

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70230

This is to certify that: BOONDOX FARMS PARTNERSHIP LTD
C/O DALE MICHAELSON
2596 QUIGLEY RD
AMERICAN FALLS ID 83211
(208)226-2029

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>
35-7921	WR/Decreed	10/14/1980	3.77 cfs	872 af	N/A	218.0	GROUND WATER
35-7922	WR/Decreed	10/14/1980	4.98 cfs	996 af	N/A	249.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

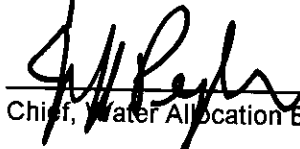
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-7921	YES	YES	YES	NO	NO	NO
35-7922	YES	YES	YES	NO	NO	NO

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>
35-7921	35-13436	0.12 cfs	28 af	7.0	461.0	35-13435	3.65 cfs	844 af	N/A	211.0
35-7922	35-13434	0.42 cfs	84 af	21.0	461.0	35-13433	4.56 cfs	912 af	N/A	228.0
COMBINED TOTALS		0.54 cfs	112.0 af	N/A	461.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1 day of May, 20 03

For  Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13434
As Modified by Transfer No. 70230**

In accordance with the approval of Transfer No. 70230, Water Right No. 35-13434 is now described as follows.

Right Holder: BOONDOX FARMS PARTNERSHIP LTD
C/O DALE MICHAELSON
2596 QUIGLEY RD
AMERICAN FALLS ID 83211

Priority Date: October 14, 1980

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	0.42 CFS	84.0 AF
			0.42 CFS	84.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENW	Sec. 9	Twp 07S	Rge 29E	POWER County
GROUND WATER	SWNWSE	Sec. 9	Twp 07S	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	
07S	29E	9					39.0	39.0	40.0	39.5	39.0	40.0	37.0	39.0	39.0	39.5	39.0	31.0	461.0

Total Acres: 461

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70230, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
2. 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.
3. This right is limited to the irrigation of 21 acres within the place of use described above in a single irrigation season.
4. The total instantaneous diversion of water from all points of diversion under Rights 35-13434 and 35-13436, shall not exceed 0.54 cfs, nor total combined annual volume of 112 af.

WATER RIGHT NO. 35-13434
As Modified by Transfer No. 70230

CONDITIONS OF APPROVAL

5. 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.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
11. Rights 35-2579, 35-7308, 35-13434 and 35-13436 when combined shall not exceed a total annual maximum diversion volume of 1844 af at the field headgate, and the irrigation of 461 acres.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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 day of May, 20 03

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13433
As Modified by Transfer No. 70230

In accordance with the approval of Transfer No. 70230, Water Right No. 35-13433 is now described as follows.

Right Holder: BOONDOX FARMS PARTNERSHIP LTD
 C/O DALE MICHAELSON
 2596 QUIGLEY RD
 AMERICAN FALLS ID 83211

Priority Date: October 14, 1980

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	4.56 CFS	912.0 AF
			4.56 CFS	912.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSENE	Sec. 31 Twp 06S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 31 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	31							33.0	33.0	33.0	33.0	33.0	33.0					198.0
									L 2				L 3	L 4					
07S	28E	1	30.0																30.0
			L 1																

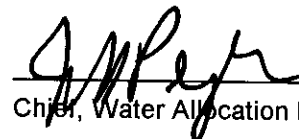
Total Acres: 228

CONDITIONS OF APPROVAL

- Right 35-13433 and 35-13435 are diverted through the points of diversion described above.
- 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 day of May, 20 03

For 
 Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13435
As Modified by Transfer No. 70230

In accordance with the approval of Transfer No. 70230, Water Right No. 35-13435 is now described as follows.

Right Holder: BOONDOX FARMS PARTNERSHIP LTD
C/O DALE MICHAELSON
2596 QUIGLEY RD
AMERICAN FALLS ID 83211

Priority Date: October 14, 1980

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	3.65 CFS	844.0 AF
			3.65 CFS	844.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSENE	Sec. 31 Twp 06S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 31 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	31			40.0	39.0									33.0	33.0	33.0	33.0	211.0

Total Acres: 211

CONDITIONS OF APPROVAL

1. Right 35-13433 and 35-13435 are diverted through the points of diversion described above.
2. 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 day of May, 2003

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13436
As Modified by Transfer No. 70230

In accordance with the approval of Transfer No. 70230, Water Right No. 35-13436 is now described as follows.

Right Holder: BOONDOX FARMS PARTNERSHIP LTD
 C/O DALE MICHAELSON
 2596 QUIGLEY RD
 AMERICAN FALLS ID 83211

Priority Date: October 14, 1980

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	0.12 CFS	28.0 AF
			0.12 CFS	28.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSENW	Sec. 9	Twp 07S	Rge 29E	POWER County
GROUND WATER	SWNWSE	Sec. 9	Twp 07S	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	
07S	29E	9					39.0	39.0	40.0	39.5	39.0	40.0	37.0	39.0	39.0	39.5	39.0	31.0	461.0

Total Acres: 461

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70230, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
2. 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.
3. This right is limited to the irrigation of 7 acres within the place of use described above in a single irrigation season.
4. The total instantaneous diversion of water from all points of diversion under Rights 35-13434 and 35-13436, shall not exceed 0.54 cfs, nor total combined annual volume of 112 af.

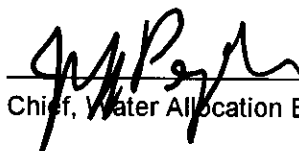
WATER RIGHT NO. 35-13436
As Modified by Transfer No. 70230

CONDITIONS OF APPROVAL

5. 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.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
11. Rights 35-2579, 35-7308, 35-13434 and 35-13436 when combined shall not exceed a total annual maximum diversion volume of 1844 af at the field headgate, and the irrigation of 461 acres.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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 day of May, 20 03

For 
Chief, Water Allocation Bureau