

**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
COMBINED TOTALS		0.050 cfs	6.4 af	0.0	1.6		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-8478

Transfer No. 79202

SCANNED

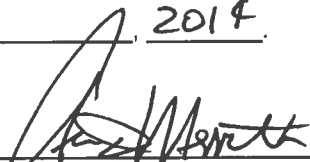
JUN 09 2014

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 29th 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

	From	To	Diversion Rate	Diversion Volume
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

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

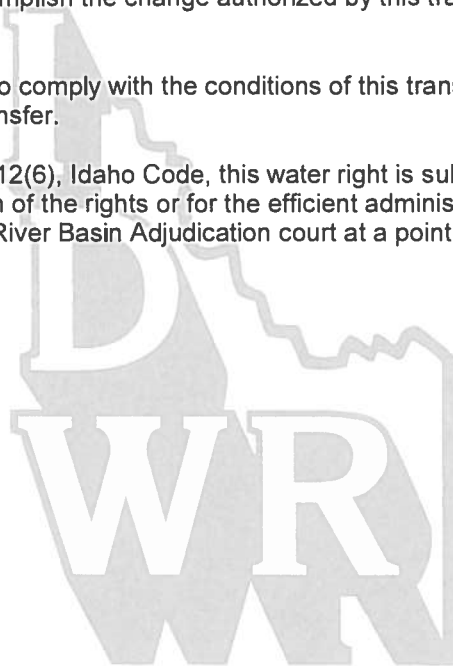
1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water 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.



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.

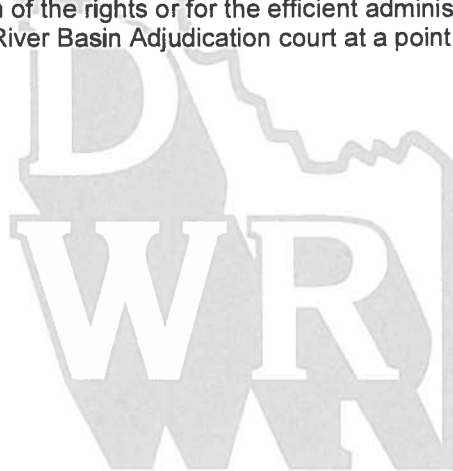
Year 2043 and beyond the rights are limited to 89.7 afa.

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.
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.

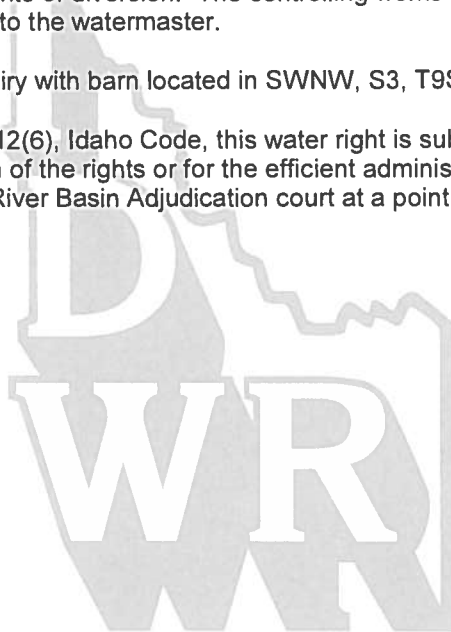
Year 2014 through 2017 the rights are limited to 83.7 afa.
Year 2018 through 2022 the rights are limited to 85.5 afa.
Year 2023 through 2031 the rights are limited to 86.7 afa.
Year 2032 through 2042 the rights are limited to 87.9 afa.
Year 2043 and beyond the rights are limited to 89.7 afa.

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. 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.

