

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85598

This is to certify that: HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
57-2246	WR/DECREED	7/26/1961	4.000 cfs	N/A	208.0	241.0	GROUND WATER
57-2253	WR/DECREED	8/23/1962	0.820 cfs	N/A	99.0	241.0	GROUND WATER
57-7266	WR/LICENSE	1/14/1981	2.700 cfs	607.5 af	N/A	135.0	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>
57-2246	NO	NO	YES	YES	NO	NO
57-2253	NO	NO	YES	YES	NO	NO
57-7266	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>
57-2246	57-2246	4.000 cfs	N/A	208.0	376.0	N/A	N/A	N/A	N/A	N/A
57-2253	57-2253	0.820 cfs	N/A	99.0	376.0	N/A	N/A	N/A	N/A	N/A
57-7266	57-7266	2.700 cfs	607.5 af	135.0	376.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.520 cfs	1692.0 af	376.0	376.0		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 31st day of May, 2023.


SCOTT STORMS, Water Rights Supervisor

SUPPORT DATA

IN FILE # 57-2246

Transfer No. 85598

SCANNED

JUN 02 2023

WATER RIGHT NO. 57-2246**As Modified by Transfer No. 85598**

In accordance with the approval of Transfer No. 85598, Water Right No. 57-2246 is now described as follows:

Right Holder: HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

Priority Date: 7/26/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 10/31	4.000 cfs
			4.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 34 Twp 04S Rge 01E	OWYHEE County	
GROUND WATER	NWNE	Sec 34 Twp 04S Rge 01E	OWYHEE County	
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E	OWYHEE County	(R)
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E	OWYHEE County	(I)

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	26	36.0		40.0	17.0			13.0	24.0	40.0	33.0	33.0	34.0	2.0	24.0	2.0		298.0
04S	01E	27																2.0	2.0
04S	01E	34	32																32
04S	01E	35					8.0	36.0											44.0

Right Acre Limit: 208.0

POU Total Acres: 376.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 208 acres within the authorized place of use in a single irrigation season.
2. Rights 57-2246 and 57-2253 when combined shall not exceed a total annual maximum diversion volume of 1084.5 af at the field headgate.
3. Rights 57-2246, 57-2253, and 57-7266 when combined shall not exceed a total diversion rate of 7.52 cfs, a total annual maximum diversion volume of 1692 af at the field headgate, and the irrigation of 376 acres.

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WATER RIGHT NO. 57-2246

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CONDITIONS OF APPROVAL

4. Rights 57-00091, 57-00099, 57-00109, 57-00118, 57-00122, 57-00124, 57-00128, 57-00136, 57-00152, 57-00163, 57-02132A & 57-02246 when combined shall not exceed a total diversion rate of 4.82 cfs, and the irrigation of 241 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. Point of injection into and point of rediversion from Castle Creek.
8. Water temperature measured at 170 degrees F. from point of diversion in NWNE Sec. 34, T04S, R01E.
9. THE AMOUNT OF WATER DIVERTED FROM CASTLE CREEK SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM CASTLE CREEK DOWNSTREAM FROM THE POINT OF REDIVERSION.
10. The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
11. To prevent injury to prior water rights appropriating water from Castle Creek and/or the underlying shallow aquifer tributary to Castle Creek, the well(s) used as a point(s) of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer below ground surface.
12. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-2253**As Modified by Transfer No. 85598**

In accordance with the approval of Transfer No. 85598, Water Right No. 57-2253 is now described as follows:

Right Holder: HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

Priority Date: 8/23/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/15	to 11/15	0.820 cfs 0.820 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 34 Twp 04S Rge 01E	OWYHEE County	
GROUND WATER	NWNE	Sec 34 Twp 04S Rge 01E	OWYHEE County	
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E	OWYHEE County	(R)
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E	OWYHEE County	(I)

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	26	36.0		40.0	17.0			13.0	24.0	40.0	33.0	33.0	34.0	2.0	24.0	2.0		298.0
04S	01E	27																2.0	2.0
04S	01E	34	32																32
04S	01E	35					8.0	36.0											44.0

Right Acre Limit: 99.0
POU Total Acres: 376.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 99 acres within the authorized place of use in a single irrigation season.
2. Rights 57-2246 and 57-2253 when combined shall not exceed a total annual maximum diversion volume of 1084.5 af at the field headgate.
3. Rights 57-2246, 57-2253, and 57-7266 when combined shall not exceed a total diversion rate of 7.52 cfs, a total annual maximum diversion volume of 1692 af at the field headgate, and the irrigation of 376 acres.

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WATER RIGHT NO. 57-2253
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CONDITIONS OF APPROVAL

4. Rights 57-00091, 57-00099, 57-00109, 57-00118, 57-00122, 57-00124, 57-00128, 57-00136, 57-00152, 57-00163, 57-02132A & 57-02246 when combined shall not exceed a total diversion rate of 4.82 cfs, and the irrigation of 241 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. Point of injection into and point of rediversion from Castle Creek.
8. Water temperature measured at 170 degrees F. from point of diversion in NWNE Sec. 34, T04S, R01E.
9. The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
10. To prevent injury to prior water rights appropriating water from Castle Creek and/or the underlying shallow aquifer tributary to Castle Creek, the well(s) used as a point(s) of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer below ground surface.
11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 57-7266**As Modified by Transfer No. 85598**

In accordance with the approval of Transfer No. 85598, Water Right No. 57-7266 is now described as follows:

Right Holder: HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

Priority Date: 1/14/1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	2.700 cfs	607.5 af
			2.700 cfs	607.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 34 Twp 04S Rge 01E	OWYHEE County	
GROUND WATER	NWNE	Sec 34 Twp 04S Rge 01E	OWYHEE County	
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E	OWYHEE County	(R)
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E	OWYHEE County	(I)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	26	36.0		40.0	17.0			13.0	24.0	40.0	33.0	33.0	34.0	2.0	24.0	2.0		298.0
04S	01E	27																2.0	2.0
04S	01E	34	32																32
04S	01E	35					8.0	36.0											44.0

