

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 79202**

This is to certify that: TSK ENTERPRISES LLC  
C/O GARY FUNDERBERG  
255 BLUE LAKES BLVD PMB 617  
TWIN FALLS, ID 83301

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 36-8478            | WR/LICENSE          | 11/7/1989            | 0.470 cfs             | 43.1 af                 | N/A               | N/A                | GROUND WATER  |

**Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)**

| <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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 36-16196           | WR/DECREED          | 6/11/1957            | 0.070 cfs             | 53.0 af                 |                   | N/A                | GROUND WATER  |
| 36-16198           | WR/DECREED          | 5/11/1957            | 0.220 cfs             | 53.0 af                 |                   | N/A                | GROUND WATER  |
| 36-10845           | WR/DECREED          | 1/28/1972            | 0.240 cfs             | 14.6 af                 |                   | N/A                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-8478               | YES          | YES        | YES        | NO             | YES                  | YES                  |

**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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-8478                | 36-17016                         | 0.050 cfs            | 6.4 af                 | N/A               | 1.6                | 36-8478                            | 0.420 cfs             | 36.7 af                 | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.050 cfs</b>     | <b>6.4 af</b>          | <b>0.0</b>        | <b>1.6</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

SUPPORT DATA

IN FILE # 36-8478

Transfer No. 79202

SCANNED

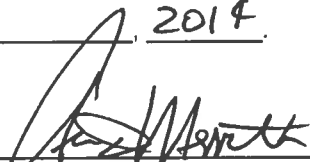
JUN 09 2014

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 79202

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 29<sup>th</sup> day of May, 2014.

  
Southern Region Manager



**WATER RIGHT NO. 36-8478****As Modified by Transfer No. 79202**

In accordance with the approval of Transfer No. 79202, Water Right No. 36-8478 is now described as follows:

**Right Holder:** THEODORE BAAR AND/OR  
ANNA E BAAR  
350 S 300 W  
JEROME, ID 83338  
AND/OR  
NORTHWEST FARM CREDIT SERVICES FLCA  
PO BOX 5059  
TWIN FALLS, ID 83303-5059

**Priority Date:** 11/7/1989

**Source:** GROUND WATER

**BENEFICIAL USE**

|            | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL | 01/01       | to 12/31  | 0.420 cfs             | 35.5 af                 |
| DOMESTIC   | 01/01       | to 12/31  | 0.040 cfs             | 1.2 af                  |
| STOCKWATER | 01/01       | to 12/31  | 0.420 cfs             | 35.5 af                 |
|            |             |           | 0.420 cfs             | 36.7 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SWNW | Sec 3 | Twp 09S Rge 16E | JEROME County |
| GROUND WATER | SWNW | Sec 3 | Twp 09S Rge 16E | JEROME County |

**PLACE OF USE: COMMERCIAL**

|     |     |     | NE |    |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    | X   |    | X  | X  | X  |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 3 |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: DOMESTIC**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: STOCKWATER**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |        |

Transfer No. 79202

**WATER RIGHT NO. 36-8478**  
**As Modified by Transfer No. 79202**

**CONDITIONS OF APPROVAL**

1. Domestic use is for 1 home within the SWNW, S3, T9S, R16E.
2. Rights 36-10845 and 36-8478 when combined shall not exceed a total diversion rate of 0.42 cfs and a total annual maximum diversion volume of 36.7 af.
3. Rights 36-10845, 36-16196, 36-16198, and 36-8478 when combined shall not exceed a total diversion rate of 0.71 cfs and a total diversion volume of 89.7 afa except as modified below.
4. The total instantaneous diversion of water from all points of diversion under Rights 36-10845, 36-16196, 36-16198 and 36-8478 shall not exceed 0.71 cfs, nor a total combined annual volume of 89.7 afa except as modified below.
5. Beginning on the date of approval of Transfer 71004, Rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2004 the rights are limited to 64.2 afa.

Year 2005 the rights are limited to 78.6 afa.

Year 2006 through 2007 the rights are limited to 82.2 afa.

Year 2008 through 2012 the rights are limited to 88.3 afa.

Year 2013 through 2017 the rights are limited to 90.1 afa.

Year 2018 through 2022 the rights are limited to 91.9 afa.

Year 2023 through 2031 the rights are limited to 93.1 afa.

Year 2032 through 2042 the rights are limited to 94.3 afa.

