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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69978

This is to certify that MARK R DRAPER And/Or  
SHAWNA L DRAPER  
1411 SE HAMILTON RD  
MOUNTAIN HOME ID 83647  
(208)587-3294

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 61-11959     | WR/Decreed          | 04/23/1964      | 1.84 cfs    | 587.3 af      | 130.2             | 167.6              | GROUND WATER  |
| 61-11961     | WR/Decreed          | 03/15/1977      | 0.43 cfs    | N/A           | 37.4              | 167.6              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

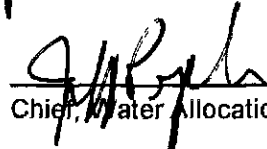
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 61-11959              | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 61-11961              | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 61-11959              | 61-12006                         | 0.04 cfs             | 12.9 af                | 2.9               | 3.4                | 61-12005                           | 1.8 cfs               | 574.4 af                | 127.3                       | 164.2                        |
| 61-11961              | 61-12008                         | 0.01 cfs             | N/A                    | .5                | 3.4                | 61-12007                           | 0.42 cfs              | N/A                     | 36.9                        | 164.2                        |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.04 cfs</b>      | <b>12.9 af</b>         |                   | <b>3.4</b>         |                                    | <b>1.8 cfs</b>        | <b>574.4 af</b>         | <b>N/A</b>                  | <b>164.2</b>                 |

Detailed Water Right Description(s) attached

Dated this 16 day of April, 2003

For  Chief, Water Allocation Bureau

MICROFILMED

2003

**WATER RIGHT NO. 61-12005**  
**As Modified by Transfer No. 69978**

In accordance with the approval of Transfer No. 69978, Water Right No 61-12005 is now described as follows

**Right Holder:** M PETER NIELSEN  
 3955 S 136 W  
 MOUNTAIN HOME ID 83647

**Priority Date:** April 23, 1964

**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  | 1.80 CFS              | 574.4 AF      |
|                       |             |           | 1.80 CFS              | 574.4 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      SENENW      Sec. 19 Twp 04S    Rge 05E    ELMORE 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 |        |
| 04S | 05E | 19  | 35.6 | 14.4 | 37.0 | 2  | 23.6 | 6.0 | 7.4 | 40.0 |    |    |    |    |    |    |    |    | 164.2  |

Total Acres: 164.2

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 127.3 acres within the place of use described above in a single irrigation season
2. Rights 61-12005 and 61-12007 when combined shall not exceed a total diversion rate of 1.80 cfs, a total annual maximum diversion volume of 574.4 af at the field headgate, and the irrigation of 164.2 acres.
3. Right 61-12007 is also diverted through the point(s) of diversion described above.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-26-2000.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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**WATER RIGHT NO. 61-12005**  
**As Modified by Transfer No. 69978**

6. 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.
7. Right 61-12007 is an enlargement of Right 61-12005 pursuant to Section 42-1426, Idaho Code.

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 16 day of April, 20 03

  
for Chief, Water Allocation Bureau

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**WATER RIGHT NO. 61-12006**  
**As Modified by Transfer No. 69978**

In accordance with the approval of Transfer No. 69978, Water Right No. 61-12006 is now described as follows.

**Right Holder:** MARK R DRAPER And  
 SHAWNA L. DRAPER  
 1411 SE HAMILTON RD  
 MOUNTAIN HOME ID 83647  
 (208)587-3294

**Priority Date:** April 23, 1964

**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     | 0.04 CFS              | 12.9 AF       |
|                       |             |           | 0 04 CFS              | 12.9 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NENW      Sec. 18 Twp 04S    Rge 07E    ELMORE County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 04S | 07E | 18  |    |    |    |    | 3.4 |    |    |    |    |    |    |    |    |    |    |    | 3.4    |

Total Acres: 3.4

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Prior to diversion and use of water under this transfer approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications and shall report the amount of water diverted to the Department at the end of each calendar year
3. This right is limited to the irrigation of 2.9 acres within the place of use described above in a single irrigation season
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-26-2000.

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**WATER RIGHT NO. 61-12006**  
**As Modified by Transfer No. 69978**

5. Right 61-12006 retains its priority date of April 23, 1964 and right 61-12008 retains its priority date of March 15, 1977 relative to actions to distribute water that relates to management of the Mountain Home Ground Water Management Area overall. Diversion and use of water is subordinate to all rights to use ground water existing within the immediate area of the point of diversion on the date of this approval. Any water management dispute relative to increased draw downs of the water table or depletion of ground water resulting from this approval is presumed to be within the immediate area, resulting in a subordination of the water right.
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. Rights 61-12006 and 61-12008 when combined shall not exceed a total diversion rate of 0.04 cfs, a total annual maximum diversion volume of 12.9 af at the field headgate, and the irrigation of 3.4 acres.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
11. Right 61-12008 is an enlargement of Right 61-12006 pursuant to Section 42-1426, Idaho Code.

