

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 71223

This is to certify that: PHYLLIS BEDKE Or  
FRANK A BEDKE  
PO BOX 83  
OAKLEY ID 83346  
(208)862-3613

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 45-4217      | AJC/Beneficial Use  | 06/01/1955      | 3.00 cfs    | 880 af        | N/A               | 220.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

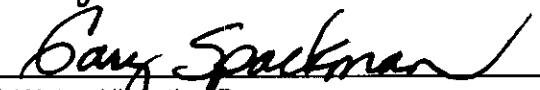
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 45-4217               | NO           | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 45-4217               | <b>45-4217</b>                   | 3.00 cfs             | 880 af                 | N/A               | 220.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>3.00 cfs</b>      | <b>880 af</b>          | <b>N/A</b>        | <b>220.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 21<sup>st</sup> day of January, 2005

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

**WATER RIGHT NO. 45-4217**  
**As Modified by Transfer No. 71223**

In accordance with the approval of Transfer No. 71223, Water Right No. 45-4217 is now described as follows.

**Right Holder:** PHYLLIS BEDKE Or  
 FRANK A BEDKE  
 PO BOX 83  
 OAKLEY ID 83346

**Priority Date:** June 01, 1955

**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        | 3.00 CFS              | 880.0 AF      |
|                       |                       | 3.00 CFS              | 880.0 AF      |

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

GROUND WATER                      SESESE                      Sec. 31 Twp 12S   Rge 22E   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 22E 31  |    |    |    |    |    |    |    |    | 40.0 |    |    |    | 40.0 | 30.0 | 40.0 | 30.0 | 220.0  |

Total Acres: 220

**CONDITIONS OF APPROVAL**

1. Rights 45-425A, 45-443B, 45-2448A, 45-4217, and 45-10594 when combined shall not exceed the irrigation of 370 acres.
2. Use of this right is combined with water from Oakley Canal Co.
3. 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.
4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

**WATER RIGHT NO. 45-4217**  
**As Modified by Transfer No. 71223**

**CONDITIONS OF APPROVAL**

6. After specific notification by the Department, the right holder shall install a suitable measuring device 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. 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 21<sup>st</sup> day of January, 20 05

  
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Chief, Water Allocation Bureau