

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80195

This is to certify that: MKFT REAL ESTATE LLC
601 W RIVERSIDE AVE
5TH FLOOR
SPOKANE, WA 99201

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
57-11711	WR/LICENSE	11/1/2007	0.600 cfs	134.1 af	N/A	29.8	GROUND WATER
57-2271	WR/DECREED	3/30/1984	4,500 cfs	1012.5 af	N/A	225.0	GROUND WATER
57-2278	WR/DECREED	9/14/1964	2,800 cfs	630.0 af	N/A	140.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
57-11711	YES	YES	YES	YES	NO	NO
57-2271	NO	YES	YES	YES	NO	NO
57-2278	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
57-11711	57-11876	0.520 cfs	116.1 af	25.8	531.0	57-11711	0.080 cfs	18.0 af	N/A	4.0
57-2271	57-2271	4,500 cfs	1012.5 af	225.0	531.0	N/A	N/A	N/A	N/A	N/A
57-2278	57-2278	2,800 cfs	630.0 af	140.0	531.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.820 cfs	1758.6 af	390.8	531.0		0.08 cfs	18.0 af	N/A	4.0

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 26th day of April, 2016.


for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 57-2271

Transfer No. 80195

WATER RIGHT NO. 57-2271**As Modified by Transfer No. 80195**

In accordance with the approval of Transfer No. 80195, Water Right No. 57-2271 is now described as follows:

Right Holder: MKFT REAL ESTATE LLC
601 W RIVERSIDE AVE
5TH FLOOR
SPOKANE, WA 99201

Priority Date: 3/30/1964

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 10/15

Diversion Rate

4.500 cfs

4.500 cfs

Diversion Volume

1012.5 af

1012.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 25 Twp 04S Rge 01W OWYHEE County
GROUND WATER	SWSE	Sec 26 Twp 04S Rge 01W OWYHEE County
GROUND WATER	SESW	Sec 26 Twp 04S Rge 01W OWYHEE 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	
04S	01W	25											25.0						25.0
04S	01W	26									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0
04S	01W	34	3.0			5.0	25.0												33.0
04S	01W	35	14.0	38.0			40.0	40.0	11.0	10.0									153.0

Right Acre Limit: 225.0

POU Total Acres: 531.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 225 acres within the authorized place of use in a single irrigation season.
2. Rights 57-2271, 57-2278, and 57-11876 when combined shall not exceed the irrigation of 390.8 acres.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/17/2003.

Transfer No. 80195

WATER RIGHT NO. 57-2271
As Modified by Transfer No. 80195

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 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The following rights are diverted through point(s) of diversion described above: 57-2271, 57-2278, and 57-11876.
7. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
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. 57-2278**As Modified by Transfer No. 80195**

In accordance with the approval of Transfer No. 80195, Water Right No. 57-2278 is now described as follows:

Right Holder: MKFT REAL ESTATE LLC
601 W RIVERSIDE AVE
5TH FLOOR
SPOKANE, WA 99201

Priority Date: 9/14/1964

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/01

to

To

10/31

Diversion Rate

2.800 cfs

2.800 cfs

Diversion Volume

630.0 af

630.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW
GROUND WATER SWSE
GROUND WATER SESW

Sec 25 Twp 04S Rge 01W Owyhee County
Sec 26 Twp 04S Rge 01W Owyhee County
Sec 26 Twp 04S Rge 01W Owyhee 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	
04S	01W	25											25.0						25.0
04S	01W	26									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0
04S	01W	34	3.0		5.0	25.0													33.0
04S	01W	35	14.0	38.0			40.0	40.0	11.0	10.0									153.0

Right Acre Limit: 140.0

POU Total Acres: 531.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 140 acres within the authorized place of use in a single irrigation season.
2. Rights 57-2271, 57-2278, and 57-11876 when combined shall not exceed the irrigation of 390.8 acres.
3. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/17/2003.

Transfer No. 80195

WATER RIGHT NO. 57-2278
As Modified by Transfer No. 80195

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 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The following rights are diverted through point(s) of diversion described above: 57-2271, 57-2278, and 57-11876.
7. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
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. 57-11711
As Modified by Transfer No. 80195

In accordance with the approval of Transfer No. 80195, Water Right No. 57-11711 is now described as follows:

Right Holder: HART CREEK RANCH LLC
 24597 COLLETT RD
 OREANA, ID 83650

Priority Date: 11/1/2007

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.080 cfs	18.0 af
			0.080 cfs	18.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 25 Twp 04S Rge 01W OWYHEE County
GROUND WATER	SWSE	Sec 26 Twp 04S Rge 01W OWYHEE 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	
04S	01W	25											4.0						4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. This right is for the use of trust water and is subject to review 5 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 80195

WATER RIGHT NO. 57-11876
As Modified by Transfer No. 80195

In accordance with the approval of Transfer No. 80195, Water Right No. 57-11876 is now described as follows:

Right Holder: MKFT REAL ESTATE LLC
 601 W RIVERSIDE AVE
 5TH FLOOR
 SPOKANE, WA 99201

Priority Date: 11/1/2007

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.520 cfs	116.1 af
			0.520 cfs	116.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 25 Twp 04S Rge 01W Owyhee County
GROUND WATER	SWSE	Sec 26 Twp 04S Rge 01W Owyhee County
GROUND WATER	SESW	Sec 26 Twp 04S Rge 01W Owyhee 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	
04S	01W	25											25.0						25.0
04S	01W	26									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0
04S	01W	34	3.0			5.0	25.0												33.0
04S	01W	35	14.0	38.0			40.0	40.0	11.0	10.0									153.0

