

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 77602**

This is to certify that: PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350  
 (208)436-1214

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 45-597       | WR/Decreed          | 03/01/1881      | 1.2 cfs     | N/A           | N/A               | 160.0              | MILL CREEK    |
| 45-674       | WR/Decreed          | 07/01/1882      | 0.8 cfs     | N/A           | N/A               | 160.0              | MILL CREEK    |
| 45-622B      | WR/Decreed          | 04/01/1960      | 5.15 cfs    | N/A           | N/A               | 793.0              | MILL CREEK    |
| 45-14219     | WR/Decreed          | 05/01/1882      | 1.37 cfs    | N/A           | N/A               | 339.0              | MILL CREEK    |
| 45-14221     | WR/Decreed          | 04/01/1960      | 8.31 cfs    | N/A           | N/A               | 731.0              | MILL CREEK    |
| 45-14223     | WR/Decreed          | 12/31/1879      | 1.03 cfs    | 11.6 af       | N/A               | 160.0              | MILL CREEK    |
| 45-14378     | WR/Decreed          | 05/01/1882      | 0.31 cfs    | N/A           | 75.8              | 154.0              | MILL CREEK    |
| 45-14380     | WR/Decreed          | 04/01/1960      | 1.24 cfs    | N/A           | 109.0             | 109.0              | MILL CREEK    |
| 45-14382     | WR/Decreed          | 12/31/1879      | 0.11 cfs    | 1.2 af        | 34.1              | 70.0               | MILL CREEK    |
| 45-14384     | WR/Decreed          | 04/15/1882      | 0.42 cfs    | N/A           | 103.0             | 40.0               | BIRCH CREEK   |
| 45-14386     | WR/Decreed          | 10/22/1956      | 2.57 cfs    | 514 af        | 128.5             | 498.2              | GROUND WATER  |
| 45-14388     | WR/Decreed          | 06/30/1985      | 1.69 cfs    | N/A           | 114.3             | 498.2              | GROUND WATER  |
| 45-14390     | WR/Decreed          | 09/01/1957      | 0.76 cfs    | 152.8 af      | 38.2              | 699.0              | GROUND WATER  |
| 45-14392     | WR/Decreed          | 09/01/1957      | 4.67 cfs    | 934.1 af      | 233.3             | 699.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 45-597                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-674                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-622B               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14219              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14221              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14223              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14378              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14380              | NO           | NO         | YES        | NO             | NO                   | NO                   |

**SUPPORT DATA**

**IN FILE #** 45-597

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 77602**

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 45-14382              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14384              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14386              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14388              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14390              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 45-14392              | NO           | NO         | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 45-597                | <b>45-597</b>                    | 1.2 cfs              | N/A                    | N/A               | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-674                | <b>45-674</b>                    | 0.8 cfs              | N/A                    | N/A               | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-622B               | <b>45-622B</b>                   | 5.15 cfs             | N/A                    | 793.0             | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14219              | <b>45-14219</b>                  | 1.37 cfs             | N/A                    | 339.0             | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14221              | <b>45-14221</b>                  | 8.31 cfs             | N/A                    | 731.0             | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14223              | <b>45-14223</b>                  | 1.03 cfs             | 11.6 af                | 160.0             | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14378              | <b>45-14378</b>                  | 0.31 cfs             | N/A                    | 74.9              | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14380              | <b>45-14380</b>                  | 1.24 cfs             | N/A                    | 109.0             | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14382              | <b>45-14382</b>                  | 0.11 cfs             | 1.2 af                 | 34.1              | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14384              | <b>45-14384</b>                  | 0.42 cfs             | N/A                    | 40.0              | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14386              | <b>45-14386</b>                  | 2.57 cfs             | 514 af                 | 128.5             | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14388              | <b>45-14388</b>                  | 1.69 cfs             | N/A                    | 114.3             | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14390              | <b>45-14390</b>                  | 0.76 cfs             | 152.8 af               | 38.2              | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-14392              | <b>45-14392</b>                  | 4.67 cfs             | 934.1 af               | 233.3             | 1,058.5            |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>27.94 cfs</b>     |                        | <b>942</b>        | <b>1058.5</b>      |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 3<sup>rd</sup> day of April, 2012

  
 Southern Region Manager

**WATER RIGHT NO. 45-597**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-597 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** March 01, 1881

**Source:** MILL CREEK

**Tributary:** SINKS

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.20 CFS              |
|                       |             |           | 1.20 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

MILL CREEK                      NESE                      Sec. 36 Twp 13S    Rge 22E    CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-597**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

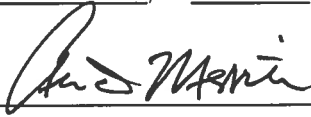
1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
5. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
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. 45A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

