

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 77534**

This is to certify that: BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607  
 (208)454-7705

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-10268     | WR/License          | 10/03/1984      | 1.54 cfs    | 347 af        | 77.0              | 825.0              | GROUND WATER  |
| 63-2839      | WR/Decreed          | 09/14/1955      | 1.35 cfs    | 355.5 af      | 79.0              | 825.0              | GROUND WATER  |
| 63-3329      | WR/Decreed          | 02/16/1963      | 2.06 cfs    | 738 af        | 164.0             | 825.0              | GROUND WATER  |
| 63-3366      | WR/Decreed          | 08/26/1963      | 2.09 cfs    | 720 af        | 144.3             | 825.0              | GROUND WATER  |
| 63-3396      | WR/Decreed          | 12/13/1963      | 1.2 cfs     | 270 af        | 54.1              | 825.0              | GROUND WATER  |
| 63-8232      | WR/Decreed          | 10/28/1975      | 2.73 cfs    | 1228.3 af     | 250.1             | 825.0              | GROUND WATER  |
| 63-8253      | WR/Decreed          | 01/16/1976      | 1.16 cfs    | 563.7 af      | 139.0             | 825.0              | GROUND WATER  |
| 63-29025     | WR/Decreed          | 08/15/1960      | 0.64 cfs    | 144 af        | 32.0              | 825.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-10268              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 63-2839               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 63-3329               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 63-3366               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 63-3396               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 63-8232               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 63-8253               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 63-29025              | NO           | NO         | YES        | NO             | NO                   | NO                   |

SUPPORT DATA

IN FILE # 63-2839

**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 |
|-----------------|---------------------------|-----------------|------------------|--------------|--------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-10268        | <b>63-10268</b>           | 1.54 cfs        | 347 af           | 77.0         | 865.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-2839         | <b>63-2839</b>            | 1.35 cfs        | 355.5 af         | 79.0         | 865.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-3329         | <b>63-3329</b>            | 2.06 cfs        | 738 af           | 164.0        | 865.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-3366         | <b>63-3366</b>            | 2.09 cfs        | 720 af           | 144.3        | 865.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-3396         | <b>63-3396</b>            | 1.2 cfs         | 270 af           | 54.1         | 865.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-8232         | <b>63-8232</b>            | 2.73 cfs        | 1228.3 af        | 250.1        | 865.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-8253         | <b>63-8253</b>            | 1.16 cfs        | 563.7 af         | 139.0        | 865.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-29025        | <b>63-29025</b>           | 0.64 cfs        | 144 af           | 32.0         | 865.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED</b> |                           |                 |                  |              |              |                             |                |                  |                      |                       |
| <b>TOTALS</b>   |                           | <b>8.98 cfs</b> | <b>3622.7 af</b> | <b>780.0</b> | <b>865.0</b> |                             | N/A            | N/A              | N/A                  | N/A                   |

Detailed Water Right Description(s) attached

Dated this 6<sup>th</sup> day of January, 20 12

  
 John Westra, Western Regional Manager



**WATER RIGHT NO. 63-2839**  
**As Modified by Transfer No. 77534**

In accordance with the approval of Transfer No. 77534, Water Right No. 63-2839 is now described as follows.

**Right Holder:** BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607

**Priority Date:** September 14, 1955

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | to 11/15  | 1.35 CFS              | 355.5 AF      |
|                       |             |           | 1.35 CFS              | 355.5 AF      |

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

|              |        |                 |                       |
|--------------|--------|-----------------|-----------------------|
| GROUND WATER | NWSWSW | Sec. 9 Twp 02N  | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NESE   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |

| <u>PLACE OF USE:</u> |            |            | IRRIGATION |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           | <u>Totals</u> |
|----------------------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
| <u>Twp</u>           | <u>Rge</u> | <u>Sec</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>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |               |
| 02N                  | 03W        | 8          |            |           |           |           |           |           |           |           |           |           |           |           |           |           | 40.0      | 40.0      | 80.0          |
| 02N                  | 03W        | 9          |            |           |           |           |           |           |           |           |           |           | 40.0      | 39.0      |           |           | 32.0      |           | 111.0         |
| 02N                  | 03W        | 16         | 38.0       | 37.0      | 40.0      | 39.0      | 39.0      | 40.0      | 40.0      | 40.0      | 40.0      | 28.0      | 32.0      | 37.0      | 39.0      | 20.0      | 30.0      | 40.0      | 579.0         |
| 02N                  | 03W        | 17         | 18.0       | 36.0      | 26.0      | 15.0      |           |           |           |           |           |           |           |           |           |           |           |           | 95.0          |

