

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76159

This is to certify that: NOTCH BUTTE FARMS LLC
PO BOX 389
TWIN FALLS ID 83303-0389
(208)734-7510

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>
36-16140	WR/Decreed	03/15/1974	0.03 cfs	10.4 af	2.6	32.0	GROUND WATER
36-16839	WR/Decreed	06/23/1952	0.13 cfs	41.2 af	10.3	32.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<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>
36-2156	WR/Decreed	11/28/1951	6.40 cfs	N/A	618	667	GROUND WATER
36-2735B	WR/Decreed	06/25/1952	2.04 cfs	N/A	648	667	GROUND WATER
36-7648	WR/Decreed	09/29/1976	0.44 cfs	N/A	49	667	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>
36-16140	NO	YES	YES	NO	NO	NO
36-16839	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>
36-16140	36-16140	0.01 cfs	6.4 af	1.0	11.3		N/A	N/A	N/A	N/A
36-16839	36-16839	0.13 cfs	41.2 af	10.3	11.3		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.13 cfs	45.2 af	11.3	11.3		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of September, 20 10 SUPPORT DATA
IN FILE # 36-16140

Camille S. Skaggs
for Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16140
As Modified by Transfer No. 76159

In accordance with the approval of Transfer No. 76159, Water Right No. 36-16140 is now described as follows.

Right Holder: TEXAS MUNICIPAL PLAN CONSORTIUM LLC
 138 REGIS ST STE A
 TURLOCK CA 95382

Priority Date: March 15, 1974

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	0.01 CFS	6.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (SESENE)	Sec. 4	Twp 07S	Rge 17E	JEROME County
GROUND WATER	L3 (SESENW)	Sec. 4	Twp 07S	Rge 17E	JEROME 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	17E	4				3.7									4.8				2.8	11.3

Total Acres: 11.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1 acre within the place of use described above in a single irrigation season.
2. Rights 36-16140 and 36-16839 when combined shall not exceed a total diversion rate of 0.13 cfs, a total annual maximum diversion volume of 45.2 af at the field headgate, and the irrigation of 11.3 acres.
3. Rights 36-2156, 36-2735B, 36-7648, 36-16140 and 36-16839 when combined shall not exceed a total diversion rate of 8.42 cfs, a total annual maximum diversion volume of 2713.2 af at the field headgate, and the irrigation of 678.3 acres.
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. 130.
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. 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.

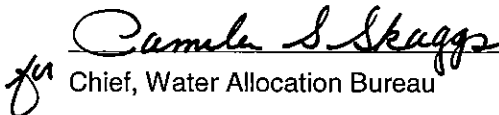
WATER RIGHT NO. 36-16140
As Modified by Transfer No. 76159

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under Transfer approval 76159, 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.
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. Right 36-16140 is an enlargement of Right 36-16839 pursuant to Section 42-1426, Idaho Code.
10. 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.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5-31-2002.
12. The following rights are diverted through point(s) of diversion described above: 36-16140, 36-16839, 36-2156, 36-2735B and 36-7648.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year 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.

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 13th day of September, 20 10


for Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16839
As Modified by Transfer No. 76159

In accordance with the approval of Transfer No. 76159, Water Right No. 36-16839 is now described as follows.

Right Holder: TEXAS MUNICIPAL PLAN CONSORTIUM LLC
 138 REGIS ST STE A
 TURLOCK CA 95382

Priority Date: June 23, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>DiversionRate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.13 CFS	41.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (SESENE)	Sec. 4	Twp 07S	Rge 17E	JEROME County
GROUND WATER	L3 (SESENW)	Sec. 4	Twp 07S	Rge 17E	JEROME 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	17E	4				3.7									4.8				2.8	11.3

Total Acres: 11.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.3 acres within the place of use described above in a single irrigation season.
2. Rights 36-16140 and 36-16839 when combined shall not exceed a total diversion rate of 0.13 cfs, a total annual maximum diversion volume of 45.2 af at the field headgate, and the irrigation of 11.3 acres.
3. Rights 36-2156, 36-2735B, 36-7648, 36-16140 and 36-16839 when combined shall not exceed a total diversion rate of 8.42 cfs, a total annual maximum diversion volume of 2713.2 af at the field headgate, and the irrigation of 678.3 acres.
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. 130.
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. 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.

