

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77581

This is to certify that: WILLIAMSON ORCHARDS
 19692 WILLIAMSON LN
 CALDWELL ID 83607
 (208)459-7333

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>
63-10013B	WR/License	04/06/1983	0.38 cfs	135 af	30.0	317.0	GROUND WATER
63-2814	WR/Decreed	06/06/1950	1.5 cfs	495 af	110.0	287.0	GROUND WATER
63-2962	WR/Decreed	10/06/1953	1.42 cfs	319.5 af	71.0	287.0	GROUND WATER
63-3281	WR/Decreed	03/26/1962	0.76 cfs	180 af	40.0	287.0	GROUND WATER
63-8062	WR/Decreed	11/15/1974	2.05 cfs	793.4 af	176.0	287.0	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>
63-10013B	NO	YES	YES	NO	NO	NO
63-2814	NO	YES	YES	NO	NO	NO
63-2962	NO	YES	YES	NO	NO	NO
63-3281	NO	YES	YES	NO	NO	NO
63-8062	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

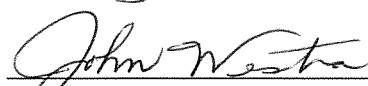
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-10013B	63-10013B	0.38 cfs	135 af	30.0	247.0		N/A	N/A	N/A	N/A
63-2814	63-2814	1.5 cfs	495 af	110.0	247.0		N/A	N/A	N/A	N/A
63-2962	63-2962	1.42 cfs	319.5 af	71.0	247.0		N/A	N/A	N/A	N/A
63-3281	63-3281	0.76 cfs	180 af	N/A	40.0		N/A	N/A	N/A	N/A
63-8062	63-8062	2.05 cfs	793.4 af	176.0	247.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		6.11 cfs	1247.7 af		277		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

SUPPORT DATA

Dated this 9th day of February, 2012

IN FILE # 63-2814


 Western Regional Manager

WATER RIGHT NO. 63-2814
As Modified by Transfer No. 77581

In accordance with the approval of Transfer No. 77581, Water Right No. 63-2814 is now described as follows.

Right Holder: WILLIAMSON ORCHARDS
 19692 WILLIAMSON LN
 CALDWELL ID 83607

Priority Date: June 06, 1950

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	1.50 CFS	495.0 AF
			1.50 CFS	495.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 13 Twp 03N	Rge 04W CANYON County
GROUND WATER	NESE	Sec. 14 Twp 03N	Rge 04W CANYON County
GROUND WATER	SENE	Sec. 23 Twp 03N	Rge 04W CANYON County
GROUND WATER	NWNW	Sec. 24 Twp 03N	Rge 04W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 04W 13											31.0						31.0
03N 04W 14													40.0			40.0	80.0
03N 04W 23	40.0			40.0										16.0			96.0
03N 04W 24						40.0											40.0

Total Acres: 247

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.

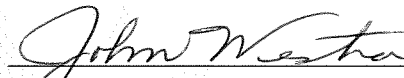
WATER RIGHT NO. 63-2814
As Modified by Transfer No. 77581

CONDITIONS OF APPROVAL

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 2/6/2009.
6. This right is limited to the irrigation of 110 acres within the authorized place of use in a single irrigation season.
7. Rights 63-2814, 63-2962 and 63-8062 when combined shall not exceed a total annual maximum diversion volume of 1111.5 af at the field headgate, and the irrigation of 247 acres.
8. 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.
9. The following rights are diverted through points of diversion described above: 63-2814, 63-2962, 63-8062 and 63-10013B.

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 9th day of February, 20 12


Western Regional Manager

WATER RIGHT NO. 63-3281
As Modified by Transfer No. 77581

In accordance with the approval of Transfer No. 77581, Water Right No. 63-3281 is now described as follows.

Right Holder: WILLIAMSON ORCHARDS
 19692 WILLIAMSON LN
 CALDWELL ID 83607

Priority Date: March 26, 1962

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	0.76 CFS	180.0 AF
			0.76 CFS	180.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 24 Twp 03N Rge 04W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 04W 24											40.0						40.0

Total Acres: 40

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.

