

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77887

This is to certify that: LOVES TRAVEL STOPS AND COUNTRY STORES
 10601 N PENNSYLVANIA
 PO BOX 26210
 OKLAHOMA CITY OK 73126

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>
25-14370	WR/Decreed	08/19/1952	0.35 cfs	92 af	23.0	261.0	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>
25-14346	WR/Decreed	08/19/1952	0.34 cfs	99.2 af	24.8	261.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

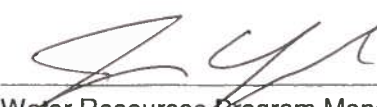
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
25-14370	YES	YES	YES	NO	NO	NO

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>
25-14370	35-14277	0.05 cfs	11.2 af	N/A	2.8	25-14372	0.3 cfs	79.6 af	19.9	261.0
COMBINED TOTALS		0.05 cfs	11.2 af	N/A	2.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of June, 20 12


 Water Resources Program Manager

SUPPORT DATA

IN FILE # 25-14370

WATER RIGHT NO. 25-14372
As Modified by Transfer No. 77887

In accordance with the approval of Transfer No. 77887, Water Right No. 25-14372 is now described as follows.

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

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>
IRRIGATION	04/01	to 10/31	0.30 CFS	79.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSE	Sec. 21 Twp 01N	Rge 38E	BONNEVILLE County
GROUND WATER	SESWNE	Sec. 28 Twp 01N	Rge 38E	BONNEVILLE County
GROUND WATER	SESENE	Sec. 28 Twp 01N	Rge 38E	BONNEVILLE County
GROUND WATER	NESENW	Sec. 28 Twp 01N	Rge 38E	BONNEVILLE 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	
01N	38E	27							40.0				40.0						80.0
01N	38E	28	14.0				22.0	3.0			27.0				24.0	18.0	34.0	39.0	181.0

Total Acres: 261

WATER RIGHT NO. 25-14372
As Modified by Transfer No. 77887

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19.9 acres within the authorized place of use in a single irrigation season.
2. Rights 25-14372 and 25-14346 when combined shall not exceed the irrigation of 44.7 acres.
3. Rights 25-14372 and 25-14346 are limited to the irrigation of a specific 44.7 acres within the 261.0 acre place of use authorized by this right in a single irrigation season. The specific 44.7 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 44.7 acres to be irrigated within the 261.0 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. Beginning on the date of approval of Transfer 77349, the irrigation uses under rights 25-14372 and 25-14346 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.

Year 2011 through 2012 the rights are limited to 0.47 cfs, 131.2 afa and 32.8 acres.
Year 2013 through 2017 the rights are limited to 0.54 cfs, 152.0 afa and 38.0 acres.
Year 2018 through 2023 the rights are limited to 0.62 cfs, 172.4 afa and 43.1 acres.
Year 2024 and beyond the rights are limited to 0.64 cfs, 178.8 afa and 44.7 acres.
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. 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.
7. Prior to the diversion and use of water under Transfer approval 77439, 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.
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. 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.

WATER RIGHT NO. 25-14372
As Modified by Transfer No. 77887

CONDITIONS OF APPROVAL

10. The combination of changes under:

Transfer approval 77438 as described under rights 29-14012 and 29-14013;
Transfer approval 77439 as described under rights 25-14372 and 25-14346;
Transfer approval 77440 as described under right 36-16917;
Transfer approval 77441 as described under right 22-14018;
Transfer approval 77443 as described under right 27-12235;
Transfer approval 77444 as described under right 25-14347;

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.

11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 6th day of June, 20 12



Water Resources Program Manager

WATER RIGHT NO. 35-14277
As Modified by Transfer No. 77887

In accordance with the approval of Transfer No. 77887, Water Right No. 35-14277 is now described as follows.

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

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>
IRRIGATION	04/01	to 10/31	0.05 CFS	11.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWNW	Sec. 9	Twp 01N	Rge 37E	BONNEVILLE County
GROUND WATER	SENWNW	Sec. 9	Twp 01N	Rge 37E	BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 37E 9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.8

Total Acres: 2.8

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. Prior to the diversion and use of water under Transfer approval 77887, 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.
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.

WATER RIGHT NO. 35-14277
As Modified by Transfer No. 77887

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. 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.
7. Any future action following approval of Transfer 77439, 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one years 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.

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 6th day of June, 20 12


Water Resources Program Manager

WATER RIGHT NO. 25-14346
As Modified by Transfer No. 77887

In accordance with the approval of Transfer No. 77887, Water Right No. 25-14346 is now described as follows.

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

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>
IRRIGATION	04/01	to 10/31	0.34 CFS	99.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSE	Sec. 21 Twp 01N	Rge 38E	BONNEVILLE County
GROUND WATER	SESWNE	Sec. 28 Twp 01N	Rge 38E	BONNEVILLE County
GROUND WATER	SESENE	Sec. 28 Twp 01N	Rge 38E	BONNEVILLE County
GROUND WATER	NESENW	Sec. 28 Twp 01N	Rge 38E	BONNEVILLE 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	
01N 38E 27							40.0				40.0						80.0
01N 38E 28	14.0			22.0	3.0			27.0					24.0	18.0	34.0	39.0	181.0

Total Acres: 261

WATER RIGHT NO. 25-14346
As Modified by Transfer No. 77887

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 24.8 acres within the authorized place of use in a single irrigation season.
2. Rights 25-14372 and 25-14346 when combined shall not exceed the irrigation of 44.7 acres.
3. Rights 25-14372 and 25-14346 are limited to the irrigation of a specific 44.7 acres within the 261.0 acre place of use authorized by this right in a single irrigation season. The specific 44.7 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 44.7 acres to be irrigated within the 261.0 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. Beginning on the date of approval of Transfer 77349, the irrigation uses under rights 25-14372 and 25-14346 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.

Year 2011 through 2012 the rights are limited to 0.47 cfs, 131.2 afa and 32.8 acres.
Year 2013 through 2017 the rights are limited to 0.54 cfs, 152.0 afa and 38.0 acres.
Year 2018 through 2023 the rights are limited to 0.62 cfs, 172.4 afa and 43.1 acres.
Year 2024 and beyond the rights are limited to 0.64 cfs, 178.8 afa and 44.7 acres.
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. 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.
7. Prior to the diversion and use of water under Transfer approval 77439, 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.
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. 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.

WATER RIGHT NO. 25-14346
As Modified by Transfer No. 77887

CONDITIONS OF APPROVAL

10. The combination of changes under:

Transfer approval 77438 as described under rights 29-14012 and 29-14013;
Transfer approval 77439 as described under rights 25-14372 and 25-14346;
Transfer approval 77440 as described under right 36-16917;
Transfer approval 77441 as described under right 22-14018;
Transfer approval 77443 as described under right 27-12235;
Transfer approval 77444 as described under right 25-14347;

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.

11. This right does not grant any right-of-way or easement across the land of another.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 6th day of June, 2012


Water Resources Program Manager