

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78602**

This is to certify that: **HOLLY FARMS, LTD., AN ARIZONA LIMITED PARTNERSHIP**
20051 W. HWY 85
BUCKEYE, AZ 85326

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>
37-2595	WR/DECREED	4/2/1957	1.000 cfs	396.0 af	135.0	840.6	GROUND WATER
37-563	WR/DECREED	5/30/1881	1.200 cfs	N/A	360.0	840.6	LITTLE WOOD RIVER
37-564	WR/DECREED	5/30/1882	1.200 cfs	N/A	360.0	840.6	LITTLE WOOD RIVER
37-565	WR/DECREED	12/31/1884	7.200 cfs	N/A	360.0	840.6	DRY CREEK
37-649	WR/DECREED	5/15/1883	1.500 cfs	N/A	N/A	177.2	LITTLE WOOD RIVER
37-650	WR/DECREED	5/15/1880	1.600 cfs	N/A	N/A	177.2	LITTLE WOOD RIVER
37-651	WR/DECREED	11/1/1884	0.600 cfs	N/A	N/A	177.2	LITTLE WOOD RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2595	NO	NO	YES	NO	NO	NO
37-563	NO	NO	YES	NO	NO	NO
37-564	NO	NO	YES	NO	NO	NO
37-565	NO	NO	YES	NO	NO	NO
37-649	NO	NO	YES	NO	NO	NO
37-650	NO	NO	YES	NO	NO	NO
37-651	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>
37-2595	37-2595	1.000 cfs	396.0 af	135.0	1191.5	N/A	N/A	N/A	N/A	N/A
37-563	37-563	1.200 cfs	N/A	360.0	1191.5	N/A	N/A	N/A	N/A	N/A
37-564	37-564	1.200 cfs	N/A	360.0	1191.5	N/A	N/A	N/A	N/A	N/A
37-565	37-565	7.200 cfs	N/A	360.0	1191.5	N/A	N/A	N/A	N/A	N/A
37-649	37-649	1.500 cfs	N/A	177.2	1191.5	N/A	N/A	N/A	N/A	N/A
37-650	37-650	1.600 cfs	N/A	177.2	1191.5	N/A	N/A	N/A	N/A	N/A
37-651	37-651	0.600 cfs	N/A	177.2	1191.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		14.300 cfs	N/A	672.2	1191.5		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 78602

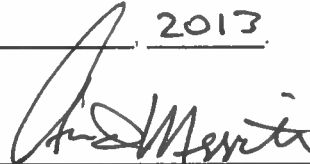
IN FILE # 37-563

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78602

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 12th day of September, 2013.



Southern Region Manager



WATER RIGHT NO. 37-649

As Modified by Transfer No. 78602

In accordance with the approval of Transfer No. 78602, Water Right No. 37-649 is now described as follows:

Right Holder: HOLLY FARMS, LTD., AN ARIZONA LIMITED PARTNERSHIP
20051 W. HWY 85
BUCKEYE, AZ 85326

Priority Date: 5/15/1883

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

BENEFICIAL USE
IRRIGATION

From **To** **Diversion Rate**
04/15 to 10/31 1,500 cfs
1,500 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER NWSWSE Sec 30 Twp 01N Rge 21E BLAINE 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	
01S	20E	13	39.0	34.0	8.3	35.0									8.7				125.0
			L 1			L 2									L 3				
01S	21E	17																18.0	18.0
01S	21E	18									33.0	46.0	40.0				12.0		131.0
											L 3	L 4							
01S	21E	19	17.0	36.0	37.0	40.0	40.0	28.0	8.6	16.0					17.0	0.7			240.3
								L 1	L 2										
01S	21E	20	30.0	8.6	40.0	40.0	15.0	15.0	40.0	40.0	40.0	40.0	19.0	24.0	40.0	40.0	16.0	13.0	460.6
01S	21E	21						22.0	39.0	3.6	34.0	36.0	12.0	40.0			30.0		216.6

Right Acre Limit: 177.2

POU Total Acres: 1191.5

CONDITIONS OF APPROVAL

1. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined are limited to the irrigation of a specific 672.2 acres within the 1191.5 acre place of use authorized by this right in a single irrigation season. The specific 672.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 672.2 acres to be irrigated within the 1191.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. Water is delivered through West Canal.

