

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73302

This is to certify that: BRUCE H WHEATLEY
 2584 W ARIMO RD
 ARIMO ID 83214
 (208)254-3357

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>
29-13776	WR/Decreed	05/01/1893	0.10 cfs	N/A	5.0	5.0	GARDEN CREEK

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

29-383A	WR/Decreed	05/01/1895	0.72 cfs	N/A	36.0	52.6	GARDEN CREEK
29-374	WR/Decreed	05/01/1893	0.375 cfs	N/A	18.8	52.6	GARDEN CREEK
29-13775	WR/Decreed	05/01/1893	0.13 cfs	N/A	6.3	40.1	GARDEN CREEK
29-375	WR/Decreed	05/01/1904	1.00 cfs	N/A	18.8	52.6	GARDEN CREEK
29-384	WR/Decreed	05/01/1904	1.00 cfs	N/A	50.0	52.6	GARDEN CREEK

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>
29-13776	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>
29-13776	29-13776	0.10 cfs	N/A	N/A	5.0		N/A	N/A	N/A	N/A
	29-383A	0.72 cfs					N/A	N/A	36.0	40.1
	29-374	0.375 cfs					N/A	N/A	18.8	40.1
	29-13775	0.13 cfs					N/A	N/A	6.3	40.1

COMBINED

TOTALS	0.10 cfs	N/A	N/A	5.0	0.80 cfs	N/A	40.1	40.1
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Detailed Water Right Description(s) attached

Dated this 10th day of April, 20 07

SUPPORT DATA

IN FILE # 29-13776


 Acting Administrator, Water Management Division

WATER RIGHT NO. 29-13776
As Modified by Transfer No. 73302

In accordance with the approval of Transfer No. 73302, Water Right No. 29-13776 is now described as follows.

Right Holder: DARLENE WHEATLEY Or
 BRUCE H WHEATLEY
 2584 W ARIMO RD
 ARIMO ID 83214

Priority Date: May 01, 1893

Source: GARDEN CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.10 CFS	
			0.10 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK SWNWNE Sec. 7 Twp 10S Rge 36E BANNOCK 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	
10S	36E	8																	5.0

Total Acres: 5

CONDITIONS OF APPROVAL

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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. 29B.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 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.

WATER RIGHT NO. 29-13776
As Modified by Transfer No. 73302

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor 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 10th day of April, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 29-13775
As Modified by Transfer No. 73302

In accordance with the approval of Transfer No. 73302, Water Right No. 29-13775 is now described as follows.

Right Holder: DARLENE WHEATLEY Or
 BRUCE H WHEATLEY
 2584 W ARIMO RD
 ARIMO ID 83214

Priority Date: May 01, 1893

Source: GARDEN CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.13 CFS	
			0.13 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK SWNWNE Sec. 7 Twp 10S Rge 36E BANNOCK County

GARDEN CREEK SENENW Sec. 7 Twp 10S Rge 36E BANNOCK 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	
10S	36E	8						8.5	31.0				.6						40.1

Total Acres: 40.1

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 0.80 cfs. Combined Right Nos.: 29-374, 29-383A, 29-13775.
2. This right is limited to the irrigation of 6.25 acres within the place of use described above in a single irrigation season.
3. The following rights are also diverted through point of diversion described above: 29-374, 29-375, 29-383A, 29-384, 29-13775.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.
6. This right when combined with Right No. 29-374, 29-383A, 29-13775 shall provide no more than .02 cfs per acre.
7. The rights listed below are limited to the irrigation of a combined total of 40.1 acres in a single irrigation season. Combined Right Nos.: 29-374, 29-383A, 29-13775.

WATER RIGHT NO. 29-13775
As Modified by Transfer No. 73302

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 10th day of April, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 29-374
As Modified by Transfer No. 73302

In accordance with the approval of Transfer No. 73302, Water Right No. 29-374 is now described as follows.

