

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 75835**

This is to certify that: SOUTHWEST IRRIGATION DIST  
PO BOX 668  
BURLEY ID 83318  
(208)878-8382

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 1-23A        | WR/Decreed          | 02/06/1895      | 77.9 cfs    | 6725 af       |                   |                    | SNAKE RIVER   |

**Purpose of Transfer (Changes Proposed)**

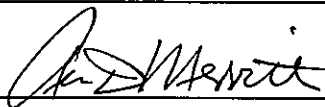
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 1-23A                 | NO           | NO         | NO         | YES            | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 1-23A                 | 1-23A                            | 77.9 cfs             | 6725 af                | N/A               |                    |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>77.9 cfs</b>      | <b>6725 af</b>         | <b>N/A</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 29<sup>th</sup> day of October, 2010

  
\_\_\_\_\_  
Southern Region Manager

**WATER RIGHT NO. 1-23A**  
**As Modified by Transfer No. 75835**

In accordance with the approval of Transfer No. 75835, Water Right No. 1-23A is now described as follows.

**Right Holder:** SOUTHWEST IRRIGATION DIST  
PO BOX 668  
BURLEY ID 83318

**Priority Date:** February 06, 1895

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 77.90 CFS             | 6,725.0 AF    |
|                       |             |           | 77.90 CFS             | 6,725.0 AF    |

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

|             |             |                         |                   |
|-------------|-------------|-------------------------|-------------------|
| SNAKE RIVER | SWSESW      | Sec. 1 Twp 09S Rge 25E  | CASSIA County     |
| SNAKE RIVER | L8 (SWNESE) | Sec. 29 Twp 10S Rge 21E | TWIN FALLS County |
| SNAKE RIVER | NESESE      | Sec. 29 Twp 10S Rge 21E | TWIN FALLS County |
| SNAKE RIVER | L2 (NESWNE) | Sec. 20 Twp 10S Rge 22E | CASSIA County     |

**CONDITIONS OF APPROVAL**

1. Place of use is within the boundary of Southwest Irrigation District pursuant to Section 43-323, Idaho Code.
2. Place of use does not include federal public lands.
3. This right does not grant any right-of-way or easement across the land of another.
4. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
5. Prior to the delivery of water right 1-23A each irrigation season, SWID shall report to Water District #1 the date of when diversion of this right shall begin along with the specific amount (cfs) assigned to each of the four individual diversions that divert water under this right.
6. 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. 01.

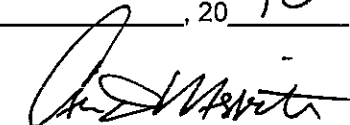
**WATER RIGHT NO. 1-23A**  
**As Modified by Transfer No. 75835**

**CONDITIONS OF APPROVAL Continued**

7. 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.
8. Prior to the diversion of this right during the irrigation year, Southwest Irrigation District must notify the Water District No. 01 Watermaster of both the date when diversion of this right will commence and the portions or percentages of the water right that will be assigned to each of the four listed points-of-diversions listed above.
9. This water right is not entitled to call on ground water rights.
10. The Director of the Department of Water Resources retains jurisdiction to determine and assess a delivery loss to prevent injury to existing water rights in Water District 01.
11. The annual volume diverted under this right is limited to 6725 acre feet except that any water diverted during flood control operations that result in a release of water past Milner Dam shall not be charged against the seasonal volume limitation.
12. Use of this right shall be subordinate to all water rights having a priority date earlier than March 21, 1997 diverting from Snake River in the Neeley to Milner reach except to the extent that water available under this right at the Aberdeen Springfield Canal diversion is specifically identified and shown to be delivered in the Neeley-Milner reach.
13. This right was originally diverted above Blackfoot before it was acquired by Southwest Irrigation District and transferred downstream to the current points of diversion at Milner Dam and Minidoka Dam. Accordingly, the source of supply for this water right is water arising above Blackfoot.
14. 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.
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.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. 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 29<sup>th</sup> day of October, 20 10

