

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66569

This is to certify that: SCHENK LAND & CATTLE LP

1380 S 50 W
OAKLEY ID 83346
(208) 862-9219

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-703	WR/Decreed	04/01/1912	3.2 cfs	N/A	160.0	892.0	LAND CREEK
45-12444	WR/Decreed	04/01/1870	4.133 cfs	N/A	300.0	892.0	LAND RANCH SPRING
45-4013B	WR/Decreed	04/10/1948	0.88 cfs	429.4 af	560.0	892.0	GROUND WATER
45-12450	WR/Decreed	05/15/1955	4.43 cfs	2161.8 af	N/A	892.0	GROUND WATER
45-12447	WR/Decreed	04/01/1890	5.33 cfs	N/A	439.0	892.0	LAND CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-703	NO	NO	YES	NO	NO	NO
45-12444	NO	NO	YES	NO	NO	NO
45-4013B	NO	NO	YES	NO	NO	NO
45-12450	NO	NO	YES	NO	NO	NO
45-12447	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-703	45-703	3.2 cfs	N/A	160.0	892.0	N/A	N/A	N/A	N/A	N/A
45-12444	45-12444	4.13 cfs	N/A	300.0	892.0	N/A	N/A	N/A	N/A	N/A
45-4013B	45-4013B	0.88 cfs	429.4 af	560.0	892.0	N/A	N/A	N/A	N/A	N/A
45-12450	45-12450	4.43 cfs	2161.8 af	N/A	892.0	N/A	N/A	N/A	N/A	N/A
45-12447	45-12447	5.33 cfs	N/A	439.0	892.0	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		17.97 cfs	2591.2 af	892	892	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28th day of October, 20 11



Southern Region Manager

WATER RIGHT NO. 45-4013B
As Modified by Transfer No. 66569

In accordance with the approval of Transfer No. 66569, Water Right No. 45-4013B is now described as follows.

Right Holder: SCHENK LAND & CATTLE LP
 1380 S 50 W
 OAKLEY ID 83346

Priority Date: April 10, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.88 CFS	429.4 AF
			0.88 CFS	429.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESW Sec. 8 Twp 13S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 22E 36	39.0	40.0	38.0	40.0	40.0	33.0	34.0	37.0	40.0	34.0	29.0	40.0	40.0	38.0	39.0	32.0	593.0
12S 23E 31			1.0										3.0	35.0	36.0	35.0	110.0
			L 2											L 3	L 4		
13S 22E 1	13.0	41.0	21.0		36.0			20.0									131.0
	L 1	L 2			L 3												
13S 23E 6	29.0	29.0															58.0
	L 1	L 2															

Total Acres: 892

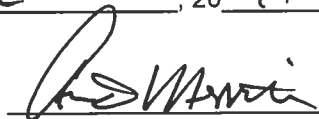
WATER RIGHT NO. 45-4013B
As Modified by Transfer No. 66569

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 560 acres within the authorized place of use in a single irrigation season.
2. Rights 45-4013B and 45-12450 when combined shall not exceed a total diversion rate of 5.31 cfs and a total annual maximum diversion volume of 2591.2 af at the field headgate.
3. Rights 45-703, 45-4013B, 45-12444, 45-12447, and 45-12450 when combined shall not exceed the irrigation of 892 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 28th day of October, 2011



Southern Region Manager

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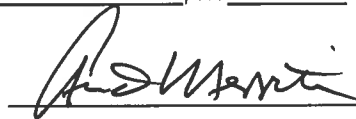
WATER RIGHT NO. 45-12444
As Modified by Transfer No. 66569

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 300 acres within the authorized place of use in a single irrigation season.
2. Rights 45-703, 45-4013B, 45-12444, 45-12447 and 45-12450 when combined shall not exceed the irrigation of 892 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
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 does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 28th day of October, 2011


Southern Region Manager

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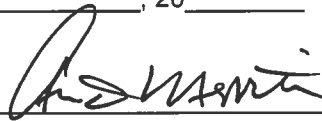
WATER RIGHT NO. 45-12447
As Modified by Transfer No. 66569

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 439 acres within the authorized place of use in a single irrigation season.
2. Rights 45-703, 45-4013B, 45-12444, 45-12447 and 45-12450 when combined shall not exceed the irrigation of 892 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
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 does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 28th day of October, 2011



Southern Region Manager

WATER RIGHT NO. 45-12450
As Modified by Transfer No. 66569

In accordance with the approval of Transfer No. 66569, Water Right No. 45-12450 is now described as follows.

Right Holder: SCHENK LAND & CATTLE LP
 1380 S 50 W
 OAKLEY ID 83346

Priority Date: May 15, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	4.43 CFS	2,161.8 AF
			4.43 CFS	2,161.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESW Sec. 8 Twp 13S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 22E 36	39.0	40.0	38.0	40.0	40.0	33.0	34.0	37.0	40.0	34.0	29.0	40.0	40.0	38.0	39.0	32.0	593.0
12S 23E 31			1.0										3.0	35.0	36.0	35.0	110.0
			L 2											L 3	L 4		
13S 22E 1	13.0	41.0	21.0		36.0			20.0									131.0
	L 1	L 2			L 3												
13S 23E 6	29.0	29.0															58.0
	L 1	L 2															

Total Acres: 892

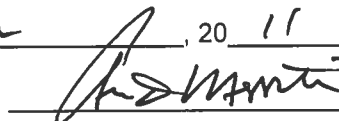
WATER RIGHT NO. 45-12450
As Modified by Transfer No. 66569

CONDITIONS OF APPROVAL

1. Rights 45-4013B and 45-12450 when combined shall not exceed a total diversion rate of 5.31 cfs and a total annual maximum diversion volume of 2591.2 af at the field headgate.
2. Rights 45-703, 45-4013B, 45-12444, 45-12447, and 45-12450 when combined shall not exceed the irrigation of 892 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 28th day of October, 20 11


Southern Region Manager

WATER RIGHT NO. 45-703
As Modified by Transfer No. 66569

In accordance with the approval of Transfer No. 66569, Water Right No. 45-703 is now described as follows.

Right Holder: SCHENK LAND & CATTLE LP
 1380 S 50 W
 OAKLEY ID 83346

Priority Date: April 01, 1912

Source: LAND CREEK

Tributary: GOOSE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	03/15	to 11/15	0.04 CFS
IRRIGATION	03/15	to 11/15	3.20 CFS
			3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

LAND CREEK L1 (SENENE) Sec. 6 Twp 13S Rge 23E CASSIA County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	1	X																
			L 1																

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	
12S	22E	36	39.0	40.0	38.0	40.0	40.0	33.0	34.0	37.0	40.0	34.0	29.0	40.0	40.0	38.0	39.0	32.0	593.0
12S	23E	31			1.0										3.0	35.0	36.0	35.0	110.0
					L 2											L 3	L 4		
13S	22E	1	13.0	41.0	21.0		36.0			20.0									131.0
			L 1	L 2			L 3												
13S	23E	6	29.0	29.0															58.0
			L 1	L 2															

Total Acres: 892

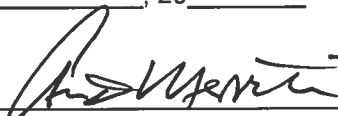
WATER RIGHT NO. 45-703
As Modified by Transfer No. 66569

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 45-703, 45-4013B, 45-12444, 45-12447 and 45-12450 when combined shall not exceed the irrigation of 892 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
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 does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 28th day of October, 2011



Southern Region Manager

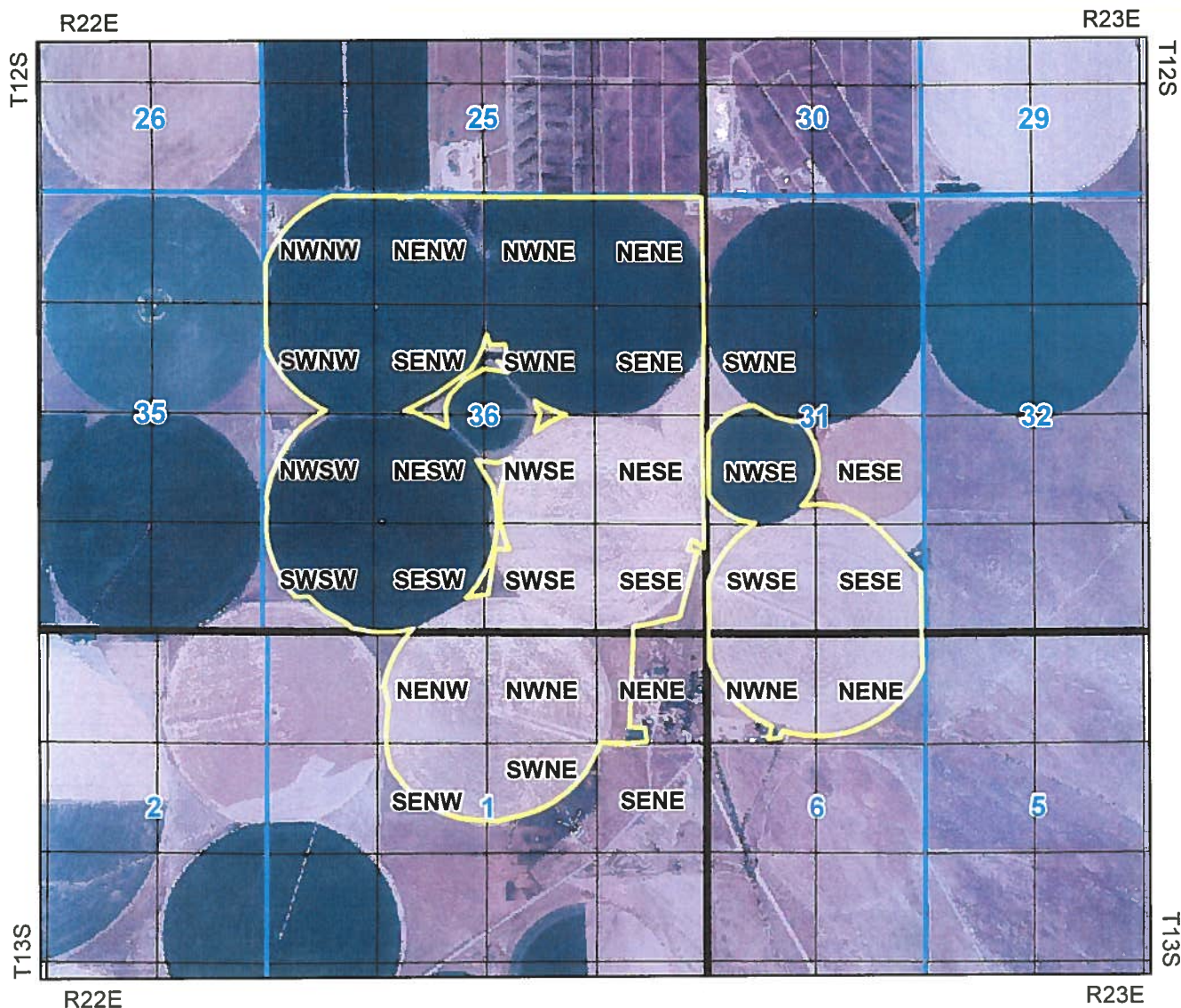
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 66569

Rights: 45-703, 45-4013B, 45-12444, 45-12447, 45-12450

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



0 0.25 0.5 1 Miles

Legend

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



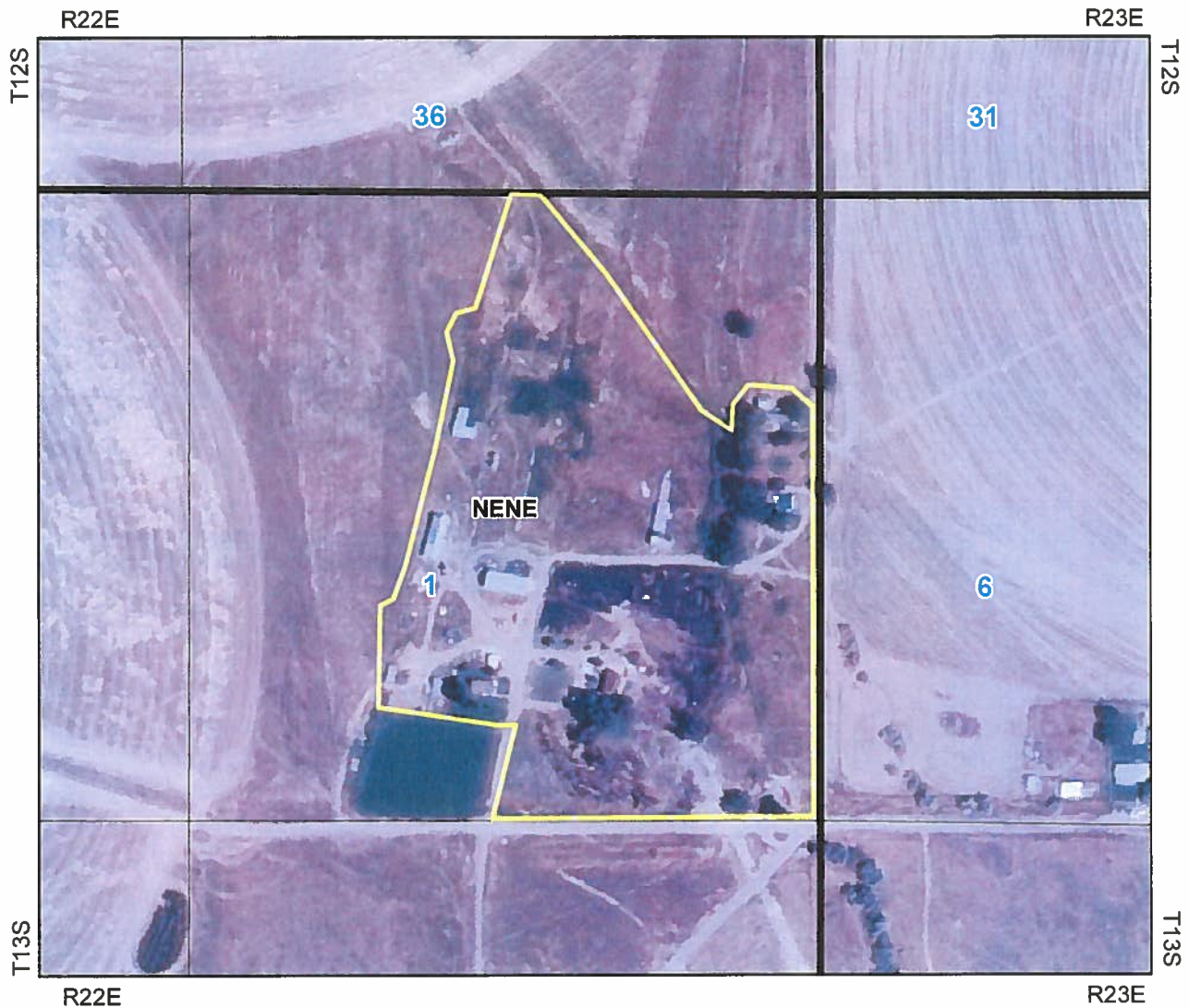
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 66569

Rights: 45-703, 45-12444, 45-12447

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



Legend

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