WATER RIGHT NO. 37-649
As Modified by Transfer No. 78602

CONDITIONS OF APPROVAL

3. 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. 37N.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Use of this right is combined with water from Little Wood River Irrigation Dist.
7. This right is limited to the irrigation of 177.2 acres within the authorized place of use in a single irrigation season.
8. Rights 37-649, 37-650 and 37-651 when combined shall not exceed the irrigation of 177.2 acres.
9. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined shall not exceed a total diversion rate of 14.3 cfs, and the irrigation of 672.2 acres.
10. The right holder shall accomplish the change authorized by this transfer within one 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. 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. 37-650**As Modified by Transfer No. 78602**

In accordance with the approval of Transfer No. 78602, Water Right No. 37-650 is now described as follows:

Right Holder: HOLLY FARMS, LTD., AN ARIZONA LIMITED PARTNERSHIP
20051 W. HWY 85
BUCKEYE, AZ 85326

Priority Date: 5/15/1880

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	1.600 cfs
STOCKWATER	04/15	to 10/31	0.140 cfs
			1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER NWSWSE Sec 30 Twp 01N Rge 21E BLAINE 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	
01S	20E	13	39.0	34.0	8.3	35.0									8.7				125.0
			L 1			L 2									L 3				
01S	21E	17																18.0	18.0
01S	21E	18										33.0	46.0	40.0			12.0		131.0
												L 3	L 4						
01S	21E	19	17.0	36.0	37.0	40.0	40.0	28.0	8.6	16.0					17.0	0.7			240.3
								L 1	L 2										
01S	21E	20	30.0	8.6	40.0	40.0	15.0	15.0	40.0	40.0	40.0	40.0	19.0	24.0	40.0	40.0	16.0	13.0	460.6
01S	21E	21						22.0	39.0	3.6	34.0	36.0	12.0	40.0			30.0		216.6

Right Acre Limit: 177.2

POU Total Acres: 1191.5

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	21E	21							X	X	X	X	X	X			X		

WATER RIGHT NO. 37-650
As Modified by Transfer No. 78602

CONDITIONS OF APPROVAL

1. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined are limited to the irrigation of a specific 672.2 acres within the 1191.5 acre place of use authorized by this right in a single irrigation season. The specific 672.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 672.2 acres to be irrigated within the 1191.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. Water is delivered through West Canal.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. Use of this right is combined with water from Little Wood River Irrigation Dist.
5. This right is limited to the irrigation of 177.2 acres within the authorized place of use in a single irrigation season.
6. Rights 37-649, 37-650 and 37-651 when combined shall not exceed the irrigation of 177.2 acres.
7. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined shall not exceed a total diversion rate of 14.3 cfs, and the irrigation of 672.2 acres.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37N.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. The right holder shall accomplish the change authorized by this transfer within one 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. 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. 37-651**As Modified by Transfer No. 78602**

In accordance with the approval of Transfer No. 78602, Water Right No. 37-651 is now described as follows:

Right Holder: HOLLY FARMS, LTD., AN ARIZONA LIMITED PARTNERSHIP
20051 W. HWY 85
BUCKEYE, AZ 85326

Priority Date: 11/1/1884

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.600 cfs

0.600 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER

NWSWSE

Sec 30 Twp 01N Rge 21E BLAINE 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	
01S	20E	13	39.0	34.0	8.3	35.0									8.7				125.0
			L 1			L 2									L 3				
01S	21E	17																18.0	18.0
01S	21E	18										33.0	46.0	40.0			12.0		131.0
												L 3	L 4						
01S	21E	19	17.0	36.0	37.0	40.0	40.0	28.0	8.6	16.0					17.0	0.7			240.3
								L 1	L 2										
01S	21E	20	30.0	8.6	40.0	40.0	15.0	15.0	40.0	40.0	40.0	40.0	19.0	24.0	40.0	40.0	16.0	13.0	460.6
01S	21E	21						22.0	39.0	3.6	34.0	36.0	12.0	40.0			30.0		216.6

