

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77601

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>
45-10598	WR/Decreed	03/01/1875	0.49 cfs	N/A	N/A	169.0	BIRCH CREEK
45-78U	WR/Decreed	04/01/1881	0.15 cfs	N/A	112.0	169.0	BIRCH CREEK
45-79U	WR/Decreed	12/05/1882	0.25 cfs	N/A	112.0	169.0	BIRCH CREEK
45-92B	WR/Decreed	05/04/1881	2 cfs	N/A	40.0	169.0	CRITCHFIELD SPRINGS
45-14383	WR/Decreed	04/15/1882	1.08 cfs	N/A	103.0	40.0	BIRCH CREEK
45-14385	WR/Decreed	10/22/1956	0.08 cfs	16 af	4.0	16.0	GROUND WATER
45-14387	WR/Decreed	06/30/1985	0.05 cfs	N/A	3.5	16.0	GROUND WATER
45-14389	WR/Decreed	09/01/1957	0.02 cfs	4 af	1.0	16.0	GROUND WATER
45-14391	WR/Decreed	09/01/1957	0.15 cfs	29.1 af	7.5	16.0	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>
45-10598	NO	NO	YES	NO	NO	NO
45-78U	NO	NO	YES	NO	NO	NO
45-79U	NO	NO	YES	NO	NO	NO
45-92B	NO	NO	YES	NO	NO	NO
45-14383	NO	NO	YES	NO	NO	NO
45-14385	NO	NO	YES	NO	NO	NO
45-14387	NO	NO	YES	NO	NO	NO
45-14389	NO	NO	YES	NO	NO	NO
45-14391	NO	NO	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 45-78U

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77601

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-10598	45-10598	0.49 cfs	N/A	129.0	153.5		N/A	N/A	N/A	N/A
45-78U	45-78U	0.15 cfs	N/A	112.0	153.5		N/A	N/A	N/A	N/A
45-79U	45-79U	0.25 cfs	N/A	112.0	153.5		N/A	N/A	N/A	N/A
45-92B	45-92B	2 cfs	N/A	40.0	153.5		N/A	N/A	N/A	N/A
45-14383	45-14383	1.08 cfs	N/A	103.0	153.5		N/A	N/A	N/A	N/A
45-14385	45-14385	0.08 cfs	16 af	4.0	153.5		N/A	N/A	N/A	N/A
45-14387	45-14387	0.05 cfs	N/A	3.5	153.5		N/A	N/A	N/A	N/A
45-14389	45-14389	0.02 cfs	4 af	1.0	153.5		N/A	N/A	N/A	N/A
45-14391	45-14391	0.15 cfs	29.1 af	7.5	153.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.22 cfs		145	153.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of April, 20 12



Southern Region Manager

WATER RIGHT NO. 45-78U
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-78U is now described as follows.

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

Priority Date: April 01, 1881

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/28	to 11/15	0.15 CFS
			0.15 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	
14S	22E	3							27.0	32.2	38.3	21.1		34.9					153.5

Total Acres: 153.5

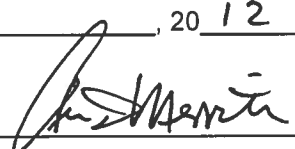
WATER RIGHT NO. 45-78U
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

1. Rights 45-78U and 45-79U when combined shall not exceed the irrigation of 112 acres.
2. Rights 45-78U, 45-79U, 45-92B, 45-10598, and 45-14383 when combined shall not exceed a total diversion rate of 3.97 cfs and the irrigation of 129 acres.
3. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45B.
5. 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 diversion.
6. 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.
7. Use of this right is combined with water from Oakley Canal Co.
8. 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.
9. This right is a split from former right 45-78E.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of April, 2012


Southern Region Manager

WATER RIGHT NO. 45-79U
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-79U is now described as follows.

