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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 45-7196B, 45-7196D,
	)	45-7345B, 45-7345D, 45-13418,
Case No. 39576	)	45-13420, 45-13440, 45-13442, 45-13444
	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

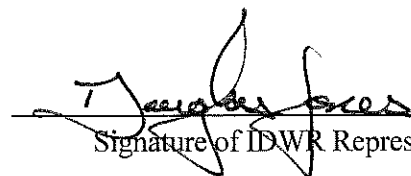
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 1-5-05



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 1/7, 200⁵~~4~~, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Brent Dame
Patricia Dame
3696 E 3950 N
Kimberly ID 83341
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Wybenga Dairy LLC
704 W 1000 S
Burley ID 83318
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-7196B

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.030 CFS
406.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.66 CFS. COMBINED RIGHT NOS.: 45-7196B,
45-13418.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.34 CFS. AND A TOTAL COMBINED DIVERSION
VOLUME OF 2396 AF. COMBINED RIGHT NOS.: 45-7196B, 45-13418,
45-7345B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 14.99 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4892 AF. COMBINED RIGHT NOS.: 45-7196B,
45-7345B, 45-13418, 45-13440, 45-13442, 45-13444.

PRIORITY DATE: 01/04/1975

POINT OF
DIVERSION: T12S R21E S27 SENENE Within CASSIA County
T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.030 CFS 406.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R21E S26	NENE	38.0	T12S R21E S26	NWNE	41.0
T12S R21E S26	SWNE	39.0	T12S R21E S26	SENE	38.0
T12S R21E S26	NENW	40.0	T12S R21E S26	NWNW	39.0
T12S R21E S26	SWNW	38.0	T12S R21E S26	SENW	40.0
T12S R21E S27	NENE	39.0	T12S R21E S27	NWNE	38.0
T12S R21E S27	SWNE	39.0	T12S R21E S27	SENE	40.0
T12S R21E S27	NESE	39.0	T12S R21E S27	NWSE	40.0
T12S R21E S27	SWSE	38.0	T12S R21E S27	SESE	38.0
T12S R21E S34	NENE	33.0	T12S R21E S34	NWNE	34.0

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T12S R21E S34	SWNE	40.0	T12S R21E S34	SENE	33.0
T12S R21E S34	NENW	40.0	T12S R21E S34	NWNW	39.0
T12S R21E S34	SWNW	39.0	T12S R21E S34	SENW	40.0
T12S R21E S34	NESW	40.0	T12S R21E S34	NWSW	39.0
T12S R21E S34	SWSW	38.0	T12S R21E S34	SESW	40.0
T12S R21E S34	NESE	32.0	T12S R21E S34	NWSE	40.0
T12S R21E S34	SWSE	40.0	T12S R21E S34	SESE	32.0

1223 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 599 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B 45-13418, 45-7345B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1223 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B, 45-7345B, 45-13418, 45-13440,
45-13442, 45-13444.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 101.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
THIS TRANSFER BY SEPTEMBER 25, 2003.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF
THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF
THE TRANSFER.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-7196 PER APPROVED
TRANSFER 5412.

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-7196D

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.110 CFS
16.80 AFY

USE OF THIS RIGHT WITH RIGHT NO.45-13420 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.31 CFS.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.40 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 99.0 AF. COMBINED RIGHT NOS: 45-7196D,
45-7345D, 45-13420.

PRIORITY DATE: 01/04/1975

POINT OF
DIVERSION: T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1/01 12/31	0.110 CFS 16.80 AFY
STOCKWATER	1/01 12/31	0.110 CFS 16.80 AFY

PLACE OF USE: STOCKWATER Within CASSIA County

T12S R21E S34	NENE	T12S R21E S34	NWNE
T12S R21E S34	SWNE	T12S R21E S34	SENE
T12S R21E S34	NENW	T12S R21E S34	SENW
T12S R21E S34	SESW	T12S R21E S34	NESE
T12S R21E S34	SWSE	T12S R21E S34	SESE