Right Acre Limit: 177.2

POU Total Acres: 1191.5

CONDITIONS OF APPROVAL

1. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined are limited to the irrigation of a specific 672.2 acres within the 1191.5 acre place of use authorized by this right in a single irrigation season. The specific 672.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 672.2 acres to be irrigated within the 1191.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. Water is delivered through West Canal.
3. Use of this right is combined with water from Little Wood River Irrigation Dist.

Transfer No. 78602

WATER RIGHT NO. 37-651
As Modified by Transfer No. 78602

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 177.2 acres within the authorized place of use in a single irrigation season.
5. Rights 37-649, 37-650 and 37-651 when combined shall not exceed the irrigation of 177.2 acres.
6. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined shall not exceed a total diversion rate of 14.3 cfs, and the irrigation of 672.2 acres.
7. 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. 37N.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one 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. 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. 37-2595
As Modified by Transfer No. 78602

In accordance with the approval of Transfer No. 78602, Water Right No. 37-2595 is now described as follows:

Right Holder: HOLLY FARMS, LTD., AN ARIZONA LIMITED PARTNERSHIP
 20051 W. HWY 85
 BUCKEYE, AZ 85326

Priority Date: 4/2/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	1.000 cfs	396.0 af
			1.000 cfs	396.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWNE Sec 19 Twp 01S Rge 21E BLAINE 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	
01S	20E	13	39.0	34.0	8.3	35.0									8.7				125
			L 1			L 2									L 3				
01S	21E	17																18.0	18
01S	21E	18									33.0	46.0	40.0				12.0		131
											L 3	L 4							
01S	21E	19	17.0	36.0	37.0	40.0	40.0	28.0	8.6	16.0					17.0	0.7			240.3
								L 1	L 2										
01S	21E	20	30.0	8.6	40.0	40.0	15.0	15.0	40.0	40.0	40.0	40.0	19.0	24.0	40.0	40.0	16.0	13.0	460.6
01S	21E	21						22.0	39.0	3.6	34.0	36.0	12.0	40.0			30.0		216.6

Right Acre Limit: 135.0

POU Total Acres: 1191.5

CONDITIONS OF APPROVAL

1. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Transfer No. 78602

WATER RIGHT NO. 37-2595

As Modified by Transfer No. 78602

CONDITIONS OF APPROVAL

3. If the surface water rights appurtenant to the place of use are abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined are limited to the irrigation of a specific 672.2 acres within the 1191.5 acre place of use authorized by this right in a single irrigation season. The specific 672.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 672.2 acres to be irrigated within the 1191.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. Prior to the diversion and use of water under Transfer approval 78602, the right holder shall install and maintain an acceptable measuring device at the authorized point 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. This right is limited to the irrigation of 135 acres within the authorized place of use in a single irrigation season.
8. Rights 37-563, 37-564, 37-565 and 37-2595 when combined shall not exceed the irrigation of 495 acres.
9. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined shall not exceed a total diversion rate of 14.3 cfs, and the irrigation of 672.2 acres.
10. The right holder shall accomplish the change authorized by this transfer within one 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. 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. 37-565**As Modified by Transfer No. 78602**

In accordance with the approval of Transfer No. 78602, Water Right No. 37-565 is now described as follows:

