

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76805

This is to certify that: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325
 (208) 312-1135

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>
35-14046	WR/Decreed	10/31/1986	0.41 cfs	110.9 af	27.7	105.0	GROUND WATER
35-14052	WR/Decreed	01/27/1976	1.55 cfs	309.1 af	77.3	105.0	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>
35-14046	NO	YES	YES	NO	NO	NO
35-14052	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>
35-14046	35-14046	0.41 cfs	110.9 af	27.7	320.0		N/A	N/A	N/A	N/A
35-14052	35-14052	1.55 cfs	309.1 af	77.3	320.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.55 cfs	420 af	105.0	320.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of December, 20 10


 Water Resources Program Manager

SUPPORT DATA

IN FILE # 35-14046

WATER RIGHT NO. 35-14046
As Modified by Transfer No. 76805

In accordance with the approval of Transfer No. 76805, Water Right No. 35-14046 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: October 31, 1986

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	0.41 CFS	110.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 12 Twp 06S Rge 29E POWER 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	
06S 29E 12					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Total Acres: 320

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 27.7 acres within the place of use described for this right.
2. Rights 35-14046 and 35-14052 when combined shall not exceed a total diversion rate of 1.55 cfs, a total annual maximum diversion volume of 420.0 af at the field headgate, and the irrigation of 105.0 acres.
3. Rights 35-14046 and 35-14052 are limited to the irrigation of a specific 105.0 acres within the 320.0 acre place of use authorized by these rights in a single irrigation season. The specific 105.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 105.0 acres to be irrigated within the 320.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 35-14046
As Modified by Transfer No. 76805

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 76805, 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 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The combination of changes under:
Transfer approval 76778 as described under rights 25-14326 and 25-14327;
Transfer approval 76804 as described under rights 29-13979 and 29-13980;
Transfer approval 76805 as described under rights 35-14046 and 35-14052;
Transfer approval 76806 as described under rights 36-16878 and 36-16879;
Transfer approval 76808 as described under rights 21-13121 and 21-13122;

provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.

10. This right is based upon an enlargement of Right No. 35-14052 pursuant to Section 42-1426, Idaho Code.
11. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 35-14046
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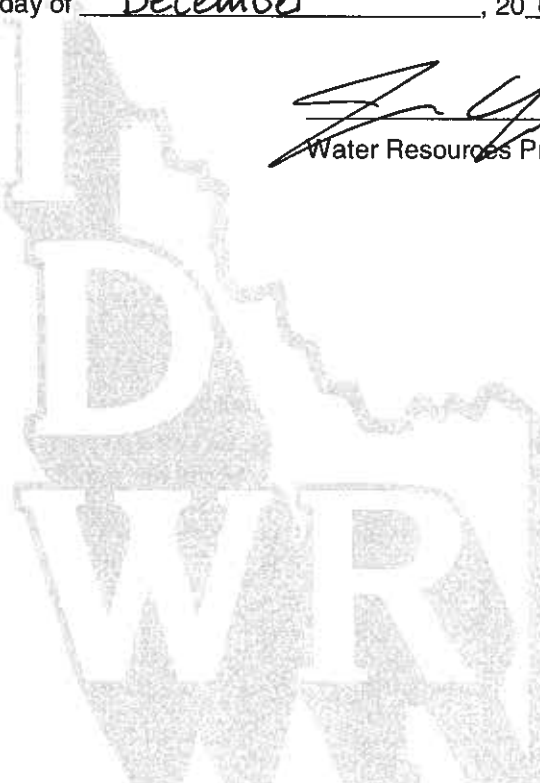
CONDITIONS OF APPROVAL

16. 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 December, 20 10


Water Resources Program Manager



WATER RIGHT NO. 35-14052
As Modified by Transfer No. 76805

In accordance with the approval of Transfer No. 76805, Water Right No. 35-14052 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: January 27, 1976

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	1.55 CFS	309.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 12 Twp 06S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	29E	12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	320.0
			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	

Total Acres: 320

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 77.3 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14046 and 35-14052 when combined shall not exceed a total diversion rate of 1.55 cfs, a total annual maximum diversion volume of 420.0 af at the field headgate, and the irrigation of 105.0 acres.
3. Rights 35-14046 and 35-14052 are limited to the irrigation of a specific 105.0 acres within the 320.0 acre place of use authorized by these rights in a single irrigation season. The specific 105.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 105.0 acres to be irrigated within the 320.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 35-14052
As Modified by Transfer No. 76805

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 76805, 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 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The combination of changes under:
Transfer approval 76778 as described under rights 25-14326 and 25-14327;
Transfer approval 76804 as described under rights 29-13979 and 29-13980;
Transfer approval 76805 as described under rights 35-14046 and 35-14052;
Transfer approval 76806 as described under rights 36-16878 and 36-16879;
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provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

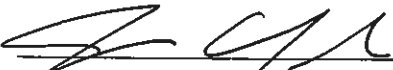
Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this 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. Right No. 35-14046 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
13. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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. 35-14052
As Modified by Transfer No. 76805

CONDITIONS OF APPROVAL

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 December, 2010



Water Resources Program Manager