WATER RIGHT NO. 36-16839
As Modified by Transfer No. 76159

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under Transfer approval 76159, 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.
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 period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5-31-2002.
10. Right 36-16140 is an enlargement of Right 36-16839 pursuant to Section 42-1426, Idaho Code.
11. The following rights are diverted through point(s) of diversion described above: 36-16140, 36-16839, 36-2156, 36-2735B and 37-7648.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year 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 13th day of September, 20 10

for Camela S. Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2156
As Modified by Transfer No. 76159

In accordance with the approval of Transfer No. 76159, Water Right No. 36-2156 is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: November 28, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/15 to	11/15	6.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (SESENE)	Sec. 4	Twp 07S	Rge 17E	JEROME County
GROUND WATER	L3 (SESENW)	Sec. 4	Twp 07S	Rge 17E	JEROME 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 17E 3							40.0	40.0	33.0	40.0	5.0						158.0
							L 4	L 3									
07S 17E 4			40.0	40.0			40.0	39.0		40.0			40.0	40.0	40.0	40.0	359.0
			L 2	L 1			L 4	L 3									
07S 17E 5				40.0									40.0				80.0
				L 1													
07S 17E 9	15.0	38.0	17.0														70.0

Total Acres: 667

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 618 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2156, 36-2735B and 36-7648 when combined shall not exceed a total diversion rate of 8.29 cfs, a total annual maximum diversion volume of 2,668 af at the field headgate, and the irrigation of 667 acres.
3. Rights 36-2156, 36-2735B, 36-7648, 36-16140 and 36-16839 when combined shall not exceed a total diversion rate of 8.42 cfs, a total annual maximum diversion volume of 2,713.2 af at the field headgate, and the irrigation of 678.3 acres.
4. The following rights are diverted through point(s) of diversion described above: 36-16140, 36-16839, 36-2156, 36-2735B and 36-7648.

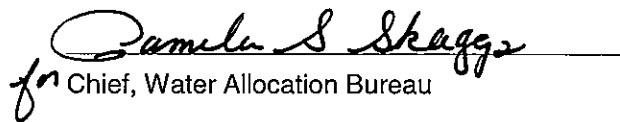
WATER RIGHT NO. 36-2156
As Modified by Transfer No. 76159

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.

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 13th day of September, 20 10


for Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2735B
As Modified by Transfer No. 76159

In accordance with the approval of Transfer No. 76159, Water Right No. 36-2735B is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: June 25, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	2.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (SESENE)	Sec. 4	Twp 07S	Rge 17E	JEROME County
GROUND WATER	L3 (SESENW)	Sec. 4	Twp 07S	Rge 17E	JEROME 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	17E	3							40.0	40.0	33.0	40.0	5.0						158.0
									L 4	L 3									
07S	17E	4			40.0	40.0			40.0	39.0		40.0			40.0	40.0	40.0	40.0	359.0
					L 2	L 1			L 4	L 3									
07S	17E	5				40.0									40.0				80.0
						L 1													
07S	17E	9	15.0	38.0	17.0														70.0

Total Acres: 667

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 648 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2156, 36-2735B, and 36-7648 when combined shall not exceed a total diversion rate of 8.29 cfs, a total annual maximum diversion volume of 2,668 af at the field headgate, and the irrigation of 667 acres.
3. Rights 36-2156, 36-2735B, 36-7648, 36-16140 and 36-16839 when combined shall not exceed a total diversion rate of 8.42 cfs, a total annual maximum diversion volume of 2,713.2 af at the field headgate, and the irrigation of 678.3 acres.
4. The following rights are diverted through point(s) of diversion described above: 36-16140, 36-16839, 36-2156, 36-2735B and 36-7648.

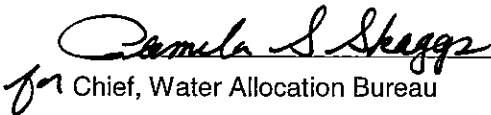
WATER RIGHT NO. 36-2735B
As Modified by Transfer No. 76159

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.

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 13th day of September, 20 10


for Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7648
As Modified by Transfer No. 76159

In accordance with the approval of Transfer No. 76159, Water Right No. 36-7648 is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: September 29, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.44 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (SESENE)	Sec. 4	Twp 07S	Rge 17E	JEROME County
GROUND WATER	L3 (SESENW)	Sec. 4	Twp 07S	Rge 17E	JEROME 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	17E	3							40.0	40.0	33.0	40.0	5.0						158.0
									L 4	L 3									
07S	17E	4			40.0	40.0			40.0	39.0			40.0		40.0	40.0	40.0	40.0	359.0
					L 2	L 1			L 4	L 3									
07S	17E	5				40.0									40.0				80.0
						L 1													
07S	17E	9	15.0	38.0	17.0														70.0

Total Acres: 667

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 49 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2156, 36-2735B and 36-7648 when combined shall not exceed a total diversion rate of 8.29 cfs, a total annual maximum diversion volume of 2,668 af at the field headgate, and the irrigation of 667 acres.
3. Rights 36-2156, 36-2735B, 36-7648, 36-16140 and 36-16839 when combined shall not exceed a total diversion rate of 8.42 cfs, a total annual maximum diversion volume of 2,713.2 af at the field headgate, and the irrigation of 678.3 acres.
4. The following rights are diverted through point(s) of diversion described above: 36-16140, 36-16839, 36-2156, 36-2735B and 36-7648.

WATER RIGHT NO. 36-7648
As Modified by Transfer No. 76159

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.

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 13th day of September, 20 10

for Camela S. Skaggs
Chief, Water Allocation Bureau