

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78665**

This is to certify that: **GEHRING FARMS**
3648 GEHRING RD
AMERICAN FALLS, ID 83211

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>
35-8163	WR/LICENSE	6/17/1983	2.490 cfs	497.6 af	124.4	614.3	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>
35-2854	WR/DECREED	11/30/1966	3.750 cfs	919.6 af	229.9	613.3	GROUND WATER
35-7179	WR/DECREED	7/6/1971	4.500 cfs	900.0 af	225.0	613.3	GROUND WATER
35-14025	WR/DECREED	6/17/1983	0.170 cfs	N/A	35.0	613.3	GROUND WATER
35-14027	WR/DECREED	3/16/1979	0.500 cfs	N/A	35.0	613.3	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>
35-8163	NO	NO	NO	YES	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>
35-8163	35-8163	2.490 cfs	495.6 af	123.4	613.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.490 cfs	495.6 af	123.4	613.3		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 35-8163

Transfer No. 78665

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78665

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 5th day of August, 2013.


Water Resources Program Manager

WATER RIGHT NO. 35-8163**As Modified by Transfer No. 78665**

In accordance with the approval of Transfer No. 78665, Water Right No. 35-8163 is now described as follows:

Right Holder: GEHRING FARMS
3648 GEHRING RD
AMERICAN FALLS, ID 83211

Priority Date: 6/17/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.470 cfs	493.6 af
INDUSTRIAL	01/01	to 12/31	0.020 cfs	2.0 af
			2.490 cfs	495.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSWNW	Sec 12 Twp 07S Rge 29E	POWER County
GROUND WATER	SENENW	Sec 12 Twp 07S Rge 29E	POWER County
GROUND WATER	SWSWNW	Sec 12 Twp 07S Rge 29E	POWER County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	12							X										
07S	29E	12																	

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	
07S	29E	11	38.0	39.0		39.0	39.0	35.0											190.0
07S	29E	12	40.0	30.9	40.0	40.0	32.0	39.0	38.0	39.0									298.9
07S	30E	7					27.2	17.2	40.0	40.0									124.4

Right Acre Limit: 123.4

POU Total Acres: 613.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 123.4 acres within the place of use described above in a single irrigation season.
2. Rights 35-8163, 35-2854 and 35-7179 when combined shall not exceed a total diversion rate of 9.72 cfs and the irrigation of 578.3 acres.

Transfer No. 78665

WATER RIGHT NO. 35-8163
As Modified by Transfer No. 78665

CONDITIONS OF APPROVAL

3. Rights 35-8163, 35-7179, 35-2854, 35-14025 and 35-14027 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2455.2 af, and the irrigation of 613.3 acres.
4. 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.
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. 120.
6. Prior to the diversion and use of water under Transfer approval 78665, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one 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.

WATER RIGHT NO. 35-2854**As Modified by Transfer No. 78665**

In accordance with the approval of Transfer No. 78665, Water Right No. 35-2854 is now described as follows:

Right Holder: GEHRING FARMS
3648 GEHRING RD
AMERICAN FALLS, ID 83211

Priority Date: 11/30/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	3.750 cfs	919.6 af
			3.750 cfs	919.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSWNW	Sec 12 Twp 07S Rge 29E	POWER County
GROUND WATER	SENENW	Sec 12 Twp 07S Rge 29E	POWER 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	
07S	29E	11	38.0	39.0		39.0	39.0	35.0											190.0
07S	29E	12	40.0	30.9	40.0	40.0	32.0	39.0	38.0	39.0									298.9
07S	30E	7					27.2	17.2	40.0	40.0									124.4

Right Acre Limit: 229.9

POU Total Acres: 613.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 229.9 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7179 and 35-2854 when combined shall not exceed a total diversion rate of 8.25 cfs, a total annual maximum diversion volume of 1819.6 af, and the irrigation of 454.9 acres.
3. Rights 35-2854, 35-8163 and 35-7179 when combined shall not exceed a total diversion rate of 9.72 cfs, and the irrigation of 578.3 acres.
4. Rights 35-2854, 35-7179, 35-8163, 35-14025 and 35-14027 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2455.2 af, and the irrigation of 613.3 acres.
5. 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.

