

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 82038**

This is to certify that: **E & H FARMS LLC**  
2840 SUNNY BROOK LN  
IDAHO FALLS, ID 83404

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 35-2269E           | WR/DECREED          | 10/23/1952           | 2.915 cfs             | 616.0 af                | N/A               | 154.0              | GROUND WATER  |
| 35-2269F           | WR/DECREED          | 10/23/1952           | 2.915 cfs             | 616.0 af                | N/A               | 154.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-2269E              | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 35-2269F              | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-2269E               | 35-14557                         | 0.123 cfs            | 26.0 af                | 6.5               | 12.5               | 35-2269E                           | 2.574 cfs             | 544.0 af                | N/A                         | 136.0                        |
| 35-2269F               | 35-14558                         | 0.114 cfs            | 24.0 af                | 6.0               | 12.5               | 35-2269F                           | 2.697 cfs             | 570.0 af                | N/A                         | 142.5                        |
| <b>COMBINED TOTALS</b> |                                  | <b>0.237 cfs</b>     | <b>50.0 af</b>         | <b>12.5</b>       | <b>12.5</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 9th day of January, 2018.

  
\_\_\_\_\_  
Water Resources Program Manager

\*The remaining portions for rights 35-2269E and 35-2269F reflect the remaining totals after approval of transfers 82037 and 82038.

SUPPORT DATA

Transfer No. 82038

IN FILE # 35-2269E

# **WATER RIGHT NO. 35-2269E**

## **As Modified by Transfer No. 82038**

In accordance with the approval of Transfer No. 82038, Water Right No. 35-2269E is now described as follows:

**Right Holder:** E & H FARMS LLC  
2840 SUNNY BROOK LN  
IDAHO FALLS, ID 83404

**Priority Date:** 10/23/1952

**Source:** GROUND WATER

### **BENEFICIAL USE**

IRRIGATION

### **From**

4/01

### **To**

to 11/01

### **Diversion Rate**

2.574 cfs

2.574 cfs

### **Diversion Volume**

544.0 af

544.0 af

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

GROUND WATER

NWSENE

Sec 9 Twp 02S Rge 33E BINGHAM County

### **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 |        |
| 02S | 33E | 9   | 32.6 | 33.9 | 33.5 | 36.0 |    |    |    |    |    |    |    |    |    |    |    |    | 136.0  |

POU Total Acres: 136.0

### **CONDITIONS OF APPROVAL**

- 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

# **WATER RIGHT NO. 35-14557** **As Modified by Transfer No. 82038**

In accordance with the approval of Transfer No. 82038, Water Right No. 35-14557 is now described as follows:

**Right Holder:** E & H FARMS LLC  
 2840 SUNNYBROOK LN  
 IDAHO FALLS, ID 83404

**Priority Date:** 10/23/1952

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 4/01        | to 11/01  | 0.123 cfs             | 26.0 af                 |
|                       |             |           | 0.123 cfs             | 26.0 af                 |

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

GROUND WATER SWNE Sec 9 Twp 02S Rge 33E BINGHAM County

## **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 |        |
| 02S | 33E | 9   |    |    | 6.5 |    |    |    |    | 6.0 |    |    |    |    |    |    |    |    | 12.5   |

Right Acre Limit: 6.5  
 POU Total Acres: 12.5

## **CONDITIONS OF APPROVAL**

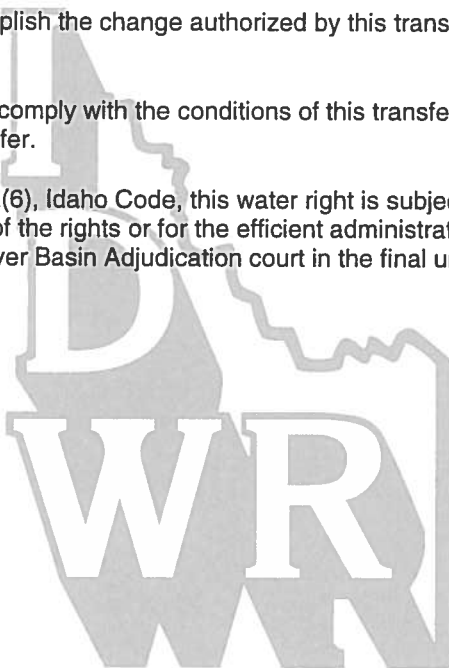
1. This right is limited to the irrigation of 6.5 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14557 and 35-14558 when combined shall not exceed the irrigation of 12.5 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 82038, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 82038