Right Holder: HOLLY FARMS, LTD., AN ARIZONA LIMITED PARTNERSHIP
20051 W. HWY 85
BUCKEYE, AZ 85326

Priority Date: 12/31/1884

Source: DRY CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

7.200 cfs

7.200 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK
DRY CREEK

NENWNE
SEWNNE

Sec 13 Twp 01S Rge 20E BLAINE County
Sec 19 Twp 01S Rge 21E BLAINE 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	
01S	20E	13	39.0	34.0	8.3	35.0									8.7				125
			L 1			L 2									L 3				
01S	21E	17																18.0	18
01S	21E	18											33.0	46.0	40.0		12.0		131
												L 3	L 4						
01S	21E	19	17.0	36.0	37.0	40.0	40.0	28.0	8.6	16.0					17.0	0.7			240.3
								L 1	L 2										
01S	21E	20	30.0	8.6	40.0	40.0	15.0	15.0	40.0	40.0	40.0	40.0	19.0	24.0	40.0	40.0	16.0	13.0	460.6
01S	21E	21						22.0	39.0	3.6	34.0	36.0	12.0	40.0			30.0		216.6

Right Acre Limit: 360.0

POU Total Acres: 1191.5

CONDITIONS OF APPROVAL

1. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined are limited to the irrigation of a specific 672.2 acres within the 1191.5 acre place of use authorized by this right in a single irrigation season. The specific 672.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 672.2 acres to be irrigated within the 1191.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. This right is limited to the irrigation of 360 acres within the authorized place of use in a single irrigation season.

Transfer No. 78602

WATER RIGHT NO. 37-565
As Modified by Transfer No. 78602

CONDITIONS OF APPROVAL

3. Rights 37-563, 37-564, and 37-565 when combined shall not exceed the irrigation of 360 acres.
4. Rights 37-563, 37-564, 37-565 and 37-2595 when combined shall not exceed the irrigation of 495 acres.
5. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined shall not exceed a total diversion rate of 14.3 cfs, and the irrigation of 672.2 acres.
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. 37N.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

WATER RIGHT NO. 37-563**As Modified by Transfer No. 78602**

In accordance with the approval of Transfer No. 78602, Water Right No. 37-563 is now described as follows:

Right Holder: HOLLY FARMS, LTD., AN ARIZONA LIMITED PARTNERSHIP
20051 W. HWY 85
BUCKEYE, AZ 85326

Priority Date: 5/30/1881

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To
to 10/31

Diversion Rate

1.200 cfs

1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER

NWSWSE

Sec 30 Twp 01N Rge 21E BLAINE 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	
01S	20E	13	39.0	34.0	8.3	35.0									8.7				125
			L 1			L 2									L 3				
01S	21E	17																18.0	18
01S	21E	18									33.0	46.0	40.0				12.0		131
											L 3	L 4							
01S	21E	19	17.0	36.0	37.0	40.0	40.0	28.0	8.6	16.0					17.0	0.7			240.3
								L 1	L 2										
01S	21E	20	30.0	8.6	40.0	40.0	15.0	15.0	40.0	40.0	40.0	40.0	19.0	24.0	40.0	40.0	16.0	13.0	460.6
01S	21E	21						22.0	39.0	3.6	34.0	36.0	12.0	40.0			30.0		216.6

Right Acre Limit: 360.0

POU Total Acres: 1191.5

CONDITIONS OF APPROVAL

1. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined are limited to the irrigation of a specific 672.2 acres within the 1191.5 acre place of use authorized by this right in a single irrigation season. The specific 672.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 672.2 acres to be irrigated within the 1191.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. Water is delivered through West Canal.
3. Use of this right is combined with water from Little Wood River Irrigation Dist.

Transfer No. 78602

WATER RIGHT NO. 37-563
As Modified by Transfer No. 78602

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 360 acres within the authorized place of use in a single irrigation season.
5. Rights 37-563, 37-564 and 37-565 when combined shall not exceed the irrigation of 360 acres.
6. Rights 37-563, 37-564, 37-565 and 37-2595 when combined shall not exceed the irrigation of 495 acres.
7. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined shall not exceed a total diversion rate of 14.3 cfs, and the irrigation of 672.2 acres.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37N.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. The right holder shall accomplish the change authorized by this transfer within one 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. 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. 37-564**As Modified by Transfer No. 78602**

In accordance with the approval of Transfer No. 78602, Water Right No. 37-564 is now described as follows:

