

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

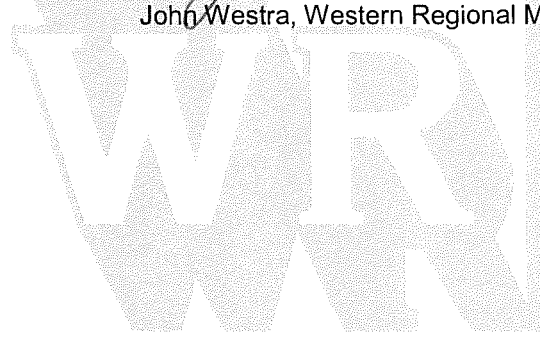
Summary of Water Rights After the Approved Change

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

Detailed Water Right Description(s) attached

Dated this 6th 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>			<u>IRRIGATION</u>																
<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</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	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 6th 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

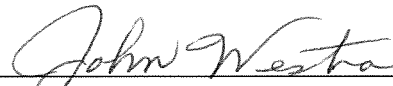
WATER RIGHT NO. 63-3329
As Modified by Transfer No. 77534

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 6th 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.

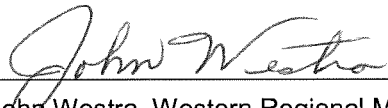
WATER RIGHT NO. 63-3366
As Modified by Transfer No. 77534

CONDITIONS OF APPROVAL

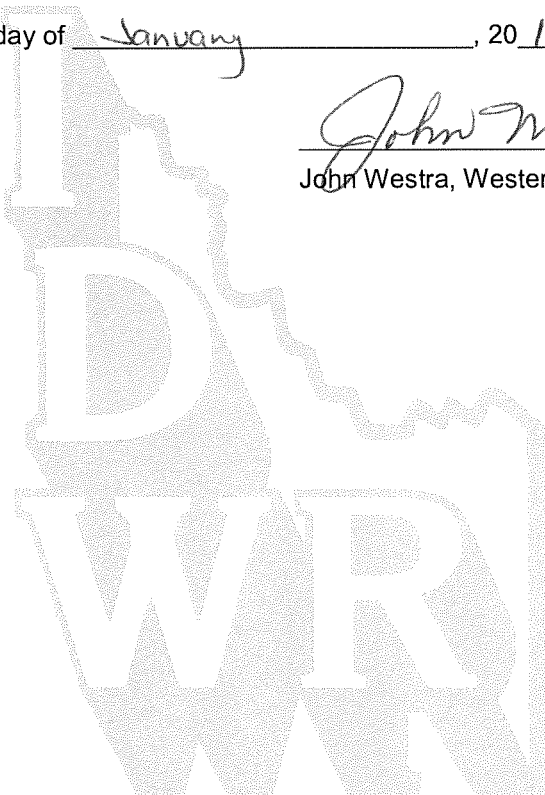
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
15. The following rights are diverted through points of diversion described above: 63-2839, 63-3329, 63-3366, 63-3396, 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 6th 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.

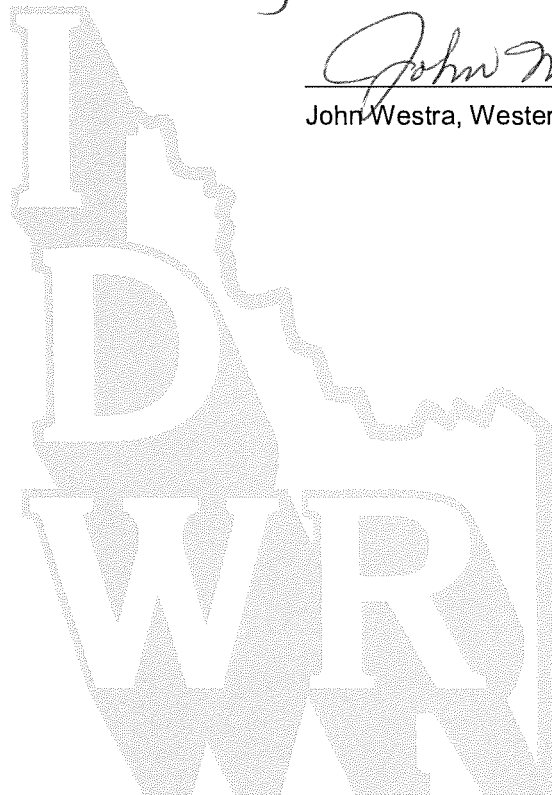
15. Commercial use is for a dairy barn.

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 6th 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

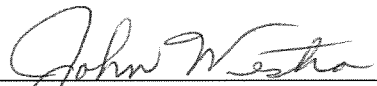
CONDITIONS OF APPROVAL

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.

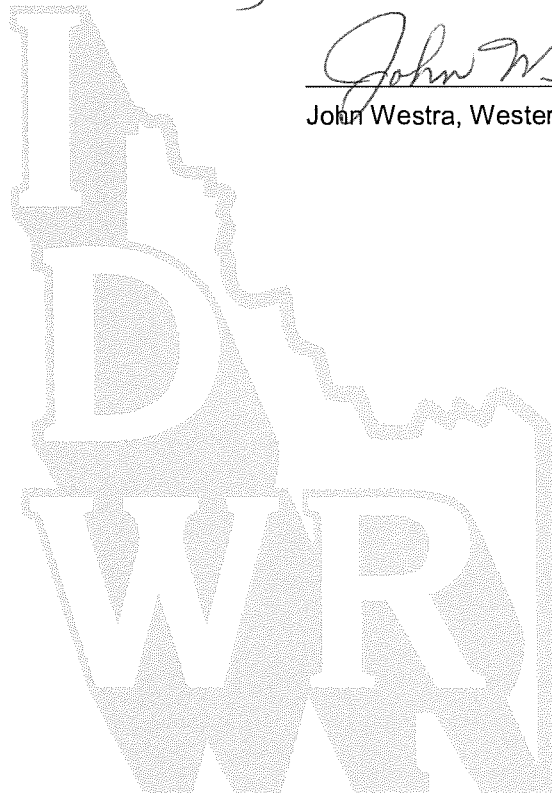
14. Commercial use is for a dairy barn.

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 6th 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																			
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

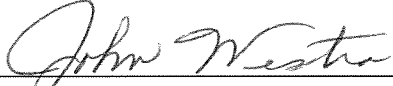
WATER RIGHT NO. 63-8253
As Modified by Transfer No. 77534

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 6th 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 6th 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

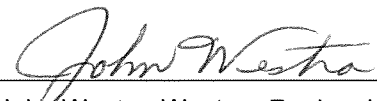
WATER RIGHT NO. 63-29025
As Modified by Transfer No. 77534

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 6th day of January, 20 12


John Westra, Western Regional Manager