

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
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)

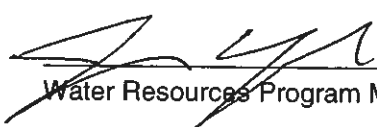
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-14032	YES	YES	YES	NO	YES	YES

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	35-14070	0.09 cfs	20.6 af	N/A	3.5	35-14069	4.01 cfs	1068.8 af	N/A	267.2
COMBINED TOTALS		0.09 cfs	20.6 af	N/A	3.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of January, 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

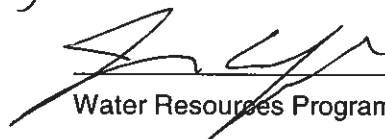
Total Acres: 267.2

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 18th day of January, 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
01S 37E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	3.5

Total Acres: 3.5

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
01S 37E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

CONDITIONS OF APPROVAL

1. Right 35-14070 authorizes the diversion of an annual total of 6.6 acre-feet for recreation storage to only be used for the replacement of evaporation losses associated with the storage pond.
2. The pond established by the storage of water under this right shall not exceed a total surface area of 2.6 acre(s).
3. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
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.

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

CONDITIONS OF APPROVAL

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 18th day of January, 2011


Water Resources Program Manager