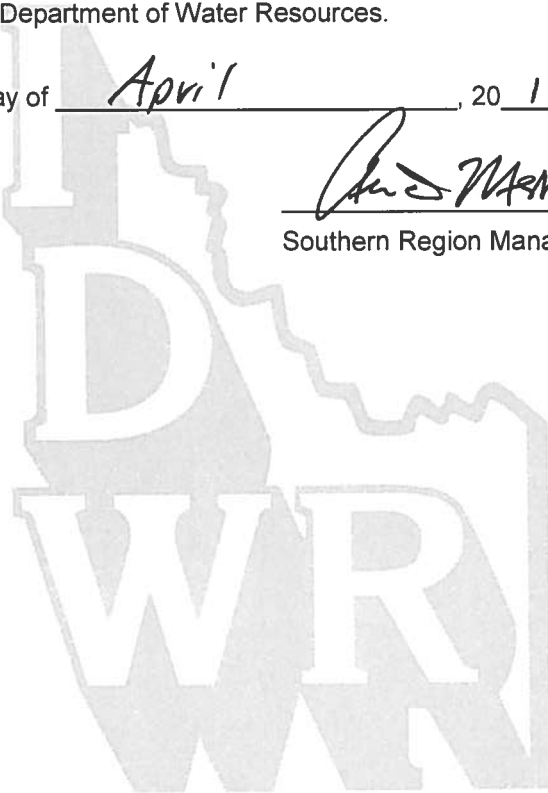
**WATER RIGHT NO. 45-597**  
**As Modified by Transfer No. 77602**

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 3<sup>rd</sup> day of April, 20 12

  
\_\_\_\_\_  
Southern Region Manager



**WATER RIGHT NO. 45-622B**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-622B is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** April 01, 1960

**Source:** MILL CREEK

**Tributary:** SINKS

**BENEFICIAL USE**

IRRIGATION

**From**

03/15 to 11/15

**To**

**Diversion Rate**

5.15 CFS

5.15 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

MILL CREEK

NESE

Sec. 36 Twp 13S Rge 22E CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-622B**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

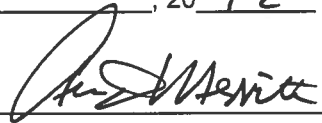
1. This right is limited to the irrigation of 793 acres within the authorized place of use in a single irrigation season.
2. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
5. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
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. 45A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

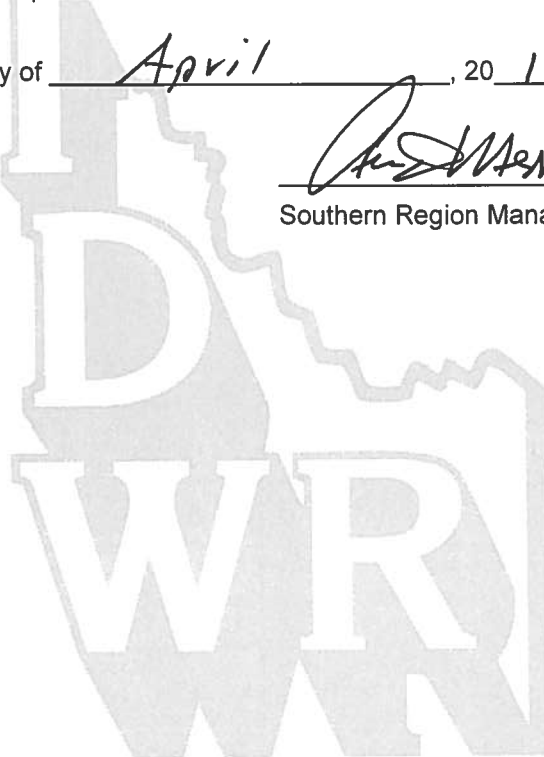
**WATER RIGHT NO. 45-622B**  
**As Modified by Transfer No. 77602**

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 3<sup>rd</sup> day of April, 2012

  
Southern Region Manager



**WATER RIGHT NO. 45-674**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-674 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** July 01, 1882

**Source:** MILL CREEK

**Tributary:** SINKS

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 0.80 CFS                     |
|                              |                    |                  | 0.80 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

MILL CREEK                      NESE                      Sec. 36 Twp 13S   Rge 22E   CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-674**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

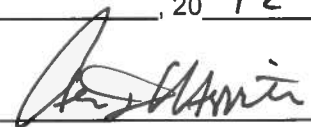
1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 45-674 and 45-14223 when combined shall not exceed the irrigation of 160 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
5. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
6. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
7. 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. 45A.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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 place of use.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

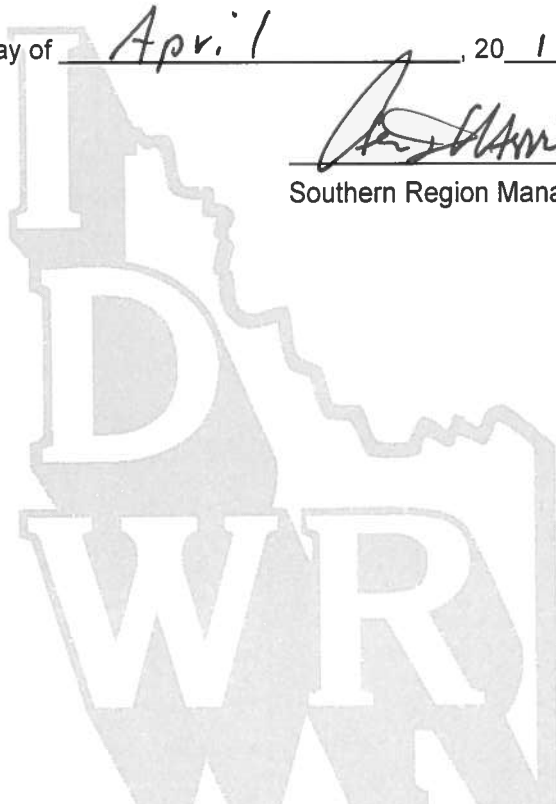
**WATER RIGHT NO. 45-674**  
**As Modified by Transfer No. 77602**