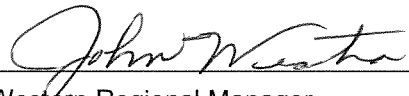
WATER RIGHT NO. 63-3281
As Modified by Transfer No. 77581

CONDITIONS OF APPROVAL

5. 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.

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 9th day of February, 20 12


Western Regional Manager

WATER RIGHT NO. 63-2962
As Modified by Transfer No. 77581

In accordance with the approval of Transfer No. 77581, Water Right No. 63-2962 is now described as follows.

Right Holder: WILLIAMSON ORCHARDS
 19692 WILLIAMSON LN
 CALDWELL ID 83607

Priority Date: October 06, 1953

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	1.42 CFS	319.5 AF
			1.42 CFS	319.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 13 Twp 03N	Rge 04W CANYON County
GROUND WATER	NESE	Sec. 14 Twp 03N	Rge 04W CANYON County
GROUND WATER	SENE	Sec. 23 Twp 03N	Rge 04W CANYON County
GROUND WATER	NWNW	Sec. 24 Twp 03N	Rge 04W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 04W 13											31.0						31.0
03N 04W 14													40.0			40.0	80.0
03N 04W 23	40.0			40.0										16.0			96.0
03N 04W 24						40.0											40.0

Total Acres: 247

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.

WATER RIGHT NO. 63-2962
As Modified by Transfer No. 77581

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 71 acres within the authorized place of use in a single irrigation season.
6. Rights 63-2814, 63-2962 and 63-8062 when combined shall not exceed a total annual maximum diversion volume of 1111.5 af at the field headgate, and the irrigation of 247 acres.
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. The following rights are diverted through points of diversion described above: 63-2814, 63-2962, 63-8062 and 63-10013B.

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 9th day of February, 20 12


Western Regional Manager

WATER RIGHT NO. 63-8062
As Modified by Transfer No. 77581

In accordance with the approval of Transfer No. 77581, Water Right No. 63-8062 is now described as follows.

Right Holder: WILLIAMSON ORCHARDS
 19692 WILLIAMSON LN
 CALDWELL ID 83607

Priority Date: November 15, 1974

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	2.02 CFS	792.0 AF
STOCKWATER	01/01	to 12/31	0.03 CFS	1.4 AF
			2.05 CFS	793.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 13 Twp 03N	Rge 04W CANYON County
GROUND WATER	NESE	Sec. 14 Twp 03N	Rge 04W CANYON County
GROUND WATER	SENE	Sec. 23 Twp 03N	Rge 04W CANYON County
GROUND WATER	NWNW	Sec. 24 Twp 03N	Rge 04W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	13											31.0						31.0
03N	04W	14													40.0			40.0	80.0
03N	04W	23	40.0			40.0										16.0			96.0
03N	04W	24					40.0												40.0

Total Acres: 247

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.

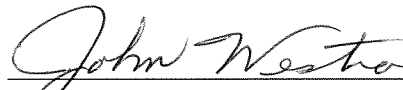
WATER RIGHT NO. 63-8062
As Modified by Transfer No. 77581

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 176 acres within the authorized place of use in a single irrigation season.
6. Rights 63-2814, 63-2962 and 63-8062 when combined shall not exceed a total annual maximum diversion volume of 1111.5 af at the field headgate, and the irrigation of 247 acres.
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. The following rights are diverted through points of diversion described above: 63-2814, 63-2962, 63-8062 and 63-10013B.

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 9th day of February, 20 12


Western Regional Manager

WATER RIGHT NO. 63-10013B
As Modified by Transfer No. 77581

In accordance with the approval of Transfer No. 77581, Water Right No. 63-10013B is now described as follows.