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

Priority Date: December 05, 1882

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	2/28	to 11/15	0.25 CFS
			0.25 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				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
14S 22E 3							27.0	32.2	38.3	21.1		34.9					153.5

Total Acres: 153.5

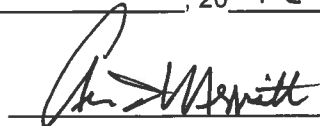
WATER RIGHT NO. 45-79U
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

1. Rights 45-78U and 45-79U when combined shall not exceed the irrigation of 112 acres.
2. Rights 45-78U, 45-79U, 45-92B, 45-10598, and 45-14383 when combined shall not exceed a total diversion rate of 3.97 cfs and the irrigation of 129 acres.
3. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
4. Rights 45-79A, 45-79J, 45-79K, 45-79L, 45-79M, 45-79N, 45-79P, 45-79Q, 45-79R, 45-79S, 45-79T, 45-79U, 45-10008, 45-10249, 45-10690, 45-10754, 45-10767, 45-10891, and 45-11104 when combined shall not exceed a total diversion rate of 0.269 cfs at the point of measurement in the SESESE of Section 14, T14S, R22E.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45B.
6. 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 diversion.
7. 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.
8. Use of this right is combined with water from Oakley Canal Co.
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 45-79G.
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 3rd day of April, 2012


Southern Region Manager

WATER RIGHT NO. 45-92B
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-92B is now described as follows.

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

Priority Date: May 04, 1881

Source: CRITCHFIELD SPRINGS

Tributary: BIRCH CREEK

BENEFICIAL USE

IRRIGATION

From

To

Diversion Rate

03/15 to 11/15

2.00 CFS

2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CRITCHFIELD SPRINGS SESESE Sec. 14 Twp 14S Rge 22E CASSIA County
(Rediversion)

CRITCHFIELD SPRINGS NWNWSE Sec. 28 Twp 15S Rge 23E CASSIA County
(Injection)

CRITCHFIELD SPRINGS SWSWNW Sec. 33 Twp 15S Rge 23E 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	
14S	22E	3						27.0	32.2	38.3	21.1			34.9					153.5

Total Acres: 153.5

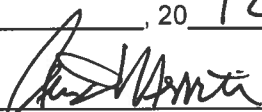
WATER RIGHT NO. 45-92B
As Modified by Transfer No. 77601

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 45-78U, 45-79U, 45-92B, 45-10598, and 45-14383 when combined shall not exceed a total diversion rate of 3.97 cfs and the irrigation of 129 acres.
3. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45B.
5. 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 diversion.
6. Use of this right is combined with water from Oakley Canal Co.
7. Water diverted under this right is exchanged by injecting water diverted under this right into Birch Creek at the point of injection described above, and diverting an equal amount from Birch Creek at the point of rediversion described above.
8. The amount of water diverted under this water right may not exceed 33.3% or 1/3 of the stream flow of Critchfield Springs at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.
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.
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 3rd day of April, 2012



Southern Region Manager

WATER RIGHT NO. 45-10598
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-10598 is now described as follows.

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

Priority Date: March 01, 1875

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/28	to 11/15	0.49 CFS
			0.49 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	
14S	22E	3					27.0	32.2	38.3	21.1	34.9								153.5

Total Acres: 153.5

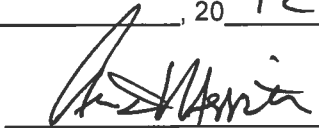
WATER RIGHT NO. 45-10598
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

1. Rights 45-78U, 45-79U, 45-92B, 45-10598, and 45-14383 when combined shall not exceed a total diversion rate of 3.97 cfs and the irrigation of 129 acres.
2. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45B.
4. 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 diversion.
5. 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.
6. Use of this right is combined with water from Oakley Canal Co.
7. 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.
8. The right holder shall cease irrigation of 40 acres previously authorized under this right, and consolidate use of water on the remaining 129 acres.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. This right is a combination of old Right Nos. 45-77F, 45-77J, and 45-80E.
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 3rd day of April, 2012


Southern Region Manager

WATER RIGHT NO. 45-14383
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-14383 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	02/28	to 11/15	1.08 CFS
			1.08 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	
14S	22E	3																	153.5

Total Acres: 153.5

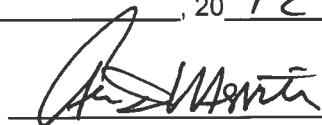
WATER RIGHT NO. 45-14383
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 103 acres within the authorized place of use in a single irrigation season.
2. Rights 45-78U, 45-79U, 45-92B, 45-10598, and 45-14383 when combined shall not exceed a total diversion rate of 3.97 cfs and the irrigation of 129 acres.
3. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45B.
5. 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 diversion.
6. 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.
7. Use of this right is combined with water from Oakley Canal Co.
8. 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.
9. This right is a split from former right 45-88.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of April, 2012