Total Acres: 865

**WATER RIGHT NO. 63-2839**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.
6. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
7. Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
8. Right 63-29025 is an enlargement of Right 63-2839 pursuant to Section 42-1426, Idaho Code.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

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 6<sup>th</sup> day of January, 20 12

  
\_\_\_\_\_  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-3329**  
**As Modified by Transfer No. 77534**

In accordance with the approval of Transfer No. 77534, Water Right No. 63-3329 is now described as follows.

**Right Holder:** BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607

**Priority Date:** February 16, 1963

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 2.06 CFS              | 738.0 AF      |
|                       |             |           | 2.06 CFS              | 738.0 AF      |

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

|              |        |                 |                       |
|--------------|--------|-----------------|-----------------------|
| GROUND WATER | NWSWSW | Sec. 9 Twp 02N  | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NESE   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |

| <u>PLACE OF USE:</u> |            |            | <u>IRRIGATION</u> |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           | <u>Totals</u> |
|----------------------|------------|------------|-------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
| <u>Twp</u>           | <u>Rge</u> | <u>Sec</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>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |               |
| 02N                  | 03W        | 8          |                   |           |           |           |           |           |           |           |           |           |           |           |           |           | 40.0      | 40.0      | 80.0          |
| 02N                  | 03W        | 9          |                   |           |           |           |           |           |           |           |           |           | 40.0      | 39.0      |           |           | 32.0      |           | 111.0         |
| 02N                  | 03W        | 16         | 38.0              | 37.0      | 40.0      | 39.0      | 39.0      | 40.0      | 40.0      | 40.0      | 40.0      | 28.0      | 32.0      | 37.0      | 39.0      | 20.0      | 30.0      | 40.0      | 579.0         |
| 02N                  | 03W        | 17         | 18.0              | 36.0      | 26.0      | 15.0      |           |           |           |           |           |           |           |           |           |           |           |           | 95.0          |

Total Acres: 865

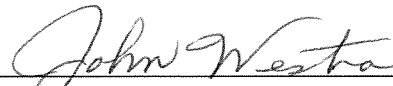
**WATER RIGHT NO. 63-3329**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.
6. This right is limited to the irrigation of 164 acres within the place of use described above in a single irrigation season.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
9. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
10. Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
11. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

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 6<sup>th</sup> day of January, 20 12

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-3366**  
**As Modified by Transfer No. 77534**

In accordance with the approval of Transfer No. 77534, Water Right No. 63-3366 is now described as follows.

**Right Holder:** BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607

**Priority Date:** August 26, 1963

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.22 CFS              | 14.1 AF       |
| STOCKWATER            | 01/01       | to 12/31  | 0.22 CFS              | 56.5 AF       |
| IRRIGATION            | 03/15       | to 11/15  | 2.09 CFS              | 649.4 AF      |
|                       |             |           | 2.09 CFS              | 720.0 AF      |

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

|              |        |         |         |         |               |
|--------------|--------|---------|---------|---------|---------------|
| GROUND WATER | NWSWSW | Sec. 9  | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NWSW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NWSW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NESE   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENE   | Sec. 17 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENE   | Sec. 17 | Twp 02N | Rge 03W | CANYON County |

**PLACE OF USE:** COMMERCIAL

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 17  | X         | X         | X         | X         |           |           |           |           |           |           |           |           |           |           |           |           |        |

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 17  | X         | X         | X         | X         |           |           |           |           |           |           |           |           |           |           |           |           |        |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 8   |           |           |           |           |           |           |           |           |           |           |           |           |           |           | 40.0      | 40.0      | 80.0   |
| 02N 03W 9   |           |           |           |           |           |           |           |           |           | 40.0      | 39.0      |           |           |           | 32.0      |           | 111.0  |
| 02N 03W 16  | 38.0      | 37.0      | 40.0      | 39.0      | 39.0      | 40.0      | 40.0      | 40.0      | 40.0      | 28.0      | 32.0      | 37.0      | 39.0      | 20.0      | 30.0      | 40.0      | 579.0  |
| 02N 03W 17  | 18.0      | 36.0      | 26.0      | 15.0      |           |           |           |           |           |           |           |           |           |           |           |           | 95.0   |

Total Acres: 865

**WATER RIGHT NO. 63-3366**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
7. This right is limited to the irrigation of 144.3 acres within the place of use described above in a single irrigation season.
8. Irrigation use under Rights 63-3366 and 63-8232 when combined shall not exceed a total annual maximum diversion volume of 1594.8 af at the field headgate and the irrigation of 354.4 acres.
9. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
10. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
11. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
12. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/7/2009.
13. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.