Right Holder: WILLIAMSON ORCHARDS
 19692 WILLIAMSON LN
 CALDWELL ID 83607

Priority Date: April 06, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	to 11/15	0.38 CFS	135.0 AF
			0.38 CFS	135.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 13 Twp 03N	Rge 04W CANYON County
GROUND WATER	NESE	Sec. 14 Twp 03N	Rge 04W CANYON County
GROUND WATER	SENE	Sec. 23 Twp 03N	Rge 04W CANYON County
GROUND WATER	NWNW	Sec. 24 Twp 03N	Rge 04W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 04W 13											31.0						31.0
03N 04W 14													40.0			40.0	80.0
03N 04W 23	40.0			40.0										16.0			96.0
03N 04W 24						40.0											40.0

Total Acres: 247

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.

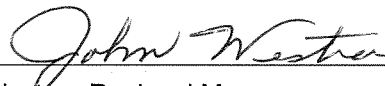
WATER RIGHT NO. 63-10013B
As Modified by Transfer No. 77581

CONDITIONS OF APPROVAL

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 the date of this approval.
6. This right is limited to the irrigation of 30 acres within the authorized place of use in a single irrigation season.
7. Rights 63-2814, 63-2962, 63-8062 and 63-10013B when combined shall not exceed a total annual maximum diversion volume of 1246.5 af at the field headgate, and the irrigation of 277 acres.
8. 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.
9. The following rights are diverted through points of diversion described above: 63-2814, 63-2962, 63-8062 and 63-10013B.

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 9th day of February, 20 12


Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 9, 2012

WILLIAMSON ORCHARDS
19692 WILLIAMSON LN
CALDWELL ID 83607

RE: Transfer No.: 77581
Water Right Nos.: 63-2814 63-3281 63-2962 63-8062 63-10013B

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

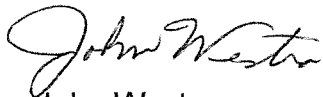
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-334-2190.

Sincerely,

A handwritten signature in black ink that reads "John Westra". The signature is written in a cursive, flowing style.

John Westra

Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

RE: TRANSFER NO. 77581

WATER RIGHTS NOS. 63-2814 63-3281 63-2962 63-8062
63-10013B

WILLIAMSON ORCHARDS
19692 WILLIAMSON LN
CALDWELL ID 83607

ZIONS FIRST NATIONAL BANK
2460 S 3270 W
WEST VALLEY CITY UT 84119

A handwritten signature in cursive script, reading "Danni M. Smith", is written over a horizontal line.

Danni M. Smith
Technical Specialist 2

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

29512 596062

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon) SS.

Amanda Weaver
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
01/05/2012 01/12/2012

Amanda Weaver

STATE OF IDAHO)

County of Canyon)

On this 12th day of January in the year of
2012 before me a Notary Public, personally appeared.
Amanda Weaver, known or identified
to me to be the person whose name is subscribed
to the within instrument, and being by me first
duly sworn, declared that the statements therein
are true, and acknowledge to me that he/she
executed the same.

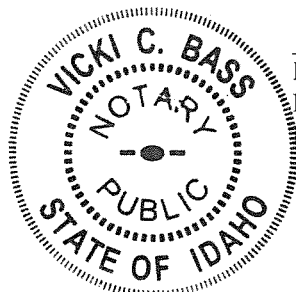
Vicki C Bass

Notary Public for Idaho

Residing at Caldwell

My Commission expires 04/19/2014

RECEIVED
JAN 13 2012
WATER RESOURCES
WESTERN REGION



MEMORANDUM

TO: Transfer No. 77581
FROM: Angie Grimm
DATE: December 13, 2011
RE: Evaluation of Application

The transfer proposes to remove right 63-3281 from the integrated system expanded by approval of previous Transfer 4069. Transfer 4029 created the integrated system of rights initially. Transfer 4069 added right 63-3281 PD and PU to the system. The applicant wishes to remove this right, PD and PU from the system, i.e. undo Transfer 4069. This includes removing the PD and 40 acres of irrigation PU in the SW SW Section 24 T3N R4W from rights 63-2814, 63-2962, 63-8062, and 63-10013B.