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 3<sup>rd</sup> day of April, 2012

  
\_\_\_\_\_  
Southern Region Manager



**WATER RIGHT NO. 45-14378**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14378 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** May 01, 1882

**Source:** MILL CREEK

**Tributary:** SINKS

**BENEFICIAL USE**

IRRIGATION

| <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-------------|-----------|-----------------------|
| 03/15       | to 11/15  | 0.31 CFS              |
|             |           | 0.31 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

MILL CREEK                      NESE                      Sec. 36 Twp 13S   Rge 22E   CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14378**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

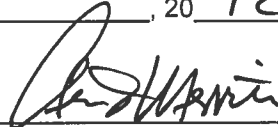
1. This right is limited to the irrigation of 74.9 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14378, 45-14380, and 45-14382 when combined shall not exceed the irrigation of 109 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
5. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
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. 45A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.
10. This right is a split from former right 45-41.

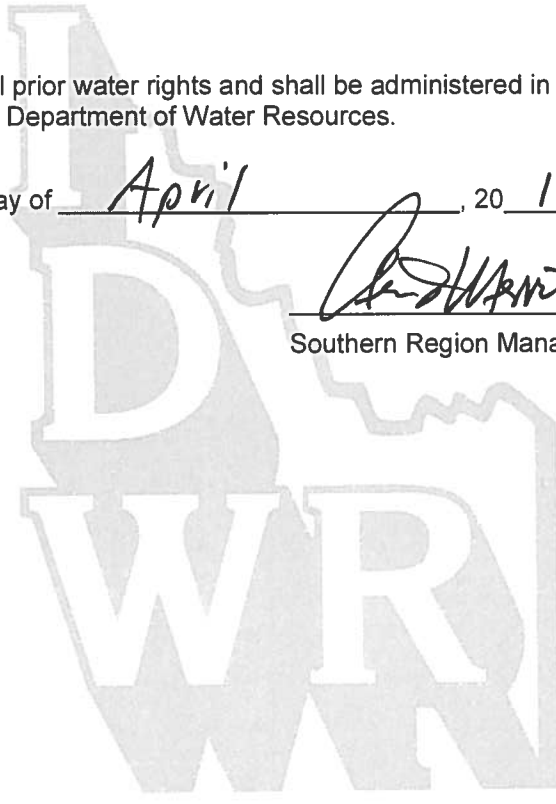
**WATER RIGHT NO. 45-14378**  
**As Modified by Transfer No. 77602**

11. The right holder shall accomplish the change authorized by this transfer within one year 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 3<sup>rd</sup> day of April, 2012

  
\_\_\_\_\_  
Southern Region Manager



**WATER RIGHT NO. 45-14219**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14219 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** May 01, 1882

**Source:** MILL CREEK

**Tributary:** SINKS

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 1.37 CFS                     |
|                              |                    |                  | 1.37 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**  
 MILL CREEK                      NESE                      Sec. 36 Twp 13S    Rge 22E    CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14219**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

**CONDITIONS OF APPROVAL**

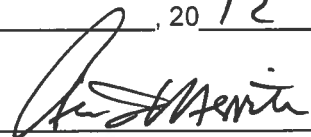
1. This right is limited to the irrigation of 339 acres within the authorized place of use in a single irrigation season.
2. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
5. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
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. 45A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.
10. This right is a split from former right 45-41.

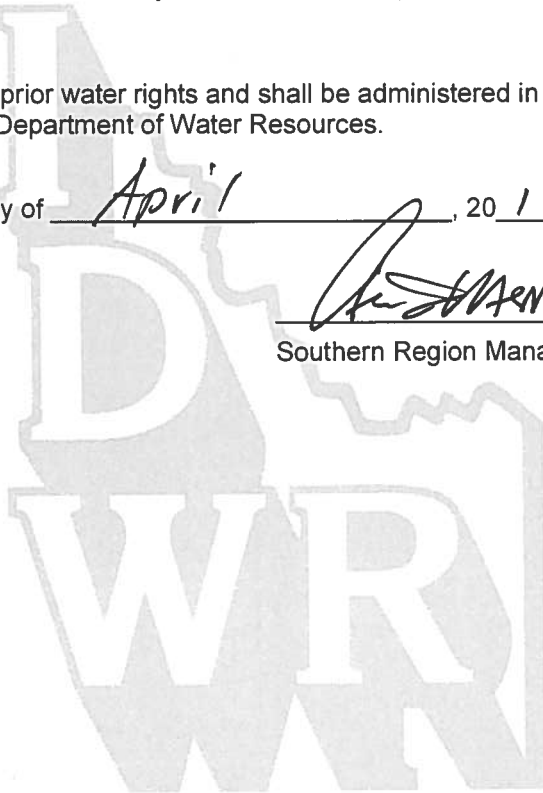
**WATER RIGHT NO. 45-14219**  
**As Modified by Transfer No. 77602**