Right Acre Limit: 25.8
 POU Total Acres: 531.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25.8 acres within the authorized place of use in a single irrigation season.
2. Rights 57-2271, 57-2278, and 57-11876 when combined shall not exceed the irrigation of 390.8 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 80195

WATER RIGHT NO. 57-11876
As Modified by Transfer No. 80195

CONDITIONS OF APPROVAL

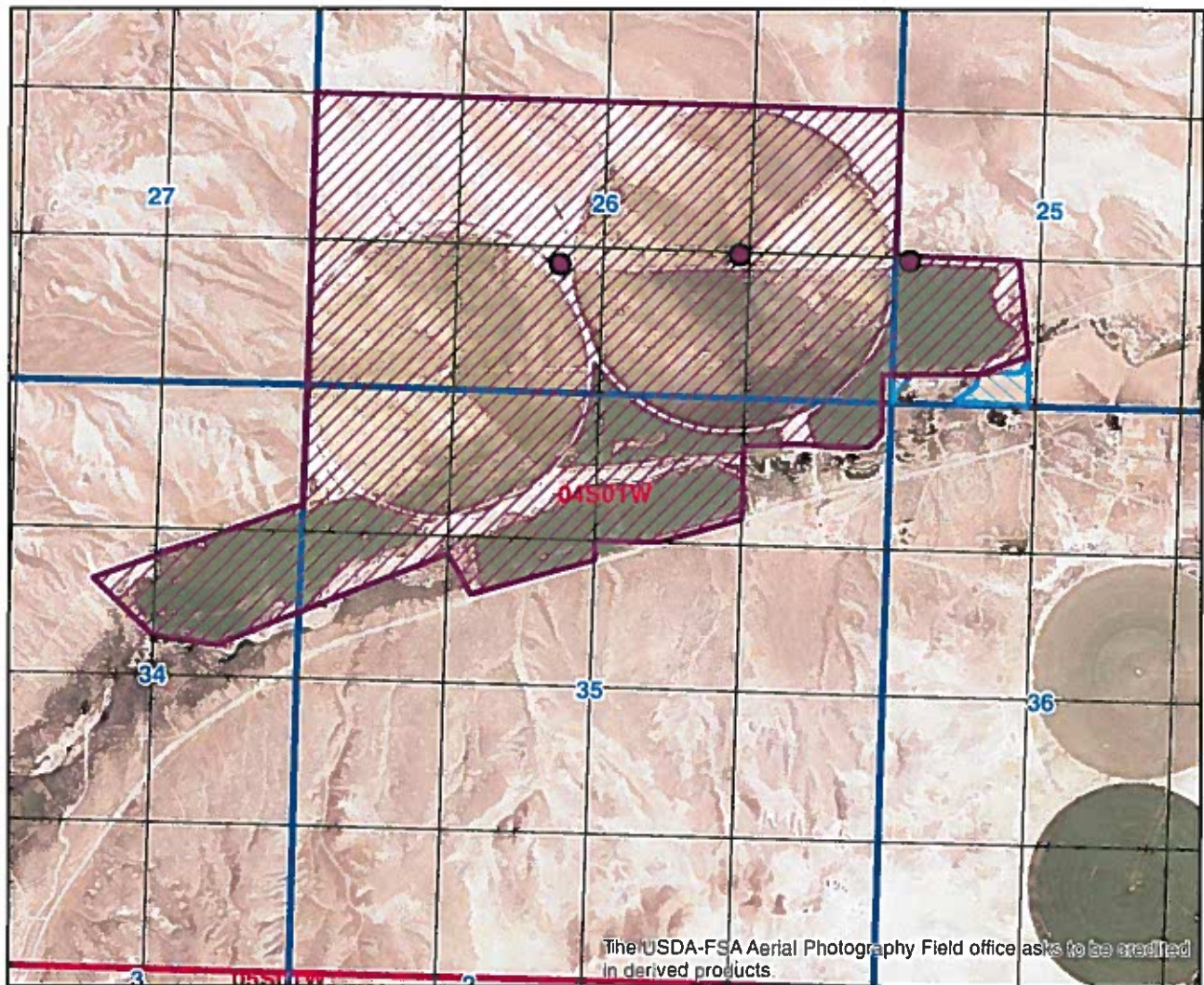
5. The following rights are diverted through point(s) of diversion described above: 57-2271, 57-2278, and 57-11876.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right is for the use of trust water and is subject to review 5 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
8. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
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.

State of Idaho
Department of Water Resources

Attachment to Application for Transfer of Water Right

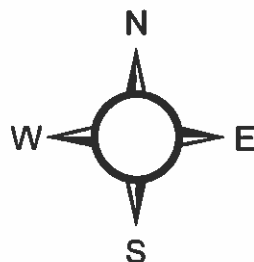
Transfer No. 80195 Water Right Nos. 57-2271, 57-2278, 57-11876, & 57-11711

This map depicts the IRRIGATION point(s) of diversion and place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

- Transfer POD
- ▨ Transfer POU
- ▨ 57-11711
- ▨ Township/Range
- ▨ Sections
- ▨ QQ



Note the POD(S) for 57-11711 are the two Transfer POD locations in the SWSE Section 26 and the SWSW Section 25

2015 aerial imagery