Southern Region Manager

WATER RIGHT NO. 45-14385
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-14385 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	0.08 CFS	16.0 AF
			0.08 CFS	16.0 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	
14S	22E	3							27.0	32.2	38.3	21.1		34.9					153.5

Total Acres: 153.5

WATER RIGHT NO. 45-14385
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4 acres within the authorized place of use in a single irrigation season.
2. Right No. 45-14387 is an expansion of Right Nos. 45-14385, 45-14389, and 45-14391 pursuant to Section 42-1416B, Idaho Code.
3. Rights 45-14385, 45-14387, 45-14389 and 45-14391 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 49.1 af at the field headgate, and the irrigation of 16 acres.
4. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
6. Prior to the diversion and use of water under Transfer approval 77601, 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. This right is a split from former right 45-14144.
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.

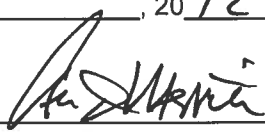
WATER RIGHT NO. 45-14385
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

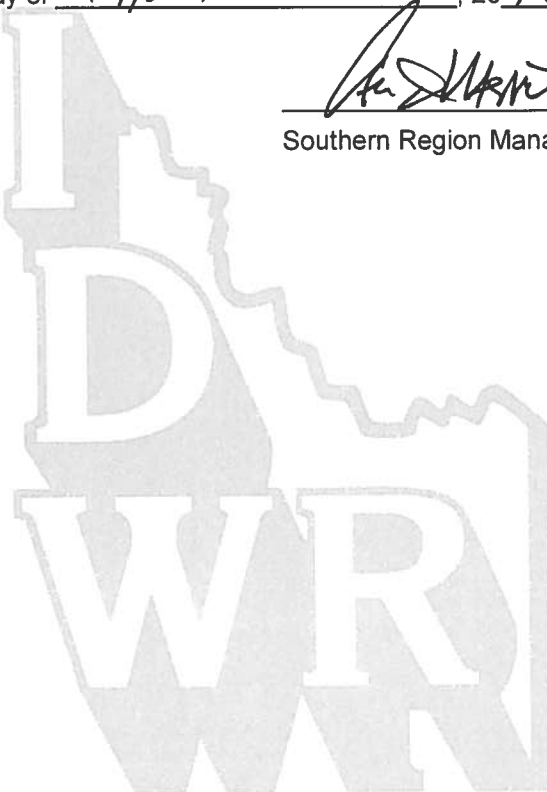
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry 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 3rd day of April, 2012



Southern Region Manager



WATER RIGHT NO. 45-14387
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-14387 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	0.05 CFS
			0.05 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	
14S	22E	3									27.0	32.2	38.3	21.1				34.9	153.5

Total Acres: 153.5

WATER RIGHT NO. 45-14387
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.5 acres within the authorized place of use in a single irrigation season.
2. Right No. 45-14387 is an expansion of Right Nos. 45-14385, 45-14389, and 45-14391 pursuant to Section 42-1416B, Idaho Code.
3. Rights 45-14385, 45-14387, 45-14389 and 45-14391 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 49.1 af at the field headgate, and the irrigation of 16 acres.
4. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
6. Prior to the diversion and use of water under Transfer approval 77601, 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. This right is a split from former right 45-14156.
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.

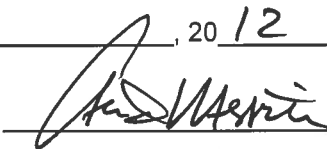
WATER RIGHT NO. 45-14387
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

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 3rd day of April, 2012


Southern Region Manager



WATER RIGHT NO. 45-14389
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-14389 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	0.02 CFS	4.7 AF
			0.02 CFS	4.7 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	
14S	22E	3							27.0	32.2	38.3	21.1		34.9					153.5

Total Acres: 153.5

WATER RIGHT NO. 45-14389
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1 acre within the authorized place of use in a single irrigation season.
2. Right No. 45-14387 is an expansion of Right Nos. 45-14385, 45-14389, and 45-14391 pursuant to Section 42-1416B, Idaho Code.
3. Rights 45-14385, 45-14387, 45-14389 and 45-14391 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 49.1 af at the field headgate, and the irrigation of 16 acres.
4. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
6. Prior to the diversion and use of water under Transfer approval 77601, 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. This right is a split from former right 45-14157.
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.