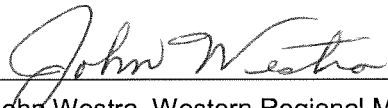
**WATER RIGHT NO. 63-3366**  
**As Modified by Transfer No. 77534**

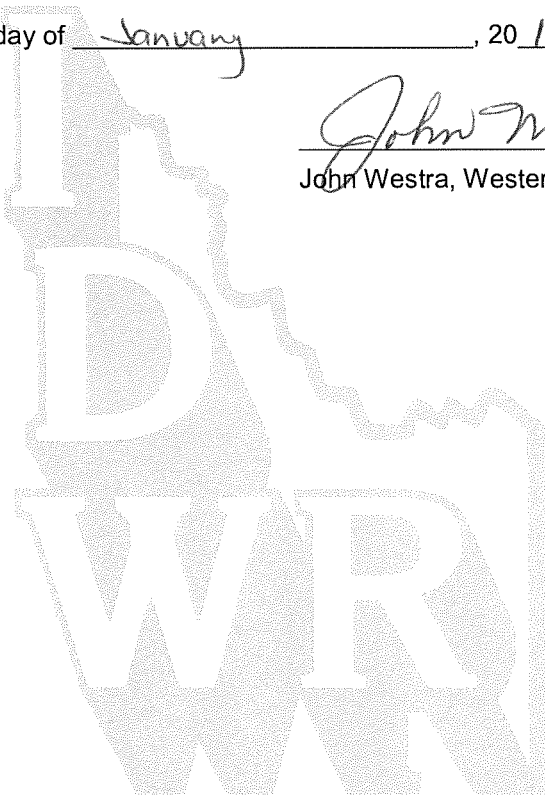
**CONDITIONS OF APPROVAL**

14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
15. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.
16. Commercial use is for a dairy barn.

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 6<sup>th</sup> day of January, 20 12

  
\_\_\_\_\_  
John Westra, Western Regional Manager



**WATER RIGHT NO. 63-3396**  
**As Modified by Transfer No. 77534**

In accordance with the approval of Transfer No. 77534, Water Right No. 63-3396 is now described as follows.

**Right Holder:** BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607

**Priority Date:** December 13, 1963

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 01/01       | to 12/31  | 0.08 CFS              | 21.3 AF       |
| COMMERCIAL            | 01/01       | to 12/31  | 0.08 CFS              | 5.3 AF        |
| IRRIGATION            | 03/15       | to 11/15  | 1.20 CFS              | 243.4 AF      |
|                       |             |           | 1.20 CFS              | 270.0 AF      |

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

|              |        |         |         |         |               |
|--------------|--------|---------|---------|---------|---------------|
| GROUND WATER | NWSWSW | Sec. 9  | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NWSW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NWSW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NESE   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENE   | Sec. 17 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENE   | Sec. 17 | Twp 02N | Rge 03W | CANYON County |

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 17  | X         | X         | X         | X         |           |           |           |           |           |           |           |           |           |           |           |           |        |

**PLACE OF USE:** COMMERCIAL

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 17  | X         | X         | X         | X         |           |           |           |           |           |           |           |           |           |           |           |           |        |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 8   |           |           |           |           |           |           |           |           |           |           |           |           |           |           | 40.0      | 40.0      | 80.0   |
| 02N 03W 9   |           |           |           |           |           |           |           |           |           | 40.0      | 39.0      |           |           |           | 32.0      |           | 111.0  |
| 02N 03W 16  | 38.0      | 37.0      | 40.0      | 39.0      | 39.0      | 40.0      | 40.0      | 40.0      | 40.0      | 28.0      | 32.0      | 37.0      | 39.0      | 20.0      | 30.0      | 40.0      | 579.0  |
| 02N 03W 17  | 18.0      | 36.0      | 26.0      | 15.0      |           |           |           |           |           |           |           |           |           |           |           |           | 95.0   |