COMMERCIAL Within CASSIA County

T12S R21E S34	NENE	T12S R21E S34	NWNE
T12S R21E S34	SWNE	T12S R21E S34	SENE
T12S R21E S34	NENW	T12S R21E S34	NWNW
T12S R21E S34	SWNW	T12S R21E S34	SENW
T12S R21E S34	NESW	T12S R21E S34	NWSW
T12S R21E S34	SWSW	T12S R21E S34	SESW
T12S R21E S34	NESE	T12S R21E S34	NWSE
T12S R21E S34	SWSE	T12S R21E S34	SESE

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

THE SWINE OPERATION AUTHORIZED UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE COUNTY ZONING AND USE ORDINANCES.

THE SWIN OPERATION IS LOCATED IN THE SAME PLACE OF USE DESCRIBED ABOVE FOR STOCKWATER USE.

PORTIONS OF RIGHTS 45-7196B, 45-13420 AND 45-7345B THAT OVERLAP THE LOCATION OF THE SWINE OPERATION IN THE SWNE, E1/2NW, SESW AND SWSE, S34, T12S, R21E MAY BE SUBJECT TO FORFEITURE IF NOT TRANSFERRED TO A NEW LOCATION AFTER THE SWINE OPERATION IS DEVELOPED ON THESE LANDS.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

THE SWINE OPERATION IS LOCATED IN THE SAME PLACE OF USE DESCRIBED ABAOVE FOR STOCKWATER USE.

THE PLACE OF COMMERCIAL USE AUTHORIZED BY TRANSFER 5413 INCLUDES LAND UPON WHICH WASTEWATER MAY BE APPLIED FOR IRRIGATION PURPOSES TO SATISFY WATER QUALITY REQUIREMENTS. WATER DIVERTED UNDER THIS APPROVAL SHALL NOT BE USED FOR IRRIGATION UNLESS THE WATER IS FIRST USED IN THE SWINE OPERATION AS AUTHORIZED BY THESE WATER RIGHTS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-7196A.

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-7345B

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.220 CFS
791.60 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.34 CFS. AND A TOTAL COMBINED DIVERSION
VOLUME OF 2396 AF. COMBINED RIGHT NOS.: 45-7196B, 45-13418,
45-7345B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 14.99 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4892 AF. COMBINED RIGHT NOS.: 45-7196B,
45-7345B, 45-13418, 45-13440, 45-13442, 45-13444.

PRIORITY DATE: 06/30/1978

POINT OF
DIVERSION: T12S R21E S27 SENENE Within CASSIA County
T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.220 CFS 791.60 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R21E S26	NENE	38.0	T12S R21E S26	NWNE	41.0
T12S R21E S26	SWNE	39.0	T12S R21E S26	SENE	38.0
T12S R21E S26	NENW	40.0	T12S R21E S26	NWNW	39.0
T12S R21E S26	SWNW	38.0	T12S R21E S26	SENE	40.0
T12S R21E S27	NENE	39.0	T12S R21E S27	NWNE	38.0
T12S R21E S27	SWNE	39.0	T12S R21E S27	SENE	40.0
T12S R21E S27	NESE	39.0	T12S R21E S27	NWSE	40.0
T12S R21E S27	SWSE	38.0	T12S R21E S27	SESE	38.0
T12S R21E S34	NENE	33.0	T12S R21E S34	NWNE	34.0
T12S R21E S34	SWNE	40.0	T12S R21E S34	SENE	33.0
T12S R21E S34	NENW	40.0	T12S R21E S34	NWNW	39.0

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T12S R21E S34	SWNW	39.0	T12S R21E S34	SENW	40.0
T12S R21E S34	NESW	40.0	T12S R21E S34	NWSW	39.0
T12S R21E S34	SWSW	38.0	T12S R21E S34	SESW	40.0
T12S R21E S34	NESE	32.0	T12S R21E S34	NWSE	40.0
T12S R21E S34	SWSE	40.0	T12S R21E S34	SESE	32.0

1223 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 599 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B 45-13418, 45-7345B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1223 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B, 45-7345B, 45-13418, 45-13440,
45-13442, 45-13444.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 197.9 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
THIS TRANSFER BY SEPTEMBER 25, 2003.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF
THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF
THE TRANSFER.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-7345 PER APPROVED
TRANSFER 5412.