11. The right holder shall accomplish the change authorized by this transfer within one year 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 3<sup>rd</sup> day of April, 20 12

  
Southern Region Manager



**WATER RIGHT NO. 45-14380**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14380 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** April 01, 1960

**Source:** MILL CREEK

**Tributary:** SINKS

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.24 CFS              |
|                       |             |           | 1.24 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

MILL CREEK NESE Sec. 36 Twp 13S Rge 22E CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14380**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

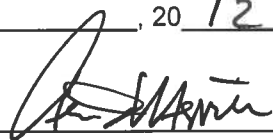
1. This right is limited to the irrigation of 109 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14378, 45-14380, and 45-14382 when combined shall not exceed the irrigation of 109 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
5. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
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. 45A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.
10. This right is a split from former right 45-622A.

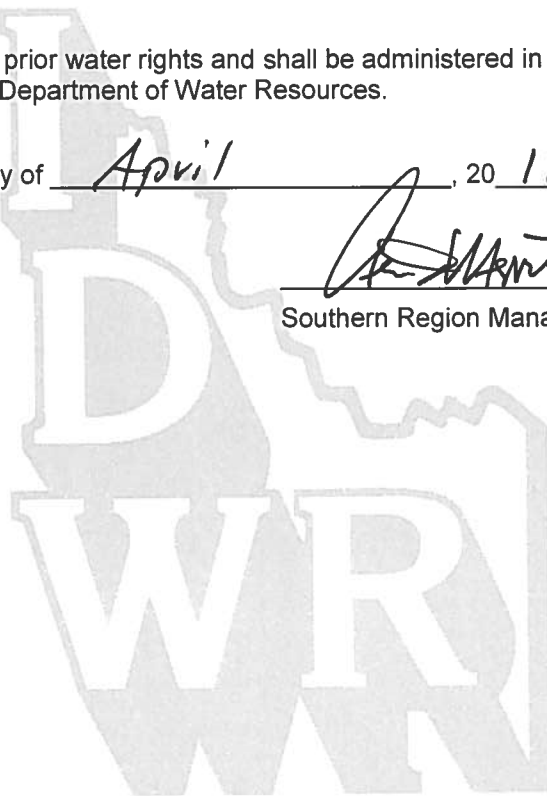
**WATER RIGHT NO. 45-14380**  
**As Modified by Transfer No. 77602**

11. The right holder shall accomplish the change authorized by this transfer within one year 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 3<sup>rd</sup> day of April, 20 12

  
\_\_\_\_\_  
Southern Region Manager



**WATER RIGHT NO. 45-14221**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14221 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** April 01, 1960

**Source:** MILL CREEK

**Tributary:** SINKS

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 8.31 CFS                     |
|                              |                    |                  | 8.31 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

MILL CREEK                      NESE                      Sec. 36 Twp 13S    Rge 22E    CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14221**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

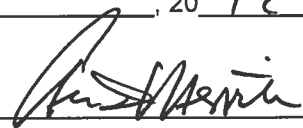
1. This right is limited to the irrigation of 731 acres within the authorized place of use in a single irrigation season.
2. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
5. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
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. 45A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.
10. This right is a split from former right 45-622A.

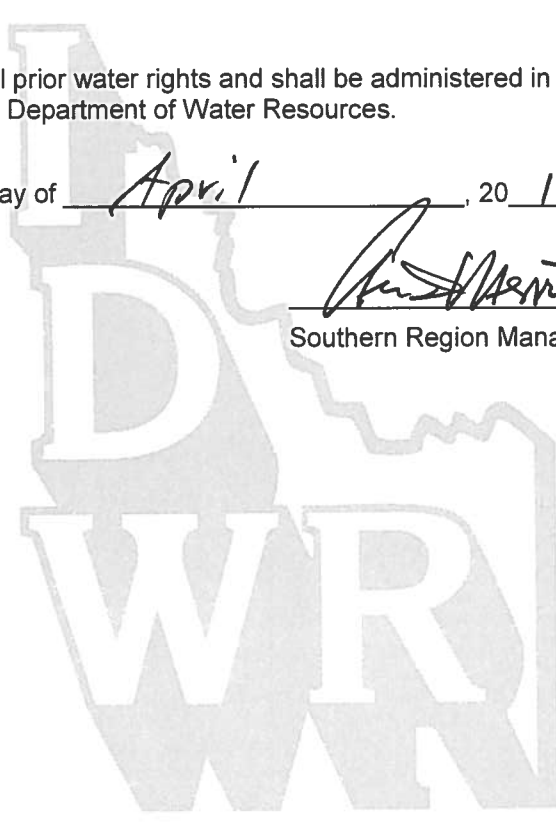
**WATER RIGHT NO. 45-14221**  
**As Modified by Transfer No. 77602**

11. The right holder shall accomplish the change authorized by this transfer within one year 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 3<sup>rd</sup> day of April, 20 12

  
Southern Region Manager



**Right Holder:** PKD PROPERTIES LC  
1404 EAST 500 NORTH  
JACKSON ID 83350

**Source:** MILL CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.11 CFS              |               |
| STOCKWATER            | 01/01       | to 12/31  | 0.02 CFS              | 1.2 AF        |
|                       |             |           | 0.11 CFS              | 1.2 AF        |

MILL CREEK NESE Sec. 36 Twp 13S Rge 22E CASSIA County

[illegible]

**PLACE OF USE:** STOCKWATER

[illegible]

**WATER RIGHT NO. 45-14382**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

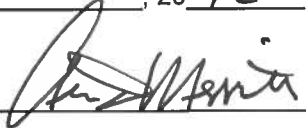
1. This right is limited to the irrigation of 34.1 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14378, 45-14380, and 45-14382 when combined shall not exceed the irrigation of 109 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
5. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
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. 45A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.
10. This right is a split from former right 45-596.