Transfer No. 78665

WATER RIGHT NO. 35-2854

As Modified by Transfer No. 78665

CONDITIONS OF APPROVAL

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. 120.
7. Prior to the diversion and use of water under Transfer approval 77726, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 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. 35-7179**As Modified by Transfer No. 78665**

In accordance with the approval of Transfer No. 78665, Water Right No. 35-7179 is now described as follows:

Right Holder: GEHRING FARMS
3648 GEHRING RD
AMERICAN FALLS, ID 83211

Priority Date: 7/6/1971

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

4.500 cfs

4.500 cfs

Diversion Volume

900.0 af

900.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SENENW
NWSWNW

Sec 12 Twp 07S Rge 29E POWER County
Sec 12 Twp 07S Rge 29E POWER 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	
07S	29E	11	38.0	39.0		39.0	39.0	35.0											190.0
07S	29E	12	40.0	30.9	40.0	40.0	32.0	39.0	38.0	39.0									298.9
07S	30E	7					27.2	17.2	40.0	40.0									124.4

Right Acre Limit: 225.0

POU Total Acres: 613.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 225 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7179 and 35-2854 when combined shall not exceed a total diversion rate of 8.25 cfs, a total annual maximum diversion volume of 1819.6 af, and the irrigation of 454.9 acres.
3. Rights 35-7179, 35-2854 and 35-8163 when combined shall not exceed a total diversion rate of 9.72 cfs, and the irrigation of 578.3 acres.
4. Rights 35-7179, 35-2854, 35-8163, 35-14025 and 35-14027 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2455.2 af, and the irrigation of 613.3 acres.
5. 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.

Transfer No. 78665

WATER RIGHT NO. 35-7179

As Modified by Transfer No. 78665

CONDITIONS OF APPROVAL

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. 120.
7. Prior to the diversion and use of water under Transfer approval 77726, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 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. 35-14025**As Modified by Transfer No. 78665**

In accordance with the approval of Transfer No. 78665, Water Right No. 35-14025 is now described as follows:

Right Holder: GEHRING FARMS
3648 GEHRING RD
AMERICAN FALLS, ID 83211

Priority Date: 6/17/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.170 cfs	140.0 af
			0.170 cfs	

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSWNW	Sec 12 Twp 07S Rge 29E	POWER County
GROUND WATER	SENENW	Sec 12 Twp 07S Rge 29E	POWER 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	
07S	29E	11	38.0	39.0		39.0	39.0	35.0											190.0
07S	29E	12	40.0	30.9	40.0	40.0	32.0	39.0	38.0	39.0									298.9
07S	30E	7					27.2	17.2	40.0	40.0									124.4

Right Acre Limit: 35.0
POU Total Acres: 613.3

CONDITIONS OF APPROVAL

1. Rights 35-14025 and 35-14027 when combined shall not exceed a total annual maximum diversion volume of 140 af, and the irrigation of 35 acres.
2. Rights 35-14025, 35-7179, 35-2854, 35-8163 and 35-14027 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2455.2 af, and the irrigation of 613.3 acres.
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. 120.

WATER RIGHT NO. 35-14025
As Modified by Transfer No. 78665

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 77726, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and 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.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one 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. 35-14027
As Modified by Transfer No. 78665

In accordance with the approval of Transfer No. 78665, Water Right No. 35-14027 is now described as follows:

Right Holder: GEHRING FARMS
 3648 GEHRING RD
 AMERICAN FALLS, ID 83211

Priority Date: 3/15/1979 11:00:00 PM

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.500 cfs 0.500 cfs	140.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSWNW	Sec 12 Twp 07S Rge 29E POWER County
GROUND WATER	SENENW	Sec 12 Twp 07S Rge 29E POWER 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	
07S	29E	11	38.0	39.0		39.0	39.0	35.0											190.0
07S	29E	12	40.0	30.9	40.0	40.0	32.0	39.0	38.0	39.0									298.9
07S	30E	7					27.2	17.2	40.0	40.0									124.4

Right Acre Limit: 35.0
 POU Total Acres: 613.3

CONDITIONS OF APPROVAL

1. Rights 35-14027 and 35-14025 when combined shall not exceed a total annual maximum diversion volume of 140 af, and the irrigation of 35 acres.
2. Rights 35-14027, 35-7179, 35-2854, 35-8163 and 35-14025 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2455.2 af, and the irrigation of 613.3 acres.
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. 120.

WATER RIGHT NO. 35-14027
As Modified by Transfer No. 78665

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 77726, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and 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.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one 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.