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-7345D

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
32.70 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.40 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 99.0 AF. COMBINED RIGHT NOS: 45-7196D,
45-7345D, 45-13420.

PRIORITY DATE: 06/30/1978

POINT OF
DIVERSION: T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.120 CFS 32.70 AFY
COMMERCIAL	1/01 12/31	0.120 CFS 32.70 AFY

PLACE OF USE: STOCKWATER Within CASSIA County

T12S R21E S34	NENE	T12S R21E S34	NWNE
T12S R21E S34	SWNE	T12S R21E S34	SENE
T12S R21E S34	NENW	T12S R21E S34	SENE
T12S R21E S34	SESW	T12S R21E S34	NESE
T12S R21E S34	SWSE	T12S R21E S34	SESE

COMMERCIAL Within CASSIA County

T12S R21E S34	NENE	T12S R21E S34	NWNE
T12S R21E S34	SWNE	T12S R21E S34	SENE
T12S R21E S34	NENW	T12S R21E S34	NWNW
T12S R21E S34	SWNW	T12S R21E S34	SENE
T12S R21E S34	NESW	T12S R21E S34	NWSW
T12S R21E S34	SWSW	T12S R21E S34	SESW
T12S R21E S34	NESE	T12S R21E S34	NWSE
T12S R21E S34	SWSE	T12S R21E S34	SESE

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

THE SWINE OPERATION AUTHORIZED UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE COUNTY ZONING AND USE ORDINANCES.

THE SWINE OPERATION IS LOCATED IN THE SAME PLACE OF USE DESCRIBED ABOVE FOR STOCKWATER USE.

PORTIONS OF RIGHTS 45-7196B, 45-13420 AND 45-7345B THAT OVERLAP THE LOCATION OF THE SWINE OPERATION IN THE SWNE, E1/2NW, SESW AND SWSE, S34, T12S, R21E MAY BE SUBJECT TO FORFEITURE IF NOT TRANSFERRED TO A NEW LOCATION AFTER THE SWINE OPERATION IS DEVELOPED ON THESE LANDS.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

THE SWINE OPERATION IS LOCATED IN THE SAME PLACE OF USE DESCRIBED ABOVE FOR STOCKWATER USE.

THE PLACE OF COMMERCIAL USE AUTHORIZED BY TRANSFER 5413 INCLUDES LAND UPON WHICH WASTEWATER MAY BE APPLIED FOR IRRIGATION PURPOSES TO SATISFY WATER QUALITY REQUIREMENTS. WATER DIVERTED UNDER THIS APPROVAL SHALL NOT BE USED FOR IRRIGATION UNLESS THE WATER IS FIRST USED IN THE SWINE OPERATION AS AUTHORIZED BY THESE WATER RIGHTS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-7345A.

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13418

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.240 CFS
1,198.40 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.66 CFS. COMBINED RIGHT NOS.: 45-7196B,
45-13418.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.34 CFS. AND A TOTAL COMBINED DIVERSION
VOLUME OF 2396 AF. COMBINED RIGHT NOS.: 45-7196B, 45-13418,
45-7345B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 14.99 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4892 AF. COMBINED RIGHT NOS.: 45-7196B,
45-7345B, 45-13418, 45-13440, 45-13442, 45-13444.