Year 2043 and beyond the rights are limited to 96.1 afa.

As a result of the approval of Transfer 79202, rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume.

Year 2014 through 2017 the rights are limited to 83.7 afa.

Year 2018 through 2022 the rights are limited to 85.5 afa.

Year 2023 through 2031 the rights are limited to 86.7 afa.

Year 2032 through 2042 the rights are limited to 87.9 afa.

Year 2043 and beyond the rights are limited to 89.7 afa.

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. 130.
7. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

**WATER RIGHT NO. 36-8478**

**As Modified by Transfer No. 79202**

**CONDITIONS OF APPROVAL**

9. Prior to the diversion and use of water under Transfer approval 71004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
10. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
14. Commercial use is for a dairy with barn located in SWNW, S3, T9S, R16E.

**WATER RIGHT NO. 36-17016**  
**As Modified by Transfer No. 79202**

In accordance with the approval of Transfer No. 79202, Water Right No. 36-17016 is now described as follows:

**Right Holder:** THEODORE BAAR AND/OR  
 ANNA E BAAR  
 350 S 300 W  
 JEROME, ID 83338  
 AND/OR  
 NORTHWEST FARM CREDIT SERVICES FLCA  
 PO BOX 5059  
 TWIN FALLS, ID 83303-5059

**Priority Date:** 11/7/1989

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 3 /15              | to 11/15         | 0.050 cfs<br>0.050 cfs       | 6.4 af<br>6.4 af               |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      NWNE                      Sec 11 Twp 09S Rge 16E JEROME 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 |        |
| 09S | 16E | 11  |    | 1.6 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.6    |

POU Total Acres:                      1.6

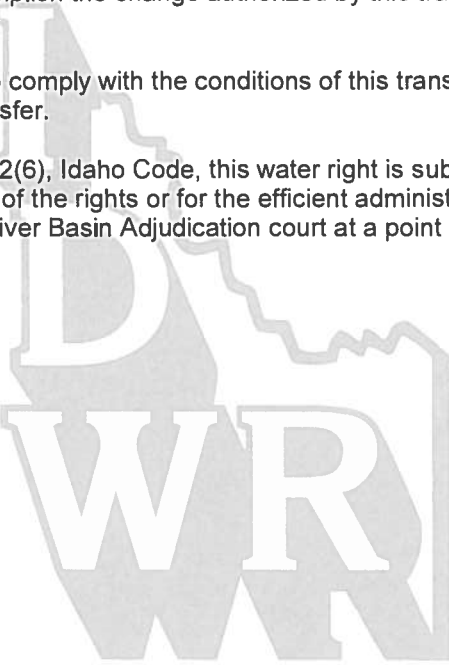
**CONDITIONS OF APPROVAL**

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. 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. 130.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Transfer No.      79202

**WATER RIGHT NO. 36-17016**  
**As Modified by Transfer No. 79202**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion and use of water under Transfer approval 79202, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
  6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
  7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
  8. 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.
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**WATER RIGHT NO. 36-16196**  
**As Modified by Transfer No. 79202**

In accordance with the approval of Transfer No. 79202, Water Right No. 36-16196 is now described as follows:

**Right Holder:** TED BAAR JR AND/OR  
 THEODORE BAAR  
 350 S 300 W  
 JEROME, ID 83338

**Priority Date:** 6/11/1957

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.070 cfs             | 53.0 af                 |
| STOCKWATER            | 01/01       | to 12/31  | 0.070 cfs             | 53.0 af                 |
|                       |             |           | 0.070 cfs             | 53.0 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |         |         |               |
|--------------|------|-------|---------|---------|---------------|
| GROUND WATER | SWNW | Sec 3 | Twp 09S | Rge 16E | JEROME County |
| GROUND WATER | SWNW | Sec 3 | Twp 09S | Rge 16E | JEROME County |

**PLACE OF USE: COMMERCIAL**

|     |     |     | NE |    |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    | X   |    | X  | X  | X  |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 3 |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: STOCKWATER**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Rights 36-16196 and 36-16198 when combined shall not exceed a total diversion rate of 0.29 cfs and a total annual maximum diversion volume of 53 af.
2. Rights 36-10845, 36-16196, 36-16198, and 36-8478 when combined shall not exceed a total diversion rate of 0.71 cfs and a total diversion volume of 89.7 afa except as modified below.