**WATER RIGHT NO. 35-14557**  
**As Modified by Transfer No. 82038**

**CONDITIONS OF APPROVAL**

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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 place of use.
8. The right holder shall accomplish the change authorized by this transfer within one 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



**WATER RIGHT NO. 35-2269F****As Modified by Transfer No. 82038**

In accordance with the approval of Transfer No. 82038, Water Right No. 35-2269F is now described as follows:

**Right Holder:** E & H FARMS LLC  
2840 SUNNYBROOK LN  
IDAHO FALLS, ID 83404

**Priority Date:** 10/23/1952

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/01

**To**

to 11/01

**Diversion Rate**

2.697 cfs

2.697 cfs

**Diversion Volume**

570.0 af

570.0 af

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

GROUND WATER

NWSENW

Sec 9 Twp 02S Rge 33E BINGHAM County

**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 |        |
| 02S | 33E | 9   |    |    |    |    | 34.5 | 37.0 | 37.0 | 34.0 |    |    |    |    |    |    |    |    | 142.5  |

POU Total Acres: 142.5

**CONDITIONS OF APPROVAL**

- 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 35-14558**  
**As Modified by Transfer No. 82038**

In accordance with the approval of Transfer No. 82038, Water Right No. 35-14558 is now described as follows:

**Right Holder:** E & H FARMS LLC  
 2840 SUNNYBROOK LN  
 IDAHO FALLS, ID 83404

**Priority Date:** 10/23/1952

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/01

**To**

to 11/01

**Diversion Rate**

0.114 cfs

0.114 cfs

**Diversion Volume**

24.0 af

24.0 af

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

GROUND WATER                      NWSNW                      Sec 9    Twp 02S    Rge 33E    BINGHAM County

**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 |        |
| 02S | 33E | 9   |    |    | 6.5 |    |    |    |    | 6.0 |    |    |    |    |    |    |    |    | 12.5   |

Right Acre Limit: 6.0

POU Total Acres: 12.5

**CONDITIONS OF APPROVAL**

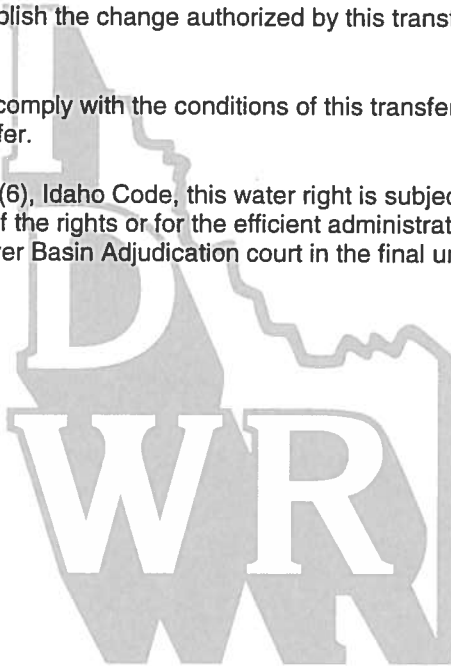
1. This right is limited to the irrigation of 6.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14557 and 35-14558 when combined shall not exceed the irrigation of 12.5 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 82038, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 82038

**WATER RIGHT NO. 35-14558**  
**As Modified by Transfer No. 82038**

**CONDITIONS OF APPROVAL**

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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 place of use.
8. The right holder shall accomplish the change authorized by this transfer within one 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



# Transfer Approval 82038

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



## Legend

-  Water Right POD
-  Water Right POU
-  Township/Range
-  Sections
-  QQ

0 300 600 Feet  
1 inch = 225 feet

