

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 80837**

This is to certify that: **BROWN INC**  
1110 GOLDEN BEAUTY DR  
REXBURG, ID 83440

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 22-13453           | WR/DECREED          | 6/10/1985            | 0.210 cfs             | 171.5 af                | 49.0              | 1348.4             | GROUND WATER  |
| 22-2254            | WR/DECREED          | 8/9/1965             | 5.320 cfs             | 2258.2 af               | 1248.0            | 1348.4             | GROUND WATER  |
| 22-7066            | WR/DECREED          | 3/20/1973            | 2.550 cfs             | 560.0 af                | 156.0             | 1348.4             | GROUND WATER  |
| 22-7512            | WR/LICENSE          | 6/27/1985            | 0.480 cfs             | 204.0 af                | N/A               | 1348.4             | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 22-13453              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 22-2254               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 22-7066               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 22-7512               | NO           | NO         | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 22-13453               | 22-13453                         | 0.210 cfs            | 171.5 af               | 49.0              | 1348.4             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 22-2254                | 22-2254                          | 5.320 cfs            | 2258.2 af              | 1248.0            | 1348.4             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 22-7066                | 22-7066                          | 2.550 cfs            | 560.0 af               | 156.0             | 1348.4             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 22-7512                | 22-7512                          | 0.480 cfs            | 204.0 af               | N/A               | 1348.4             | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>8.350 cfs</b>     | <b>3022.0 af</b>       | <b>1348.4</b>     | <b>1348.4</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 12<sup>th</sup> day of May, 2016.

for   
Chief, Water Allocation Bureau

Transfer No. 80837

SUPPORT DATA  
IN FILE # 22-2254

**WATER RIGHT NO. 22-7066****As Modified by Transfer No. 80837**

In accordance with the approval of Transfer No. 80837, Water Right No. 22-7066 is now described as follows:

**Right Holder:** BROWN INC  
1110 GOLDEN BEAUTY DR  
REXBURG, ID 83440

**Priority Date:** 3/20/1973

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 **To** 10/21

**Diversion Rate**  
2.550 cfs  
2.550 cfs

**Diversion Volume**  
560.0 af  
560.0 af

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

GROUND WATER  
GROUND WATER

SWNE  
NWSESW

Sec 2 Twp 05N Rge 41E MADISON County  
Sec 35 Twp 06N Rge 41E MADISON 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   |        |
| 05N | 41E | 1   |      |      |      |      |      |      |      |      | 32.0 | 33.0 | 37.0 | 38.0 |      | 3.0  | 9.4  |      | 152.4  |
| 05N | 41E | 2   | 7.9  | 13.0 | 31.0 | 26.0 | 13.0 | 10.0 | 13.0 | 21.0 | 34.0 | 37.0 | 34.0 | 32.0 | 40.0 | 40.0 | 27.0 | 36.0 | 414.9  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 3   | 11.0 | 0.2  | 0.2  | 35.0 |      |      |      |      |      |      |      |      | 28.0 |      |      |      | 74.4   |
|     |     |     | L 1  | L 2  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 11  | 36.0 | 14.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 50.0   |
| 05N | 41E | 12  |      |      |      |      | 7.7  | 7.5  |      |      |      |      |      |      |      |      |      |      | 15.2   |
| 06N | 41E | 34  |      |      | 7.8  | 37.0 |      |      |      | 7.4  |      |      |      | 5.3  | 26.0 | 22.0 | 23.0 | 37.0 | 165.5  |
| 06N | 41E | 35  | 40.0 |      | 39.0 | 40.0 |      |      | 37.0 | 38.0 | 34.0 | 39.0 | 40.0 | 38.0 | 40.0 | 37.0 | 28.0 | 26.0 | 476.0  |

Right Acre Limit: 156.0

POU Total Acres: 1348.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 156 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

Transfer No. 80837

**WATER RIGHT NO. 22-7066**  
**As Modified by Transfer No. 80837**

**CONDITIONS OF APPROVAL**

4. 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 place of use.
5. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 21 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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.

