



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/15/2015

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

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

Re: Draft Transfer Approval No. 78356 (Shekinah Industries Inc.)

Dear Parties:

The Department of Water Resources has prepared the attached draft transfer approval for application number 78356.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your stipulated conditions, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. As always, you may file a petition for reconsideration within 14 days after the preliminary order approving the transfer is issued.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Nick Miller
Regional Manager

Enclosure: draft approval for Transfer 78356

cc:

Bruce M. Smith Attorney at Law, 950 W. Bannock St Ste 520, Boise ID 83702

Norman M. Semanko Attorney at Law, PO Box 358, Eagle ID 83616

John Marshall Law PLLC Attn: John Marshall, 575 W Bannock St Ste B, Boise ID 83702

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78356

DRAFT

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	924.0	61-10378	0.560 cfs	N/A	33.0	1459.0
61-2154	61-12284	1.620 cfs	324.0 af	81.0	924.0	61-2154	3.820 cfs	764.0 af	191.0	1459.0
61-2155	61-12285	1.730 cfs	364.0 af	91.0	924.0	61-2155	4.130 cfs	868.0 af	217.0	1459.0
61-7005	61-12281	1.560 cfs	380.0 af	95.0	924.0	61-7005	3.680 cfs	900.0 af	225.0	1459.0
61-7119	61-12280	1.560 cfs	312.0 af	78.0	924.0	61-7119	3.680 cfs	736.0 af	184.0	1459.0
61-7396	61-12282	0.650 cfs	188.0 af	47.0	924.0	61-7396	1.550 cfs	452.0 af	113.0	1459.0
COMBINED TOTALS		5.560 cfs	1476.0 af	369.0	924.0		13.18 cfs	3500.0 af	875.0	1459.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DRAFT

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 _____ day of _____, _____.

Chief, Water Allocation Bureau

DRAFT**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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.680 cfs	736.0 af
			3.680 cfs	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

- 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 184 acres within the place of use described above in a single irrigation season.

Transfer No. 78356

DRAFT

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.

DRAFT**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	NWNW	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	SWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 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	NENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			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	30.0	40.0	40.0	40.0	40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	612.0
01S	04E	24						1.0	22.0		12.0	40.0	40.0	37.0					152.0

Right Acre Limit: 78.0

POU Total Acres: 924.0

Transfer No. 78356

DRAFT

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.

DRAFT

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.

DRAFT**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	900.0 af
			3.680 cfs	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

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	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

- 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 225 acres within the place of use described above in a single irrigation season.

Transfer No. 78356

DRAFT

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.

DRAFT

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	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	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	NENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 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	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	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 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

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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23	30.0	40.0	40.0	40.0	40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	612.0
01S	04E	24						1.0	22.0		12.0	40.0	40.0	37.0					152.0

Right Acre Limit: 95.0
POU Total Acres: 924.0

Transfer No. 78356

DRAFT

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.

DRAFT

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.

DRAFT

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

DRAFT

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.

DRAFT

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	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	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	NENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 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	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	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 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

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	30.0	40.0	40.0	40.0	40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	612.0
01S	04E	24						1.0	22.0		12.0	40.0	40.0	37.0					152.0

Right Acre Limit: 47.0

POU Total Acres: 924.0

Transfer No. 78356

DRAFT

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.

DRAFT

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.

DRAFT**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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	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

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

Transfer No. 78356

DRAFT

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.

DRAFT**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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.240 cfs
			0.240 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	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	NENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 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	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	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 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

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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23	30.0	40.0	40.0	40.0	40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	612.0
01S	04E	24						1.0	22.0		12.0	40.0	40.0	37.0					152.0

Right Acre Limit: 14.0

POU Total Acres: 924.0

Transfer No. 78356

DRAFT

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.

DRAFT

WATER RIGHT NO. 61-12283

As Modified by Transfer No. 78356

CONDITIONS OF APPROVAL

12. This right is for an enlargement of 14 acres within the place of use described above.
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.

DRAFT**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

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	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

DRAFT

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.

DRAFT**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	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	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	NENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 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	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	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 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

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	30.0	40.0	40.0	40.0	40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	612.0
01S	04E	24						1.0	22.0		12.0	40.0	40.0	37.0					152.0

Right Acre Limit: 81.0

POU Total Acres: 924.0

Transfer No. 78356

DRAFT

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.

DRAFT

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.

DRAFT

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.

Transfer No. 78356

DRAFT

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.

DRAFT

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.730 cfs	364.0 af
			1.730 cfs	364.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec 14 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWSW	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	NENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SENE	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec 23 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	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	SESW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec 23 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	SWNW	Sec 24 Twp 01S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 24 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

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	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23	30.0	40.0	40.0	40.0	40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	612.0
01S	04E	24						1.0	22.0		12.0	40.0	40.0	37.0					152.0

Right Acre Limit: 91.0
POU Total Acres: 924.0

Transfer No. 78356

DRAFT

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.

DRAFT

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.