Transfer No. 79202

**WATER RIGHT NO. 36-16196**  
**As Modified by Transfer No. 79202**

**CONDITIONS OF APPROVAL**

3. Beginning on the date of approval of Transfer 71004, Rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2004 the rights are limited to 64.2 afa.  
Year 2005 the rights are limited to 78.6 afa.  
Year 2006 through 2007 the rights are limited to 82.2 afa.  
Year 2008 through 2012 the rights are limited to 88.3 afa.  
Year 2013 through 2017 the rights are limited to 90.1 afa.  
Year 2018 through 2022 the rights are limited to 91.9 afa.  
Year 2023 through 2031 the rights are limited to 93.1 afa.  
Year 2032 through 2042 the rights are limited to 94.3 afa.  
Year 2043 and beyond the rights are limited to 96.1 afa.

As a result of the approval of Transfer 79202, rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume.

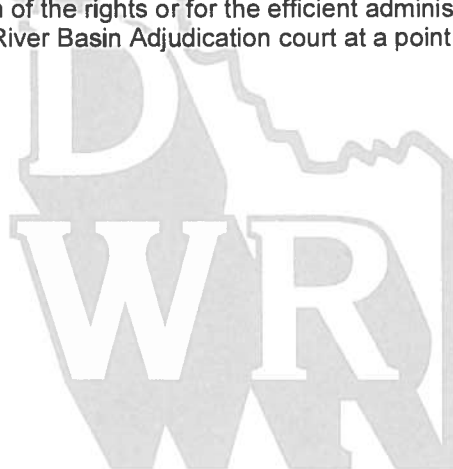
Year 2014 through 2017 the rights are limited to 83.7 afa.  
Year 2018 through 2022 the rights are limited to 85.5 afa.  
Year 2023 through 2031 the rights are limited to 86.7 afa.  
Year 2032 through 2042 the rights are limited to 87.9 afa.  
Year 2043 and beyond the rights are limited to 89.7 afa.

4. The total instantaneous diversion of water from all points of diversion under Rights 36-10845, 36-16196, 36-16198 and 36-8478 shall not exceed 0.71 cfs, nor a total combined annual volume as set forth above.
5. 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. 130.
6. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
7. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Prior to the diversion and use of water under Transfer approval 71004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

**WATER RIGHT NO. 36-16196**  
**As Modified by Transfer No. 79202**

**CONDITIONS OF APPROVAL**

10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
13. Commercial use is for a dairy with barn located in SWNW, S3, T9S, R16E.
14. 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.



**WATER RIGHT NO. 36-16198****As Modified by Transfer No. 79202**

In accordance with the approval of Transfer No. 79202, Water Right No. 36-16198 is now described as follows:

**Right Holder:** THEODORE BAAR AND/OR  
TED BAAR JR  
350 S 300 W  
JEROME, ID 83338

**Priority Date:** 5/11/1957

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.220 cfs             | 53.0 af                 |
| STOCKWATER            | 01/01       | to 12/31  | 0.220 cfs             | 53.0 af                 |
|                       |             |           | 0.220 cfs             | 53.0 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SWNW | Sec 3 | Twp 09S Rge 16E | JEROME County |
| GROUND WATER | SWNW | Sec 3 | Twp 09S Rge 16E | JEROME County |

**PLACE OF USE: COMMERCIAL**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    | X  |    | X  | X  | X  |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L3 |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: STOCKWATER**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Rights 36-16196 and 36-16198 when combined shall not exceed a total diversion rate of 0.29 cfs and a total annual maximum diversion volume of 53 af.
2. Rights 36-10845, 36-16196, 36-16198, and 36-8478 when combined shall not exceed a total diversion rate of 0.71 cfs and a total diversion volume of 89.7 afa except as modified below.

Transfer No. 79202

**WATER RIGHT NO. 36-16198**  
**As Modified by Transfer No. 79202**

**CONDITIONS OF APPROVAL**

3. Beginning on the date of approval of Transfer 71004, Rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2004 the rights are limited to 64.2 afa.

Year 2005 the rights are limited to 78.6 afa.

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Year 2018 through 2022 the rights are limited to 91.9 afa.

Year 2023 through 2031 the rights are limited to 93.1 afa.

Year 2032 through 2042 the rights are limited to 94.3 afa.

Year 2043 and beyond the rights are limited to 96.1 afa.

As a result of the approval of Transfer 79202, rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume.

