

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77387

CORRECTED**CORRECTED**

This is to certify that: JEROME CHEESE CO
547 W NEZ PERCE AVE
JEROME ID 83338
(208)324-8006

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>
36-7337F	WR/Decreed	11/25/1977	0.66 cfs	99 af	N/A	N/A	GROUND WATER
36-2554B	WR/Decreed	08/31/1962	1.88 cfs	342 af	N/A	N/A	GROUND WATER
36-2461B	WR/Decreed	01/12/1961	0.82 cfs	174 af	N/A	N/A	GROUND WATER
36-16907	WR/Decreed	07/18/1973	0.91 cfs	268.8 af	67.2	67.2	GROUND WATER
36-16380	WR/Decreed	09/12/1973	0.11 cfs	21.2 af	5.3	485.0	GROUND WATER
35-14253	WR/Decreed	08/19/1952	0.06 cfs	16 af	N/A	4.0	GROUND WATER

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

36-16909	WR/Decreed	09/12/1973	0.06 cfs	12.8 af	3.2	485.0	GROUND WATER
36-16911	WR/Decreed	09/12/1973	0.1 cfs	19.2 af	4.8	485.0	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>
36-7337F	NO	NO	YES	NO	NO	NO
36-2554B	NO	NO	YES	NO	NO	NO
36-2461B	NO	NO	YES	NO	NO	NO
36-16907	NO	YES	YES	YES	YES	YES
36-16380	NO	NO	NO	NO	NO	YES
35-14253	NO	NO	NO	NO	NO	YES

SUPPORT DATA

IN FILE # 36-2461 B

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77387**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-7337F	36-7337F	0.66 cfs	99 af	N/A			N/A	N/A	N/A	N/A
36-2554B	36-2554B	1.88 cfs	342 af	N/A			N/A	N/A	N/A	N/A
36-2461B	36-2461B	0.82 cfs	174 af	N/A			N/A	N/A	N/A	N/A
36-16907	36-16907	0.91 cfs	219 af	N/A			N/A	N/A	N/A	N/A
36-16380	36-16380	0.11 cfs	21.2 af	N/A			N/A	N/A	N/A	N/A
35-14253	35-14253	0.06 cfs	16 af	N/A			N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.44 cfs	871.2 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 36-16907
As Modified by Transfer No. 77387

In accordance with the approval of Transfer No. 77387, Water Right No. 36-16907 is now described as follows.

Right Holder: JEROME CHEESE CO
547 W NEZ PERCE AVE
JEROME ID 83338

Priority Date: July 18, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.83 CFS	200.1 AF
MITIGATION	01/01	to 12/31	0.08 CFS	18.9 AF
			0.91 CFS	219.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 25 Twp 08S Rge 16E GOODING County

GROUND WATER NWNWNE Sec. 25 Twp 08S Rge 16E GOODING County

PLACE OF USE: COMMERCIAL

[illegible]

PLACE OF USE:	MITIGATION
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[illegible]

WATER RIGHT NO. 36-16907
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

1. Rights 36-2461B, 36-2554B, 36-7337F and 36-16907 when combined for commercial use shall not exceed a total diversion rate of 4.19 cfs and a total annual maximum diversion volume of 815.1 af.
2. The water right holder shall maintain control of rights 36-16380 and 35-14253 for mitigation purposes under Transfer approval 77387. If the mitigation rights are sold, transferred, leased, used on any place of use, or are not deliverable due to a priority call, then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation rights.
3. To mitigate for the depletion of water resulting from the use of water under Transfer 77387 and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water rights will be changed to show that diversion and use of water is not authorized because the rights are being dedicated to mitigation purposes.

	Use Changed	Irrigation	Mitigation	Mitigation
36-16380	to Mitigation	0.11 cfs	21.2 AF	5.3 Acres
35-14253	to Mitigation	0.06 cfs	16.0 AF	4.0 Acres

The lands that will no longer be irrigated under these rights are located within the NWSW, Section 36, Township 01S, Range 33E, B.M (4.0 acres) and 5.3 acres within a 385-acre place of use covering Sections 24 & 25, Township 08S, R21E and Section 30, Township 08S, Range 22E.

In addition, a portion of 36-16907 will be changed as follows, to be left undiverted at the site of Jerome Cheese:

36-16907	to Mitigation	0.08 cfs	23.2 AF	5.8 Acres
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If the specified mitigation rights are sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

4. 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. 130.
5. Prior to the diversion and use of water under Transfer approval 77387, the right holder shall install and maintain acceptable measuring devices at the authorized points 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Commercial use is for a Cheese Factory.

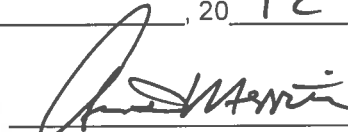
WATER RIGHT NO. 36-16907
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

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.
10. 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 12th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 36-2461B
As Modified by Transfer No. 77387

In accordance with the approval of Transfer No. 77387, Water Right No. 36-2461B is now described as follows.