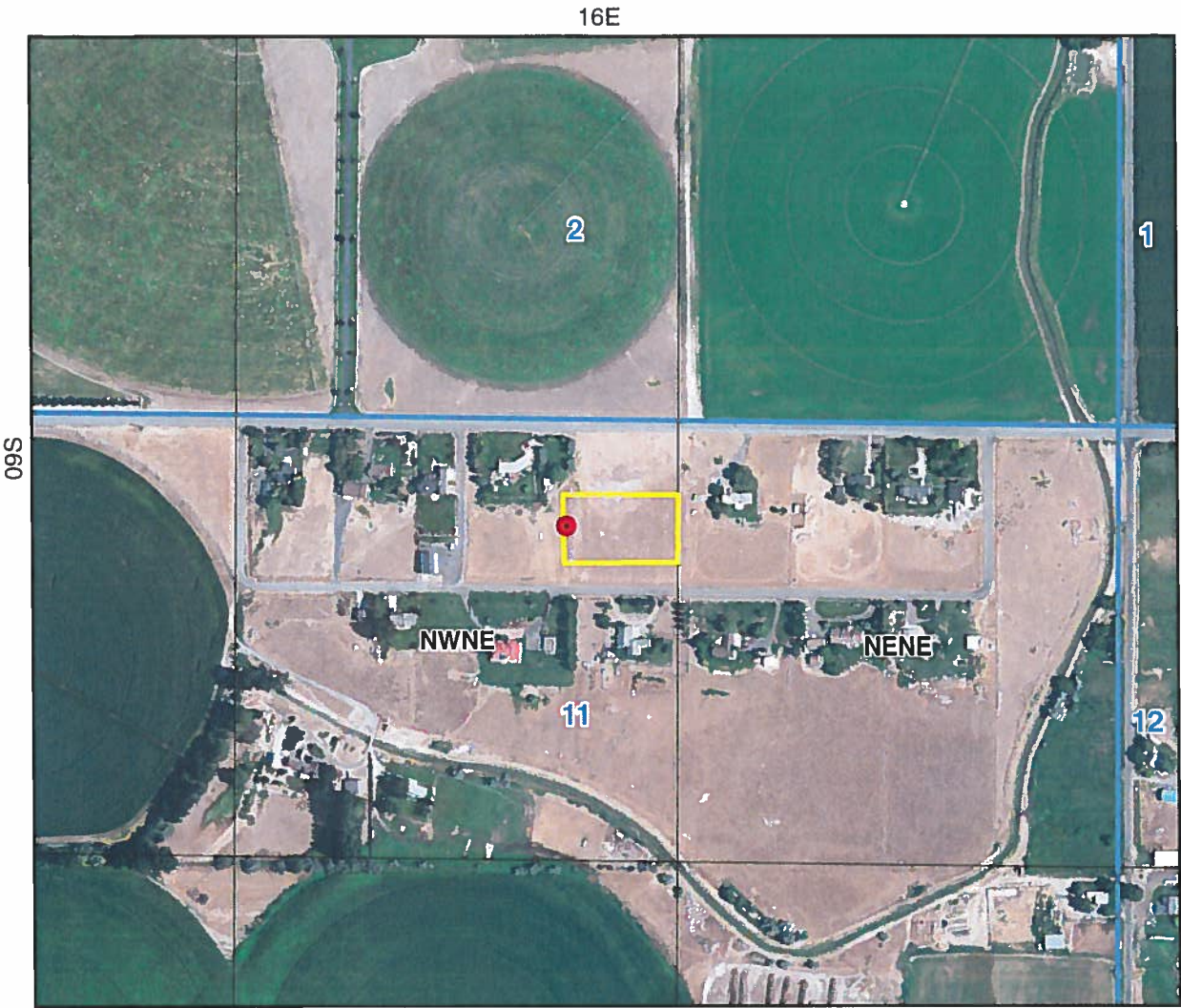
As a result of the approval of Transfer 79202, rights 36-16196, 36-16198, 36-10845 and 36-8478 when combined are limited to the following schedule of allowed diversion volume.

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.

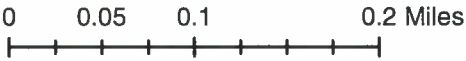
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
7. Prior to the diversion and use of water under Transfer 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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 2, 2014

TSK ENTERPRISES LLC
C/O GARY FUNDERBERG
255 BLUE LAKES BLVD PMB 617
TWIN FALLS ID 83301

Re: Transfer No: 79202
Water Right No(s): 36-8478, 36-10845 , 36-16196 , 36-16198

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with the first name "Allen" written in a smaller, more compact script than the last name "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

JASON C. HELMS P.E.
6755 N ALBERT LANE
IDAHO FALLS ID 83401

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79202

Water Right No(s): 36-8478, 36-10845 , 36-16196 , 36-16198

**TSK ENTERPRISES LLC
C/O GARY FUNDERBERG
255 BLUE LAKES BLVD PMB 617
TWIN FALLS ID 83301**

**JASON C. HELMS P.E.
6755 N ALBERT LANE
IDAHO FALLS ID 83401**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
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.



