

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78356

This is to certify that: SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

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>
61-10378	WR/DECREED	4/30/1974	0.800 cfs	N/A	47.0	1459.0	GROUND WATER
61-2154	WR/DECREED	1/14/1963	5.440 cfs	1088.0 af	272.0	1459.0	GROUND WATER
61-2155	WR/DECREED	1/14/1963	5.860 cfs	1232.0 af	308.0	1459.0	GROUND WATER
61-7005	WR/DECREED	8/23/1967	5.240 cfs	1280.0 af	320.0	1459.0	GROUND WATER
61-7119	WR/LICENSE	7/10/1972	5.240 cfs	1048.0 af	262.0	1459.0	GROUND WATER
61-7396	WR/DECREED	1/4/1980	2.200 cfs	640.0 af	160.0	1459.0	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>
61-10378	YES	YES	YES	NO	NO	NO
61-2154	YES	YES	YES	NO	NO	NO
61-2155	YES	YES	YES	NO	NO	NO
61-7005	YES	YES	YES	NO	NO	NO
61-7119	YES	YES	YES	NO	NO	NO
61-7396	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>
61-10378	61-12283	0.240 cfs	N/A	14.0	765.0	61-10378	0.560 cfs	N/A	33.0	1459.0
61-2154	61-12284	1.620 cfs	324.0 af	81.0	765.0	61-2154	3.820 cfs	764.0 af	191.0	1459.0
61-2155	61-12285	1.730 cfs	364.0 af	91.0	765.0	61-2155	4.130 cfs	868.0 af	217.0	1459.0
61-7005	61-12281	1.560 cfs	380.0 af	95.0	765.0	61-7005	3.680 cfs	900.0 af	225.0	1459.0
61-7119	61-12280	1.560 cfs	312.0 af	78.0	765.0	61-7119	3.680 cfs	736.0 af	184.0	1459.0
61-7396	61-12282	0.650 cfs	188.0 af	47.0	765.0	61-7396	1.550 cfs	452.0 af	113.0	1459.0
COMBINED TOTALS		5.560 cfs	1476.0 af	369.0	765.0		13.18 cfs	3500 af	875.0	1459.0

SUPPORT DATA

IN FILE # 61-2154

Transfer No. 78356

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78356

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 21st day of January, 2016.

for 
Chief, Water Allocation Bureau



WATER RIGHT NO. 61-7119**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-7119 is now described as follows:

Right Holder: BERNARD L BROWN AND/OR
NORMA JEAN BROWN
655 E 19TH N
MOUNTAIN HOME, ID 83647

Priority Date: 7/10/1972

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

3.680 cfs

3.680 cfs

Diversion Volume

736.0 af

736.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 18 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (SENWNW)	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNESW	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NWSENE	Sec 20 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNWNW	Sec 20 Twp 04S Rge 06E	ELMORE 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	06E	17											40.0	40.0					80.0
04S	06E	18							43.0	40.0					40.0	40.0	40.0	40.0	243.0
									L 2										
04S	06E	19	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	656.0
								L 1	L 2			L 3	L 4						
04S	06E	20	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					40.0	40.0	40.0	40.0	480.0

Right Acre Limit: 184.0

POU Total Acres: 1459.0

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 184 acres within the place of use described above in a single irrigation season.

Transfer No. 78356

WATER RIGHT NO. 61-7119

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

3. Rights 61-2154, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 5.70 cfs and the irrigation of 433 acres.
4. Rights 61-2154, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2632 af at the field headgate, and the irrigation of 658 acres.
5. Rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 13.18 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres.
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 lands above.
7. This right is for the use of trust water and is subject to review 5 years after the issuance of this transfer to determine availability of water and to re-evaluate the public interest.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted 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.
10. The following rights are diverted through points of diversion described above: 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378.

WATER RIGHT NO. 61-12280**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-12280 is now described as follows:

Right Holder: SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

Priority Date: 7/10/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.560 cfs	312.0 af
			1.560 cfs	312.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE 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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23		7.0	7.0		40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	476.0
01S	04E	24									12.0	40.0	40.0	37.0					129.0

Right Acre Limit: 78.0

POU Total Acres: 765.0

Transfer No. 78356

WATER RIGHT NO. 61-12280

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right does not grant any right-of-way or easement across the land of another.
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. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
10. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.
11. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.

