

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**Amended TRANSFER OF WATER RIGHT Amended
TRANSFER NO. 79727**

This is to certify that: IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN, ID 83325

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>
2-10420	WR/DECREED	7/30/1969	1.740 cfs	N/A	N/A	69.0	SNAKE RIVER
2-10422	WR/DECREED	7/30/1969	2.000 cfs	N/A	N/A	100.0	SNAKE RIVER

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>
2-10420	YES	YES	YES	NO	NO	NO
2-10422	NO	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>
2-10420	2-10510	0.500 cfs	N/A	20.0	4128.0	2-10420	1.240 cfs	N/A	N/A	49.0
2-10422	2-10422	1.820 cfs	N/A	91.0	4128.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.320 cfs	N/A	111.0	4128.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 1st day of December, 2015.


for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 2-10420

Transfer No. 79727

Amended

WATER RIGHT NO. 2-10420**As Modified by Transfer No. 79727**

In accordance with the approval of Transfer No. 79727, Water Right No. 2-10420 is now described as follows:

Right Holder: MICHAEL B IHLI OR
LINDA M IHLI
625 S SCHOOL AVE
KUNA, ID 83634

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From
03/01

to 10/31

Diversion Rate
1.240 cfs
1.240 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L7 (SWSW) Sec 26 Twp 03S Rge 01E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	1			12.0														12.0
04S	01E	12	24.0			2.0												11.0	37.0

POU Total Acres: 49.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year 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. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/8/2009.

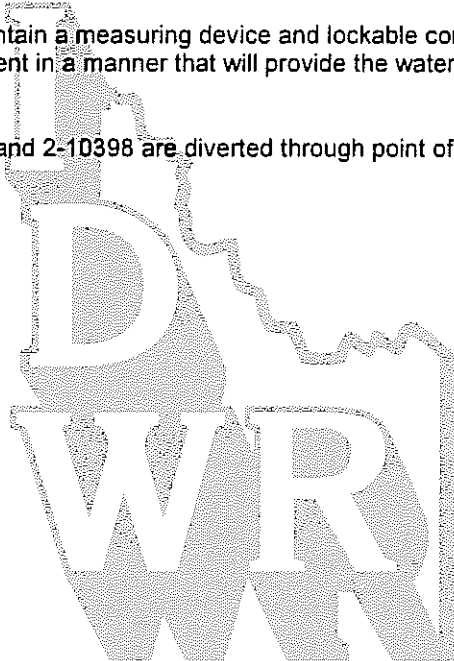
Transfer No. 79727

WATER RIGHT NO. 2-10420

As Modified by Transfer No. 79727

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Rights 2-10420, 2-10395 and 2-10398 are diverted through point of diversion described above.



Amended

WATER RIGHT NO. 2-10510

As Modified by Transfer No. 79727

In accordance with the approval of Transfer No. 79727, Water Right No. 2-10510 is now described as follows:

Right Holder: MICHAEL B IHLE OR
LINDA M IHLE
625 S SCHOOL AVE
KUNA, ID 83634

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 10/31 **Diversion Rate**
0.500 cfs
0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L8 (SESE) Sec 4 Twp 06S Rge 08E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	08E	4									40.0	40.0	40.0				40.0		160.0
06S	08E	5						44.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	444.0
06S	08E	6	44.0			40.0													84.0
			L 1																
06S	08E	7			40.0	40.0					40.0			40.0	40.0	40.0	40.0	40.0	320.0
06S	08E	8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
06S	08E	9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
06S	08E	10							40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0		280.0
06S	08E	15					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
06S	08E	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
06S	08E	17	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	600.0

Right Acre Limit: 20.0

POU Total Acres: 4128.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year 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.

Transfer No. 79727

Amended

WATER RIGHT NO. 2-10510

As Modified by Transfer No. 79727

CONDITIONS OF APPROVAL

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 is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
5. Rights 2-2260, 2-7019B, 2-7019D, 2-7022B, 2-7023B, 2-7102B, 2-10422 and 2-10510 when combined shall not exceed a total annual irrigation of 911 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/8/2009.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. Rights 2-2260, 2-7019B, 2-7019D, 2-7022B, 2-7023B and 2-7102B are diverted through point of diversion described above.

