIAL LOOP
 REXBURG ID 83440

And

BMJ FARMS LLC
 1282 S 2ND E
 REXBURG ID 83440

Priority Date: May 17, 1960

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	2.20 CFS	384.0 AF
			2.20 CFS	384.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSESW Sec. 22 Twp 06N Rge 41E MADISON 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	
06N 41E 22									40.0	39.0	38.0	39.0					156.0
06N 41E 27					40.0	39.0	32.8	30.0	1.9	20.6	14.0	7.3					185.6
06N 41E 28				36.0									21.0	5.0			62.0
06N 41E 34					12.3	6.7											19.0

Total Acres: 422.6

WATER RIGHT NO. 22-2178
As Modified by Transfer No. 73540

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 109.7 acres within the place of use described above in a single irrigation season.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Right 22-2256D and 22-7364 are also diverted through the point of diversion described above.
6. 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.
7. Rights 22-2178, 22-2256D and 22-7364 when combined shall not exceed a total diversion rate of 5.02 cfs, a total annual maximum diversion volume of 1479.1 af at the field headgate, and the irrigation of 422.6 acres.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Prior to the diversion and use of water under Transfer approval 73540, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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 13th day of September, 2007


for Chief, Water Allocation Bureau

WATER RIGHT NO. 22-2256D
As Modified by Transfer No. 73540

In accordance with the approval of Transfer No. 73540, Water Right No. 22-2256D is now described as follows.

Right Holder: BMJ FARMS LLC
 1282 S 2ND E
 REXBURG ID 83440

And

DKJ FARMS LLC
 665 CENTENNIAL LOOP
 REXBURG ID 83440

Priority Date: August 12, 1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	2.36 CFS	1,033.0 AF
			2.36 CFS	1,033.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSESW Sec. 22 Twp 06N Rge 41E MADISON 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	
06N 41E 22									40.0	39.0	38.0	39.0					156.0
06N 41E 27					40.0	39.0	32.8	30.0	1.9	20.6	14.0	7.3					185.6
06N 41E 28				36.0									21.0	5.0			62.0
06N 41E 34					12.3	6.7											19.0

Total Acres: 422.6

WATER RIGHT NO. 22-2256D
As Modified by Transfer No. 73540

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 295 acres within the place of use described above in a single irrigation season.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Right 22-2178 and 22-7364 are also diverted through the point of diversion described above.
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. Rights 22-2178, 22-2256D and 22-7364 when combined shall not exceed a total diversion rate of 5.02 cfs, a total annual maximum diversion volume of 1479.1 af at the field headgate, and the irrigation of 422.6 acres.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Prior to the diversion and use of water under Transfer approval 73540, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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 13th day of September, 20 07

for 
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-7364
As Modified by Transfer No. 73540

In accordance with the approval of Transfer No. 73540, Water Right No. 22-7364 is now described as follows.

Right Holder: BMJ FARMS LLC
 1282 S 2ND E
 REXBURG ID 83440

And

DKJ FARMS LLC
 665 CENTENNIAL LOOP
 REXBURG ID 83440

Priority Date: June 05, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.46 CFS	200.0 AF
			0.46 CFS	200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSESW Sec. 22 Twp 06N Rge 41E MADISON 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	
06N 41E 22									40.0	39.0	38.0	39.0					156.0
06N 41E 27					40.0	39.0	32.8	30.0	1.9	20.6	14.0	7.3					185.6
06N 41E 28			36.0										21.0	5.0			62.0
06N 41E 34					12.3	6.7											19.0

Total Acres: 422.6

WATER RIGHT NO. 22-7364
As Modified by Transfer No. 73540

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 57 acres within the place of use described above in a single irrigation season.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Right 22-2256D and 22-2256D are also diverted through the point of diversion described above.
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. Rights 22-2178, 22-2256D and 22-7364 when combined shall not exceed a total diversion rate of 5.02 cfs, a total annual maximum diversion volume of 1479.1 af at the field headgate, and the irrigation of 422.6 acres.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Prior to the diversion and use of water under Transfer approval 73540, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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 13th day of September, 20 07


for Chief, Water Allocation Bureau