Right Holder: JEROME CHEESE CO
547 W NEZ PERCE AVE
JEROME ID 83338

Priority Date: January 12, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.82 CFS	174.0 AF
			0.82 CFS	174.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 25 Twp 08S Rge 16E JEROME County

GROUND WATER NWNWNE Sec. 25 Twp 08S Rge 16E JEROME County

PLACE OF USE: COMMERCIAL

[illegible]

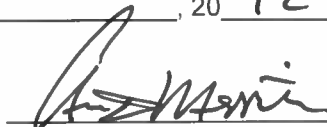
WATER RIGHT NO. 36-2461B
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

1. Rights 36-2461B, 36-2554B, 36-7337F and 36-16907 when combined for commercial use shall not exceed a total diversion rate of 4.19 cfs and a total annual maximum diversion volume of 815.1 af.
2. 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. 130.
3. Prior to the diversion and use of water under Transfer approval 77387, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
5. Commercial use is for a Cheese Factory.
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.

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 12th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 36-2554B
As Modified by Transfer No. 77387

In accordance with the approval of Transfer No. 77387, Water Right No. 36-2554B is now described as follows.

Right Holder: JEROME CHEESE CO
547 W NEZ PERCE AVE
JEROME ID 83338

Priority Date: August 31, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	1.88 CFS	342.0 AF
			1.88 CFS	342.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 25 Twp 08S Rge 16E JEROME County

GROUND WATER NWNWNE Sec. 25 Twp 08S Rge 16E JEROME County

PLACE OF USE: COMMERCIAL

[illegible]

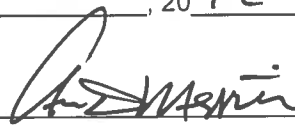
WATER RIGHT NO. 36-2554B
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

1. Rights 36-2461B, 36-2554B, 36-7337F and 36-16907 when combined for commercial use shall not exceed a total diversion rate of 4.19 cfs and a total annual maximum diversion volume of 815.1 af.
2. 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. 130.
3. Prior to the diversion and use of water under Transfer approval 77387, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
5. Commercial use is for a Cheese Factory.
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.

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 12th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 36-7337F
As Modified by Transfer No. 77387

In accordance with the approval of Transfer No. 77387, Water Right No. 36-7337F is now described as follows.

Right Holder: JEROME CHEESE CO
547 W NEZ PERCE AVE
JEROME ID 83338

Priority Date: November 25, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.66 CFS	99.0 AF
			0.66 CFS	99.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 25 Twp 08S Rge 16E JEROME County

GROUND WATER NWNWNE Sec. 25 Twp 08S Rge 16E JEROME County

PLACE OF USE: COMMERCIAL

[illegible]

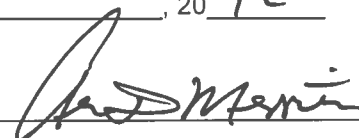
WATER RIGHT NO. 36-7337F
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

1. Rights 36-2461B, 36-2554B, 36-7337F and 36-16907 when combined for commercial use shall not exceed a total diversion rate of 4.19 cfs and a total annual maximum diversion volume of 815.1 af.
2. 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. 130.
3. Prior to the diversion and use of water under Transfer approval 77387, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. Commercial use is for a Cheese Factory.
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.

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 12th day of July, 2012



Southern Region Manager

WATER RIGHT NO. 36-16380
As Modified by Transfer No. 77387

In accordance with the approval of Transfer No. 77387, Water Right No. 36-16380 is now described as follows.

Right Holder: JEROME CHEESE CO
547 W NEZ PERCE AVE
JEROME ID 83338

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	04/15	to 10/01	0.11 CFS	21.2 AF
			0.11 CFS	21.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESW Sec. 24 Twp 08S Rge 21E JEROME County

GROUND WATER NENESE Sec. 24 Twp 08S Rge 21E JEROME County

PLACE OF USE: MITIGATION

[illegible]

WATER RIGHT NO. 36-16380
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

1. The water right holder shall maintain control of rights 36-16380 and 35-14253 for mitigation purposes under Transfer approval 77387. If the mitigation rights are sold, transferred, leased, used on any place of use, or are not deliverable due to a priority call, then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation rights.
2. To mitigate for the depletion of water resulting from the use of water under Transfer 77387 and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water rights will be changed to show that diversion and use of water is not authorized because the rights are being dedicated to mitigation purposes.

	Use Changed	Irrigation	Mitigation	Mitigation
36-16380	to Mitigation	0.11 cfs	21.2 AF	5.3 Acres
35-14253	to Mitigation	0.06 cfs	16.0 AF	4.0 Acres

The lands that will no longer be irrigated under these rights are located within the NWSW, Section 36, Township 01S, Range 33E, B.M (4.0 acres) and 5.3 acres within a 385-acre place of use covering Sections 24 & 25, Township 08S, R21E and Section 30, Township 08S, Range 22E.

In addition, a portion of 36-16907 will be changed as follows, to be left undiverted at the site of Jerome Cheese:

36-16907	to Mitigation	0.08 cfs	23.2 AF	5.8 Acres
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If the specified mitigation rights are sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

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. 130.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 77387, the right holder shall install and maintain acceptable measuring devices at the authorized points 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. This right does not grant any right-of-way or easement across the land of another.