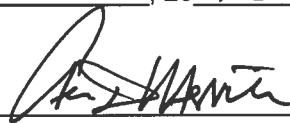
WATER RIGHT NO. 45-14389
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

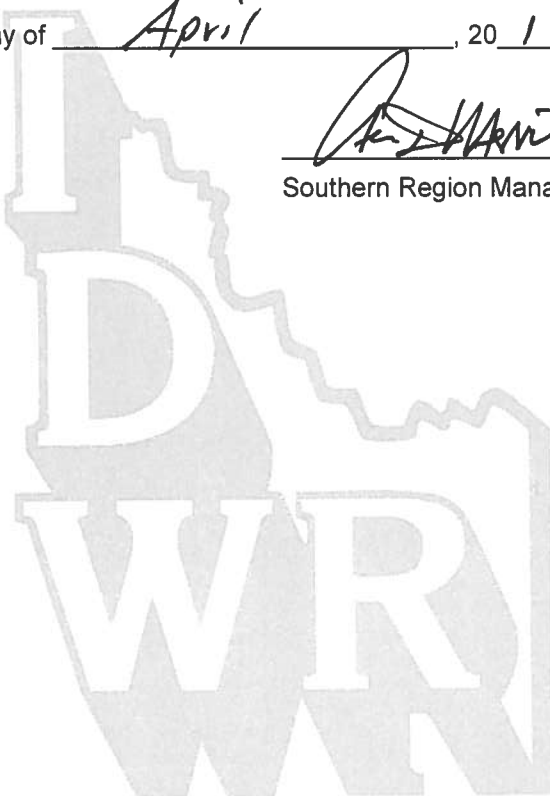
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry 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 3rd day of April, 20 12



Southern Region Manager



WATER RIGHT NO. 45-14391
As Modified by Transfer No. 77601

In accordance with the approval of Transfer No. 77601, Water Right No. 45-14391 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	0.15 CFS	29.1 AF
			0.15 CFS	29.1 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	
14S	22E	3							27.0	32.2	38.3	21.1		34.9					153.5

Total Acres: 153.5

WATER RIGHT NO. 45-14391
As Modified by Transfer No. 77601

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 7.5 acres within the authorized place of use in a single irrigation season.
2. Right No. 45-14387 is an expansion of Right Nos. 45-14385, 45-14389, and 45-14391 pursuant to Section 42-1416B, Idaho Code.
3. Rights 45-14385, 45-14387, 45-14389 and 45-14391 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 49.1 af at the field headgate, and the irrigation of 16 acres.
4. Rights 45-78U, 45-79U, 45-92B, 45-10598, 45-14383, 45-14385, 45-14387, 45-14389, and 45-14391 when combined shall not exceed a total diversion rate of 4.22 cfs and the irrigation of 145 acres.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
6. Prior to the diversion and use of water under Transfer approval 77601, 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. This right is a split from former right 45-14158.
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.

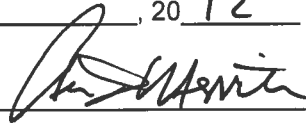
WATER RIGHT NO. 45-14391
As Modified by Transfer No. 77601