Total Acres: 865

**WATER RIGHT NO. 63-3396**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
7. This right is limited to the irrigation of 54.1 acres within the place of use described above in a single irrigation season.
8. Rights 63-3366 and 63-3396 when combined shall not exceed a total diversion rate of 2.09 cfs.
9. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
10. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/7/2009.
12. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

**WATER RIGHT NO. 63-3396**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

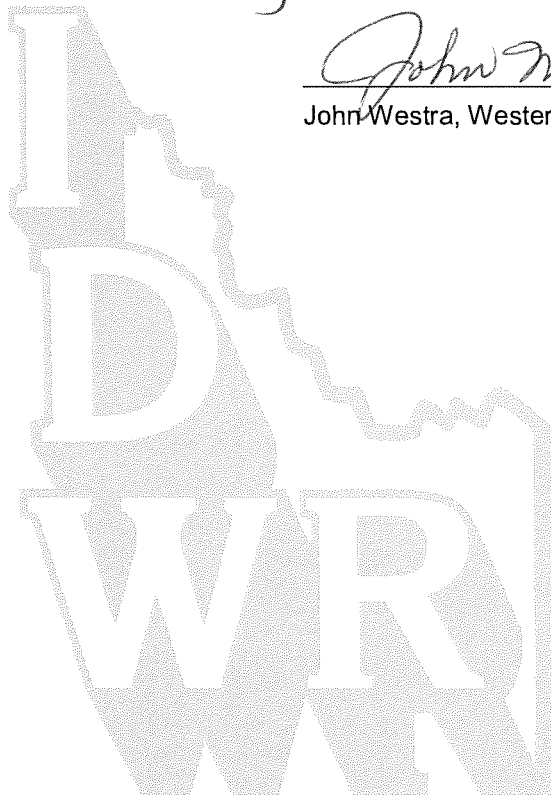
14. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

15. Commercial use is for a dairy barn.

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 6<sup>th</sup> day of January, 20 12

  
\_\_\_\_\_  
John Westra, Western Regional Manager



**WATER RIGHT NO. 63-8232**  
**As Modified by Transfer No. 77534**

In accordance with the approval of Transfer No. 77534, Water Right No. 63-8232 is now described as follows.

**Right Holder:** BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607

**Priority Date:** October 28, 1975

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.32 CFS              | 20.6 AF       |
| IRRIGATION            | 03/15       | to 11/15  | 2.73 CFS              | 1,125.5 AF    |
| STOCKWATER            | 01/01       | to 12/31  | 0.32 CFS              | 82.2 AF       |
|                       |             |           | 2.73 CFS              | 1,228.3 AF    |

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

|              |        |                 |                       |
|--------------|--------|-----------------|-----------------------|
| GROUND WATER | NWSWSW | Sec. 9 Twp 02N  | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NESE   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |

**PLACE OF USE:** COMMERCIAL

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 17  | X         | X         | X         | X         |           |           |           |           |           |           |           |           |           |           |           |           |        |

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 17  | X         | X         | X         | X         |           |           |           |           |           |           |           |           |           |           |           |           |        |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|             | <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> |        |
| 02N 03W 8   |           |           |           |           |           |           |           |           |           |           |           |           |           |           | 40.0      | 40.0      | 80.0   |
| 02N 03W 9   |           |           |           |           |           |           |           |           |           | 40.0      | 39.0      |           |           |           | 32.0      |           | 111.0  |
| 02N 03W 16  | 38.0      | 37.0      | 40.0      | 39.0      | 39.0      | 40.0      | 40.0      | 40.0      | 40.0      | 28.0      | 32.0      | 37.0      | 39.0      | 20.0      | 30.0      | 40.0      | 579.0  |
| 02N 03W 17  | 18.0      | 36.0      | 26.0      | 15.0      |           |           |           |           |           |           |           |           |           |           |           |           | 95.0   |

Total Acres: 865

**WATER RIGHT NO. 63-8232**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. Water diverted and used for the dairy operation, including land application of waste water, shall satisfy federal and Idaho state laws, regulations, and standards related to water quality.
7. This right is limited to the irrigation of 250.1 acres within the place of use described above in a single irrigation season.
8. Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs and a total annual maximum diversion volume of 2038.2 af.
9. Irrigation use under Rights 63-3366, 63-3396 and 63-8232 when combined shall not exceed a total diversion rate of 4.41 cfs, a total annual maximum diversion volume of 1838.2 af and the irrigation of 428 acres.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/7/2009.
11. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