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Year 2018 through 2022 the rights are limited to 85.5 afa.

Year 2023 through 2031 the rights are limited to 86.7 afa.

Year 2032 through 2042 the rights are limited to 87.9 afa.

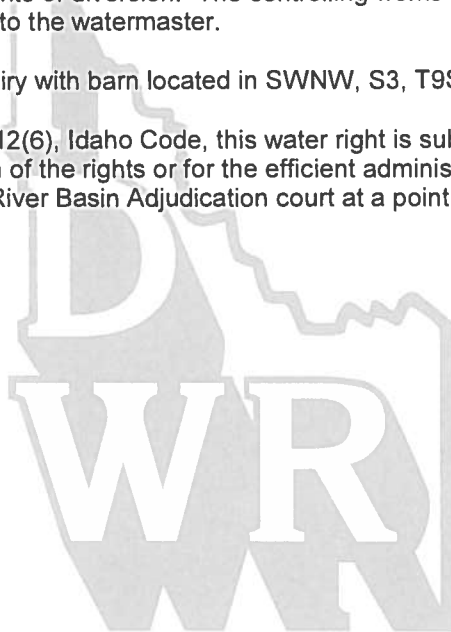
Year 2043 and beyond the rights are limited to 89.7 afa.

4. The total instantaneous diversion of water from all points of diversion under Rights 36-10845, 36-16196, 36-16198 and 36-8478 shall not exceed 0.71 cfs, nor a total combined annual volume as set forth above.
5. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
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. 130.
7. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under Transfer approval 71004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
9. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

**WATER RIGHT NO. 36-16198**  
**As Modified by Transfer No. 79202**

**CONDITIONS OF APPROVAL**

10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
13. Commercial use is for a dairy with barn located in SWNW, S3, T9S, R16E.
14. 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.



**WATER RIGHT NO. 36-10845**  
**As Modified by Transfer No. 79202**

In accordance with the approval of Transfer No. 79202, Water Right No. 36-10845 is now described as follows:

**Right Holder:** TED BAAR JR  
 350 S 300 W  
 JEROME, ID 83338

**Priority Date:** 1/28/1972

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| DOMESTIC              | 01/01       | to 12/31  | 0.040 cfs             | 1.2 af                  |
| STOCKWATER            | 01/01       | to 12/31  | 0.200 cfs             | 14.6 af                 |
|                       |             |           | 0.240 cfs             | 14.6 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |         |         |               |
|--------------|------|-------|---------|---------|---------------|
| GROUND WATER | SWNW | Sec 3 | Twp 09S | Rge 16E | JEROME County |
| GROUND WATER | SWNW | Sec 3 | Twp 09S | Rge 16E | JEROME County |

**PLACE OF USE: DOMESTIC**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: STOCKWATER**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 16E | 3   |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

- Domestic use is for 1 home within the SWNW, S3, T9S, R16E.
- Rights 36-10845 and 36-8478 when combined shall not exceed a total diversion rate of 0.42 cfs and a total annual maximum diversion volume of 36.7 af.
- Rights 36-10845, 36-16196, 36-16198, and 36-8478 when combined shall not exceed a total diversion rate of 0.71 cfs and a total diversion volume of 89.7 afa except as modified below.
- The total instantaneous diversion of water from all points of diversion under Rights 36-10845, 36-16196, 36-16198 and 36-8478 shall not exceed 0.71 cfs, nor a total combined annual volume of 89.7 afa except as modified below.

Transfer No. 79202

**WATER RIGHT NO. 36-10845**  
**As Modified by Transfer No. 79202**

**CONDITIONS OF APPROVAL**

5. Beginning on the date of approval of Transfer 71004, Rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2004 the rights are limited to 64.2 afa.  
Year 2005 the rights are limited to 78.6 afa.  
Year 2006 through 2007 the rights are limited to 82.2 afa.  
Year 2008 through 2012 the rights are limited to 88.3 afa.  
Year 2013 through 2017 the rights are limited to 90.1 afa.  
Year 2018 through 2022 the rights are limited to 91.9 afa.  
Year 2023 through 2031 the rights are limited to 93.1 afa.  
Year 2032 through 2042 the rights are limited to 94.3 afa.  
Year 2043 and beyond the rights are limited to 96.1 afa.