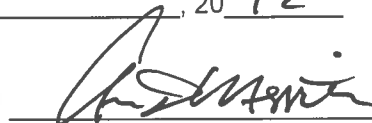
WATER RIGHT NO. 36-16380
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

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.
10. 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 12th day of July, 20 12



Southern Region Manager

WATER RIGHT NO. 35-14253
As Modified by Transfer No. 77387

In accordance with the approval of Transfer No. 77387, Water Right No. 35-14253 is now described as follows.

Right Holder: JEROME CHEESE CO
547 W NEZ PERCE AVE
JEROME ID 83338

Priority Date: August 19, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	04/01	to 10/31	0.06 CFS	16.0 AF
			0.06 CFS	16.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNE Sec. 36 Twp 01S Rge 33E BINGHAM County

PLACE OF USE: MITIGATION

[illegible]

WATER RIGHT NO. 35-14253
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

1. The water right holder shall maintain control of rights 36-16380 and 35-14253 for mitigation purposes under Transfer approval 77387. If the mitigation rights are sold, transferred, leased, used on any place of use, or are not deliverable due to a priority call, then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation rights.
2. To mitigate for the depletion of water resulting from the use of water under Transfer 77387 and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water rights will be changed to show that diversion and use of water is not authorized because the rights are being dedicated to mitigation purposes.

	Use Changed	Irrigation	Mitigation	Mitigation
36-16380	to Mitigation	0.11 cfs	21.2 AF	5.3 Acres
35-14253	to Mitigation	0.06 cfs	16.0 AF	4.0 Acres

The lands that will no longer be irrigated under these rights are located within the NWSW, Section 36, Township 01S, Range 33E, B.M (4.0 acres) and 5.3 acres within a 385-acre place of use covering Sections 24 & 25, Township 08S, R21E and Section 30, Township 08S, Range 22E.

In addition, a portion of 36-16907 will be changed as follows, to be left undiverted at the site of Jerome Cheese:

36-16907	to Mitigation	0.08 cfs	23.2 AF	5.8 Acres
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If the specified mitigation rights are sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
6. Prior to the diversion and use of water under Transfer approval 77759, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
7. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.

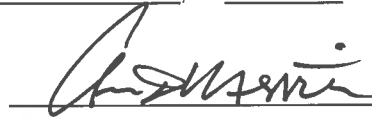
WATER RIGHT NO. 35-14253
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. 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.
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.

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 12th day of July, 20 12


Southern Region Manager

WATER RIGHT NO. 36-16909
As Modified by Transfer No. 77387

In accordance with the approval of Transfer No. 77387, Water Right No. 36-16909 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/01	0.06 CFS	12.8 AF
			0.06 CFS	12.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESW Sec. 24 Twp 08S Rge 21E JEROME County

GROUND WATER NENESE Sec. 24 Twp 08S Rge 21E JEROME 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	
08S 21E 24									40.0			40.0	40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30							42.0	21.0									63.0
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Total Acres: 485

WATER RIGHT NO. 36-16909
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.2 acres within the place of use described above in a single irrigation season.
2. Rights 36-16909 and 36-16911 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 32.0 af at the field headgate, and the irrigation of 7.9 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. 130.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 75045 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
7. The combination of changes under Transfer approval 75042 as described under right 37-22446 and Transfer approval 75043 as described under rights 36-16380 and 36-16674 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 under Transfer approval 75043

8. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 7.9 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/15 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.

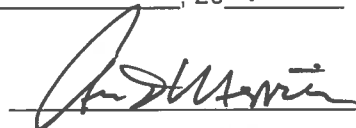
WATER RIGHT NO. 36-16909
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

10. 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.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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 12th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 36-16911
As Modified by Transfer No. 77387

In accordance with the approval of Transfer No. 77387, Water Right No. 36-16911 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/01	0.10 CFS	19.2 AF
			0.10 CFS	19.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESW Sec. 24 Twp 08S Rge 21E JEROME County

GROUND WATER NENESE Sec. 24 Twp 08S Rge 21E JEROME 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	
08S 21E 24									40.0			40.0	40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30						42.0	21.0										63.0
						L 1											

Total Acres: 485

WATER RIGHT NO. 36-16911
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.8 acres within the place of use described above in a single irrigation season.
2. Rights 36-16909 and 36-16911 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 32.0 af at the field headgate, and the irrigation of 7.9 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. 130.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 75045 the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
7. The combination of changes under Transfer approval 75042 as described under right 37-22446 and Transfer approval 75043 as described under rights 36-16380 and 36-16674 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 under Transfer approval 75043

8. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 7.9 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/15 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.

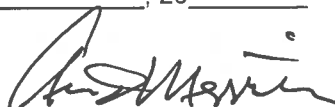
WATER RIGHT NO. 36-16911
As Modified by Transfer No. 77387

CONDITIONS OF APPROVAL

10. 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.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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 12th day of July, 2012


Southern Region Manager