WATER RIGHT NO. 61-12280
As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

12. This right is limited to the irrigation of 78 acres within the authorized place of use in a single irrigation season.
13. Rights 61-12280, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 2.40 cfs and the irrigation of 183 acres.
14. Rights 61-12280, 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 1112 af at the field headgate, and the irrigation of 278 acres.
15. Rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 5.56 cfs, a total annual maximum diversion volume of 1476 af, a total annual maximum consumptive use volume of 1092 af, and the irrigation of 369 acres in a single irrigation season.
16. 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.
17. The following rights are diverted through points of diversion described above: 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285.

WATER RIGHT NO. 61-7005**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-7005 is now described as follows:

Right Holder: BROWN FARMS LLC
764 N TROUTNER WAY
BOISE, ID 83712

Priority Date: 8/23/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/01	to 10/15	3 680 cfs 3 680 cfs	900.0 af 900.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 18 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (SENWNW)	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNESW	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NWSENE	Sec 20 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNWNW	Sec 20 Twp 04S Rge 06E	ELMORE 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	06E	17											40.0	40.0					80.0
04S	06E	18							43.0	40.0					40.0	40.0	40.0	40.0	243.0
									L 2										
04S	06E	19	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	656.0
								L 1	L 2			L 3	L 4						
04S	06E	20	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					40.0	40.0	40.0	40.0	480.0

Right Acre Limit: 225.0

POU Total Acres: 1459.0

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 225 acres within the place of use described above in a single irrigation season.

Transfer No. 78356

WATER RIGHT NO. 61-7005

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

3. Rights 61-2154, 61-7005, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2248 af at the field headgate, and the irrigation of 562 acres.
4. Rights 61-2154, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2632 af at the field headgate, and the irrigation of 658 acres.
5. Rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 13.18 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres.
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 lands above.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. After specific notification by the Department, the right holder shall record the quantity of water diverted 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.
9. 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/27/2003.
10. The following rights are diverted through points of diversion described above: 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378.

WATER RIGHT NO. 61-12281**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-12281 is now described as follows:

Right Holder: SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

Priority Date: 8/23/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/01	to 10/15	1.560 cfs	380.0 af
			1.560 cfs	380.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE 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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23		7.0	7.0		40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	476.0
01S	04E	24									12.0	40.0	40.0	37.0					129.0

Right Acre Limit: 95.0

POU Total Acres: 765.0

Transfer No. 78356

WATER RIGHT NO. 61-12281

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right does not grant any right-of-way or easement across the land of another.
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. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
10. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.
11. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.

WATER RIGHT NO. 61-12281

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

12. This right is limited to the irrigation of 95 acres within the authorized place of use in a single irrigation season.
13. Rights 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 948 af at the field headgate, and the irrigation of 237 acres.
14. Rights 61-12280, 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 1112 af at the field headgate, and the irrigation of 278 acres.
15. Rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 5.56 cfs, a total annual maximum diversion volume of 1476 af, a total annual maximum consumptive use volume of 1092 af, and the irrigation of 369 acres in a single irrigation season.
16. 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.
17. The following rights are diverted through points of diversion described above: 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285.

WATER RIGHT NO. 61-7396**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-7396 is now described as follows:

Right Holder: BROWN FARMS LLC
764 N TROUTNER WAY
BOISE, ID 83712

Priority Date: 1/4/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	1.550 cfs	452.0 af
			1.550 cfs	452.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 18 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (SENWNW)	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNESW	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NWSENE	Sec 20 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNWNW	Sec 20 Twp 04S Rge 06E	ELMORE 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	06E	17											40.0	40.0					80.0
04S	06E	18							43.0	40.0					40.0	40.0	40.0	40.0	243.0
									L 2										
04S	06E	19	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	656.0
								L 1	L 2			L 3	L 4						
04S	06E	20	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					40.0	40.0	40.0	40.0	480.0

Right Acre Limit: 113.0

POU Total Acres: 1459.0

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 113 acres within the place of use described above in a single irrigation season.
3. Rights 61-2154, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 5.70 cfs and the irrigation of 433 acres.

Transfer No. 78356

WATER RIGHT NO. 61-7396

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

4. Rights 61-2154, 61-7005, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2248 af at the field headgate, and the irrigation of 562 acres.
5. Rights 61-2154, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2632 af at the field headgate, and the irrigation of 658 acres.
6. Rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 13.18 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres.
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 lands above.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted 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.
10. The following rights are diverted through points of diversion described above: 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378.