The PU and PD of right 63-3281 to be removed from the system are located northeast of the intersection of Chicken Dinner Rd and Lowell Rd approximately 1 mile west of Lake Lowell.

Summary of Information Submitted

Authority to File: The applicant is the water right owner of record for all the rights proposed for transfer. The owner has authority to change the rights.

Water Right Validity: Rights 63-2814, 63-3281, 63-2962, and 63-8062 are presumed to be valid because the partial decrees were issued in 2009, within the past five year period. Beneficial use of right 63-10013B, developed after 1987, was confirmed via 2011 and 2009 aerial photography.

Injury to Other Water Rights: Injury should not occur under this proposal. Essentially the only change proposed is to restore the system back to its pre-Transfer 4069 approval state. There are no new wells proposed or any changes to the historic PU proposed. As a ground water right, use of the PDs is subject to reasonable pumping level provisions of I. C. § 42-226. Considering the applicant is not proposing to increase diversion beyond authorized limits it is not likely the proposed change will impact ground water supply or other water rights in the area.

Enlargement of Use: The diversion rate, annual diversion volume, or number of acres irrigated will not increase as a result of this transfer. The rights have individual acre limits that will be maintained should this transfer be approved. The combined volume and acre limit condition on the rights will be modified to exclude 40 acres and the associated 180 ac-ft being removed with right 63-3281. Right 63-3281 is not staked with these other water rights. See Discussion section of this memo for additional information regarding overlap of rights.

Local Public Interest: Allowing the applicant to remove right 63-3281 from the system created via approval of Transfer 4069 serves the local public interest in the sense that severing the right, well, and property from the system prior to the applicant selling the property will simplify future ownership change applications for this system of water rights. Also severing the right from the

system and authorizing diversion works solely within the 40 acre-tract allows for more efficient diversion in the sense that there are less wells, piping, distance to cover, etc before beneficial use of the right is made.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Data entry will affect the correct record for rights 63-3281, 63-2814, 63-2962, 63-8062, and 63-10013B. Rights 63-3281, 63-2814, 63-2962, and 63-8062 were all decreed in the SRBA in 2009. The results of the SRBA were migrated prior to data entry of this transfer. Right 63-10013B is a right developed after 1987 for which the SRBA is not applicable. Data entry for the transfer will affect the water right records of all the rights.

The applicant proposes to remove right 63-3281 including the original PD and PU within the SW SW Section 24 T3N R4W. This PD is also a PD of record for rights 63-2814, 63-2962, 63-8062, and 63-8900. Rights 63-2814, 63-2962, and 63-8062 are part of this transfer process so the PD and 40 acre tract can be removed from the records. Right 63-8900 has the well in the SW SW Section 24 listed as a possible PD; however this right is for commercial use and is not used on the 40 acre tract being removed from the system. Therefore, right 63-8900 does not need to be included in processing of this transfer. Overlap with regard to the PDs to be maintained as part of the integrated system, but removed from right 63-3281, is inconsequential to processing of this transfer, because the rights do not have rate-limited conditions associated with diversion from any of the PDs.

The 40 acre tract to be removed from the system with right 63-3281 is part of the PU of the system irrigation rights 63-2814, 63-2962, 63-8062, and 63-10013B. Transfer 4069 approval added this 40 acres and right 63-3281 to the system established via approval of Transfer 4029 for irrigation rights 63-2814, 63-2962, and 63-8062. Records indicate the only true overlap in acres when the rights were originally developed occurred with rights 63-2814 and 63-8062. All the other rights in the system were developed independently on individual acres and are not staked rights. Therefore, the proposal to remove right 63-3281 and essentially undo Transfer 4069 is approvable.

This transfer application was discussed at great length with the applicant during an office visit on 10/6/2011. The original application was drafted and submitted as a result of that meeting. After further contemplation of what is proposed, an amended application was requested and received. See memorandums on file for further details.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 N/A since a new well(s) is not proposed.