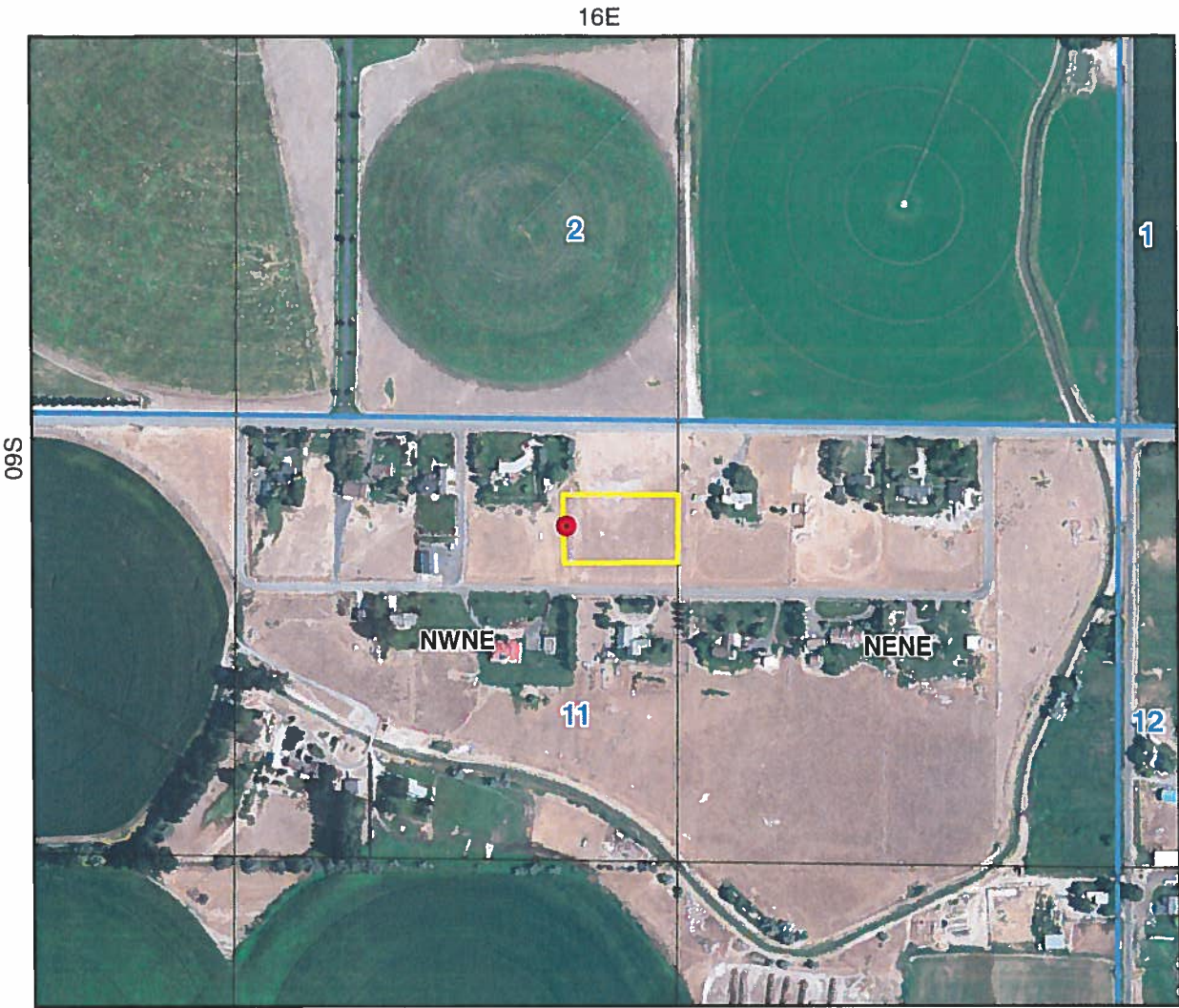
As a result of the approval of Transfer 79202, rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume.

Year 2014 through 2017 the rights are limited to 83.7 afa.  
Year 2018 through 2022 the rights are limited to 85.5 afa.  
Year 2023 through 2031 the rights are limited to 86.7 afa.  
Year 2032 through 2042 the rights are limited to 87.9 afa.  
Year 2043 and beyond the rights are limited to 89.7 afa.

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. 130.
7. Prior to the diversion and use of water under Transfer approval 71004, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
11. 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.

State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79202**  
Right: 36-17016

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



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

0 0.05 0.1 0.2 Miles