Amended

WATER RIGHT NO. 2-10422**As Modified by Transfer No. 79727**

In accordance with the approval of Transfer No. 79727, Water Right No. 2-10422 is now described as follows:

Right Holder: MICHAEL B IHLE OR
LINDA M IHLE
625 S SCHOOL AVE
KUNA, ID 83634

Priority Date: 7/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 10/31

Diversion Rate

1.820 cfs

1.820 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L8 (SESE)

Sec 4 Twp 06S Rge 08E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	08E	4										40.0	40.0	40.0			40.0		160.0
06S	08E	5						44.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	444.0
06S	08E	6	44.0			40.0													84.0
			L 1																
06S	08E	7			40.0	40.0					40.0				40.0	40.0	40.0	40.0	320.0
06S	08E	8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
06S	08E	9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
06S	08E	10							40.0		40.0	40.0	40.0	40.0		40.0	40.0		280.0
06S	08E	15					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
06S	08E	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
06S	08E	17	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	600.0

Right Acre Limit: 91.0

POU Total Acres: 4128.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year 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.

Transfer No. 79727

Amended

WATER RIGHT NO. 2-10422

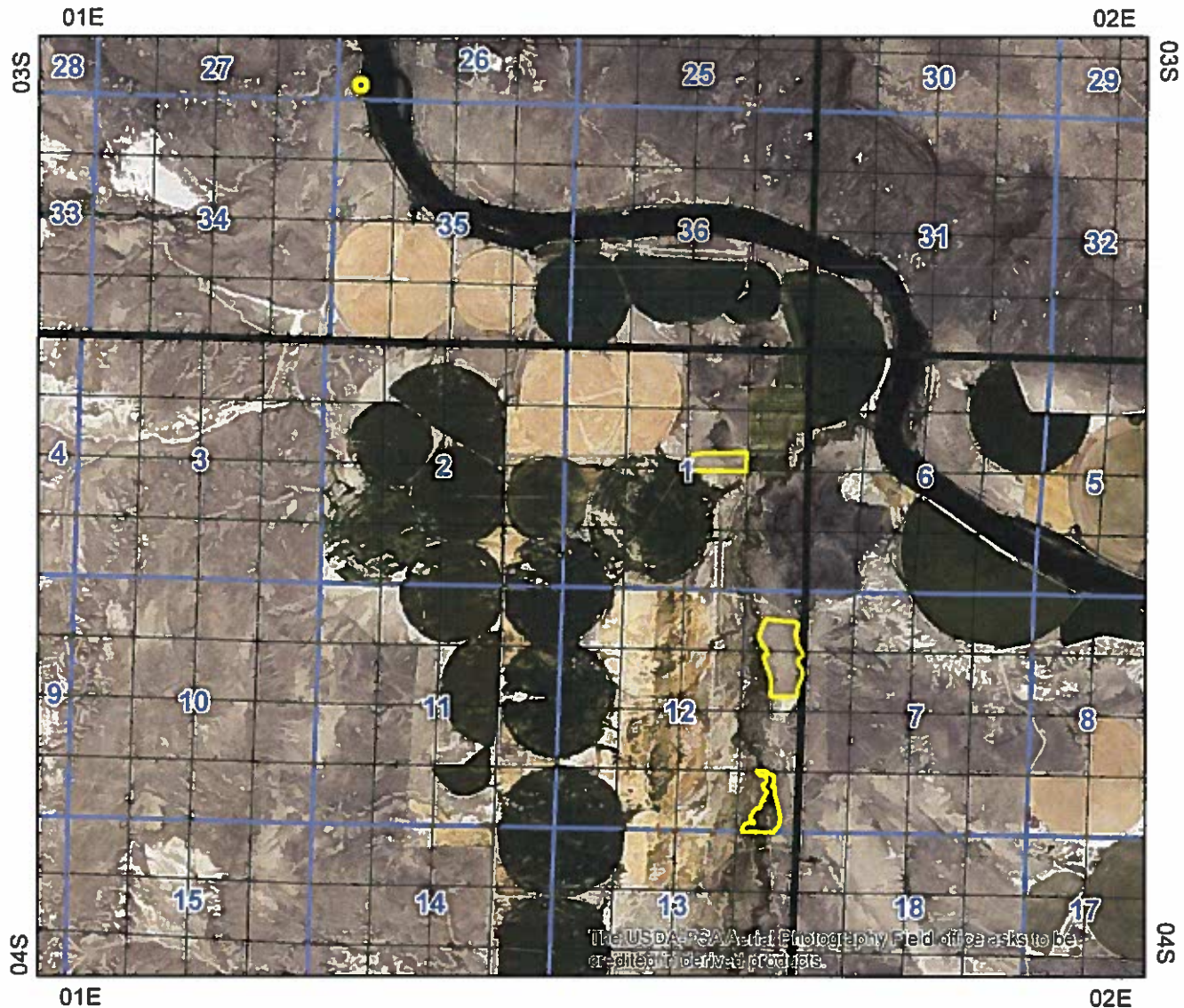
As Modified by Transfer No. 79727

CONDITIONS OF APPROVAL

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 is limited to the irrigation of 91 acres within the authorized place of use in a single irrigation season.
5. Rights 2-2260, 2-7019B, 2-7019D, 2-7022B, 2-7023B, 2-7102B, 2-10422 and 2-10510 when combined shall not exceed a total annual irrigation of 911 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/9/2009.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. The approval of Transfer No. 79727 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
11. Rights 2-2260, 2-7019B, 2-7019D, 2-7022B, 2-7023B and 2-7102B are diverted through point of diversion described above.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 79727
2-10420

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.



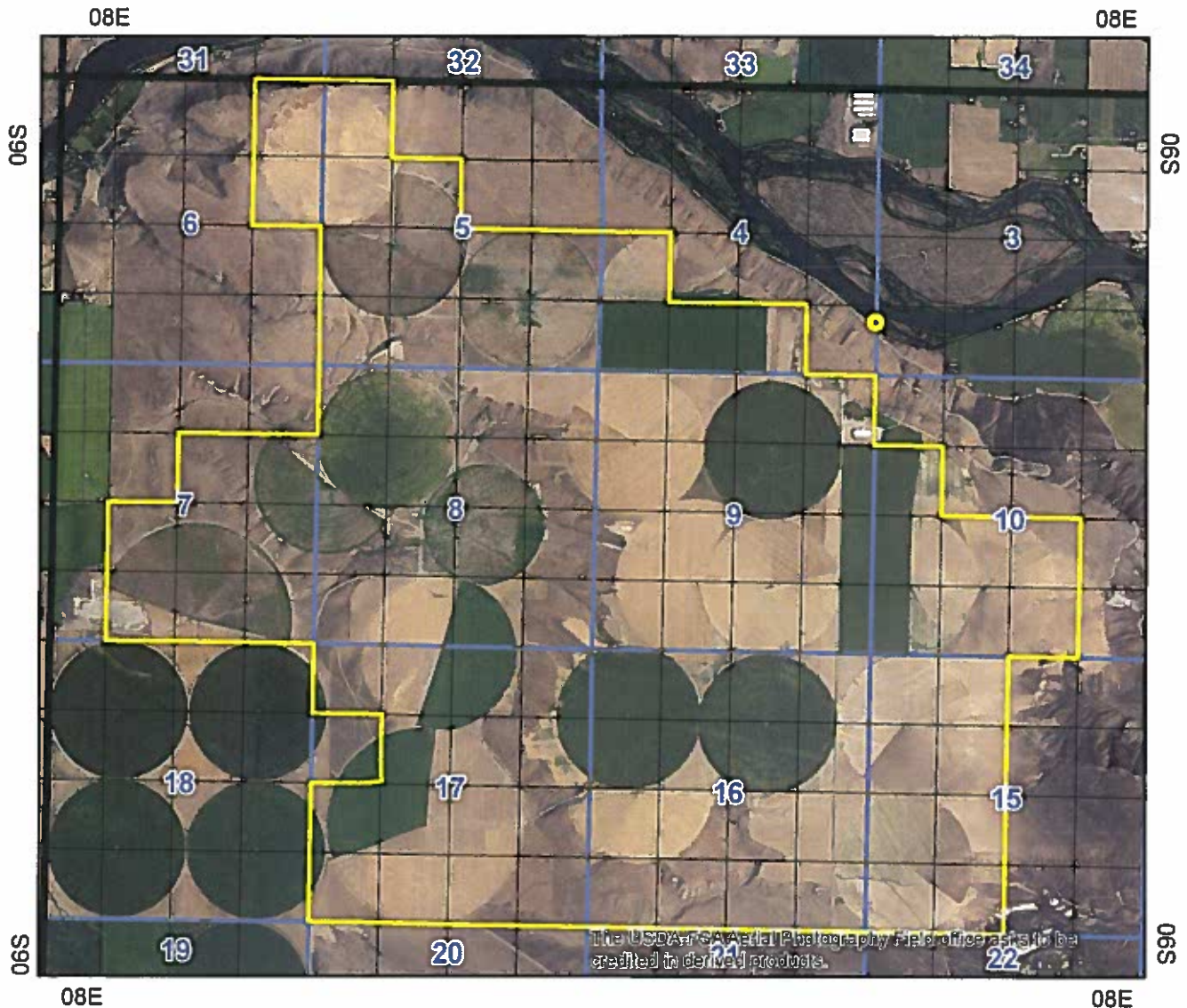
-  Point of Diversion
-  Place of Use Boundary
-  Townships
-  PLS Sections