Right Holder: HOLLY FARMS, LTD., AN ARIZONA LIMITED PARTNERSHIP
20051 W. HWY 85
BUCKEYE, AZ 85326

Priority Date: 5/30/1882

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

1.200 cfs

1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER

NWSWSE

Sec 30 Twp 01N Rge 21E BLAINE 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	
01S	20E	13	39.0	34.0	8.3	35.0									8.7				125.0
			L 1			L 2									L 3				
01S	21E	17																18.0	18.0
01S	21E	18											33.0	46.0	40.0		12.0		131.0
													L 3	L 4					
01S	21E	19	17.0	36.0	37.0	40.0	40.0	28.0	8.6	16.0					17.0	0.7			240.3
								L 1	L 2										
01S	21E	20	30.0	8.6	40.0	40.0	15.0	15.0	40.0	40.0	40.0	40.0	19.0	24.0	40.0	40.0	16.0	13.0	460.6
01S	21E	21						22.0	39.0	3.6	34.0	36.0	12.0	40.0			30.0		216.6

Right Acre Limit: 360.0

POU Total Acres: 1191.5

CONDITIONS OF APPROVAL

1. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined are limited to the irrigation of a specific 672.2 acres within the 1191.5 acre place of use authorized by this right in a single irrigation season. The specific 672.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 672.2 acres to be irrigated within the 1191.5 place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. Water is delivered through West Canal.