Right Acre Limit: 135.0

POU Total Acres: 376.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 135 acres within the authorized place of use in a single irrigation season.
2. Rights 57-2246, 57-2253, and 57-7266 when combined shall not exceed a total diversion rate of 7.52 cfs, a total annual maximum diversion volume of 1692 af at the field headgate, and the irrigation of 376 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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WATER RIGHT NO. 57-7266
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CONDITIONS OF APPROVAL

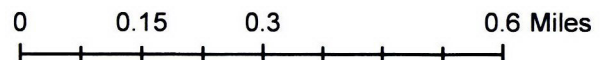
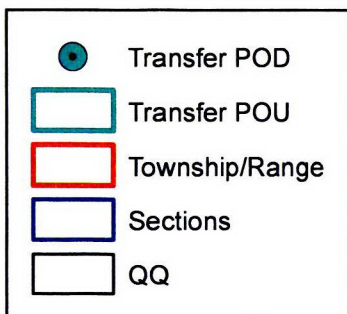
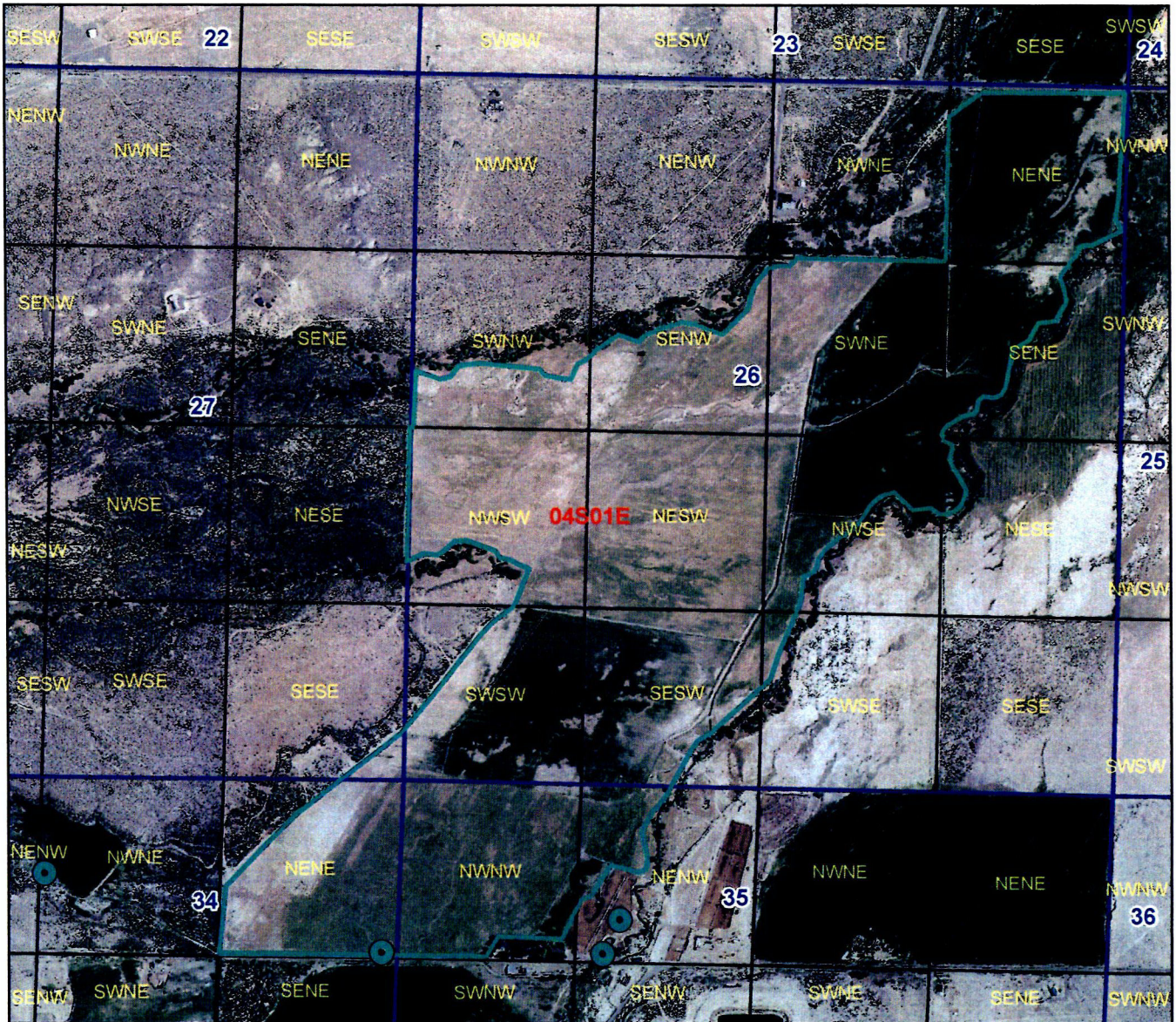
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Point of injection into and point of redirection from Castle Creek.
6. Water temperature measured at 170 degrees F. from point of diversion in NWNE Sec. 34, T04S, R01E.
7. This right is for the use of trust water, and it is subject to review 20 years after its initial approval date of 05/21/1981 to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
8. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.
9. To prevent injury to prior water rights appropriating water from Castle Creek and/or the underlying shallow aquifer tributary to Castle Creek, the well(s) used as a point(s) of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer below ground surface.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 85598

Water Right(s): 57-2246, 57-2253, 57-7266

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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JUN 02 2023