PRIORITY DATE: 10/31/1974

POINT OF
DIVERSION: T12S R21E S27 SENENE Within CASSIA County
T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.240 CFS 1,198.40 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R21E S26	NENE	38.0	T12S R21E S26	NWNE	41.0
T12S R21E S26	SWNE	39.0	T12S R21E S26	SENE	38.0
T12S R21E S26	NENW	40.0	T12S R21E S26	NWNW	39.0
T12S R21E S26	SWNW	38.0	T12S R21E S26	SENW	40.0
T12S R21E S27	NENE	39.0	T12S R21E S27	NWNE	38.0
T12S R21E S27	SWNE	39.0	T12S R21E S27	SENE	40.0
T12S R21E S27	NESE	39.0	T12S R21E S27	NWSE	40.0
T12S R21E S27	SWSE	38.0	T12S R21E S27	SESE	38.0
T12S R21E S34	NENE	33.0	T12S R21E S34	NWNE	34.0

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T12S R21E S34	SWNE	40.0	T12S R21E S34	SENE	33.0
T12S R21E S34	NENW	40.0	T12S R21E S34	NWNW	39.0
T12S R21E S34	SWNW	39.0	T12S R21E S34	SENW	40.0
T12S R21E S34	NESW	40.0	T12S R21E S34	NWSW	39.0
T12S R21E S34	SWSW	38.0	T12S R21E S34	SESW	40.0
T12S R21E S34	NESE	32.0	T12S R21E S34	NWSE	40.0
T12S R21E S34	SWSE	40.0	T12S R21E S34	SESE	32.0

1223 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 599 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B 45-13418, 45-7345B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1223 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B, 45-7345B, 45-13418, 45-13440,
45-13442, 45-13444.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 299.6 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
THIS TRANSFER BY SEPTEMBER 25, 2003.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF
THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF
THE TRANSFER.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

THIS RIGHT IS A PORTION OF FORMER RIGHTS 45-7197, 45-7198 &
45-7199.

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13420

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.210 CFS
19.50 AFY

USE OF THIS RIGHT WITH RIGHT NO.45-7196D IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.31 CFS.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.40 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 99.0 AF. COMBINED RIGHT NOS: 45-7196D,
45-7345D, 45-13420.

PRIORITY DATE: 10/31/1974

POINT OF
DIVERSION: T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.210 CFS 49.50 AFY
COMMERCIAL	01/01 12/31	0.210 CFS 49.50 AFY

PLACE OF USE: STOCKWATER Within CASSIA County

T12S R21E S34	NENE	T12S R21E S34	NWNE
T12S R21E S34	SWNE	T12S R21E S34	SENE
T12S R21E S34	NENW	T12S R21E S34	NWNW
T12S R21E S34	SWNW	T12S R21E S34	SENW
T12S R21E S34	NESW	T12S R21E S34	NWSW
T12S R21E S34	SWSW	T12S R21E S34	SESW
T12S R21E S34	NESE	T12S R21E S34	NWSE
T12S R21E S34	SWSE	T12S R21E S34	SESE

COMMERCIAL Within CASSIA County

T12S R21E S34	NENE	T12S R21E S34	NWNE
T12S R21E S34	SWNE	T12S R21E S34	SENE
T12S R21E S34	NENW	T12S R21E S34	NWNW

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T12S R21E S34	SWNW	T12S R21E S34	SENW
T12S R21E S34	NESW	T12S R21E S34	NWSW
T12S R21E S34	SWSW	T12S R21E S34	SESW
T12S R21E S34	NESE	T12S R21E S34	NWSE
T12S R21E S34	SWSE	T12S R21E S34	SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

THE SWINE OPERATION AUTHORIZED UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE COUNTY ZONING AND USE ORDINANCES.

THE SWINE OPERATION IS LOCATED IN THE SAME PLACE OF USE DESCRIBED ABOVE FOR STOCKWATER USE.

PORTIONS OF RIGHTS 45-7196B, 45-13420 AND 45-7345B THAT OVERLAP THE LOCATION OF THE SWINE OPERATION IN THE SWNE, E1/2NW, SESW AND SWSE, S34, T12S, R21E MAY BE SUBJECT TO FORFEITURE IF NOT TRANSFERRED TO A NEW LOCATION AFTER THE SWINE OPERATION IS DEVELOPED ON THESE LANDS.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

THE SWINE OPERATION IS LOCATED IN THE SAME PLACE OF USE DESCRIBED ABOVE FOR STOCKWATER USE.