3. Use of this right is combined with water from Little Wood River Irrigation Dist.

Transfer No. 78602

WATER RIGHT NO. 37-564
As Modified by Transfer No. 78602

CONDITIONS OF APPROVAL

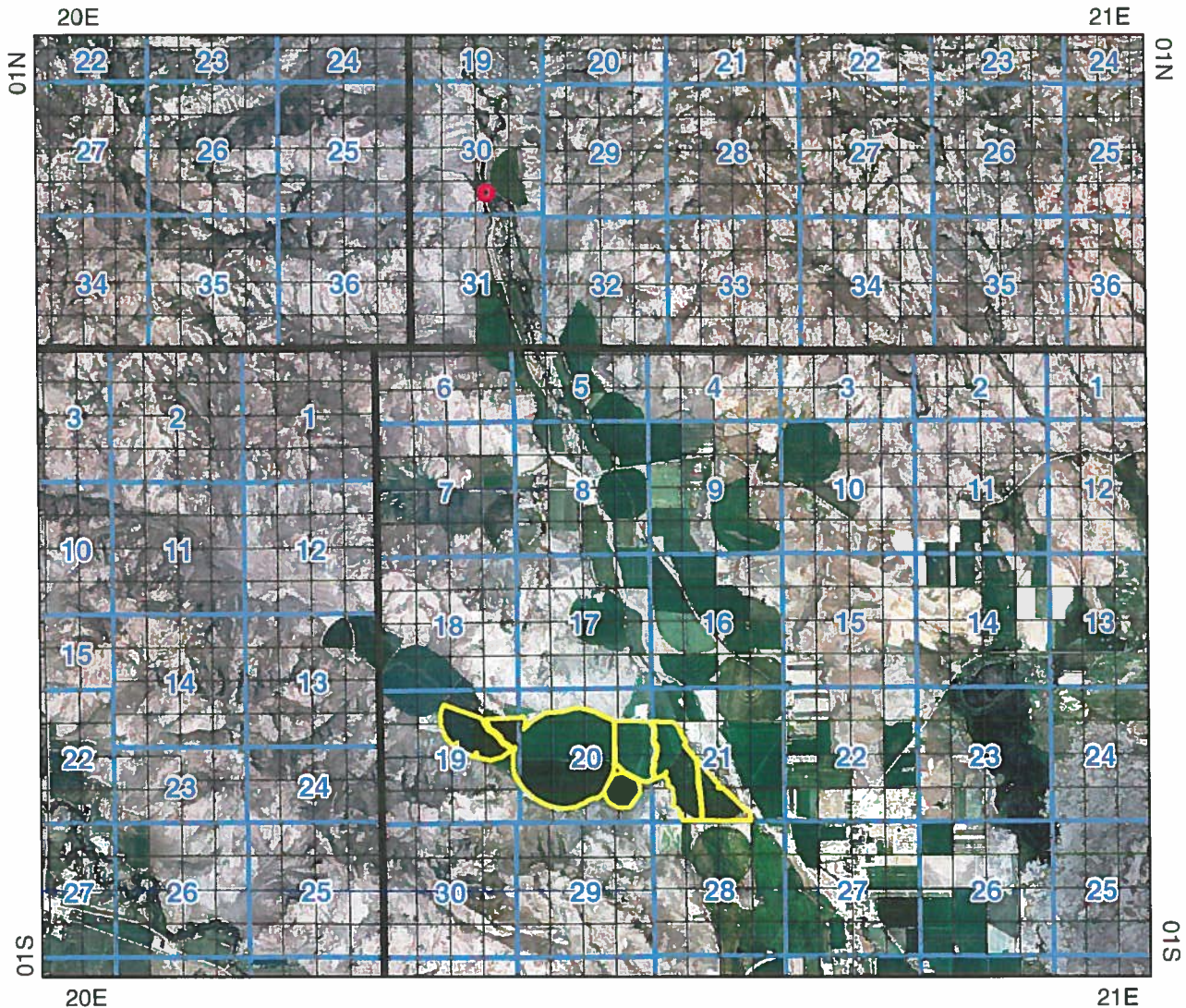
4. This right is limited to the irrigation of 360 acres within the authorized place of use in a single irrigation season.
5. Rights 37-563, 37-564 and 37-565 when combined shall not exceed the irrigation of 360 acres.
6. Rights 37-563, 37-564, 37-565 and 37-2595 when combined shall not exceed the irrigation of 495 acres.
7. Rights 37-563, 37-564, 37-565, 37-649, 37-650, 37-651 and 37-2595 when combined shall not exceed a total diversion rate of 14.3 cfs, and the irrigation of 672.2 acres.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37N.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. The right holder shall accomplish the change authorized by this transfer within one 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. 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. 78602

