

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

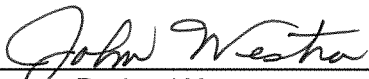
Transfer No. 78429IN FILE # 2-10238

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

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: 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

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.710 cfs

0.710 cfs

Diversion Volume

31.5 af

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2014

DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING ID 83639

Re: Transfer No. 78429
Water Right No's:
2-10238, 2-10239, 2-10240, 2-10241, 2-10242, 2-10243, 57-2254

Corrected Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Corrected Transfer of Water Rights.

The transfer approval issued on April 4, 2014 for water rights 02-10238 through 02-10243 listed 4 points of diversion in the same location. This was a data error. There should only be one point of diversion for each water right. The corrected one (1) point of diversion location should read:

L1(NWNW), Sec. 23, Twp.02N Rge. 04W, Owyhee County

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)334-2190.

Sincerely,


For:

John Westra
Western Regional Office

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No. 78429

Water Right No's:

2-10238, 2-10239, 2-10240, 2-10241, 2-10242, 2-10243, 57-2254

**DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING ID 83639**

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

A handwritten signature in cursive script, reading "Rachel Sommer", is positioned above a horizontal line.

**Rachel Sommer
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.