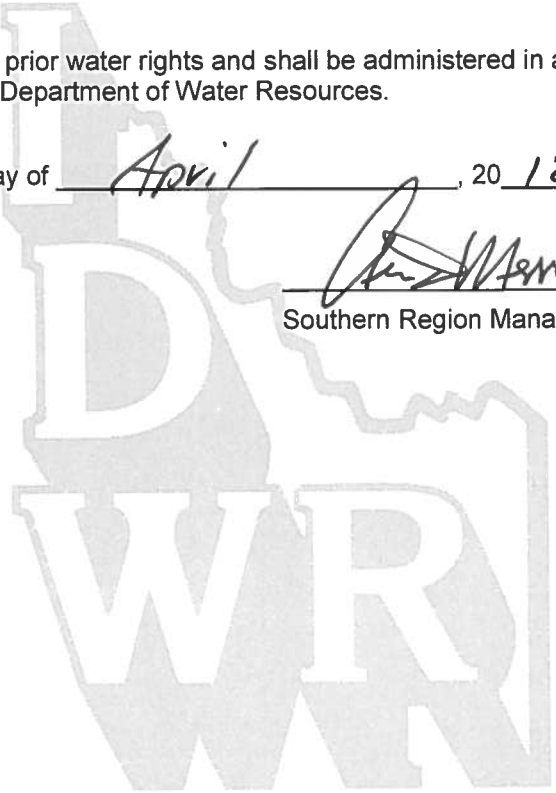
**WATER RIGHT NO. 45-14382**  
**As Modified by Transfer No. 77602**

11. The right holder shall accomplish the change authorized by this transfer within one year 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 3<sup>rd</sup> day of April, 20 12

  
Southern Region Manager



**Right Holder:** PKD PROPERTIES LC  
1404 EAST 500 NORTH  
JACKSON ID 83350

**Source:** MILL CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.03 CFS              |               |
| STOCKWATER            | 01/01       | to 12/31  | 0.19 CFS              | 11.6 AF       |
|                       |             |           | 1.03 CFS              | 11.6 AF       |

## MILL CREEK NESE Sec. 36 Twp 13S Rge 22E CASSIA County

[illegible]

**PLACE OF USE:** STOCKWATER

[illegible]

**WATER RIGHT NO. 45-14223**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

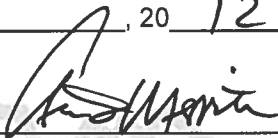
1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 45-674 and 45-14223 when combined shall not exceed the irrigation of 160 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
5. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
6. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
7. 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. 45A.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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 place of use.

**WATER RIGHT NO. 45-14223**  
**As Modified by Transfer No. 77602**

11. This right is a split from former right 45-596.
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 3<sup>rd</sup> day of April, 2012

  
\_\_\_\_\_  
Southern Region Manager

**WATER RIGHT NO. 45-14384**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14384 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** April 15, 1882

**Source:** BIRCH CREEK

**Tributary:** GOOSE CREEK

**BENEFICIAL USE**

IRRIGATION

**From**

02/28 to 11/15

**To**

**Diversion Rate**

0.42 CFS

0.42 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

BIRCH CREEK

SESESE

Sec. 14 Twp 14S Rge 22E CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14384**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

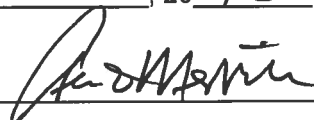
1. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
3. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, and 45-14384 when combined shall not exceed a total diversion rate of 19.94 cfs.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
5. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
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. 45B.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.
9. Use of this right is combined with water from Oakley Canal Co.
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 place of use.
11. This right is a split from former right 45-88.
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.

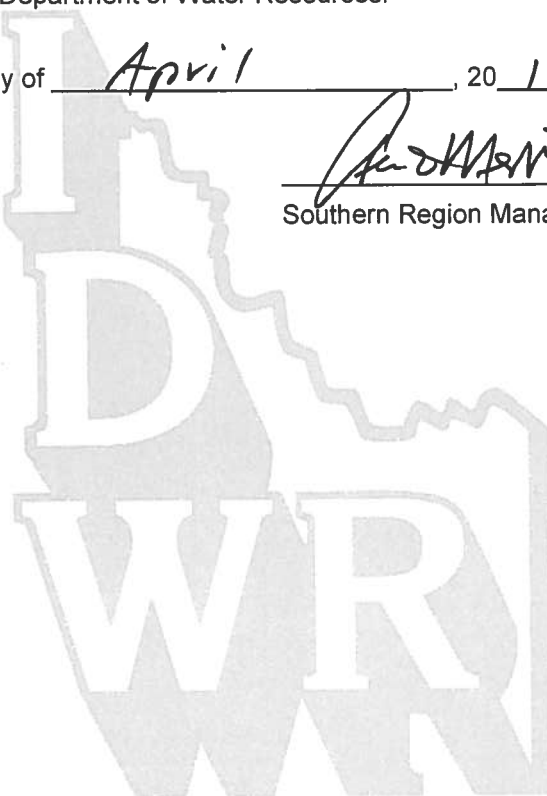
**WATER RIGHT NO. 45-14384**  
**As Modified by Transfer No. 77602**