Rights: 37-563, 37-564, 37-649, 37-650 and 37-651

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 0.75 1.5 3 Miles

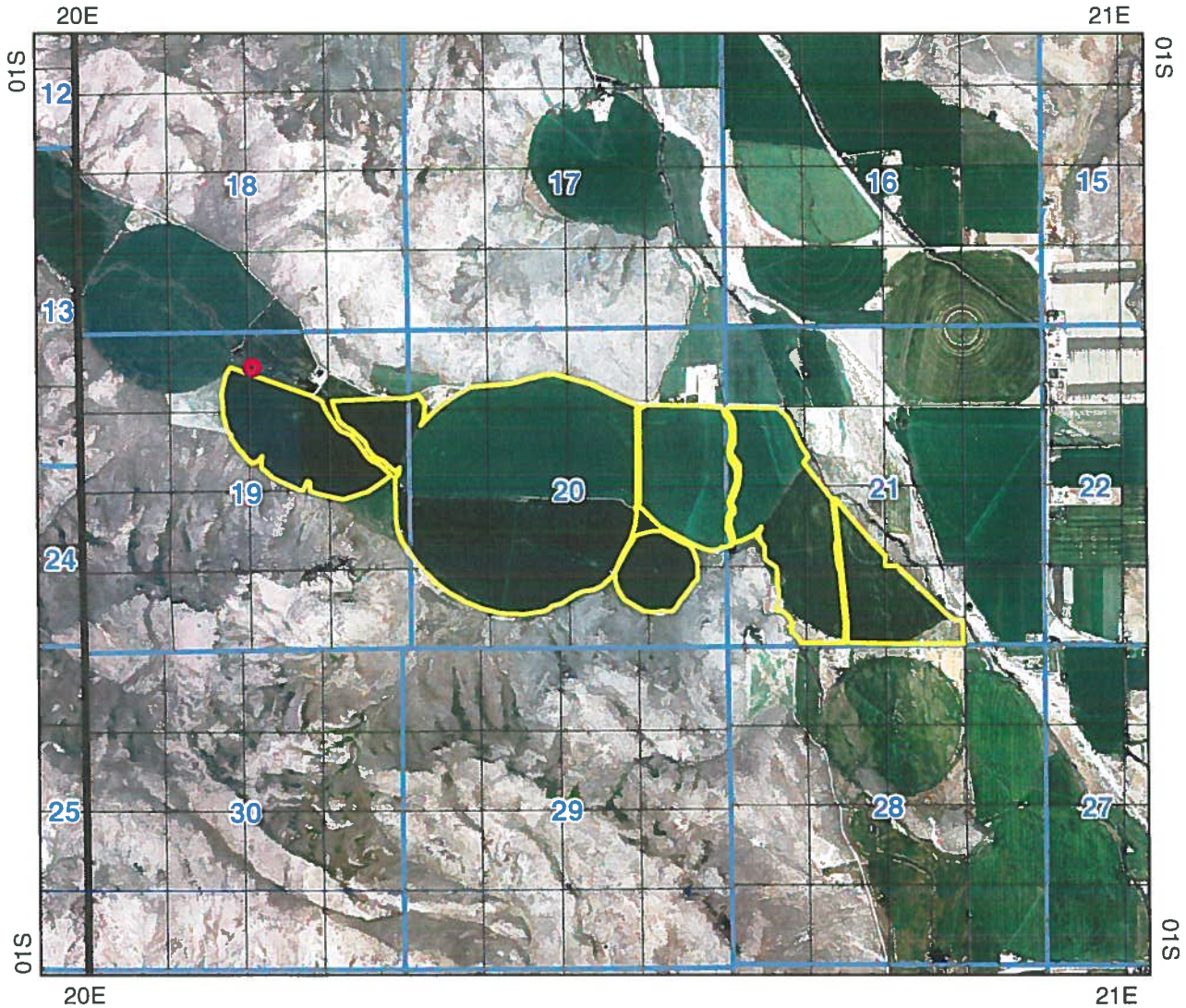


State of Idaho
Department of Water Resources

Attachment To Transfer No. 78602

Right: 37-2595

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.