THE PLACE OF COMMERCIAL USE AUTHORIZED BY TRANSFER 5413 INCLUDES LAND UPON WHICH WASTEWATER MAY BE APPLIED FOR IRRIGATION PURPOSES TO SATISFY WATER QUALITY REQUIREMENTS. WATER DIVERTED UNDER THIS APPROVAL SHALL NOT BE USED FOR IRRIGATION UNLESS THE WATER IS FIRST USED IN THE SWINE OPERATION AS AUTHORIZED BY THESE WATER RIGHTS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-13417.

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13440

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.110 CFS
422.80 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.89 CFS. COMBINED RIGHT NOS.: 45-13440,
45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.65 CFS. AND A TOTAL COMBINED DIVERSION
VOLUME OF 2496 AF. COMBINED RIGHT NOS.: 45-13440, 45-13442,
45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 14.99 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4892 AF. COMBINED RIGHT NOS.: 45-7196B,
45-7345B, 45-13418, 45-13440, 45-13442, 45-13444.

PRIORITY DATE: 01/04/1975

POINT OF
DIVERSION: T12S R21E S27 SENENE Within CASSIA County
T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.110 CFS 422.80 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R21E S26	NENE	38.0	T12S R21E S26	NWNE	41.0
T12S R21E S26	SWNE	39.0	T12S R21E S26	SENE	38.0
T12S R21E S26	NENW	40.0	T12S R21E S26	NWNW	39.0
T12S R21E S26	SWNW	38.0	T12S R21E S26	SENW	40.0
T12S R21E S27	NENE	39.0	T12S R21E S27	NWNE	38.0
T12S R21E S27	SWNE	39.0	T12S R21E S27	SENE	40.0
T12S R21E S27	NESE	39.0	T12S R21E S27	NWSE	40.0

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T12S R21E S27	SWSE	38.0	T12S R21E S27	SESE	38.0
T12S R21E S34	NENE	33.0	T12S R21E S34	NWNE	34.0
T12S R21E S34	SWNE	40.0	T12S R21E S34	SENE	33.0
T12S R21E S34	NENW	40.0	T12S R21E S34	NWNW	39.0
T12S R21E S34	SWNW	39.0	T12S R21E S34	SENW	40.0
T12S R21E S34	NESW	40.0	T12S R21E S34	NWSW	39.0
T12S R21E S34	SWSW	38.0	T12S R21E S34	SESW	40.0
T12S R21E S34	NESE	32.0	T12S R21E S34	NWSE	40.0
T12S R21E S34	SWSE	40.0	T12S R21E S34	SESE	32.0

1223 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1223 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B, 45-7345B, 45-13418, 45-13440,
45-13442, 45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 624 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-13440 45-13442, 45-13444.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105.7 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
THIS TRANSFER BY SEPTEMBER 25, 2003.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF
THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF
THE TRANSFER.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

THIS RIGHT IS A PORTION OF FORMER RIGHT 45-7196C.

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13442

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.450 CFS
1,248.80 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.65 CFS. AND A TOTAL COMBINED DIVERSION
VOLUME OF 2496 AF. COMBINED RIGHT NOS.: 45-13440, 45-13442,
45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 14.99 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4892 AF. COMBINED RIGHT NOS.: 45-7196B,
45-7345B, 45-13418, 45-13440, 45-13442, 45-13444.