**WATER RIGHT NO. 63-8232**  
**As Modified by Transfer No. 77534**

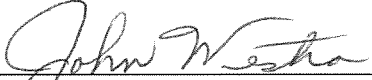
**CONDITIONS OF APPROVAL**

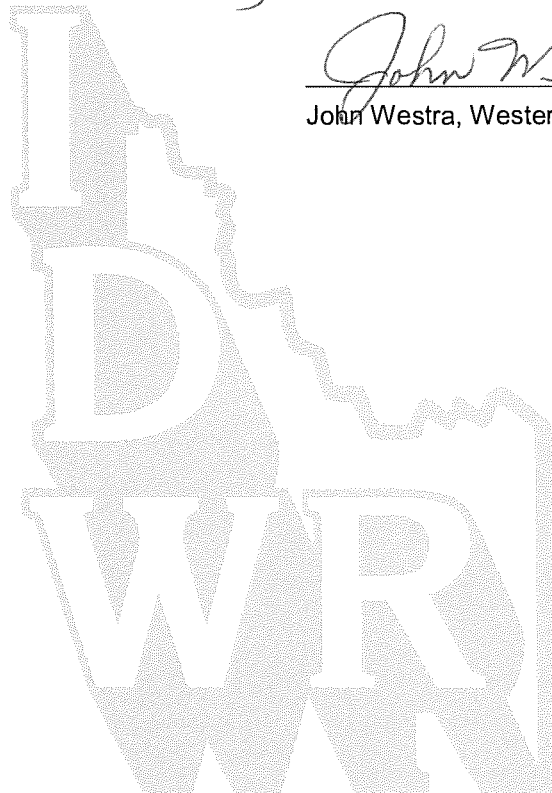
13. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

14. Commercial use is for a dairy barn.

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 6<sup>th</sup> day of January, 20 12

  
\_\_\_\_\_  
John Westra, Western Regional Manager



**WATER RIGHT NO. 63-8253**  
**As Modified by Transfer No. 77534**

In accordance with the approval of Transfer No. 77534, Water Right No. 63-8253 is now described as follows.

**Right Holder:** BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607

**Priority Date:** January 16, 1976

**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  | 1.16 CFS              | 563.7 AF      |
|                       |             |           | 1.16 CFS              | 563.7 AF      |

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

|              |        |         |         |         |               |
|--------------|--------|---------|---------|---------|---------------|
| GROUND WATER | NWSWSW | Sec. 9  | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NWSW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NWSW   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NESE   | Sec. 16 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENE   | Sec. 17 | Twp 02N | Rge 03W | CANYON County |
| GROUND WATER | NENE   | Sec. 17 | Twp 02N | Rge 03W | CANYON County |

| <u>PLACE OF USE:</u> |     | IRRIGATION |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | <u>Totals</u> |      |      |       |
|----------------------|-----|------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|---------------|------|------|-------|
| Twp                  | Rge | Sec        | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |               |      |      |       |
|                      |     |            | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE            |      |      |       |
| 02N                  | 03W | 8          |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |               | 40.0 | 40.0 | 80.0  |
| 02N                  | 03W | 9          |      |      |      |      |      |      |      |      |      |      | 40.0 | 39.0 |      |      |      |               | 32.0 |      | 111.0 |
| 02N                  | 03W | 16         | 38.0 | 37.0 | 40.0 | 39.0 | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 28.0 | 32.0 | 37.0 | 39.0 | 20.0 | 30.0 | 40.0          |      |      | 579.0 |
| 02N                  | 03W | 17         | 18.0 | 36.0 | 26.0 | 15.0 |      |      |      |      |      |      |      |      |      |      |      |               |      |      | 95.0  |

Total Acres: 865

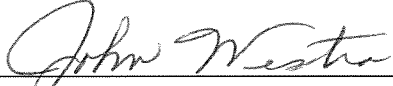
**WATER RIGHT NO. 63-8253**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
6. This right is limited to the irrigation of 139 acres within the place of use described above in a single irrigation season.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
9. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
10. Rights 63-3329 and 63-8253 when combined shall not exceed the irrigation of 164 acres.
11. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

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 6<sup>th</sup> day of January, 20 12

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-10268**  
**As Modified by Transfer No. 77534**

In accordance with the approval of Transfer No. 77534, Water Right No. 63-10268 is now described as follows.