Right Holder: BRUCE H WHEATLEY Or
DARLENE WHEATLEY
2584 W ARIMO RD
ARIMO ID 83214

Priority Date: May 01, 1893

Source: GARDEN CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.38 CFS	
			0.38 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK SWNWNE Sec. 7 Twp 10S Rge 36E BANNOCK County

GARDEN CREEK SENENW Sec. 7 Twp 10S Rge 36E BANNOCK 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	
10S	36E	8						8.5	31.0				.6						40.1

Total Acres: 40.1

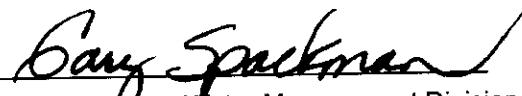
CONDITIONS OF APPROVAL

- The rights listed below are limited to a total combined diversion rate of 0.80 cfs. Combined Right Nos.: 29-374, 29-383A, 29-13775.
- This right is limited to the irrigation of 18.75 acres within the place of use described above in a single irrigation season.
- The following rights are also diverted through point of diversion described above: 29-374, 29-383A, 29-13775.
- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- This right when combined with Right No. 29-374, 29-383A, 29-13775 shall provide no more than .02 cfs per acre.
- The rights listed below are limited to the irrigation of a combined total of 40.1 acres in a single irrigation season. Combined Right Nos.: 29-374, 29-383A, 29-13775.

WATER RIGHT NO. 29-374
As Modified by Transfer No. 73302

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 10th day of April, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 29-383A
As Modified by Transfer No. 73302

In accordance with the approval of Transfer No. 73302, Water Right No. 29-383A is now described as follows.

Right Holder: DARLENE WHEATLEY Or
BRUCE H WHEATLEY
2584 W ARIMO RD
ARIMO ID 83214

Priority Date: May 01, 1895

Source: GARDEN CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.72 CFS	
		0.72 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK SWNWNE Sec. 7 Twp 10S Rge 36E BANNOCK County

GARDEN CREEK SENENW Sec. 7 Twp 10S Rge 36E BANNOCK 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	
10S	36E	8						8.5	31.0				.6						40.1

Total Acres: 40.1

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 0.80 cfs. Combined Right Nos.: 29-374, 29-383A, 29-13775.
2. This right is limited to the irrigation of 36 acres within the place of use described above in a single irrigation season.
3. The following rights are also diverted through point of diversion described above: 29-374, 29-383A, 29-13775.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.
6. This right when combined with Right No. 29-374, 29-383A, 29-13775 shall provide no more than .02 cfs per acre.
7. The rights listed below are limited to the irrigation of a combined total of 40.1 acres in a single irrigation season. Combined Right Nos.: 29-374, 29-383A, 29-13775.

WATER RIGHT NO. 29-383A
As Modified by Transfer No. 73302

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 10th day of April, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 29-375
As Modified by Transfer No. 73302

In accordance with the approval of Transfer No. 73302, Water Right No. 29-375 is now described as follows.

Right Holder: BRUCE H WHEATLEY Or
 DARLENE WHEATLEY
 2584 W ARIMO RD
 ARIMO ID 83214

Priority Date: May 01, 1904

Source: GARDEN CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	1.00 CFS	
			1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK SWNWNE Sec. 7 Twp 10S Rge 36E BANNOCK County

GARDEN CREEK SENENW Sec. 7 Twp 10S Rge 36E BANNOCK 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	
10S	36E	8					8.5	31.0					.6						40.1

Total Acres: 40.1

CONDITIONS OF APPROVAL

1. Rights 29-375 and 29-384 have been relinquished through approval of Transfer 73302.

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 10th day of April, 20 07


 Acting Administrator, Water Management Division

WATER RIGHT NO. 29-384
As Modified by Transfer No. 73302

In accordance with the approval of Transfer No. 73302, Water Right No. 29-384 is now described as follows.

Right Holder: BRUCE H WHEATLEY Or
 DARLENE WHEATLEY
 2584 W ARIMO RD
 ARIMO ID 83214

Priority Date: May 01, 1904

Source: GARDEN CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.00 CFS	
			1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK SWNWNE Sec. 7 Twp 10S Rge 36E BANNOCK County

GARDEN CREEK SENENW Sec. 7 Twp 10S Rge 36E BANNOCK 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	
10S	36E	8																	40.1
								8.5	31.0				.6						

Total Acres: 40.1

CONDITIONS OF APPROVAL

1. Rights 29-375 and 29-384 have been relinquished through approval of Transfer 73302.

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 10th day of April, 20 07


 Acting Administrator, Water Management Division