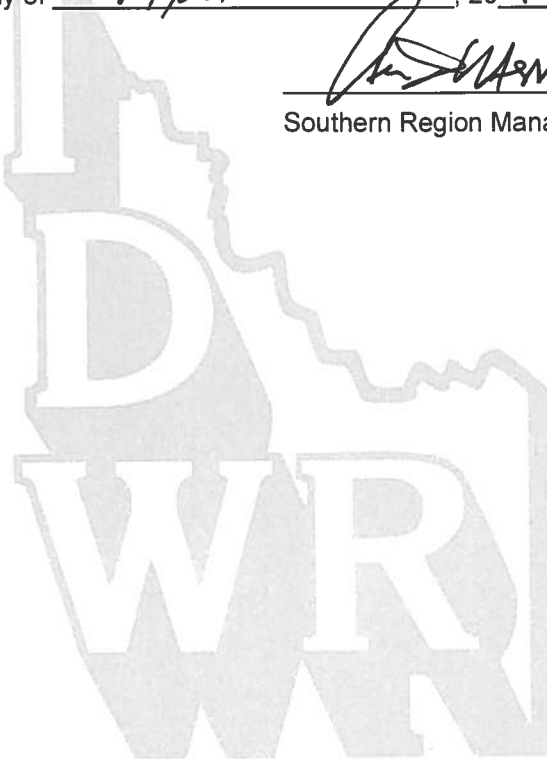
CONDITIONS OF APPROVAL

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 3rd day of April, 2012


Southern Region Manager



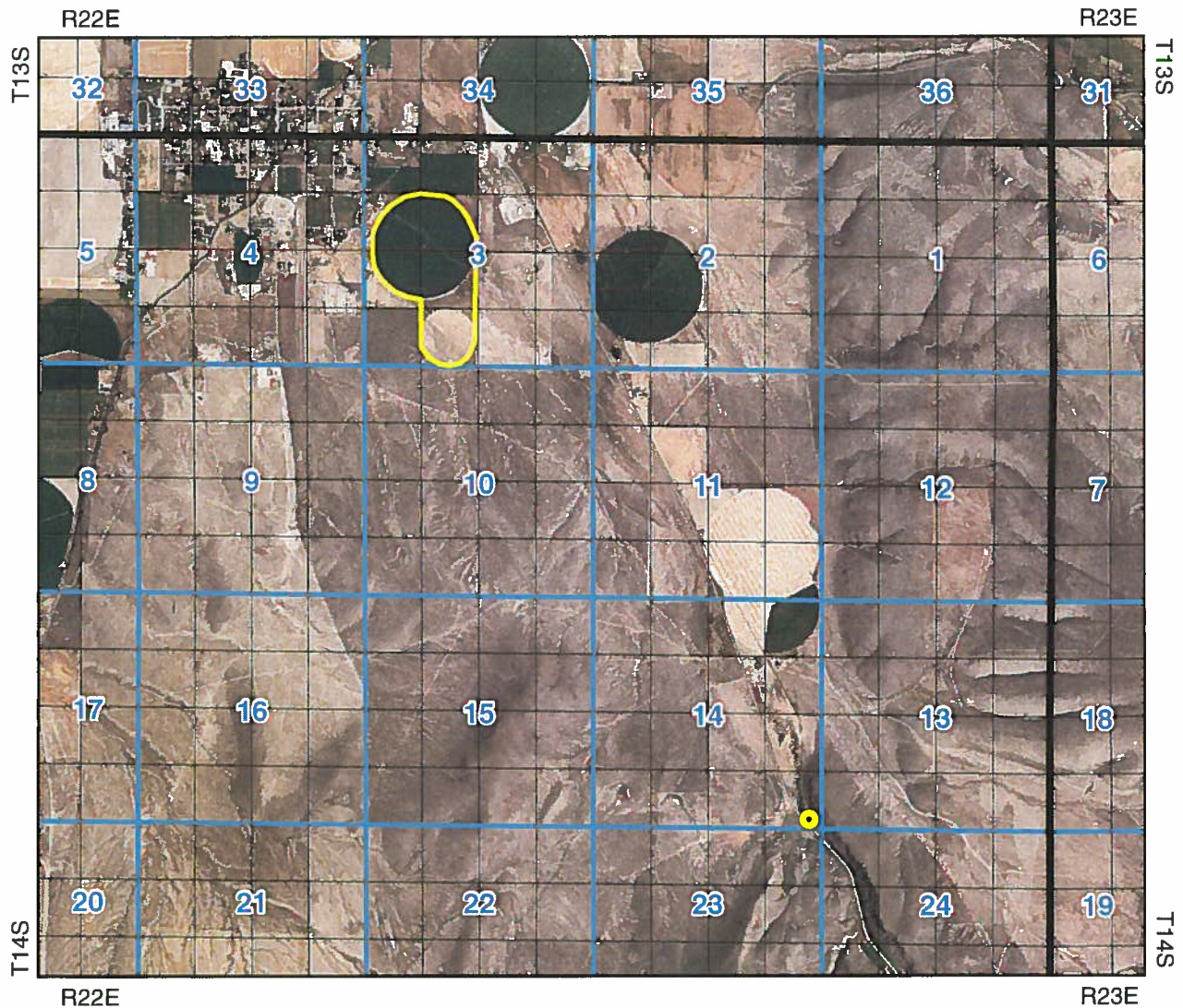
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77601