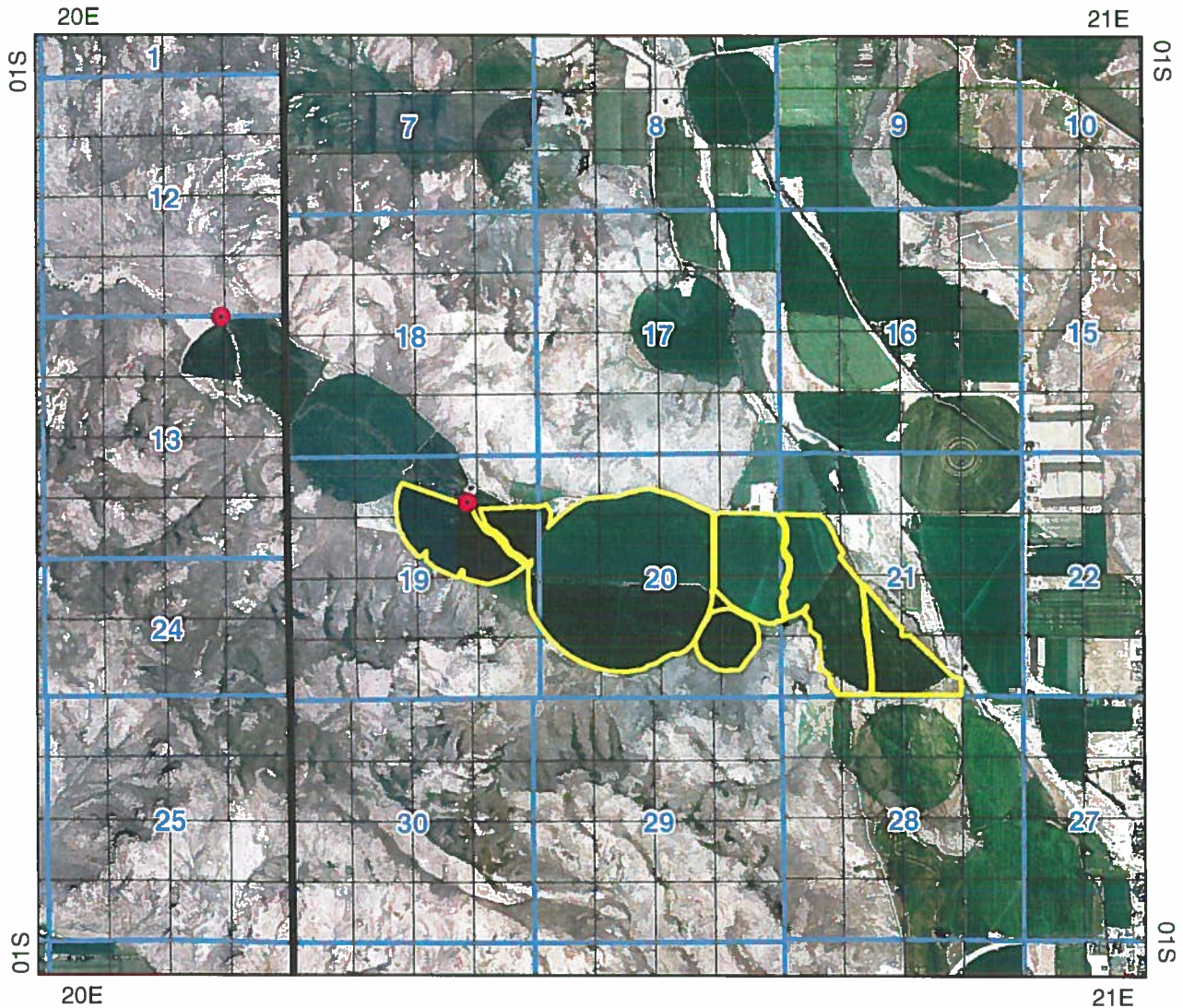
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.35 0.7 1.4 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 78602
Right: 37-565

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 0.475 0.95 1.9 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2013

HOLLY FARMS LTD. AN ARIZONA LIMITED PARTNERSHIP
20051 W. HWY 85
BUCKEYE AZ 85326

Re: Transfer No: 78602
Water Right No(s): 37-563, 37-564, 37-565, 37-649, 37-650, 37-651, 37-2595

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 a large initial "A" and "M".

Allen Merritt
Southern Region Manager

Enclosure

cc:

EVAN ROBERTSON
ROBERTSON & SLETTE PLLC
134 THIRD AVENUE EAST
PO BOX 1906
TWIN FALLS ID 83303-1906

CERTIFICATE OF SERVICE

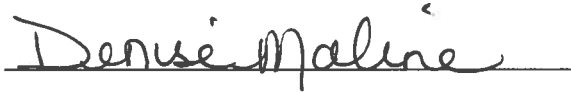
I hereby certify that on September 13, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78602

Water Right No(s): 37-563, 37-564, 37-565, 37-649, 37-650, 37-651, 37-2595

**HOLLY FARMS LTD. AN ARIZONA LIMITED PARTNERSHIP
20051 W. HWY 85
BUCKEYE AZ 85326**

**EVAN ROBERTSON
ROBERTSON & SLETTE PLLC
134 THIRD AVENUE EAST
PO BOX 1906
TWIN FALLS ID 83303-1906**

A handwritten signature in dark ink, 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.

Maline, Denise

From: Maline, Denise
Sent: Friday, September 13, 2013 11:40 AM
To: 'careywater@frontier.com'
Subject: Copy of approved transfer 78602 for Holly Farms
Attachments: Approved Transfer 78602.pdf

Dear Mr. Simpson,

Attached is a copy of an Approved Transfer within your district. Please feel free to contact our office if you have any questions regarding the attached information.

Sincerely,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov