

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77431

This is to certify that: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338
 (208)536-2033

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>
34-10895	WR/Decreed	08/29/1960	4.6 cfs	804 af	N/A	229.0	GROUND WATER
34-459	WR/Decreed	10/12/1884	0.16 cfs	N/A	8.0	188.0	BIG LOST RIVER
34-490	WR/Decreed	05/06/1899	1.0 cfs	N/A	N/A	188.0	BIG LOST RIVER
34-12365	WR/Decreed	05/31/1884	1.0 cfs	N/A	50.0	188.0	BIG LOST RIVER
34-374B	WR/Decreed	04/28/1898	1.6 cfs	N/A	80.0	188.0	BIG LOST RIVER

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>
34-10895	NO	NO	YES	NO	NO	NO
34-459	NO	NO	YES	NO	NO	NO
34-490	NO	NO	YES	NO	NO	NO
34-12365	NO	NO	YES	NO	NO	NO
34-374B	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>
34-10895	34-10895	4.55 cfs	794.9 af	N/A	226.4		N/A	N/A	N/A	N/A
34-459	34-459	0.16 cfs	N/A	8.0	226.4		N/A	N/A	N/A	N/A
34-490	34-490	1.0 cfs	N/A	188.0	226.4		N/A	N/A	N/A	N/A
34-12365	34-12365	1.0 cfs	N/A	50.0	226.4		N/A	N/A	N/A	N/A
34-374B	34-374B	1.6 cfs	N/A	80.0	226.4		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.55 cfs	N/A	226.4	226.4		N/A	N/A	N/A	N/A

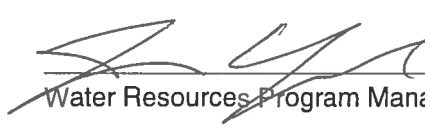
SUPPORT DATA

IN FILE # 34-374B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77431

Detailed Water Right Description(s) attached

Dated this 20th day of October, 2011



Water Resources Program Manager



WATER RIGHT NO. 34-10895
As Modified by Transfer No. 77431

In accordance with the approval of Transfer No. 77431, Water Right No. 34-10895 is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: August 29, 1960

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	4.53 CFS	792.4 AF
DIVERSION TO STORAGE	01/01	to 12/31	0.02 CFS	
RECREATION STORAGE	01/01	to 12/31		2.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (SWNWNE) Sec. 6 Twp 06N Rge 25E CUSTER 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	
06N	25E	6	37.4	39.8	40.3	35.5	3.6				14.2	3.3			28.5	23.5		.3	226.4
			L 1	L 2			L 3					L 6							

Total Acres: 226.4

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	6														X			

CONDITIONS OF APPROVAL

1. Rights 34-374B, 34-459, 34-490, 34-12365 and 34-10895 when combined shall not exceed a total diversion rate of 4.55 cfs and the irrigation of 226.4 acres.
2. This right authorizes the diversion of an annual total of 2.5 af of water to be used for the initial filling of the reservoir, and for the replacement of losses caused by evaporation from the reservoir.
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 2.5 acre feet or a total surface area of 0.4 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. 34.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

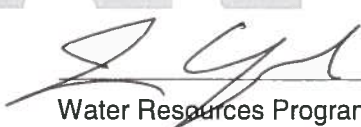
WATER RIGHT NO. 34-10895
As Modified by Transfer No. 77431

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 77431, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 20th day of October, 20 11


Water Resources Program Manager

WATER RIGHT NO. 34-12365
As Modified by Transfer No. 77431

In accordance with the approval of Transfer No. 77431, Water Right No. 34-12365 is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: May 31, 1884

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01 to 10/15

To

Diversion Rate

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County
 BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER 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	
06N	25E	6	37.4	39.8	40.3	35.5	3.6				14.2	3.3			28.5	23.5		.3	226.4
			L 1	L 2			L 3					L 6							

Total Acres: 226.4

WATER RIGHT NO. 34-12365
As Modified by Transfer No. 77431

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 188.0 acres.
3. Rights 34-374B, 34-459, 34-490, 34-12365 and 34-10895 when combined shall not exceed a total diversion rate of 4.55 cfs and the irrigation of 226.4 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.34.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
8. Water delivered through the Sutter ditch.
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 20th day of October, 2011


Water Resources Program Manager

WATER RIGHT NO. 34-490
As Modified by Transfer No. 77431

In accordance with the approval of Transfer No. 77431, Water Right No. 34-490 is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: May 06, 1899

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01 to 10/15

To

Diversion Rate

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER

SWNESE

Sec. 6 Twp 06N Rge 25E CUSTER County

BIG LOST RIVER

SWNESE

Sec. 6 Twp 06N Rge 25E CUSTER 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	
06N	25E	6	37.4	39.8	40.3	35.5	3.6				14.2	3.3			28.5	23.5		.3	226.4
			L 1	L 2			L 3					L 6							

Total Acres: 226.4

WATER RIGHT NO. 34-490
As Modified by Transfer No. 77431

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 188.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 188.0 acres.
3. Rights 34-374B, 34-459, 34-490, 34-12365 and 34-10895 when combined shall not exceed a total diversion rate of 4.55 cfs and the irrigation of 226.4 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.34.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
8. Water delivered through the Sutter ditch.
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.
12. This right does not grant any right-of-way or easement across the land of another.

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 20th day of October, 2011


Water Resources Program Manager

WATER RIGHT NO. 34-459
As Modified by Transfer No. 77431

In accordance with the approval of Transfer No. 77431, Water Right No. 34-459 is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: October 12, 1884

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01 to 10/15

To

Diversion Rate

0.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County
 BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

<u>Twp Rge 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>	
06N	25E	6	37.4	39.8	40.3	35.5	3.6				14.2	3.3			28.5	23.5		.3	226.4
			L 1	L 2			L 3					L 6							

Total Acres: 226.4

WATER RIGHT NO. 34-459
As Modified by Transfer No. 77431

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 188.0 acres.
3. Rights 34-374B, 34-459, 34-490, 34-12365 and 34-10895 when combined shall not exceed a total diversion rate of 4.55 cfs and the irrigation of 226.4 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.34.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
8. Water delivered through the Sutter ditch.
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 20th day of October, 20 11



Water Resources Program Manager

WATER RIGHT NO. 34-374B
As Modified by Transfer No. 77431

In accordance with the approval of Transfer No. 77431, Water Right No. 34-374B is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: April 28, 1898

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01 to 10/15

To

Diversion Rate

1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER County
 BIG LOST RIVER SWNESE Sec. 6 Twp 06N Rge 25E CUSTER 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	
06N	25E	6	37.4	39.8	40.3	35.5	3.6				14.2	3.3			28.5	23.5		.3	226.4
			L 1	L 2			L 3					L 6							

Total Acres: 226.4

WATER RIGHT NO. 34-374B
As Modified by Transfer No. 77431

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 188.0 acres.
3. Rights 34-374B, 34-459, 34-490, 34-12365 and 34-10895 when combined shall not exceed a total diversion rate of 4.55 cfs and the irrigation of 226.4 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.34.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
8. Water delivered through the Sutter ditch.
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 20th day of October, 20 11


Water Resources Program Manager