**Right Holder:** BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607

**Priority Date:** October 03, 1984

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | to 11/15  | 1.54 CFS              | 347.0 AF      |
|                       |             |           | 1.54 CFS              | 347.0 AF      |

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

|              |        |                 |                       |
|--------------|--------|-----------------|-----------------------|
| GROUND WATER | NWSWSW | Sec. 9 Twp 02N  | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NESE   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |

| <u>PLACE OF USE:</u> |     | 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   |        |      |       |
| 02N                  | 03W | 8          |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 40.0   | 40.0 | 80.0  |
| 02N                  | 03W | 9          |      |      |      |      |      |      |      |      |      |      | 40.0 | 39.0 |      |      |      |      | 32.0   |      | 111.0 |
| 02N                  | 03W | 16         | 38.0 | 37.0 | 40.0 | 39.0 | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 28.0 | 32.0 | 37.0 | 39.0 | 20.0 | 30.0 | 40.0 |        |      | 579.0 |
| 02N                  | 03W | 17         | 18.0 | 36.0 | 26.0 | 15.0 |      |      |      |      |      |      |      |      |      |      |      |      |        |      | 95.0  |

Total Acres: 865

**WATER RIGHT NO. 63-10268**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
8. Rights 63-3329, 63-8253 and 63-10268 when combined shall not exceed a total diversion rate of 3.22 cfs, and a total annual maximum diversion volume of 1085.0 af at the field headgate for the irrigation of 241 acres.
9. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

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 6<sup>th</sup> day of January, 20 12

  
\_\_\_\_\_  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-29025**  
**As Modified by Transfer No. 77534**

In accordance with the approval of Transfer No. 77534, Water Right No. 63-29025 is now described as follows.

**Right Holder:** BERANNA DAIRY  
 9166 PERCH RD  
 CALDWELL ID 83607

**Priority Date:** August 15, 1960

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | to 11/15  | 0.64 CFS              | 144.0 AF      |
|                       |             |           | 0.64 CFS              | 144.0 AF      |

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

|              |        |                 |                       |
|--------------|--------|-----------------|-----------------------|
| GROUND WATER | NWSWSW | Sec. 9 Twp 02N  | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NWSW   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NESE   | Sec. 16 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |
| GROUND WATER | NENE   | Sec. 17 Twp 02N | Rge 03W CANYON County |

| <u>PLACE OF USE:</u> |            | IRRIGATION |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           | <u>Totals</u> |       |
|----------------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|-------|
| <u>Twp</u>           | <u>Rge</u> | <u>NE</u>  |           |           |           | <u>NW</u> |           |           |           | <u>SW</u> |           |           |           | <u>SE</u> |           |           |           |               |       |
|                      | <u>Sec</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>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |               |       |
| 02N                  | 03W        | 8          |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |               | 80.0  |
| 02N                  | 03W        | 9          |           |           |           |           |           |           |           |           |           | 40.0      | 39.0      |           |           | 32.0      |           | 111.0         |       |
| 02N                  | 03W        | 16         | 38.0      | 37.0      | 40.0      | 39.0      | 39.0      | 40.0      | 40.0      | 40.0      | 40.0      | 28.0      | 32.0      | 37.0      | 39.0      | 20.0      | 30.0      | 40.0          | 579.0 |
| 02N                  | 03W        | 17         | 18.0      | 36.0      | 26.0      | 15.0      |           |           |           |           |           |           |           |           |           |           |           |               | 95.0  |

Total Acres: 865

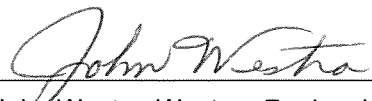
**WATER RIGHT NO. 63-29025**  
**As Modified by Transfer No. 77534**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right is limited to the irrigation of 32 acres within the place of use described above in a single irrigation season.
6. Rights 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025 when combined shall not exceed a total diversion rate of 8.98 cfs, a total annual maximum diversion volume of 3622.7 and the irrigation of 780 acres in a single irrigation season.
7. Rights 63-2839 and 63-29025 when combined shall not exceed a total diversion rate of 1.35 cfs.
8. This right is based upon an enlargement of Right No. 63-2839 pursuant to Section 42-1426, Idaho Code.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 63-8232, 63-8253, 63-10268 and 63-29025.

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 6<sup>th</sup> day of January, 20 12

  
John Westra, Western Regional Manager