WATER RIGHT NO. 61-12282**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-12282 is now described as follows:

Right Holder: SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

Priority Date: 1/4/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	0.650 cfs	188.0 af
			0.650 cfs	188.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE 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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23		7.0	7.0		40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	476.0
01S	04E	24									12.0	40.0	40.0	37.0					129.0

Right Acre Limit: 47.0

POU Total Acres: 765.0

Transfer No. 78356

WATER RIGHT NO. 61-12282

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right does not grant any right-of-way or easement across the land of another.
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. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
10. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.
11. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.

WATER RIGHT NO. 61-12282
As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

12. This right is limited to the irrigation of 47 acres within the authorized place of use in a single irrigation season.
13. Rights 61-12280, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 2.40 cfs and the irrigation of 183 acres.
14. Rights 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 948 af at the field headgate, and the irrigation of 237 acres.
15. Rights 61-12280, 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 1112 af at the field headgate, and the irrigation of 278 acres.
16. Rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 5.56 cfs, a total annual maximum diversion volume of 1476 af, a total annual maximum consumptive use volume of 1092 af, and the irrigation of 369 acres in a single irrigation season.
17. 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.
18. The following rights are diverted through points of diversion described above: 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285.

WATER RIGHT NO. 61-10378**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-10378 is now described as follows:

Right Holder: BROWN FARMS LLC
764 N TROUTNER WAY
BOISE, ID 83712

Priority Date: 4/30/1974

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.560 cfs
0.560 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 18 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (SENWNW)	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNESW	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NWSENE	Sec 20 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNWNW	Sec 20 Twp 04S Rge 06E	ELMORE 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	06E	17											40.0	40.0					80.0
04S	06E	18							43.0	40.0					40.0	40.0	40.0	40.0	243.0
									L 2										
04S	06E	19	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	656.0
								L 1	L 2			L 3	L 4						
04S	06E	20	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					40.0	40.0	40.0	40.0	480.0

Right Acre Limit: 33.0

POU Total Acres: 1459.0

CONDITIONS OF APPROVAL

1. 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.
2. Right 61-10378 is an enlargement of Right 61-2154 pursuant to Section 42-1426, Idaho Code.

Transfer No. 78356

WATER RIGHT NO. 61-10378

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

3. 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.
4. This right is for an enlargement of 33 acres within the place of use described above.
5. Rights 61-2154 and 61-10378 when combined shall not exceed a total diversion rate of 3.83 cfs, a total annual maximum diversion volume of 896 af at the field headgate, and the irrigation of 224 acres.
6. Rights 61-2154, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 5.70 cfs and the irrigation of 433 acres.
7. Rights 61-2154, 61-7005, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2248 af at the field headgate, and the irrigation of 562 acres.
8. Rights 61-2154, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2632 af at the field headgate, and the irrigation of 658 acres.
9. Rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 13.18 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres.
10. 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.
11. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
12. After specific notification by the Department, the right holder shall record the quantity of water diverted 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.
13. The following rights are diverted through points of diversion described above: 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378.

WATER RIGHT NO. 61-12283**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-12283 is now described as follows:

Right Holder: SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

Priority Date: 4/30/1974

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.240 cfs
0.240 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE 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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23		7.0	7.0		40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	476.0
01S	04E	24									12.0	40.0	40.0	37.0					129.0

Right Acre Limit: 14.0

POU Total Acres: 765.0

Transfer No. 78356

WATER RIGHT NO. 61-12283
As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right does not grant any right-of-way or easement across the land of another.
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. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
10. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.
11. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.
12. This right is for an enlargement of 14 acres within the place of use described above.

WATER RIGHT NO. 61-12283

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

13. Right 61-12283 is an enlargement of Right 61-12284 pursuant to Section 42-1426, Idaho Code.
14. 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.
15. Rights 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 1.61 cfs, a total annual maximum diversion volume of 380 af at the field headgate, and the irrigation of 95 acres.
16. Rights 61-12280, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 2.40 cfs and the irrigation of 183 acres.
17. Rights 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 948 af at the field headgate, and the irrigation of 237 acres.
18. Rights 61-12280, 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 1112 af at the field headgate, and the irrigation of 278 acres.
19. Rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 5.56 cfs, a total annual maximum diversion volume of 1476 af, a total annual maximum consumptive use volume of 1092 af, and the irrigation of 369 acres in a single irrigation season.
20. 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.
21. The following rights are diverted through points of diversion described above: 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285.

