

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72398

This is to certify that: DARLA WYBENGA And
 STEVE WYBENGA
 460 W 90 N
 BURLEY ID 83318
 (208)539-5558

have 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>
45-13439	WR/Decreed	01/04/1975	1.90 cfs	379.6 af	94.9	633.0	GROUND WATER
45-13441	WR/Decreed	10/31/1974	4.90 cfs	1121.6 af	280.4	633.0	GROUND WATER
45-13443	WR/Decreed	06/30/1978	2.08 cfs	740.8 af	185.2	633.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

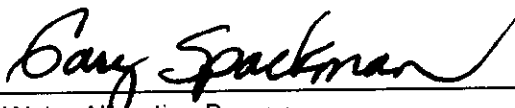
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-13439	YES	NO	YES	YES	YES	YES
45-13441	YES	NO	YES	YES	YES	YES
45-13443	YES	NO	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-13439	45-13976	0.06 cfs	14.3 af	N/A	N/A	45-13975	1.84 cfs	350.8 af	87.7	590.5
45-13441	45-13978	0.16 cfs	42.2 af	N/A	N/A	45-13977	4.74 cfs	1036.4 af	259.1	590.5
45-13443	45-13980	0.07 cfs	27.7 af	N/A	N/A	45-13979	2.01 cfs	684.8 af	171.2	590.5
COMBINED TOTALS		0.23 cfs	84.2 af	N/A	N/A		6.64 cfs	2072.0 af	518.0	590.5

Detailed Water Right Description(s) attached

Dated this 21ST day of March, 2006


 Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 45-13439

WATER RIGHT NO. 45-13975
As Modified by Transfer No. 72398

In accordance with the approval of Transfer No. 72398, Water Right No. 45-13975 is now described as follows.

Right Holder: STEVE WYBENGA And
 DARLA WYBENGA
 460 W 90 N
 BURLEY ID 83318

Priority Date: January 04, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	1.84 CFS	350.8 AF
		1.84 CFS	350.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENE	Sec. 35 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec. 35 Twp 12S	Rge 21E	CASSIA 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	
12S	21E	35	39.0	40.0	41.0	39.0	36.5	39.0	40.0	40.0	39.0	38.0	39.0	40.0	41.0	40.0	40.0	39.0	590.5

Total Acres: 590.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 87.7 acres within the place of use described above in a single irrigation season.
2. Rights 45-13975, 45-13977 and 45-13979 when combined shall not exceed a total diversion rate of 6.64 cfs, a total annual maximum diversion volume of 2072.0 af at the field headgate, and the irrigation of 518.0 acres.
3. A measuring device of a type approved by IDWR shall be maintained as part of the diverting works.
4. 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 21ST day of March, 2006


 Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13976
As Modified by Transfer No. 72398

In accordance with the approval of Transfer No. 72398, Water Right No. 45-13976 is now described as follows.

Right Holder: STEVE WYBENGA And
 DARLA WYBENGA
 460 W 90 N
 BURLEY ID 83318

Priority Date: January 04, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.06 CFS	14.3 AF
STOCKWATER	01/01	to 12/31	0.06 CFS	14.3 AF
			0.06 CFS	14.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 27 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NESENE	Sec. 34 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec. 34 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NESENE	Sec. 35 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec. 35 Twp 12S	Rge 21E	CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	35						X											

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	35					X	X	X	X									

CONDITIONS OF APPROVAL

1. Rights 45-13976, 45-13978 and 45-13980 when combined shall not exceed a total diversion rate of 0.23 cfs, and total annual maximum diversion volume of 84.2 af at the field headgate.
2. Commercial use is for a dairy.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

WATER RIGHT NO. 45-13976
As Modified by Transfer No. 72398

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 72398, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
6. 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.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. The 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.

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 21st day of March, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13977
As Modified by Transfer No. 72398

In accordance with the approval of Transfer No. 72398, Water Right No. 45-13977 is now described as follows.

