State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov
EASTERN REGION

C. L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

February 21, 2008

BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

RE: Transfer #73977 for water right(s) 22-2168, 22-4052 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On December 19, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #73977, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

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	)	**Water Rights: 22-2168, 22-4052**
	)	
Case No. 39576	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding:

[] Address change

[] Substitution of Party

[X] I.C. § 42-222 transfer 73977

[]	point of diversion	[X]	place of use
[]	period of use	[]	nature of use
[]	split of water right	[]	change in ownership

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 March 2008

Ernest Carlsen
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 7, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
   Clerk of the District Court
   Snake River Basin Adjudication
   PO Box 2707
   Twin Falls ID 83303-2707

2. One copy to:
   Claimant/Seller for Substitution of Party or attorney of record:
   BHA INC
   2983 E 2000 N
   SUGAR CITY ID 83448

3. One copy to:
   Claimant/Purchaser for Substitution of Party, or attorney of record:
   N/A

4. One copy to:
   Each party in the subcase, or attorney of record
   N/A

5. One copy each to:
   Chief Natural Resources Division
   Office of the Attorney General
   PO Box 44449
   Boise ID 83711-4449

6. One Copy to:
   United States Dept of Justice
   Environment & Natural Resource Div
   550 West Fort Street MSC 033
   Boise ID 83724

Jennifer Crabtree
Signature of person or attorney mailing the form

01/17/2008

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-4052

NAME AND ADDRESS: BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.970 CFS
280.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined annual diversion volume of 1471.4 af. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

PRIORITY DATE: 09/01/1961

POINT OF DIVERSION:

T06N R41E S16 SWNWSW Within MADISON County

T06N R41E S21 SENENE Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.970 CFS 280.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R41E S16	NESW	35.00	T06N R41E S16	NWSW	39.00
T06N R41E S16	SWSW	39.00	T06N R41E S16	SESW	34.00
T06N R41E S16	NESE	39.00	T06N R41E S16	NWSE	39.00
T06N R41E S16	SWSE	38.00	T06N R41E S16	SESE	38.00
T06N R41E S17	NESE	19.00	T06N R41E S17	NWSE	11.00
T06N R41E S17	SWSE	8.70	T06N R41E S17	SESE	39.00
T06N R41E S21	NENE	39.00	T06N R41E S21	NWNE	2.70

420.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 420.4 acres in a single irrigation season. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

This right is limited to the irrigation of 80 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 - Beneficial Use

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.

The right holder shall accomplish the change authorized by Transfer 73977 prior to December 19, 2008.

Failure of the right holder to comply with the conditions of Transfer 73977 is cause for the Director to rescind approval of the transfer.

The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

WATER RIGHT NO. 22-4052
As Modified by Transfer No. 73977

In accordance with the approval of Transfer No. 73977, Water Right No. 22-4052 is now described as follows.

Right Holder: BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

Priority Date: September 01, 1961

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.97 CFS	280.0 AF
			0.97 CFS	280.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWSW	Sec. 16 Twp 06N	Rge 41E	MADISON County
GROUND WATER	SENENE	Sec. 21 Twp 06N	Rge 41E	MADISON 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	
06N 41E 16									35.0	39.0	39.0	34.0	39.0	39.0	38.0	38.0	301.0
06N 41E 17													19.0	11.0	8.7	39.0	77.7
06N 41E 21	39.0	2.7															41.7

Total Acres: 420.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 22-2168, 22-4052, 22-13279, and 22-13281 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 1471.4 af at the field headgate, and the irrigation of 420.4 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 22-4052
As Modified by Transfer No. 73977

CONDITIONS OF APPROVAL

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 following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

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 19th day of December, 2007

Chief, Water Allocation Bureau