0 0.475 0.95 1.9 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer No. 79727
2-10422 and 2-10510

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



A horizontal number line representing distance in miles. The line starts at 0 on the left and ends at 1.6 Miles on the right. There are major tick marks at 0, 0.4, 0.8, and 1.6. There are also minor tick marks at 0.2, 0.6, and 1.0. The labels 0, 0.4, 0.8, and 1.6 Miles are placed above the major tick marks.

-  Point of Diversion
-  Place of Use Boundary
-  Townships
-  PLS Sections





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

December 1, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325

Re: Transfer No: 79727
Water Right No(s): 2-10420, 2-10422

Amended Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Amended 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 amended 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 part or all of the water right (one or more rights might apply) in your approved transfer is leased to the Water Supply Bank (Bank). You may not use the right or portion of right leased to the Bank, even if the right is not rented from the Bank. To make the right available for your use, please submit a written request to the Department to change the lease. The Department will verify if the right is rented and not available for your use, or if the lease can be changed to allow your use of the right.

For more information about the Bank and the lease, please contact the Department as follows:

Water Supply Bank Coordinator
IDWR State Office
PO Box 83720
Boise, ID 83720-0098
(telephone 208-287-4800)

Also, 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,

A handwritten signature in black ink that reads "Rachel Neely for:". The signature is written in a cursive style and is positioned to the right of a large, stylized, handwritten letter "D" that serves as a placeholder for a stamp or logo.

Nick Miller
Western Region Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing AMENDED TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79727
Water Right No(s): 2-10420, 2-10422**

**IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325**

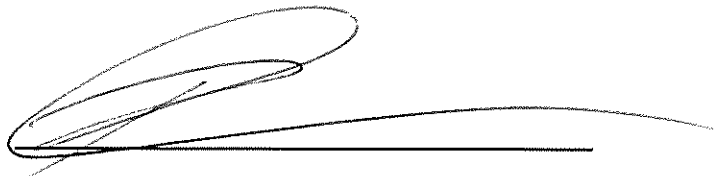
**GIVENS PURSLEY LLP
MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701-2720**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706**

**CORBIN KNOWLES
WATERMASTER OF DISTRICT 2
IDWR STATE OFFICE
PO BOX 83720
BOISE ID 83720-008**

**WATER SUPPLY BANK COORDINATOR
IDWR STATE OFFICE
PO BOX 83720
BOISE ID 83720-0098**

**MICHAEL B IHLI
LINDA M IHLI
625 S SCHOOL AVE
KUNA ID 83634**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**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.