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 2, 2014

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

Hand-delivered

Re: **APPROVED Transfer No. 79202 (TSK Enterprises LLC)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 79202
Water Right No: 368478
Applicant Name: TSK Enterprises (Baar to DeJong)

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

Total acreage is below measurement threshold and measurement will not be required by water district.

Dated: May 14, 2014

Water District 130



Cindy J Yenter, Watermaster

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

RECEIVED
MAY 09 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 1st day of May, 2014 and ending with the issue dated 8th day of May, 2014

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 8th day of May, 2014, before me,

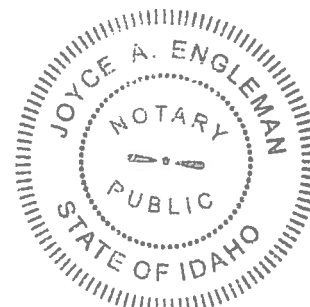
a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce A. Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho

My commission expires: 6/28/19

✓ OK DM
5/14/2014



✓ The following application(s) have been filed to appropriate the public waters of the State of Idaho:

45-14456

ALBION 12 INVESTMENTS LLC

7595 EAST McDONALD DR #130

SCOTTSDALE, AZ 85250

Point of Diversion SWSNW S21 T12S R25E CASSIA County

Source HOWELL CREEK Tributary MARSH CREEK

Use: GROUNDWATER RECHARGE

01/01 to 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 4/7/2014

Place Of Use: GROUND WATER RECHARGE

T12S R25E S21 SWNW SENW

Application intends to divert 2.00 cfs from Howell Creek for the purpose of groundwater recharge from a point of diversion located approximately 1.7 miles east and 3.27 miles south of Albion, Idaho. The water will be diverted into constructed recharge basins located approximately 1.4 to 1.83 miles east, and 3.2 to 3.28 miles south of Albion.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79202

✓ **TSK ENTERPRISES LLC, C/O GARY FUNDERBERG, 255 BLUE LAKES BLVD PMB 617, TWIN FALLS, ID 83301;** has filed Application No. 79202 for changes to the following water rights within JEROME County(s): Right No(s). 36-8478. The purpose of the transfer is to change a portion of the above rights as follows: This application intends to change the place of use, period of use, point of diversion, and nature of use for a 0.06 cfs portion of water right 36-8478. The right is currently used for year round stockwater and commercial use at a dairy, located approximately 3.0 to 3.5 miles south and 2.5 to 3.0 miles west of the center of Jerome. The application proposes changing the use to irrigation (period of use from 3/15 to 11/15) with a proposed place of use and new point of diversion (an existing well) located approximately 4.0 miles south and 1.3 miles west of the center of Jerome.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79270

✓ **SIX S RANCH LLC, 1354 E SIX S RANCH RD, DECLO, ID 83323;** has filed Application No. 79270 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14376, 45-2625, 45-7021. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding two new points of diversion to three groundwater rights used to irrigate up to 770.8 acres on the main Six S Ranch property located east of Declo. The new points of diversion will consist of two new wells to be drilled with both of the wells being located approximately 5.1 miles east of the 100 South and Highway 77 intersection in Declo. The application indicates that no more than 2.23 cfs will be diverted from the two new wells.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**
TRANSFER NO. 79190

SUN VALLEY CO, A WYOMING CORP, PO BOX 10, SUN VALLEY, ID 83353; has filed Application No. 79190 for changes to the following water rights within BLAINE County(s): Right No (s). 37-415, 37-416. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to change the place of use for irrigation use of water rights 37-415 and 37-416 from subdivided and developed lands of the original farm and resort to new irrigation of recent golf course development on the ridge west of Trail Creek. The rights were decreed for 22.2 cfs and 516.3 acres of irrigation along with 9.3 cfs of water for aesthetic and wildlife use within a 628.6 acre area that included Sun Valley Resort lands and some or all of approximately 17 subdivisions, including but not limited to the various Fairway, Prospector, Trail Creek, East Lake Subdivisions and New Villager, Dollar Meadows and Cottonwood Condominiums. The proposed 516.3 acre irrigation place of use are part of Sun Valley Resort, northeast of Ketchum along Trail Creek, but also include some of the above subdivisions and additional other lots, condominium areas and subdivisions. Published in the Idaho Mountain Express on April 30th & May 7th; and the Times News, Idaho Statesman, Post Register and Lewiston Tribune on May 1st & 8th, 2014.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before May 19, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: May 1 and 8, 2014

✓ OK DM 5/14/2014