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 3<sup>rd</sup> day of April, 2012

  
Southern Region Manager



**WATER RIGHT NO. 45-14386**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14386 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** October 22, 1956

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 2.57 CFS              | 514.0 AF      |
|                       |             |           | 2.57 CFS              | 514.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER L1 (NENENE) Sec. 3 Twp 14S Rge 22E CASSIA County

GROUND WATER SESENE Sec. 3 Twp 14S Rge 22E CASSIA 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   |        |
| 13S | 22E | 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S | 22E | 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S | 22E | 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S | 22E | 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|     |     |     | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14386**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 128.5 acres within the authorized place of use in a single irrigation season.
2. Right No. 45-14388 is an expansion of Right Nos. 45-14386, 45-14390, and 45-14392 pursuant to Section 42-1416B, Idaho Code.
3. Rights 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 8.0 cfs, a total annual maximum diversion volume of 1600.9 af at the field headgate, and the irrigation of 514.3 acres.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
5. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
6. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
7. 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. 140.
8. Prior to the diversion and use of water under Transfer approval 77602, 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.
9. 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.
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 place of use.
11. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

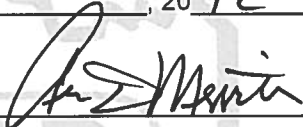
**WATER RIGHT NO. 45-14386**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

12. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. This right is a split from former right 45-14144.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 3<sup>rd</sup> day of April, 2012

  
Southern Region Manager

**WATER RIGHT NO. 45-14388**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14388 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** June 30, 1985

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.69 CFS              |
|                       |             |           | 1.69 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      L1 (NENENE)      Sec. 3    Twp 14S    Rge 22E    CASSIA County

GROUND WATER      SESENE      Sec. 3    Twp 14S    Rge 22E    CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14388**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 114.3 acres within the authorized place of use in a single irrigation season.
2. Right No. 45-14388 is an expansion of Right Nos. 45-14386, 45-14390, and 45-14392 pursuant to Section 42-1416B, Idaho Code.
3. Rights 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 8.0 cfs, a total annual maximum diversion volume of 1600.9 af at the field headgate, and the irrigation of 514.3 acres.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
5. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
6. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
7. 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. 140.
8. Prior to the diversion and use of water under Transfer approval 77602, 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.
9. 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.
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 place of use.
11. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

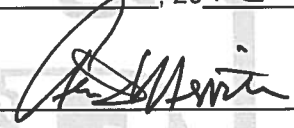
**WATER RIGHT NO. 45-14388**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

12. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. This right is a split from former right 45-14156.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 3<sup>rd</sup> day of April, 2012

  
Southern Region Manager

**WATER RIGHT NO. 45-14390**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14390 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** September 01, 1957

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.76 CFS              | 152.8 AF      |
|                       |             |           | 0.76 CFS              | 152.8 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      L1 (NENENE)      Sec. 3    Twp 14S    Rge 22E    CASSIA County

GROUND WATER      SESENE      Sec. 3    Twp 14S    Rge 22E    CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14390**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 38.2 acres within the authorized place of use in a single irrigation season.
2. Right No. 45-14388 is an expansion of Right Nos. 45-14386, 45-14390, and 45-14392 pursuant to Section 42-1416B, Idaho Code.
3. Rights 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 8.0 cfs, a total annual maximum diversion volume of 1600.9 af at the field headgate, and the irrigation of 514.3 acres.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
5. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
6. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
7. 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. 140.
8. Prior to the diversion and use of water under Transfer approval 77602, 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.
9. 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.
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 place of use.
11. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

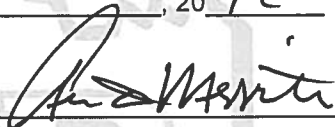
**WATER RIGHT NO. 45-14390**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

12. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. This right is a split from former right 45-14157.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 3<sup>rd</sup> day of April, 2012

  
Southern Region Manager

**WATER RIGHT NO. 45-14392**  
**As Modified by Transfer No. 77602**

In accordance with the approval of Transfer No. 77602, Water Right No. 45-14392 is now described as follows.

