

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78281

This is to certify that: **M & K PROPERTIES LLC AND
MOUNTAIN WEST SELECT
PO BOX 3853
IDAHO FALLS, ID 83403**

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>
17-2028	WR/LICENSE	7/30/1953	2.970 cfs	1078.1 af	394.0	1230.0	GROUND WATER
17-2030	WR/LICENSE	3/4/1954	2.080 cfs	402.5 af	115.0	1230.0	GROUND WATER
17-2045	WR/LICENSE	7/24/1959	4.030 cfs	626.4 af	385.0	1230.0	GROUND WATER
17-7007	WR/LICENSE	8/24/1970	8.000 cfs	2198.0 af	829.0	1230.0	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>
17-2028	NO	NO	YES	YES	NO	NO
17-2030	NO	NO	YES	YES	NO	NO
17-2045	NO	NO	YES	YES	NO	NO
17-7007	NO	NO	YES	YES	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>
17-2028	17-2028	2.970 cfs	1078.1 af	394.0	1230.0	N/A	N/A	N/A	N/A	N/A
17-2030	17-2030	2.080 cfs	402.5 af	115.0	1230.0	N/A	N/A	N/A	N/A	N/A
17-2045	17-2045	4.030 cfs	626.4 af	385.0	1230.0	N/A	N/A	N/A	N/A	N/A
17-7007	17-7007	8.000 cfs	2198.0 af	829.0	1230.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		16.530 cfs	4305.0 af	1230.0	1230.0		N/A	N/A	N/A	N/A

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 30th day of May, 2013.

SUPPORT DATA

Water Resources Program Manager

Transfer No. 78281

IN FILE # 17-2028

WATER RIGHT NO. 17-2028
As Modified by Transfer No. 78281

In accordance with the approval of Transfer No. 78281, Water Right No. 17-2028 is now described as follows:

Right Holder: M & K PROPERTIES LLC AND
MOUNTAIN WEST SELECT INC
PO BOX 3853
IDAHO FALLS, ID 83403

Priority Date: 7/30/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	2.970 cfs	1078.1 af
			2.970 cfs	1078.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 18 Twp 15S Rge 33E ONEIDA County
GROUND WATER	SWSE	Sec 7 Twp 15S Rge 33E ONEIDA County
GROUND WATER	SESW	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NWNE	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NENE	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NWNE	Sec 8 Twp 15S Rge 33E ONEIDA 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	
15S	33E	7	38.5	34.0	29.5	38.5	33.0	43.0	41.0	28.0	33.5	44.0	34.5	21.5	38.5	36.5	38.0	31.5	563.5
								L 1	L 2			L 3	L 4						
15S	33E	8	25.0	34.0	40.0	35.5	30.0	34.0	29.5	33.0	24.5	33.5	33.5	34.5	27.5	23.5	1.5	33.0	472.5
15S	33E	17					33.5	33.5											67
15S	33E	18	28.5	36.5			23.0	39.0											127
								L 1											

Right Acre Limit: 394.0

POU Total Acres: 1230.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 394.0 acres within the authorized place of use in a single irrigation season.
2. Rights 17-2028 and 17-2045 when combined shall not exceed the irrigation of 487.0 acres.
3. Rights 17-2028 and 17-7007 when combined shall not exceed the irrigation of 1022.0 acres.

WATER RIGHT NO. 17-2028
As Modified by Transfer No. 78281

CONDITIONS OF APPROVAL

4. Rights 17-2028, 17-2045 and 17-7007 when combined shall not exceed the irrigation of 1115.0 acres.
5. Rights 17-2028, 17-2030, 17-2045 and 17-7007 when combined shall not exceed a total diversion rate of 16.53 cfs and the irrigation of 1230.0 acres.
6. 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.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.

WATER RIGHT NO. 17-2045**As Modified by Transfer No. 78281**

In accordance with the approval of Transfer No. 78281, Water Right No. 17-2045 is now described as follows:

Right Holder: M & K PROPERTIES LLC AND
MOUNTAIN WEST SELECT INC
PO BOX 3853
IDAHO FALLS, ID 83403

Priority Date: 7/24/1959

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/15

To

to 10/15

Diversion Rate

4.030 cfs

4.030 cfs

Diversion Volume

626.4 af

626.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 18 Twp 15S Rge 33E ONEIDA County
GROUND WATER	SWSE	Sec 7 Twp 15S Rge 33E ONEIDA County
GROUND WATER	SESW	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NWNE	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NENE	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NWNE	Sec 8 Twp 15S Rge 33E ONEIDA 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	
15S	33E	7	38.5	34.0	29.5	38.5	33.0	43.0	41.0	28.0	33.5	44.0	34.5	21.5	38.5	36.5	38.0	31.5	563.5
								L 1	L 2			L 3	L 4						
15S	33E	8	25.0	34.0	40.0	35.5	30.0	34.0	29.5	33.0	24.5	33.5	33.5	34.5	27.5	23.5	1.5	33.0	472.5
15S	33E	17						33.5	33.5										67
15S	33E	18	28.5	36.5			23.0	39.0											127
								L 1											

Right Acre Limit: 385.0

POU Total Acres: 1230.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 385.0 acres within the authorized place of use in a single irrigation season.
2. Rights 17-2028 and 17-2045 when combined shall not exceed the irrigation of 487.0 acres.
3. Rights 17-2045 and 17-7007 when combined shall not exceed a total diversion rate of 11.48 cfs.

