

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AMENDED

**TRANSFER OF WATER RIGHT**

AMENDED

TRANSFER NO. 76296

This is to certify that: IDAHO WATER CO LLC  
C/O DEL KOHTZ  
1135 VALLEY RD S  
EDEN ID 83325  
(208) 825-5617

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 35-14032     | WR/Decreed          | 08/19/1952      | 4.1 cfs     | 1092 af       | N/A               | 273.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

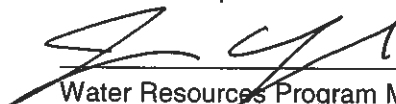
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-14032              | YES          | YES        | YES        | NO             | YES                  | YES                  |

**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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-14032              | <b>35-14070</b>                  | 0.09 cfs             | 20.6 af                | N/A               | 3.5                | <b>35-14069</b>                    | 4.01 cfs              | 1068.8 af               | N/A                         | 267.2                        |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.09 cfs</b>      | <b>20.6 af</b>         | <b>N/A</b>        | <b>3.5</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 1<sup>st</sup> day of February, 2011

  
Water Resources Program Manager

SUPPORT DATA

IN FILE # 35-14032

**WATER RIGHT NO. 35-14069**  
**As Modified by Transfer No. 76296**

In accordance with the approval of Transfer No. 76296, Water Right No. 35-14069 is now described as follows.

**Right Holder:** IDAHO WATER CO LLC  
 C/O DEL KOHTZ  
 1135 VALLEY RD S  
 EDEN ID 83325

**Priority Date:** August 19, 1952

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 4.01 CFS              | 1,068.8 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**  
 GROUND WATER      NWSWNE      Sec. 36 Twp 01S    Rge 33E    BINGHAM 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 |        |
| 01S | 33E | 36  | 7.0 | 26.2 | 39.0 | 38.0 | 39.0 | 39.0 | 39.0 | 40.0 |    |    |    |    |    |    |    |    | 267.2  |

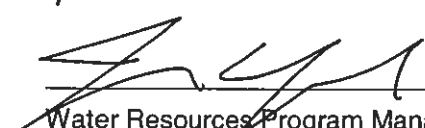
Total Acres: 267.2

**CONDITIONS OF APPROVAL**

- 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 1<sup>st</sup> day of February, 2011

  
 Water Resources Program Manager

**WATER RIGHT NO. 35-14070**  
**As Modified by Transfer No. 76296**

In accordance with the approval of Transfer No. 76296, Water Right No. 35-14070 is now described as follows.

**Right Holder:** IDAHO WATER CO LLC  
 C/O DEL KOHTZ  
 1135 VALLEY RD S  
 EDEN ID 83325

**Priority Date:** August 19, 1952

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.05 CFS              | 14.0 AF       |
| DIVERSION TO STORAGE  | 01/01       | to 12/31  | 0.04 CFS              |               |
| RECREATION STORAGE    | 01/01       | to 12/31  |                       | 6.6 AF        |

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

GROUND WATER                      SWSW                      Sec. 6 Twp 01S Rge 37E BINGHAM 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 |        |
| 01S 37E 6   |    |    |    |    |    |    |    |    |    |    |    | 3.5 |    |    |    |    | 3.5    |

Total Acres: 3.5

**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 |        |
| 01S 37E 6   |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

- Right 35-14070 authorizes the diversion of an annual total of 6.6 acre-feet for recreation storage to be used for the replacement of evaporation losses associated with the recreation pond. Right 35-14070 does not authorize diversion of ground water for the initial fill and subsequent refill of the recreation pond. The diversion of ground water for the initial fill and subsequent refill of the recreation pond must be authorized pursuant to a water bank lease or other approval from the Idaho Department of Water Resources.
- The pond established by the storage of water under this right shall not exceed a total surface area of 2.6 acre(s).
- The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.

**WATER RIGHT NO. 35-14070**  
**As Modified by Transfer No. 76296**

**CONDITIONS OF APPROVAL**

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. 120.
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.
6. Prior to the diversion and use of water under Transfer approval 76296, 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 0.03 cfs per acre nor more than 4.0 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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 1st day of February, 2011

  
Water Resources Program Manager