

CORRECTED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

CORRECTED

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78429**

This is to certify that: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

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>
2-10238	WR/LICENSE	9/4/1974	0.720 cfs	369.0 af	82.0	1201.0	SNAKE RIVER
2-10239	WR/LICENSE	9/4/1974	3.280 cfs	1678.5 af	373.0	1201.0	SNAKE RIVER
2-10240	WR/LICENSE	12/18/1974	0.490 cfs	247.5 af	55.0	1201.0	SNAKE RIVER
2-10241	WR/LICENSE	12/18/1974	2.200 cfs	1125.0 af	250.0	1201.0	SNAKE RIVER
2-10242	WR/LICENSE	7/7/1994	0.710 cfs	31.5 af	144.0	1201.0	SNAKE RIVER
2-10243	WR/LICENSE	7/7/1994	4.760 cfs	679.5 af	774.0	1201.0	SNAKE RIVER
57-2254	WR/DECREED	8/28/1962	1.090 cfs	319.5 af	71.0	1201.0	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>
2-10238	NO	NO	YES	NO	NO	NO
2-10239	NO	NO	YES	NO	NO	NO
2-10240	NO	NO	YES	NO	NO	NO
2-10241	NO	NO	YES	NO	NO	NO
2-10242	NO	NO	YES	NO	NO	NO
2-10243	NO	NO	YES	NO	NO	NO
57-2254	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10238	2-10238	0.720 cfs	369.0 af	82.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10239	2-10239	3.280 cfs	1678.5 af	373.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10240	2-10240	0.490 cfs	247.5 af	55.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10241	2-10241	2.200 cfs	1125.0 af	250.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10242	2-10242	0.710 cfs	31.5 af	144.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10243	2-10243	4.760 cfs	679.5 af	774.0	1201.0	N/A	N/A	N/A	N/A	N/A
57-2254	57-2254	1.090 cfs	319.5 af	71.0	1201.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.250 cfs	4158.0 af	924.0	1201.0		N/A	N/A	N/A	N/A

SUPPORT DATA

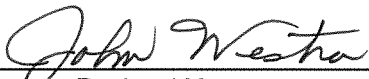
Transfer No. 78429IN FILE # 2-10238

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78429

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 28th day of May, 2014.


Western Regional Manager

WATER RIGHT NO. 57-2254**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 57-2254 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 8/28/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	1.090 cfs	319.5 af
			1.090 cfs	319.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 17 Twp 02N Rge 04W 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	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 71.0

POU Total Acres: 1201.0

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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 78429

WATER RIGHT NO. 57-2254
As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 71 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 57-2254 and 57-11673 when combined shall not exceed a total diversion rate of 2.1 cfs.
8. Rights 57-2254, 2-10238, 2-10240 and 2-10242 when combined shall not exceed a total annual maximum diversion volume of 675.0 af at the field headgate the irrigation of 150 acres (6 acres ground water, 65 acres ground water supplemented with surface water and 79 acres surface water only).
9. 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.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 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 1/22/2003.
11. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through point of diversion described above: 57-2254 and 57-11673.

WATER RIGHT NO. 2-10238**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10238 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 9/4/1974

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.720 cfs	369.0 af
			0.720 cfs	369.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L1 (NWNW) Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 82.0

POU Total Acres: 1201.0

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. The approval of this transfer 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 78429

WATER RIGHT NO. 2-10238

As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 82 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 57-2254, 2-10238, 2-10240 and 2-10242 when combined shall not exceed a total annual maximum diversion volume of 675.0 af at the field headgate the irrigation of 150 acres (6 acres ground water, 65 acres ground water supplemented with surface water and 79 acres surface water only).
8. Rights 2-10238, 2-10240 and 2-10242 when combined shall not exceed the irrigation of 144 acres (65 acres surface water supplemental to ground water and 79 acres surface water only).
9. 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.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 11/12/1997.
11. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10239**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10239 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 9/4/1974

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.280 cfs	1678.5 af
			3.280 cfs	1678.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L1 (NWNW) Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 373.0

POU Total Acres: 1201.0

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. The approval of this transfer 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 78429

WATER RIGHT NO. 2-10239
As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 373 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 2-10239, 2-10241 and 2-10243 when combined shall not exceed the irrigation of 774 acres.
8. 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 11/12/1997.
10. This right does not grant any right-of-way or easement across the land of another.
11. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10240**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10240 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 12/18/1974

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.490 cfs	247.5 af
			0.490 cfs	247.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L1 (NWNW) Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 55.0

POU Total Acres: 1201.0

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. The approval of this transfer 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 78429

WATER RIGHT NO. 2-10240
As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 55 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 57-2254, 2-10238, 2-10240 and 2-10242 when combined shall not exceed a total annual maximum diversion volume of 675.0 af at the field headgate the irrigation of 150 acres (6 acres ground water, 65 acres ground water supplemented with surface water and 79 acres surface water only).
8. Rights 2-10238, 2-10240 and 2-10242 when combined shall not exceed the irrigation of 144 acres (65 acres surface water supplemental to ground water and 79 acres surface water only).
9. 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.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 11/12/1997.
11. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10241**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10241 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 12/18/1974

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.200 cfs	1125.0 af
			2.200 cfs	1125.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L1 (NWNW) Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 250.0

POU Total Acres: 1201.0

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. The approval of this transfer 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 78429

WATER RIGHT NO. 2-10241
As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 250 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 2-10239, 2-10241 and 2-10243 when combined shall not exceed the irrigation of 774 acres.
8. 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.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 11/12/1997.
10. This right does not grant any right-of-way or easement across the land of another.
11. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10242**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10242 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 7/7/1994

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.710 cfs	31.5 af
			0.710 cfs	31.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L1 (NWNW) Sec 23 Twp 02N Rge 04W 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	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 144.0

POU Total Acres: 1201.0

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. The approval of this transfer 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 78429

WATER RIGHT NO. 2-10242

As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 144 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 57-2254, 2-10238, 2-10240 and 2-10242 when combined shall not exceed a total annual maximum diversion volume of 675.0 af at the field headgate the irrigation of 150 acres (6 acres ground water, 65 acres ground water supplemented with surface water and 79 acres surface water only).
8. Rights 2-10238, 2-10240 and 2-10242 when combined shall not exceed the irrigation of 144 acres (65 acres surface water supplemental to ground water and 79 acres surface water only).
9. 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.
10. Water shall not be diverted, under this right, when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5,000 cfs; Lime Point 13,000 cfs.
11. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10243**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10243 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 7/7/1994

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	4.760 cfs	679.5 af
			4.760 cfs	679.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L1 (NWNW) Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0													65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 774.0

POU Total Acres: 1201.0

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. The approval of this transfer 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 78429

WATER RIGHT NO. 2-10243

As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 774 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 2-10239, 2-10241 and 2-10243 when combined shall not exceed the irrigation of 774 acres.
8. 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.
9. Water shall not be diverted, under this right, when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5,000 cfs; Lime Point 13,000 cfs.
10. This right does not grant any right-of-way or easement across the land of another.
11. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.