**WATER RIGHT NO. 22-2254****As Modified by Transfer No. 80837**

In accordance with the approval of Transfer No. 80837, Water Right No. 22-2254 is now described as follows:

**Right Holder:** BROWN INC  
1110 GOLDEN BEAUTY DR  
REXBURG, ID 83440

**Priority Date:** 8/9/1965

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 **To** 11/01

**Diversion Rate**  
5.320 cfs  
5.320 cfs

**Diversion Volume**  
2258.2 af  
2258.2 af

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

GROUND WATER  
GROUND WATER

SWNE  
NWSESW

Sec 2 Twp 05N Rge 41E MADISON County  
Sec 35 Twp 06N Rge 41E MADISON 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   |        |
| 05N | 41E | 1   |      |      |      |      |      |      |      |      | 32.0 | 33.0 | 37.0 | 38.0 |      | 3.0  | 9.4  |      | 152.4  |
| 05N | 41E | 2   | 7.9  | 13.0 | 31.0 | 26.0 | 13.0 | 10.0 | 13.0 | 21.0 | 34.0 | 37.0 | 34.0 | 32.0 | 40.0 | 40.0 | 27.0 | 36.0 | 414.9  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 3   | 11.0 | 0.2  | 0.2  | 35.0 |      |      |      |      |      |      |      |      | 28.0 |      |      |      | 74.4   |
|     |     |     | L 1  | L 2  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 11  | 36.0 | 14.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 50.0   |
| 05N | 41E | 12  |      |      |      |      | 7.7  | 7.5  |      |      |      |      |      |      |      |      |      |      | 15.2   |
| 06N | 41E | 34  |      |      | 7.8  | 37.0 |      |      |      | 7.4  |      |      |      | 5.3  | 26.0 | 22.0 | 23.0 | 37.0 | 165.5  |
| 06N | 41E | 35  | 40.0 |      | 39.0 | 40.0 |      |      | 37.0 | 38.0 | 34.0 | 39.0 | 40.0 | 38.0 | 40.0 | 37.0 | 28.0 | 26.0 | 476.0  |

Right Acre Limit: 1248.0

POU Total Acres: 1348.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 1248 acres within the authorized place of use in a single irrigation season.
2. Rights 22-2254 and 22-13453 when combined shall not exceed a total diversion rate of 5.32 cfs, a total annual maximum diversion volume of 2429.7 af at the field headgate, and the irrigation of 1297 acres.
3. Rights 22-2254, 22-7512, and 22-13453 when combined shall not exceed a total diversion rate of 5.80 cfs, a total annual maximum diversion volume of 2462 af at the field headgate, and the irrigation of 1348.4 acres.

Transfer No. 80837

**WATER RIGHT NO. 22-2254**

**As Modified by Transfer No. 80837**

**CONDITIONS OF APPROVAL**

4. Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. 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 place of use.
7. Right No. 22-13453 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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 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.

**WATER RIGHT NO. 22-13453**  
**As Modified by Transfer No. 80837**

In accordance with the approval of Transfer No. 80837, Water Right No. 22-13453 is now described as follows:

**Right Holder:** BROWN INC  
 1110 GOLDEN BEAUTY DR  
 REXBURG, ID 83440

**Priority Date:** 6/10/1985

**Source:** GROUND WATER

**BENEFICIAL USE**  
 IRRIGATION

**From** 04/01 **To** 10/31

**Diversion Rate**  
 0.210 cfs  
 0.210 cfs

**Diversion Volume**  
 171.5 af  
 171.5 af

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

GROUND WATER  
 GROUND WATER

SWNE  
 NWSESW

Sec 2 Twp 05N Rge 41E MADISON County  
 Sec 35 Twp 06N Rge 41E MADISON 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   |        |
| 05N | 41E | 1   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 2   | 7.9  | 13.0 | 31.0 | 26.0 | 13.0 | 10.0 | 13.0 | 21.0 | 32.0 | 33.0 | 37.0 | 38.0 | 40.0 | 40.0 | 27.0 | 36.0 | 414.9  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 3   | 11.0 | 0.2  | 0.2  | 35.0 |      |      |      |      |      |      |      |      | 28.0 |      |      |      | 74.4   |
|     |     |     | L 1  | L 2  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 11  | 36.0 | 14.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 50.0   |
| 05N | 41E | 12  |      |      |      |      | 7.7  | 7.5  |      |      |      |      |      |      |      |      |      |      | 15.2   |
| 06N | 41E | 34  |      |      | 7.8  | 37.0 |      |      |      | 7.4  |      |      |      | 5.3  | 26.0 | 22.0 | 23.0 | 37.0 | 165.5  |
| 06N | 41E | 35  | 40.0 |      | 39.0 | 40.0 |      |      | 37.0 | 38.0 | 34.0 | 39.0 | 40.0 | 38.0 | 40.0 | 37.0 | 28.0 | 26.0 | 476.0  |