WATER RIGHT NO. 61-2154**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-2154 is now described as follows:

Right Holder: BROWN FARMS LLC
764 N TROUTNER WAY
BOISE, ID 83712

Priority Date: 1/14/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	3.820 cfs	764.0 af
			3.820 cfs	764.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 18 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (SENWNW)	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNESW	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NWSENE	Sec 20 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNWNW	Sec 20 Twp 04S Rge 06E	ELMORE 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	06E	17											40.0	40.0					80.0
04S	06E	18							43.0	40.0					40.0	40.0	40.0	40.0	243.0
									L 2										
04S	06E	19	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	656.0
								L 1	L 2			L 3	L 4						
04S	06E	20	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					40.0	40.0	40.0	40.0	480.0

Right Acre Limit: 191.0

POU Total Acres: 1459.0

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 191 acres within the place of use described above in a single irrigation season.
3. Right 61-10378 is an enlargement of Right 61-2154 pursuant to Section 42-1426, Idaho Code.

Transfer No. 78356

WATER RIGHT NO. 61-2154
As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

4. Rights 61-2154 and 61-10378 when combined shall not exceed a total diversion rate of 3.83 cfs, a total annual maximum diversion volume of 896 af at the field headgate, and the irrigation of 224 acres.
5. Rights 61-2154, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 5.70 cfs and the irrigation of 433 acres.
6. Rights 61-2154, 61-7005, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2248 af at the field headgate, and the irrigation of 562 acres.
7. Rights 61-2154, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 9.06 cfs, a total annual maximum diversion volume of 2632 af at the field headgate, and the irrigation of 658 acres.
8. Rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 13.18 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres.
9. 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.
10. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
11. After specific notification by the Department, the right holder shall record the quantity of water diverted 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.
12. The following rights are diverted through points of diversion described above: 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378.

WATER RIGHT NO. 61-12284**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-12284 is now described as follows:

Right Holder: SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

Priority Date: 1/14/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	1.620 cfs	324.0 af
			1.620 cfs	324.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE 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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23		7.0	7.0		40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	476.0
01S	04E	24									12.0	40.0	40.0	37.0					129.0

Right Acre Limit: 81.0

POU Total Acres: 765.0

Transfer No. 78356

WATER RIGHT NO. 61-12284

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
10. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.
11. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.

WATER RIGHT NO. 61-12284
As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

12. This right is limited to the irrigation of 81 acres within the authorized place of use in a single irrigation season.
13. Right 61-12283 is an enlargement of Right 61-12284 pursuant to Section 42-1426, Idaho Code.
14. Rights 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 1.61 cfs, a total annual maximum diversion volume of 380 af at the field headgate, and the irrigation of 95 acres.
15. Rights 61-12280, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 2.40 cfs and the irrigation of 183 acres.
16. Rights 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 948 af at the field headgate, and the irrigation of 237 acres.
17. Rights 61-12280, 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 1112 af at the field headgate, and the irrigation of 278 acres.
18. Rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 5.56 cfs, a total annual maximum diversion volume of 1476 af, a total annual maximum consumptive use volume of 1092 af, and the irrigation of 369 acres in a single irrigation season.
19. 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.
20. The following rights are diverted through points of diversion described above: 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285.

WATER RIGHT NO. 61-2155**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-2155 is now described as follows:

Right Holder: BROWN FARMS LLC
764 N TROUTNER WAY
BOISE, ID 83712

Priority Date: 1/14/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	4.130 cfs	868.0 af
			4.130 cfs	868.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 18 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (SENWNW)	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNESW	Sec 19 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NWSENE	Sec 20 Twp 04S Rge 06E	ELMORE County
GROUND WATER	SWNWNW	Sec 20 Twp 04S Rge 06E	ELMORE 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	06E	17											40.0	40.0					80.0
04S	06E	18							43.0	40.0					40.0	40.0	40.0	40.0	243.0
									L 2										
04S	06E	19	40.0	40.0	40.0	40.0	40.0	44.0	44.0	40.0	40.0	44.0	44.0	40.0	40.0	40.0	40.0	40.0	656.0
								L 1	L 2			L 3	L 4						
04S	06E	20	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					40.0	40.0	40.0	40.0	480.0

Right Acre Limit: 217.0
POU Total Acres: 1459.0

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 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.
- This right is limited to the irrigation of 217 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 61-2155

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

3. Rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378 when combined shall not exceed a total diversion rate of 13.18 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres.
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. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted 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.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
8. The following rights are diverted through points of diversion described above: 61-2154, 61-2155, 61-7005, 61-7119, 61-7396 and 61-10378.