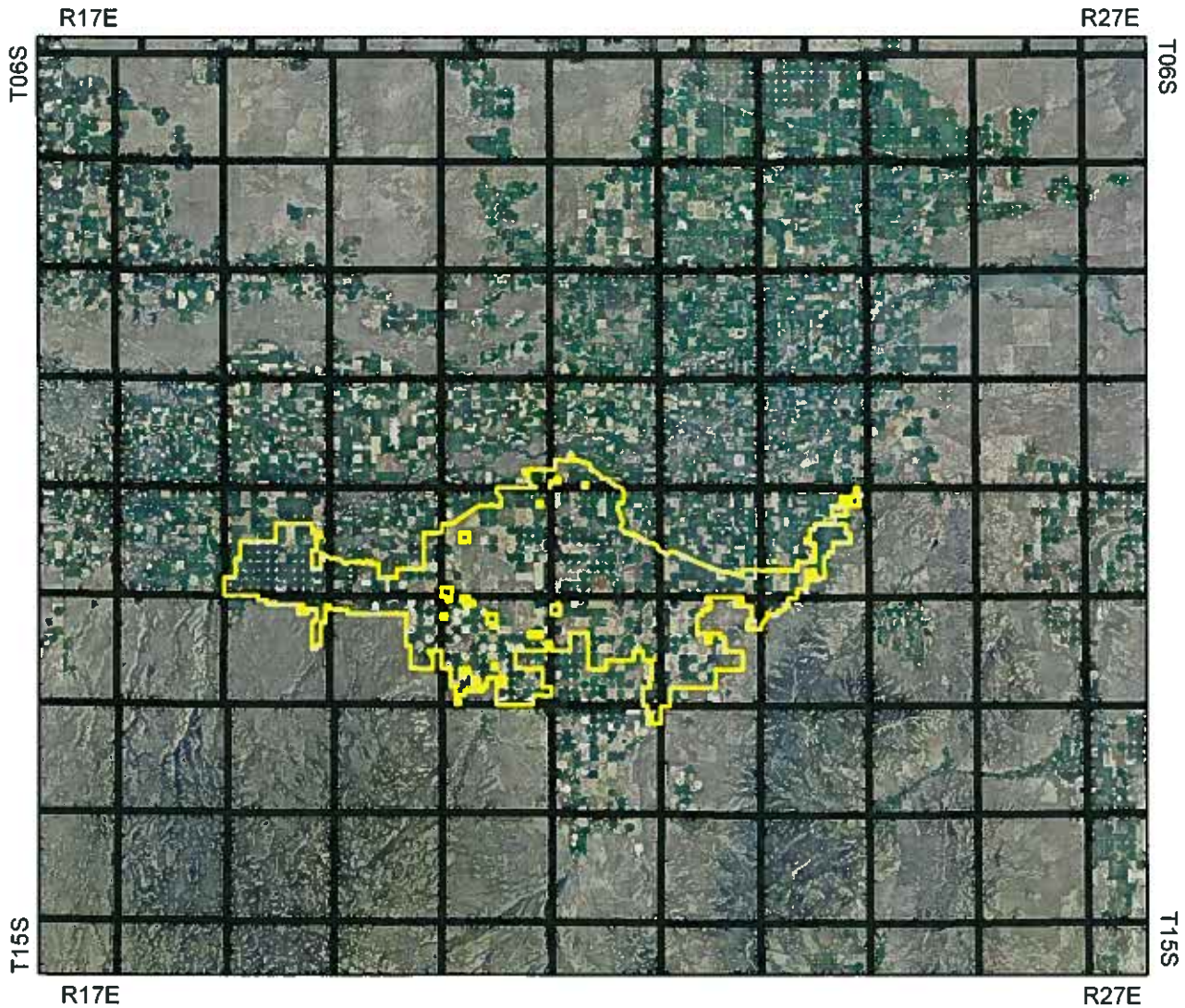


Southern Region Manager

State of Idaho  
Department of Water Resources  
**Transfer Of Water Right**

Transfer No. 75835  
Water Service Area Boundary for Southwest Irrigation Dist  
Rights: 1-23A

October 29, 2010



0 5 10 20 Miles

**Legend**

-  Place Of Use Boundary
-  Townships

