

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81338**

This is to certify that: **BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301**

**MPH FARMS
2935 W 2050 S
ABERDEEN, ID 83210**

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>
35-2306	WR/DECREED	3/3/1953	2.540 cfs	800.0 af	N/A	200.0	GROUND WATER
35-8197	WR/LICENSE	5/11/1989	1.400 cfs	192.0 af	N/A	248.0	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>
35-2306	YES	YES	YES	YES	NO	NO
35-8197	YES	YES	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>
35-2306	35-14503	1.880 cfs	592.0 af	148.0	168.0	35-2306	0.660 cfs	208.0 af	52.0	52.0
35-8197	35-14501	0.950 cfs	130.1 af	N/A	168.0	35-8197	0.450 cfs	61.9 af	N/A	80.0
COMBINED TOTALS		2.830 cfs	672.0 af	168.0	168.0		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 9th day of November, 2017.



Water Resources Program Manager

SUPPORT DATA

Transfer No. 81338

IN FILE # 35-2306

WATER RIGHT NO. 35-8197**As Modified by Transfer No. 81338**

In accordance with the approval of Transfer No. 81338, Water Right No. 35-8197 is now described as follows:

Right Holder: MPH FARMS
2935 W 2050 S
ABERDEEN, ID 83210

Priority Date: 5/11/1989

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

to

To

10/31

Diversion Rate

0.450 cfs

0.450 cfs

Diversion Volume

61.9 af

61.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

L3 (NENWSW)

Sec 19 Twp 06S Rge 31E 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	
06S	31E	19					36.0		9.0	35.0									80.0
									L 2										

POU Total Acres: 80.0

CONDITIONS OF APPROVAL

1. Rights 35-2306 and 35-8197 when combined shall not exceed the irrigation of 80.0 acres.
2. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. 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.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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WATER RIGHT NO. 35-14501
As Modified by Transfer No. 81338

In accordance with the approval of Transfer No. 81338, Water Right No. 35-14501 is now described as follows:

Right Holder: MPH FARMS
 2935 W 2050 S
 ABERDEEN, ID 83210

Priority Date: 5/11/1989

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

0.950 cfs

0.950 cfs

Diversion Volume

130.1 af

130.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 8	Twp 06S	Rge 29E	POWER County
GROUND WATER	NWSW	Sec 9	Twp 06S	Rge 29E	POWER County
GROUND WATER	SESW	Sec 9	Twp 06S	Rge 29E	POWER 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	
06S	29E	8					23.2	39.0	38.9	23.1									124.2
06S	29E	9		18.3	25.5														43.8

POU Total Acres: 168.0

CONDITIONS OF APPROVAL

1. Rights 35-14501 and 35-14503 when combined shall not exceed a total annual maximum diversion volume of 672.0 af at the field headgate and the irrigation of 168.0 acres.
2. 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.
3. Prior to the diversion and use of water under Transfer approval 81338, 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.
4. 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.

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WATER RIGHT NO. 35-14501

As Modified by Transfer No. 81338

CONDITIONS OF APPROVAL

5. 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.
6. 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.
7. This right is limited to two points of diversion, including one in the SESW of Section 9, Township 6 South, Range 29 East.
8. Upon completion of the second groundwater point of diversion authorized under Transfer 81338, the right holder shall notify the department of the well's location and request the unused point of diversion be removed from the water right.
9. As resources allow, the Department will conduct one or more in-person field examinations of the authorized place of use of this right during the 2018 and 2019 irrigation seasons and thereafter as the Department deems appropriate to verify that the pivot system is not irrigating outside of the authorized place of use of this right, particularly the rock patches that are not authorized to be irrigated.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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. 35-2306**As Modified by Transfer No. 81338**

In accordance with the approval of Transfer No. 81338, Water Right No. 35-2306 is now described as follows:

Right Holder: MPH FARMS
2935 W 2050 S
ABERDEEN, ID 83210

Priority Date: 3/3/1953

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

0.660 cfs

0.660 cfs

Diversion Volume

208.0 af

208.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NENWSW

Sec 19 Twp 06S Rge 31E 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	
06S	31E	19					22.0		9.0	21.0									52.0
									L 2										

Right Acre Limit: 52.0

POU Total Acres: 52.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 52.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2306 and 35-8197 when combined shall not exceed the irrigation of 80.0 acres.
3. Use of this right is combined with water from Aberdeen Springfield Canal Co.
4. 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.

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WATER RIGHT NO. 35-14503**As Modified by Transfer No. 81338**

In accordance with the approval of Transfer No. 81338, Water Right No. 35-14503 is now described as follows:

Right Holder: MPH FARMS
2935 W 2050 S
ABERDEEN, ID 83210

Priority Date: 3/3/1953

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

1.880 cfs

1.880 cfs

Diversion Volume

592.0 af

592.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 8	Twp 06S Rge 29E	POWER County
GROUND WATER	NWSW	Sec 9	Twp 06S Rge 29E	POWER County
GROUND WATER	SESW	Sec 9	Twp 06S Rge 29E	POWER 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	
06S	29E	8					23.2	39.0	38.9	23.1									124.2
06S	29E	9		18.3	25.5														43.8

Right Acre Limit: 148.0

POU Total Acres: 168.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 148.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14501 and 35-14503 when combined shall not exceed a total annual maximum diversion volume of 672.0 af at the field headgate and the irrigation of 168.0 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 81338, 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.