WATER RIGHT NO. 61-12285**As Modified by Transfer No. 78356**

In accordance with the approval of Transfer No. 78356, Water Right No. 61-12285 is now described as follows:

Right Holder: SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

Priority Date: 1/14/1963

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
1.730 cfs
1.730 cfs

Diversion Volume
364.0 af
364.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE 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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23		7.0	7.0		40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	476.0
01S	04E	24									12.0	40.0	40.0	37.0					129.0

Right Acre Limit: 91.0
POU Total Acres: 765.0

Transfer No. 78356

WATER RIGHT NO. 61-12285
As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

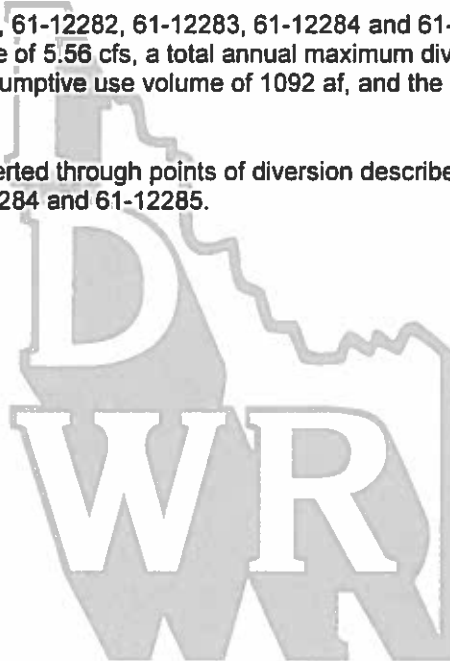
1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho 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.
4. This right does not grant any right-of-way or easement across the land of another.
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. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. 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.
10. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
11. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.

WATER RIGHT NO. 61-12285

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

12. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.
13. This right is limited to the irrigation of 91 acres within the authorized place of use in a single irrigation season.
14. Rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 5.56 cfs, a total annual maximum diversion volume of 1476 af, a total annual maximum consumptive use volume of 1092 af, and the irrigation of 369 acres in a single irrigation season.
15. The following rights are diverted through points of diversion described above: 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285.

