

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71132

This is to certify that: TIMOTHY P DEEG
2597 DEEG RD
AMERICAN FALLS ID 83211
(208)226-5588

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>
41-7071	WR/License	07/13/1983	0.12 cfs	45.2 af	N/A	11.0	GROUND WATER
41-7030	AJC/License	01/02/1978	1.40 cfs	441.0 af	N/A	126.0	GROUND WATER
41-7034	AJC/License	04/07/1978	1.82 cfs	364.0 af	N/A	91.0	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>
41-7071	NO	NO	YES	YES	NO	NO
41-7030	NO	NO	YES	YES	NO	NO
41-7034	NO	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>
41-7071	41-7071	0.12 cfs	45.2 af	11.0	1,011.0		N/A	N/A	N/A	N/A
41-7030	41-7030	1.40 cfs	441.0 af	126.0	1,011.0		N/A	N/A	N/A	N/A
41-7034	41-7034	1.82 cfs	364.0 af	91.0	1,011.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.34 cfs	850.2 af	228.0	1011.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of July, 2006



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 41-7030

WATER RIGHT NO. 41-7034
As Modified by Transfer No. 71132

In accordance with the approval of Transfer No. 71132, Water Right No. 41-7034 is now described as follows.

Right Holder: TIMOTHY P DEEG
 2597 DEEG RD
 AMERICAN FALLS ID 83211

Priority Date: April 07, 1978

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	1.82 CFS	364.0 AF
			1.82 CFS	364.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 6 Twp 09S Rge 31E POWER County
GROUND WATER	SWSE	Sec. 6 Twp 09S Rge 31E POWER County
GROUND WATER	SWSE	Sec. 6 Twp 09S Rge 31E POWER 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			
09S	30E	1	40.0	40.0	40.0	40.0							40.0				40.0	40.0	40.0	31.0	391.0
09S	30E	12		40.0	40.0		40.0			40.0			40.0					40.0	40.0		320.0
09S	31E	6						21.0	22.0				36.0	22.0	18.0	30.0	40.0	38.0	33.0	40.0	300.0

Total Acres: 1011

CONDITIONS OF APPROVAL

- Right 41-7034 is limited to the irrigation of 91.0 acres within the place of use described above in a single irrigation season.
- Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 when combined for irrigation shall not exceed a total diversion rate of 10.02 cfs, and the irrigation of 814.3 acres.
- Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 41-7034
As Modified by Transfer No. 71132

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of July, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 41-7071
As Modified by Transfer No. 71132

In accordance with the approval of Transfer No. 71132, Water Right No. 41-7071 is now described as follows.

Right Holder: TIMOTHY P DEEG
 2597 DEEG RD
 AMERICAN FALLS ID 83211

Priority Date: July 13, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.04 CFS	1.2 AF
IRRIGATION	04/01	to 10/31	0.12 CFS	44.0 AF
			0.12 CFS	45.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 6	Twp 09S	Rge 31E	POWER County
GROUND WATER	SWSE	Sec. 6	Twp 09S	Rge 31E	POWER County
GROUND WATER	SWSE	Sec. 6	Twp 09S	Rge 31E	POWER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 31E 6																X	

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	
09S 30E 1	40.0	40.0	40.0	40.0					40.0			40.0	40.0	40.0	40.0	31.0	391.0
09S 30E 12		40.0	40.0		40.0			40.0	40.0			40.0		40.0	40.0		320.0
09S 31E 6						21.0	22.0		36.0	22.0	18.0	30.0	40.0	38.0	33.0	40.0	300.0

Total Acres: 1011

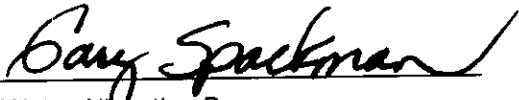
WATER RIGHT NO. 41-7071
As Modified by Transfer No. 71132

CONDITIONS OF APPROVAL

1. Right 41-7071 is limited to the irrigation of 11.0 acres within the place of use described above in a single irrigation season.
2. Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 when combined for irrigation shall not exceed a total diversion rate of 10.02 cfs, and the irrigation of 814.3 acres.
3. The use of water under Right 41-7071 shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of July, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 41-7030
As Modified by Transfer No. 71132

In accordance with the approval of Transfer No. 71132, Water Right No. 41-7030 is now described as follows.

Right Holder: TIMOTHY P DEEG
 2597 DEEG RD
 AMERICAN FALLS ID 83211

Priority Date: January 02, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.40 CFS	441.0 AF
			1.40 CFS	441.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 6 Twp 09S Rge 31E POWER County
GROUND WATER	SWSE	Sec. 6 Twp 09S Rge 31E POWER County
GROUND WATER	SWSE	Sec. 6 Twp 09S Rge 31E POWER 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	
09S 30E 1	40.0	40.0	40.0	40.0					40.0			40.0	40.0	40.0	40.0	31.0	391.0
09S 30E 12		40.0	40.0		40.0			40.0	40.0			40.0		40.0	40.0		320.0
09S 31E 6						21.0	22.0		36.0	22.0	18.0	30.0	40.0	38.0	33.0	40.0	300.0

Total Acres: 1011

CONDITIONS OF APPROVAL

- Right 41-7030 is limited to the irrigation of 126.0 acres within the place of use described above in a single irrigation season.
- Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 when combined for irrigation shall not exceed a total diversion rate of 10.02 cfs, and the irrigation of 814.3 acres.
- Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 41-7030
As Modified by Transfer No. 71132

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of July, 2006


Chief, Water Allocation Bureau