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WATER RIGHT NO. 35-14503

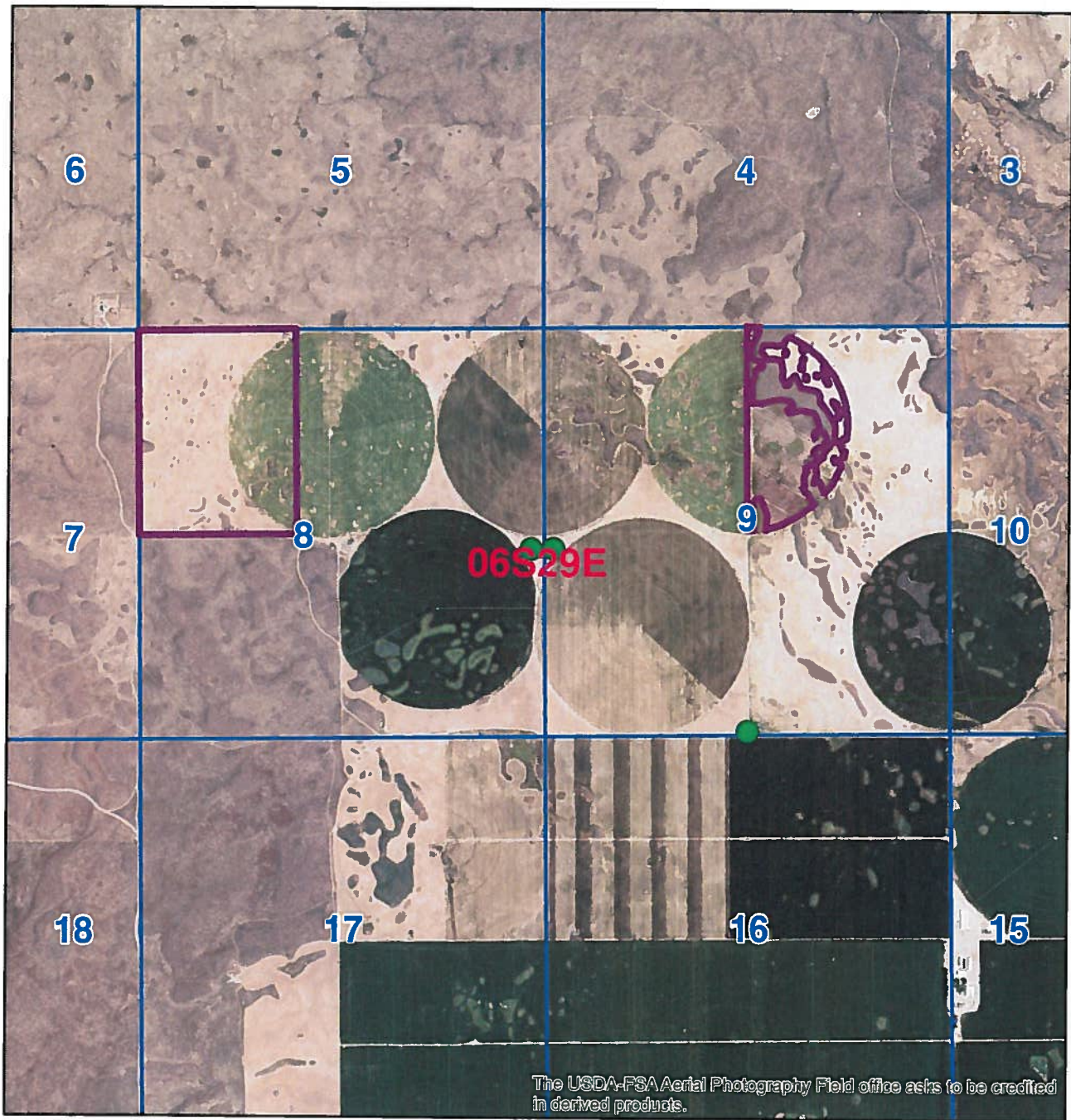
As Modified by Transfer No. 81338

CONDITIONS OF APPROVAL

5. 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.
6. 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.
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. This right is limited to two points of diversion, including one in the SESW of Section 9, Township 6 South, Range 29 East.
9. Upon completion of the second groundwater point of diversion authorized under Transfer 81338, the right holder shall notify the department of the well's location and request the unused point of diversion be removed from the water right.
10. As resources allow, the Department will conduct one or more in-person field examinations of the authorized place of use of this right during the 2018 and 2019 irrigation seasons and thereafter as the Department deems appropriate to verify that the pivot system is not irrigating outside of the authorized place of use of this right, particularly the rock patches that are not authorized to be irrigated.
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.
13. 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 81338

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

0 900 1,800 3,600 Feet

1 inch = 2,061 feet