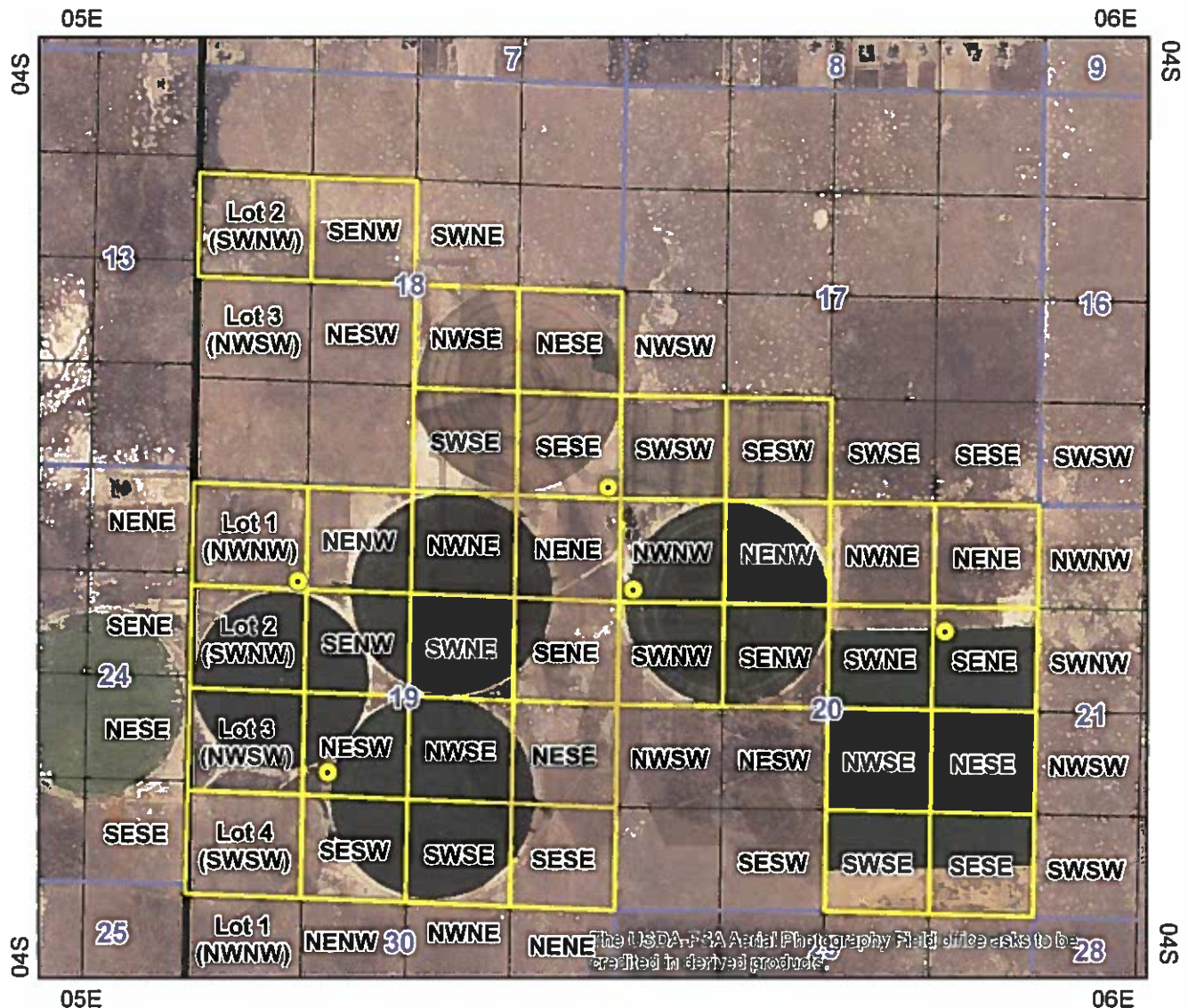


State of Idaho
Department of Water Resources

Attachment to Transfer No. 78356

61-7119, 61-7005, 61-7396, 61-10378, 61-2154, and 61-2155

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



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

0 0.275 0.55 1.1 Miles

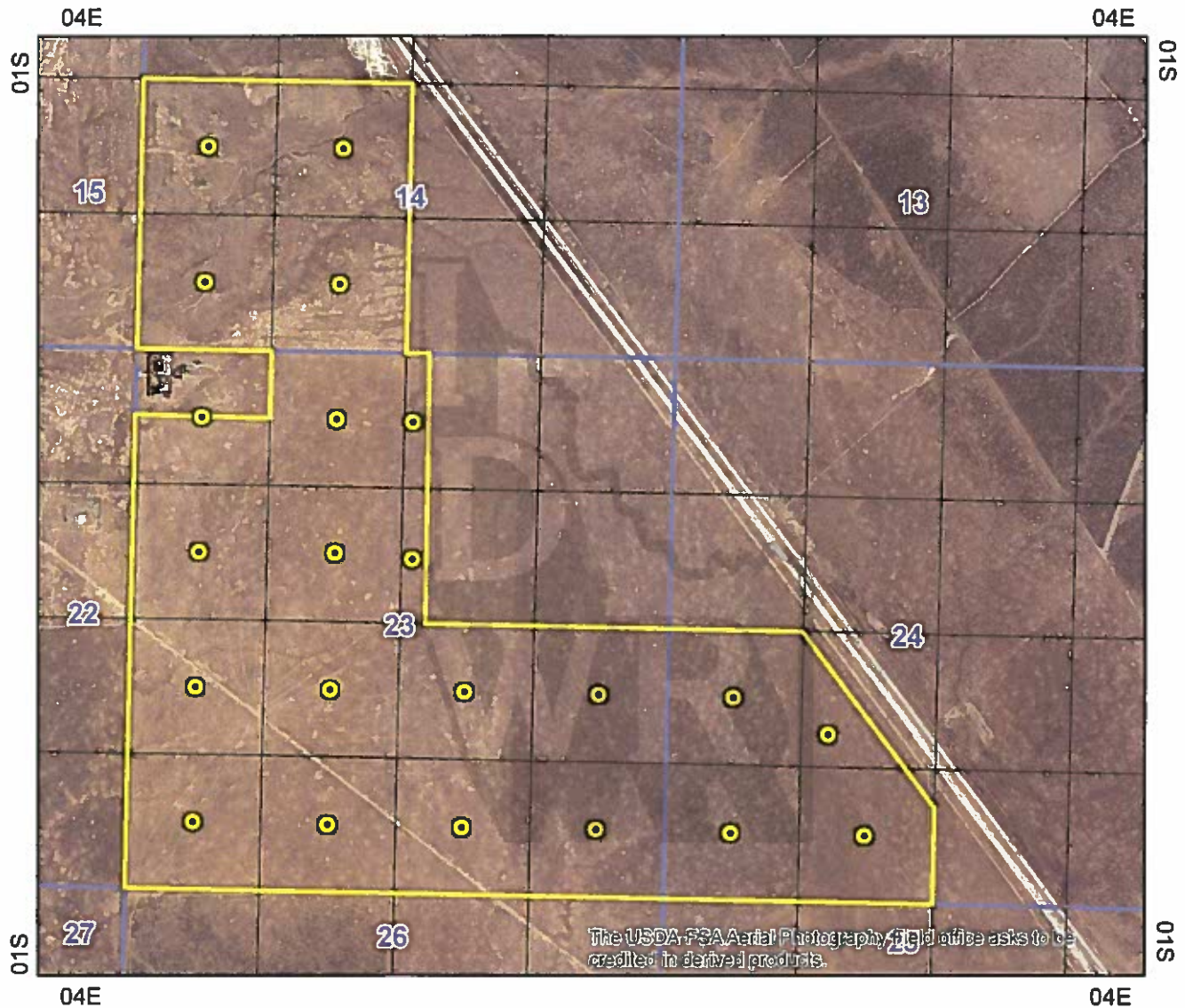


State of Idaho
Department of Water Resources

Attachment to Transfer No. 78356

61-12280, 61-12281, 61-12282, 61-12283, 61-12284, and 61-12285

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.2 0.4 0.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

January 21, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE ID 83709

Re: Transfer No: 78356

Water Right No(s): 61-2154, 61-2155, 61-7005, 61-7119, 61-7396, 61-10378

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller
Western Regional Manager

Enclosure

CC:

GIVENS PURSLEY LLP
MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701-2720

MAYFIELD TOWNSITE LLC
11204 N. BAR 21 DRIVE
GLENNS FERRY ID 83623

G3 LLC
ATTN: CRAIG HAYNES
2136 E LEWANDOWSKI LN
BOISE ID 83716