**Right Holder:** PKD PROPERTIES LC  
 1404 EAST 500 NORTH  
 JACKSON ID 83350

**Priority Date:** September 01, 1957

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 4.67 CFS              | 934.1 AF      |
|                       |             |           | 4.67 CFS              | 934.1 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      L1 (NENENE)      Sec. 3    Twp 14S    Rge 22E    CASSIA County

GROUND WATER      SESENE      Sec. 3    Twp 14S    Rge 22E    CASSIA 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   |        |
| 13S 22E 26  |      |      |      |      |      |      | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 | 39.0 |      | 39.0 | 39.0 |      | 312.0  |
| 13S 22E 27  |      |      |      |      |      |      |      |      | 32.0 | 31.0 | 32.0 | 32.0 | 40.0 |      |      | 40.0 | 207.0  |
| 13S 22E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 24.0 | 15.0 | 3.5  | 36.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 | 39.0 | 476.5  |
| 14S 22E 3   | 30.0 |      |      | 33.0 |      |      |      |      |      |      |      |      |      |      |      |      | 63.0   |
|             | L 1  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total Acres: 1058.5

**WATER RIGHT NO. 45-14392**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 233.3 acres within the authorized place of use in a single irrigation season.
2. Right No. 45-14388 is an expansion of Right Nos. 45-14386, 45-14390, and 45-14392 pursuant to Section 42-1416B, Idaho Code.
3. Rights 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 8.0 cfs, a total annual maximum diversion volume of 1600.9 af at the field headgate, and the irrigation of 514.3 acres.
4. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed the irrigation of 793 acres.
5. Rights 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382, 45-14384, 45-14386, 45-14388, 45-14390 and 45-14392 when combined shall not exceed a total diversion rate of 27.94 cfs and the irrigation of 942 acres.
6. The rights in Transfer 77602 are limited to the irrigation of a specific 942.0 acres within the 1058.5 acre place of use authorized by Transfer 77602 in a single irrigation season. The specific 942.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 942.0 acres to be irrigated within the 1058.5 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.
7. 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. 140.
8. Prior to the diversion and use of water under Transfer approval 77602, 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.
9. 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.
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 place of use.
11. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

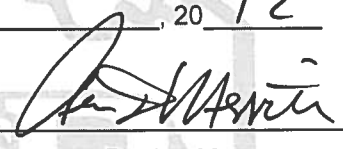
**WATER RIGHT NO. 45-14392**  
**As Modified by Transfer No. 77602**

**CONDITIONS OF APPROVAL**

12. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. This right is a split from former right 45-14158.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 3<sup>rd</sup> day of April, 2012

  
Southern Region Manager

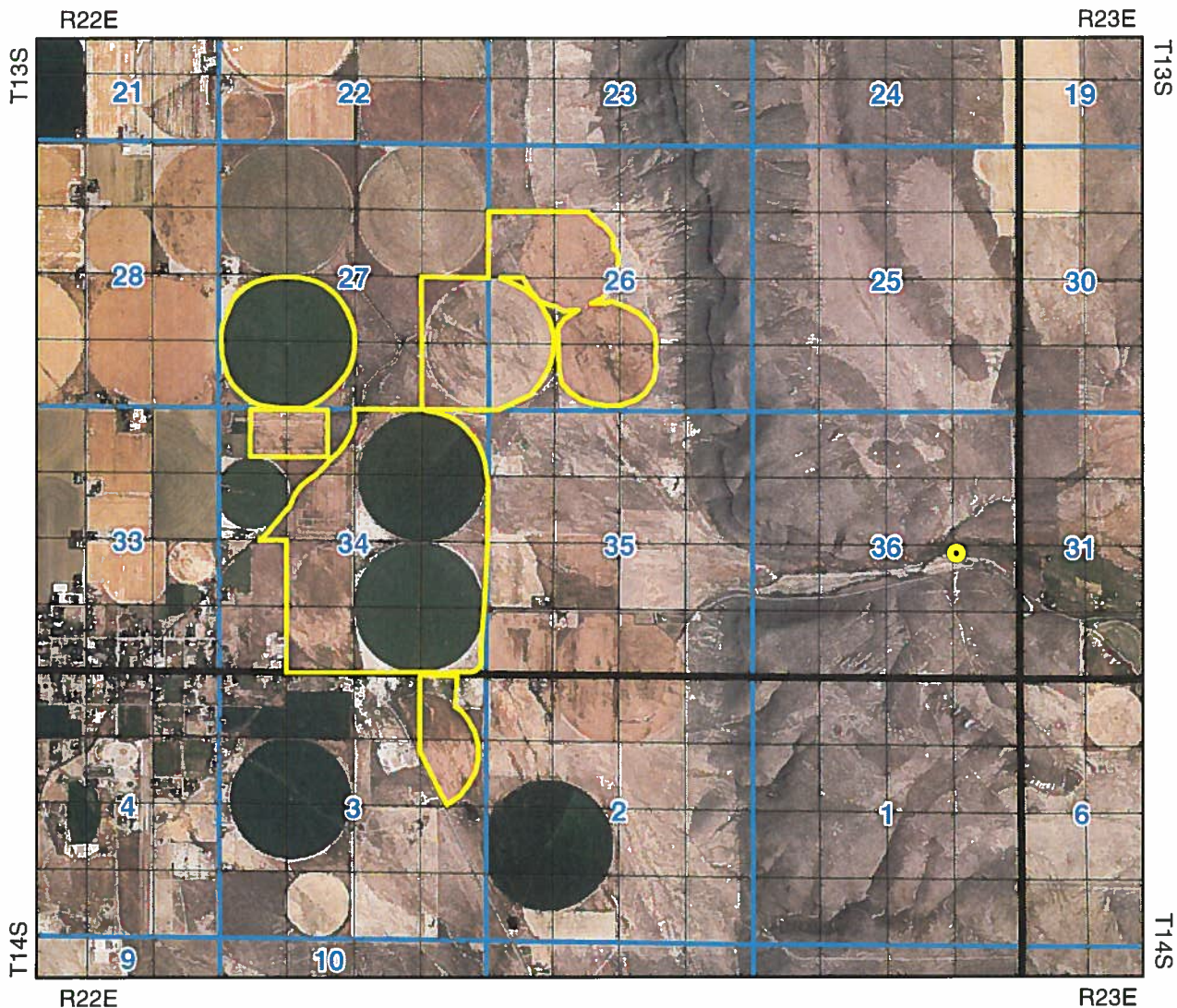
State of Idaho  
Department of Water Resources