Rights: 45-78U, 45-79U, 45-10598, 45-14383

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 0.5 1 2 Miles

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



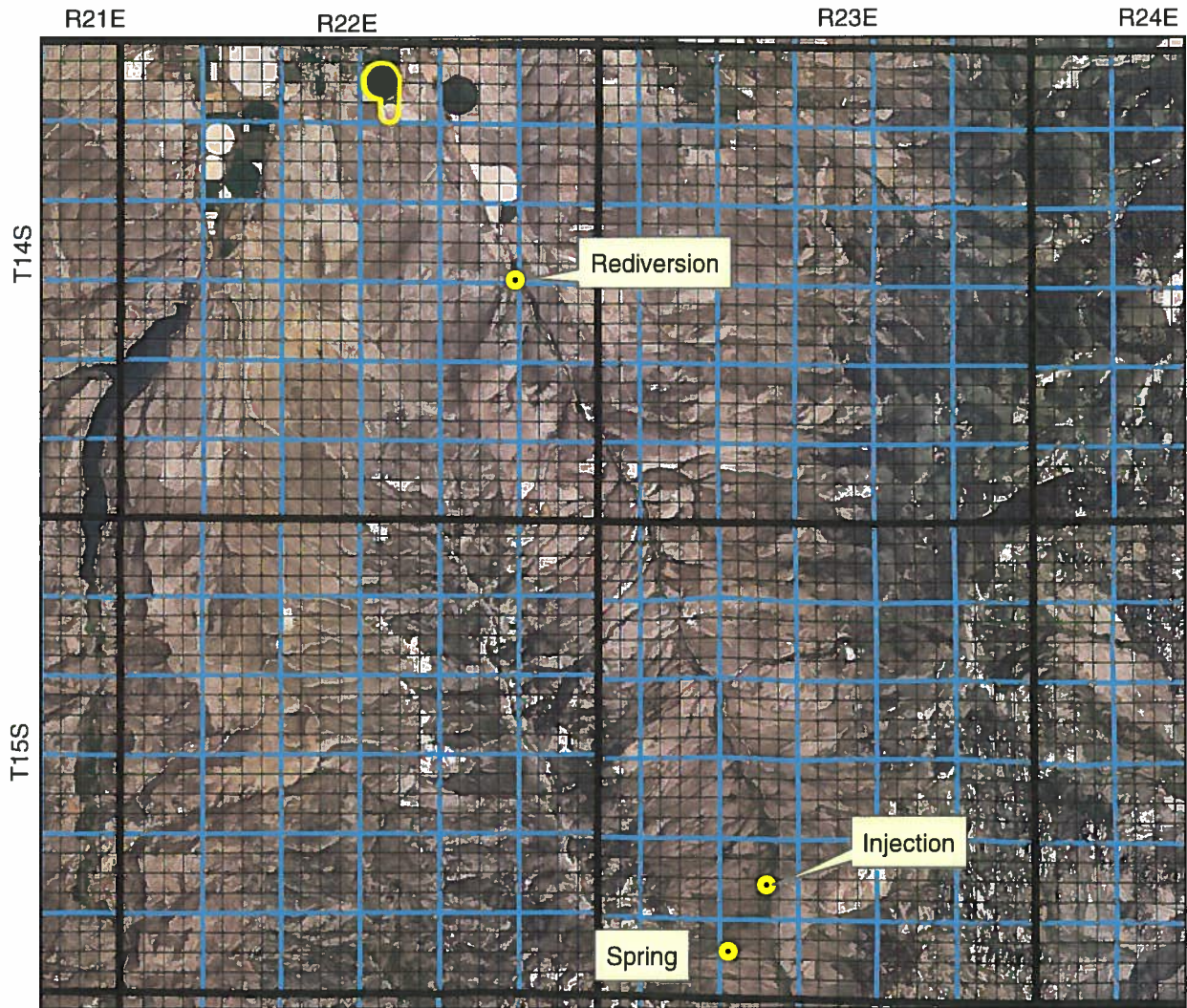
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77601