CITY OF MOUNTAIN HOME
ATTN WAYNE SHEPHERD
PO BOX 10
MOUNTAIN HOME ID 83647

NEVID LLC
NORMAN M SEMANKO
ATTORNEY AT LAW
PO BOX 829
BOISE ID 83701-0829

BRUCE M SMITH ATTORNEY AT LAW
950 W BANNOCK ST STE 520
BOISE ID 83702

JOHN MARSHALL LAW PLLC
ATTN JOHN MARSHALL
575 W BANNOCK ST STE B
BOISE ID 83702

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78356

Water Right No(s): 61-2154, 61-2155, 61-7005, 61-7119, 61-7396, 61-10378

**SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE ID 83709**

**MAYFIELD TOWNSITE LLC
11204 N. BAR 21 DRIVE
GLENN'S FERRY ID 83623**

**G3 LLC
ATTN: CRAIG HAYNES
2136 E LEWANDOWSKI LN
BOISE ID 83716**

**CITY OF MOUNTAIN HOME
ATTN WAYNE SHEPHERD
PO BOX 10
MOUNTAIN HOME ID 83647**

**NEVID LLC
NORMAN M SEMANKO
ATTORNEY AT LAW
PO BOX 829
BOISE ID 83701-0829**

**GIVENS PURSLEY LLP
MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701-2720**

**BRUCE M SMITH ATTORNEY AT LAW
950 W BANNOCK ST STE 520
BOISE ID 83702**

**JOHN MARSHALL LAW PLLC
ATTN JOHN MARSHALL
575 W BANNOCK ST STE B
BOISE ID 83702**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.