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 16 day of April, 2003

For   
Chief, Water Allocation Bureau

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**WATER RIGHT NO. 61-12007**  
**As Modified by Transfer No. 69978**

In accordance with the approval of Transfer No. 69978, Water Right No. 61-12007 is now described as follows.

**Right Holder:** M PETER NIELSEN  
 3955 S 136 W  
 MOUNTAIN HOME ID 83647

**Priority Date:** March 15, 1977

**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  | 0.42 CFS              |               |
|                       |             |           | 0.42 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      SENENW      Sec. 19 Twp 04S    Rge 05E    ELMORE 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 |        |
| 04S | 05E | 19  | 35.6 | 14.4 | 37.0 | .2 | 23.6 | 6.0 | 7.4 | 40.0 |    |    |    |    |    |    |    |    | 164.2  |

Total Acres: 164.2

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 36.9 acres within the place of use described above in a single irrigation season
2. Rights 61-12005 and 61-12007 when combined shall not exceed a total diversion rate of 1.80 cfs, a total annual maximum diversion volume of 574.4 af at the field headgate, and the irrigation of 164.2 acres.
3. Right 61-12005 is also diverted through the point(s) of diversion described above.
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

MICHAEL L. WHITE

MAY 1 1984

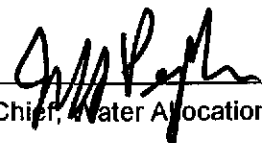
**WATER RIGHT NO. 61-12007**  
**As Modified by Transfer No. 69978**

6. Right 61-12007 is an enlargement of Right 61-12005 pursuant to Section 42-1426, Idaho Code.

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 16 day of April, 20 03

For

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

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**WATER RIGHT NO. 61-12008**  
**As Modified by Transfer No. 69978**

In accordance with the approval of Transfer No. 69978, Water Right No. 61-12008 is now described as follows.

**Right Holder:** MARK R DRAPER And  
 SHAWNA L. DRAPER  
 1411 SE HAMILTON RD  
 MOUNTAIN HOME ID 83647  
 (208)587-3294

**Priority Date:** March 15, 1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 0.01 CFS              |               |
|                       |             |           | 0.01 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NENW                      Sec 18 Twp 04S    Rge 07E    ELMORE County

**PLACE OF USE:**    IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 04S 07E 18  |    |    |    |    | 3.4 |    |    |    |    |    |    |    |    |    |    |    | 3.4    |

Total Acres: 3.4

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Prior to diversion and use of water under this transfer approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications and shall report the amount of water diverted to the Department at the end of each calendar year.
3. This right is limited to the irrigation of 0.5 acres within the place of use described above in a single irrigation season.
4. Right 61-12006 retains its priority date of April 23, 1964 and right 61-12008 retains its priority date of March 15, 1977 relative to actions to distribute water that relates to management of the Mountain Home Ground Water Management Area overall. Diversion and use of water is subordinate to all rights to use ground water existing within the immediate area of the point of diversion on the date of this approval. Any water management dispute relative to increased draw downs of the water table or depletion of ground water resulting from this approval is presumed to be within the immediate area, resulting in a subordination of the water right.

APPROVED BY \_\_\_\_\_

DATE: 2/28/97

**WATER RIGHT NO. 61-12008**  
**As Modified by Transfer No. 69978**

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 af per acre at the field headgate for irrigation of the lands above.
6. Rights 61-12006 and 61-12008 when combined shall not exceed a total diversion rate of 0.04 cfs, a total annual maximum diversion volume of 12.9 af at the field headgate, and the irrigation of 3.4 acres.
7. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
10. Right 61-12008 is an enlargement of Right 61-12006 pursuant to Section 42-1426, Idaho Code.

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 16 day of April, 20 03

For   
Chief, Water Allocation Bureau

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**MEMORANDUM**

**TO:** FILE 61-12006

**FROM:** VAULT

**RE:** TRANSFER # 69978

**DATE:** 4.17.03

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

**FILE #** 61-11959

MICROFILMED  
MAY 21 2003