PRIORITY DATE: 10/31/1974

POINT OF
DIVERSION: T12S R21E S27 SENENE Within CASSIA County
T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.450 CFS 1,248.80 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R21E S26	NENE	38.0	T12S R21E S26	NWNE	41.0
T12S R21E S26	SWNE	39.0	T12S R21E S26	SENE	38.0
T12S R21E S26	NENW	40.0	T12S R21E S26	NWNW	39.0
T12S R21E S26	SWNW	38.0	T12S R21E S26	SENW	40.0
T12S R21E S27	NENE	39.0	T12S R21E S27	NWNE	38.0
T12S R21E S27	SWNE	39.0	T12S R21E S27	SENE	40.0
T12S R21E S27	NESE	39.0	T12S R21E S27	NWSE	40.0
T12S R21E S27	SWSE	38.0	T12S R21E S27	SESE	38.0
T12S R21E S34	NENE	33.0	T12S R21E S34	NWNE	34.0
T12S R21E S34	SWNE	40.0	T12S R21E S34	SENE	33.0
T12S R21E S34	NENW	40.0	T12S R21E S34	NWNW	39.0

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T12S R21E S34	SWNW	39.0	T12S R21E S34	SENW	40.0
T12S R21E S34	NESW	40.0	T12S R21E S34	NWSW	39.0
T12S R21E S34	SWSW	38.0	T12S R21E S34	SESW	40.0
T12S R21E S34	NESE	32.0	T12S R21E S34	NWSE	40.0
T12S R21E S34	SWSE	40.0	T12S R21E S34	SESE	32.0

1223 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 624 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-13440 45-13442, 45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1223 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-7196B, 45-7345B, 45-13418, 45-13440,
45-13442, 45-13444.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 312.2 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
THIS TRANSFER BY SEPTEMBER 25, 2003.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF
THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF
THE TRANSFER.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

THIS RIGHT IS A PORTION OF FORMER RIGHTS 45-7197, 45-7198, 45-7199.

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13444

NAME AND ADDRESS: WYBENGA DAIRY LLC
704 W 1000 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.310 CFS
824.40 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.89 CFS. COMBINED RIGHT NOS.: 45-13440,
45-13444

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.65 CFS. AND A TOTAL COMBINED DIVERSION
VOLUME OF 2496 AF. COMBINED RIGHT NOS.: 45-13440, 45-13442,
45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 14.99 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4892 AF. COMBINED RIGHT NOS.: 45-7196B,
45-7345B, 45-13418, 45-13440, 45-13442, 45-13444.

PRIORITY DATE: 06/30/1978

POINT OF
DIVERSION: T12S R21E S27 SENENE Within CASSIA County
T12S R21E S34 NESENE Within CASSIA County
T12S R21E S34 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.310 CFS 824.40 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R21E S26	NENE	38.0	T12S R21E S26	NWNE	41.0
T12S R21E S26	SWNE	39.0	T12S R21E S26	SENE	38.0
T12S R21E S26	NENW	40.0	T12S R21E S26	NWNW	39.0
T12S R21E S26	SWNW	38.0	T12S R21E S26	SENW	40.0
T12S R21E S27	NENE	39.0	T12S R21E S27	NWNE	38.0
T12S R21E S27	SWNE	39.0	T12S R21E S27	SENE	40.0
T12S R21E S27	NESE	39.0	T12S R21E S27	NWSE	40.0
T12S R21E S27	SWSE	38.0	T12S R21E S27	SESE	38.0

12/22/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T12S R21E S34	NENE	33.0	T12S R21E S34	NWNE	34.0
T12S R21E S34	SWNE	40.0	T12S R21E S34	SENE	33.0
T12S R21E S34	NENW	40.0	T12S R21E S34	NWNW	39.0
T12S R21E S34	SWNW	39.0	T12S R21E S34	SENW	40.0
T12S R21E S34	NESW	40.0	T12S R21E S34	NWSW	39.0
T12S R21E S34	SWSW	38.0	T12S R21E S34	SESW	40.0
T12S R21E S34	NESE	32.0	T12S R21E S34	NWSE	40.0
T12S R21E S34	SWSE	40.0	T12S R21E S34	SESE	32.0

1223 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1223 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-7196B, 45-7345B, 45-13418, 45-13440, 45-13442, 45-13444.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 624 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-13440 45-13442, 45-13444.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 206.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER BY SEPTEMBER 25, 2003.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

THIS RIGHT IS A PORTION OF FORMER RIGHT 45-7345C.