WATER RIGHT NO. 17-2045
As Modified by Transfer No. 78281

CONDITIONS OF APPROVAL

4. Rights 17-2028, 17-2045 and 17-7007 when combined shall not exceed the irrigation of 1115.0 acres.
5. Rights 17-2028, 17-2030, 17-2045 and 17-7007 when combined shall not exceed a total diversion rate of 16.53 cfs and the irrigation of 1230.0 acres.
6. 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.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.

WATER RIGHT NO. 17-2030**As Modified by Transfer No. 78281**

In accordance with the approval of Transfer No. 78281, Water Right No. 17-2030 is now described as follows:

Right Holder: MOUNTAIN WEST SELECT INC AND
M & K PROPERTIES LLC
PO BOX 3853
IDAHO FALLS, ID 83403

Priority Date: 3/4/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	2.080 cfs	402.5 af
			2.080 cfs	402.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 18 Twp 15S Rge 33E ONEIDA County
GROUND WATER	SWSE	Sec 7 Twp 15S Rge 33E ONEIDA County
GROUND WATER	SESW	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NWNE	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NENE	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NWNE	Sec 8 Twp 15S Rge 33E ONEIDA 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	
15S	33E	7	38.5	34.0	29.5	38.5	33.0	43.0	41.0	28.0	33.5	44.0	34.5	21.5	38.5	36.5	38.0	31.5	563.5
								L 1	L 2			L 3	L 4						
15S	33E	8	25.0	34.0	40.0	35.5	30.0	34.0	29.5	33.0	24.5	33.5	33.5	34.5	27.5	23.5	1.5	33.0	472.5
15S	33E	17					33.5	33.5											67
15S	33E	18	28.5	36.5			23.0	39.0											127
								L 1											

Right Acre Limit: 115.0

POU Total Acres: 1230.0

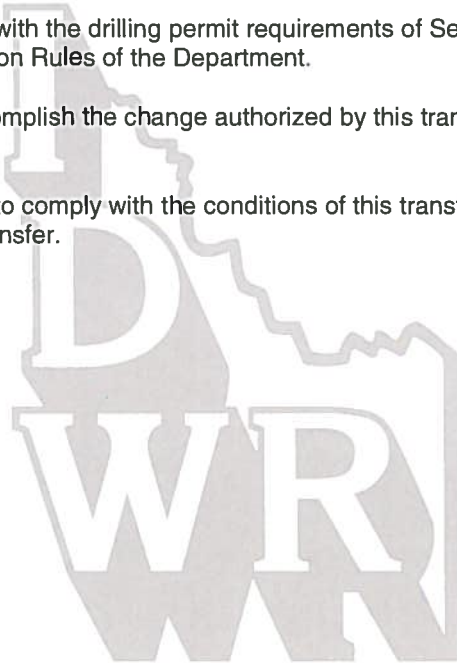
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 115.0 acres within the authorized place of use in a single irrigation season.
2. Rights 17-2028, 17-2030, 17-2045 and 17-7007 when combined shall not exceed a total diversion rate of 16.53 cfs and the irrigation of 1230.0 acres.

WATER RIGHT NO. 17-2030
As Modified by Transfer No. 78281

CONDITIONS OF APPROVAL

3. 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.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.



WATER RIGHT NO. 17-7007
As Modified by Transfer No. 78281

In accordance with the approval of Transfer No. 78281, Water Right No. 17-7007 is now described as follows:

Right Holder: MOUNTAIN WEST SELECT INC AND
M & K PROPERTIES LLC
PO BOX 3853
IDAHO FALLS, ID 83403

Priority Date: 8/24/1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	8.000 cfs	2198.0 af
			8.000 cfs	2198.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 18 Twp 15S Rge 33E ONEIDA County
GROUND WATER	SWSE	Sec 7 Twp 15S Rge 33E ONEIDA County
GROUND WATER	SESW	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NWNE	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NENE	Sec 8 Twp 15S Rge 33E ONEIDA County
GROUND WATER	NWNE	Sec 8 Twp 15S Rge 33E ONEIDA 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	
15S	33E	7	38.5	34.0	29.5	38.5	33.0	43.0	41.0	28.0	33.5	44.0	34.5	21.5	38.5	36.5	38.0	31.5	563.5
								L 1	L 2			L 3	L 4						
15S	33E	8	25.0	34.0	40.0	35.5	30.0	34.0	29.5	33.0	24.5	33.5	33.5	34.5	27.5	23.5	1.5	33.0	472.5
15S	33E	17					33.5	33.5											67
15S	33E	18	28.5	36.5			23.0	39.0											127
								L 1											

Right Acre Limit: 829.0

POU Total Acres: 1230.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 829.0 acres within the authorized place of use in a single irrigation season.
2. Rights 17-2028 and 17-7007 when combined shall not exceed the irrigation of 1022.0 acres.
3. Rights 17-2045 and 17-7007 when combined shall not exceed a total diversion rate of 11.48 cfs.

WATER RIGHT NO. 17-7007
As Modified by Transfer No. 78281

CONDITIONS OF APPROVAL

4. Rights 17-2028, 17-2045 and 17-7007 when combined shall not exceed the irrigation of 1115.0 acres.
5. Rights 17-2028, 17-2030, 17-2045 and 17-7007 when combined shall not exceed a total diversion rate of 16.53 cfs and the irrigation of 1230.0 acres.
6. 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.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.