

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78076

This is to certify that: IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325
(208) 312-1135

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
21-13122	WR/Decreed	01/27/1976	0.31 cfs	54.1 af	15.5	160.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
21-13121	WR/Decreed	10/31/1986	0.08 cfs	19.4 af	5.5	160.0	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>
21-13122	YES	YES	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>
21-13122	21-13150	0.02 cfs	3.5 af	N/A	1.0	21-13149	0.29 cfs	50.6 af	14.5	160.0
COMBINED										
TOTALS		0.02 cfs	3.5 af	N/A	1.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21st day of November, 20 12


Water Resources Program Manager

SUPPORT DATA
IN FILE # 21-13122

WATER RIGHT NO. 21-13149
As Modified by Transfer No. 78076

In accordance with the approval of Transfer No. 78076, Water Right No. 21-13149 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: January 27, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.29 CFS	50.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 20 Twp 09N Rge 42E FREMONT County

PLACE OF USE:

IRRIGATION																			
Twp	Rge	Sec	NE				NW				SW				SE				Totals
09N	42E	20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					40.0	40.0			40.0	40.0									160.0

Total Acres: 160

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.5 acres within the authorized place of use in a single irrigation season.
2. Rights 21-13121 and 21-13149 when combined shall not exceed a total diversion rate of 0.29 cfs, a total annual maximum diversion volume of 70.0 af at the field headgate, and the irrigation of 20.0 acres.
3. Rights 21-13121 and 21-13149 are limited to the irrigation of a specific 20.0 acres within the 160.0 acre place of use authorized by this right in a single irrigation season. The specific 20.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 20.0 acres to be irrigated within the 160.0 acre 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.
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.
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 lands above.

WATER RIGHT NO. 21-13149
As Modified by Transfer No. 78076

CONDITIONS OF APPROVAL

6. The combination of changes under:

Transfer approval 76778 as described under rights 25-14326 and 25-14327;
Transfer approval 76804 as described under rights 29-13979 and 29-13980;
Transfer approval 76805 as described under rights 35-14046 and 35-14052;
Transfer approval 76806 as described under rights 36-16878 and 36-16879;
Transfer approval 76808 as described under rights 21-13121 and 21-13149;

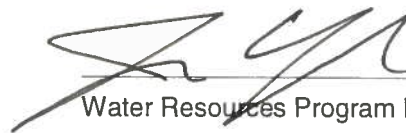
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.

7. Right No. 21-13121 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year(s) 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.

This water right 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.

Dated this 21st day of November, 20 12



Water Resources Program Manager

WATER RIGHT NO. 21-13150
As Modified by Transfer No. 78076

In accordance with the approval of Transfer No. 78076, Water Right No. 21-13150 is now described as follows.

Right Holder: IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

Priority Date: January 27, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.02 CFS	3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 36 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	36																	1.0
																			1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. 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.
2. 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 lands above.
3. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

This water right 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.

Dated this 21st day of November, 20 12


Water Resources Program Manager

WATER RIGHT NO. 21-13121
As Modified by Transfer No. 78076

In accordance with the approval of Transfer No. 78076, Water Right No. 21-13121 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: October 31, 1986

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.08 CFS	19.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 20 Twp 09N Rge 42E FREMONT County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
09N	42E	20			40.0	40.0			40.0	40.0									160.0

Total Acres: 160

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 5.5 acres within the place of use described for this right.
2. Rights 21-13121 and 21-13149 when combined shall not exceed a total diversion rate of 0.29 cfs, a total annual maximum diversion volume of 70.0 af at the field headgate, and the irrigation of 20.0 acres.
3. Rights 21-13121 and 21-13149 are limited to the irrigation of a specific 20.0 acres within the 160.0 acre place of use authorized by these rights in a single irrigation season. The specific 20.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 20.0 acres to be irrigated within the 160.0 acre 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.
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.
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 lands above.

WATER RIGHT NO. 21-13121
As Modified by Transfer No. 78076

CONDITIONS OF APPROVAL

6. The combination of changes under:

Transfer approval 76778 as described under rights 25-14326 and 25-14327;
Transfer approval 76804 as described under rights 29-13979 and 29-13980;
Transfer approval 76805 as described under rights 35-14046 and 35-14052;
Transfer approval 76806 as described under rights 36-16878 and 36-16879;
Transfer approval 76808 as described under rights 21-13121 and 21-13149;

provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.

7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. This right is based upon an enlargement of Right No. 21-13122 pursuant to Section 42-1426, Idaho Code.
9. 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.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year(s) 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.

This water right 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.

Dated this 21st day of November, 2012


Water Resources Program Manager