Right Acre Limit: 49.0

POU Total Acres: 1348.4

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 49.0 acres within the place of use described for this right.
2. Rights 22-2254 and 22-13453 when combined shall not exceed a total diversion rate of 5.32 cfs, a total annual maximum diversion volume of 2429.7 af at the field headgate, and the irrigation of 1297 acres.
3. Rights 22-2254, 22-7512, and 22-13453 when combined shall not exceed a total diversion rate of 5.80 cfs, a total annual maximum diversion volume of 2462 af at the field headgate, and the irrigation of 1348.4 acres.

Transfer No. 80837

**WATER RIGHT NO. 22-13453**  
**As Modified by Transfer No. 80837**

**CONDITIONS OF APPROVAL**

4. Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. 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 place of use.
7. This right is based upon an enlargement of Right No. 22-2254 pursuant to Section 42-1426, Idaho Code.
8. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

**WATER RIGHT NO. 22-7512****As Modified by Transfer No. 80837**

In accordance with the approval of Transfer No. 80837, Water Right No. 22-7512 is now described as follows:

**Right Holder:** BROWN INC  
1110 GOLDEN BEAUTY DR  
REXBURG, ID 83440

**Priority Date:** 6/27/1985

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 **To** 10/31

**Diversion Rate**  
0.480 cfs  
0.480 cfs

**Diversion Volume**  
204.0 af  
204.0 af

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

GROUND WATER  
GROUND WATER

SWNE  
NWSESW

Sec 2 Twp 05N Rge 41E MADISON County  
Sec 35 Twp 06N Rge 41E MADISON 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   |        |
| 05N | 41E | 1   |      |      |      |      |      |      |      |      | 32.0 | 33.0 | 37.0 | 38.0 |      | 3.0  | 9.4  |      | 152.4  |
| 05N | 41E | 2   | 7.9  | 13.0 | 31.0 | 26.0 | 13.0 | 10.0 | 13.0 | 21.0 | 34.0 | 37.0 | 34.0 | 32.0 | 40.0 | 40.0 | 27.0 | 36.0 | 414.9  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 3   | 11.0 | 0.2  | 0.2  | 35.0 |      |      |      |      |      |      |      |      | 28.0 |      |      |      | 74.4   |
|     |     |     | L 1  | L 2  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 05N | 41E | 11  | 36.0 | 14.0 |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 50.0   |
| 05N | 41E | 12  |      |      |      |      | 7.7  | 7.5  |      |      |      |      |      |      |      |      |      |      | 15.2   |
| 06N | 41E | 34  |      |      | 7.8  | 37.0 |      |      |      | 7.4  |      |      |      | 5.3  | 26.0 | 22.0 | 23.0 | 37.0 | 165.5  |
| 06N | 41E | 35  | 40.0 |      | 39.0 | 40.0 |      |      | 37.0 | 38.0 | 34.0 | 39.0 | 40.0 | 38.0 | 40.0 | 37.0 | 28.0 | 26.0 | 476.0  |

POU Total Acres: 1348.4

**CONDITIONS OF APPROVAL**

1. Rights 22-2254, 22-7512, and 22-13453 when combined shall not exceed a total diversion rate of 5.80 cfs, a total annual maximum diversion volume of 2462 af at the field headgate, and the irrigation of 1348.4 acres.
2. Rights 22-7066, 22-2254, 22-13453, and 22-7512 when combined shall not exceed a total diversion rate of 8.35 cfs, a total annual maximum diversion volume of 3022 af at the field headgate, and the irrigation of 1348.4 acres.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