# Attachment To Transfer Of Water Right

Transfer No. 77602

Rights: 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14223, 45-14378, 45-14380, 45-14382

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.425 0.85 1.7 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



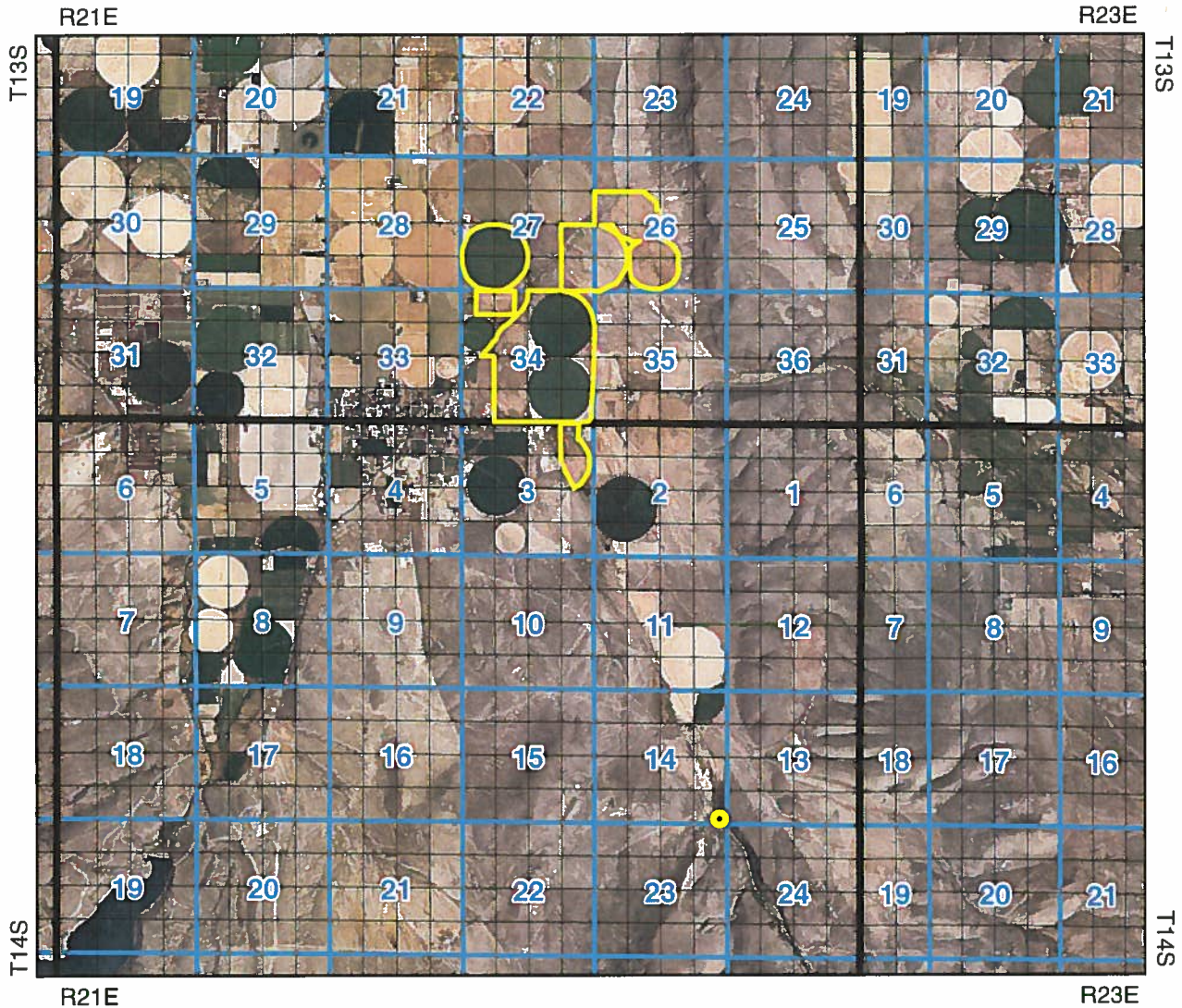
State of Idaho  
Department of Water Resources

# Attachment To Transfer Of Water Right

Transfer No. 77602

Rights: 45-14384

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.75 1.5 3 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