Right Holder: STEVE WYBENGA And
 DARLA WYBENGA
 460 W 90 N
 BURLEY ID 83318

Priority Date: October 31, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	4.74 CFS	1,036.4 AF
			4.74 CFS	1,036.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENE	Sec. 35 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec. 35 Twp 12S	Rge 21E	CASSIA 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	
12S	21E	35	39.0	40.0	41.0	39.0	36.5	39.0	40.0	40.0	39.0	38.0	39.0	40.0	41.0	40.0	39.0	590.5	

Total Acres: 590.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 259.1 acres within the place of use described above in a single irrigation season.
2. Rights 45-13975, 45-13977 and 45-13979 when combined shall not exceed a total diversion rate of 6.64 cfs, a total annual maximum diversion volume of 2072.0 af at the field headgate, and the irrigation of 518.0 acres.
3. A measuring device of a type approved by IDWR shall be maintained as part of the diverting works.
4. 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 21ST day of March, 2006


 Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13978
As Modified by Transfer No. 72398

In accordance with the approval of Transfer No. 72398, Water Right No. 45-13978 is now described as follows.

Right Holder: DARLA WYBENGA And
 STEVE WYBENGA
 460 W 90 N
 BURLEY ID 83318

Priority Date: October 31, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.16 CFS	42.2 AF
COMMERCIAL	01/01	to 12/31	0.16 CFS	42.2 AF
			0.16 CFS	42.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 27 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NESENE	Sec. 34 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec. 34 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NESENE	Sec. 35 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec. 35 Twp 12S	Rge 21E	CASSIA County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	35					X	X	X	X									

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	35						X											

CONDITIONS OF APPROVAL

1. Rights 45-13976, 45-13978 and 45-13980 when combined shall not exceed a total diversion rate of 0.23 cfs, and total annual maximum diversion volume of 84.2 af at the field headgate.
2. Commercial use is for a dairy.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

WATER RIGHT NO. 45-13978
As Modified by Transfer No. 72398

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 72398, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
6. 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.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. The 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.

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 21ST day of March, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13979
As Modified by Transfer No. 72398

In accordance with the approval of Transfer No. 72398, Water Right No. 45-13979 is now described as follows.

Right Holder: STEVE WYBENGA And
 DARLA WYBENGA
 460 W 90 N
 BURLEY ID 83318

Priority Date: June 30, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	2.01 CFS	684.8 AF
		2.01 CFS	684.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENE	Sec. 35 Twp 12S Rge 21E CASSIA County
GROUND WATER	NENESE	Sec. 35 Twp 12S Rge 21E CASSIA 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					
12S	21E	35	39.0	40.0	41.0	39.0	36.5	39.0	40.0	40.0	39.0	38.0	39.0	40.0	41.0	40.0	39.0	590.5	

Total Acres: 590.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 171.2 acres within the place of use described above in a single irrigation season.
2. Rights 45-13975, 45-13977 and 45-13979 when combined shall not exceed a total diversion rate of 6.64 cfs, a total annual maximum diversion volume of 2072.0 af at the field headgate, and the irrigation of 518.0 acres.
3. A measuring device of a type approved by IDWR shall be maintained as part of the diverting works.
4. 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 21ST day of March, 2006


 Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13980
As Modified by Transfer No. 72398

In accordance with the approval of Transfer No. 72398, Water Right No. 45-13980 is now described as follows.

Right Holder: STEVE WYBENGA And
 DARLA WYBENGA
 460 W 90 N
 BURLEY ID 83318

Priority Date: June 30, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.07 CFS	27.7 AF
COMMERCIAL	01/01 to	12/31	0.07 CFS	27.7 AF
			0.07 CFS	27.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENESE	Sec. 27 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NESENE	Sec. 34 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec. 34 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NESENE	Sec. 35 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec. 35 Twp 12S	Rge 21E	CASSIA County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	35					X	X	X	X									

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	35						X											

CONDITIONS OF APPROVAL

1. Rights 45-13976, 45-13978 and 45-13980 when combined shall not exceed a total diversion rate of 0.23 cfs, and total annual maximum diversion volume of 84.2 af at the field headgate.
2. Commercial use is for a dairy.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. Prior to the diversion and use of water under Transfer approval 72398, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.

WATER RIGHT NO. 45-13980
As Modified by Transfer No. 72398

CONDITIONS OF APPROVAL

6. 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.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. The 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.

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 21ST day of March, 20 06



Chief, Water Allocation Bureau