Transfer No. 80837

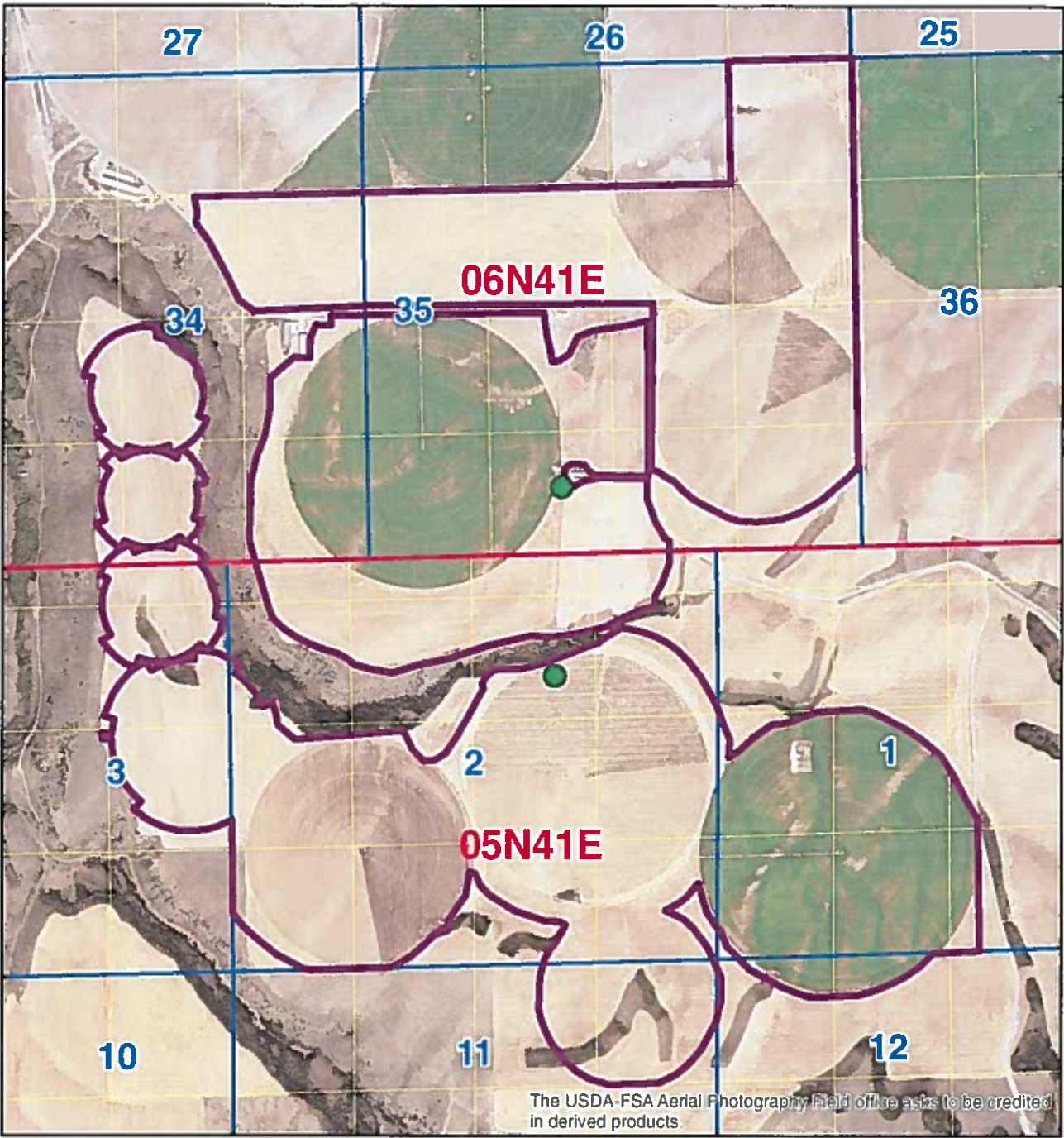
**WATER RIGHT NO. 22-7512**  
**As Modified by Transfer No. 80837**

**CONDITIONS OF APPROVAL**

4. 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 place of use.
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.



# Transfer Approval 80837



## Legend

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

0 750 1,500 3,000 Feet

1 inch = 1,706 feet