Rights: 45-92B

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 1.5 3 6 Miles

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



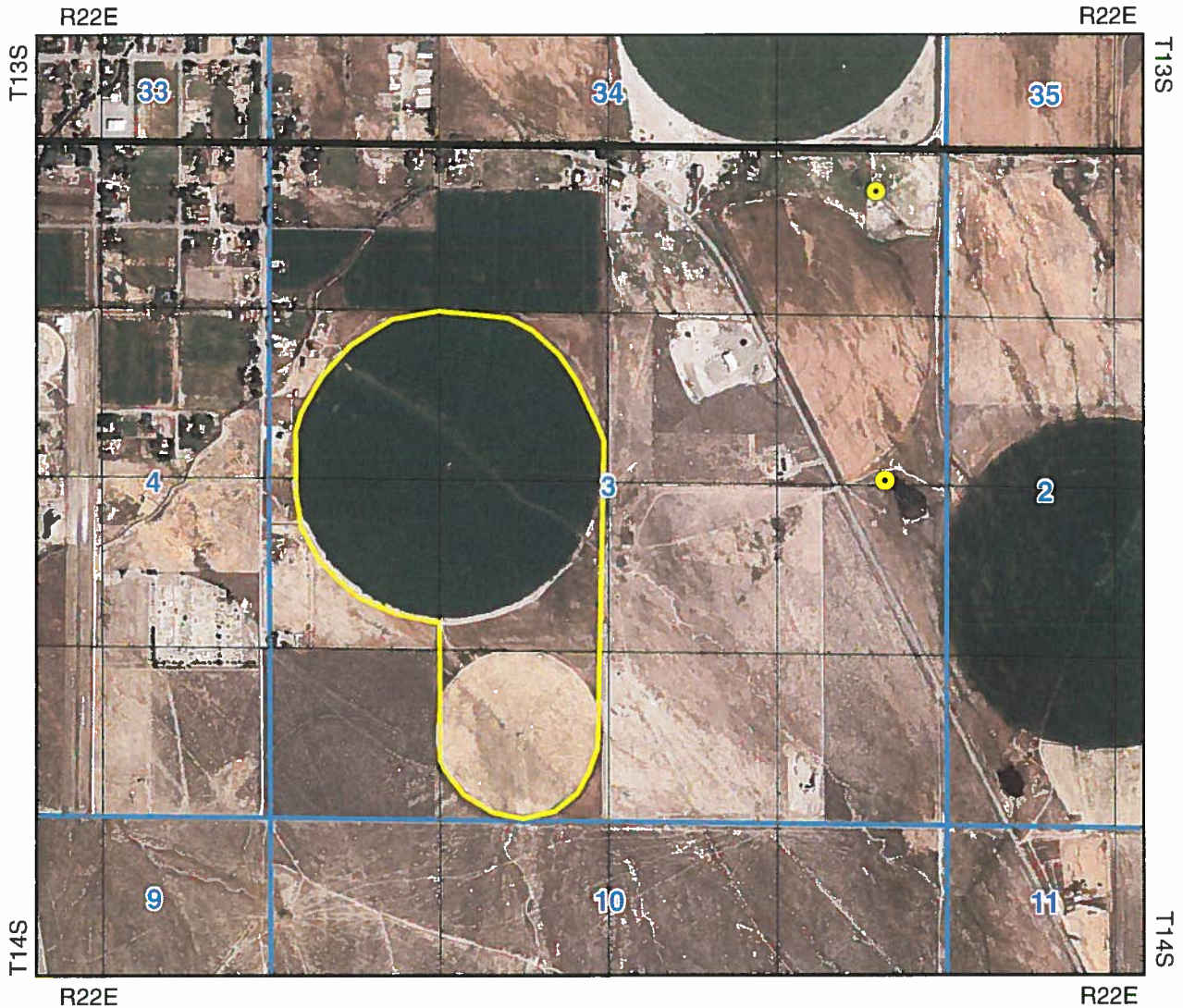
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77601

Rights: 45-14385, 45-14387, 45-14389, 45-14391

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 0.15 0.3 0.6 Miles

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

