

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71109

This is to certify that: LOCHSA FALLS LLC
 4487 N DRESDEN PL STE 102
 BOISE ID 83714
 (208)388-0189

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>
63-11199	WR/License	02/01/1990	1.80 cfs	571.5 af	N/A	127.0	GROUND WATER
63-2656B	AJC/License	01/06/1947	0.44 cfs	N/A	N/A	75.0	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>
63-11199	YES	YES	YES	NO	NO	NO
63-2656B	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>
63-11199	63-31861	0.91 cfs	288.0 af	64.0	250.0	63-31860	0.89 cfs	283.5 af	N/A	63.0
63-2656B	63-2656B	0.44 cfs	193.5 af	43.0	250.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.35 cfs	346.5 af	77.0	250.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9th day of November, 2004


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-2656B

WATER RIGHT NO. 63-2656B
As Modified by Transfer No. 71109

In accordance with the approval of Transfer No. 71109, Water Right No. 63-2656B is now described as follows.

Right Holder: LOCHSA FALLS LLC
 4487 N DRESDEN PL STE 102
 BOISE ID 83714

Priority Date: January 06, 1947

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.44 CFS	193.5 AF
			0.44 CFS	193.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 26 Twp 04N	Rge 01W ADA County
GROUND WATER	SWNE	Sec. 26 Twp 04N	Rge 01W ADA 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	
04N	01W	26	28.0	38.0	40.0	39.0				30.0					35.0	40.0			250.0

Total Acres: 250

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 63-2656B
As Modified by Transfer No. 71109

CONDITIONS OF APPROVAL

6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. The total instantaneous diversion of water from all points of diversion under Rights 63-2656B and 63-31861 shall not exceed 1.35 cfs, a total combined annual volume of 346.5 af for the irrigation of 77 acres.
10. The right holder shall cease irrigation of 32 acres previously authorized under this right, and consolidate use of water on the remaining 43 acres.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
13. Use of this right is combined with water from Settlers Irrigation District.
14. Right 63-31861 is also diverted through the point of diversion described above.

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 9th day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31860
As Modified by Transfer No. 71109

In accordance with the approval of Transfer No. 71109, Water Right No. 63-31860 is now described as follows.

Right Holder: ELROY D BRANDT And
 LEROY E BRANDT
 1085 S TEN MILE RD
 MERIDIAN ID 83642

Priority Date: February 01, 1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.89 CFS	283.5 AF
			0.89 CFS	283.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENE Sec. 26 Twp 04N Rge 01W ADA 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	
04N	01W	23															38.0	15.0	53.0
04N	01W	26	10.0																10.0

Total Acres: 63

CONDITIONS OF APPROVAL

1. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. Approval of this transfer does not confirm the validity of this water right.

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 9th day of November, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31861
As Modified by Transfer No. 71109

In accordance with the approval of Transfer No. 71109, Water Right No. 63-31861 is now described as follows.

Right Holder: LOCHSA FALLS LLC
 4487 N DRESDEN PL STE 102
 BOISE ID 83714

Priority Date: February 01, 1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.91 CFS	288.0 AF
			0.91 CFS	288.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 26 Twp 04N	Rge 01W ADA County
GROUND WATER	SWNE	Sec. 26 Twp 04N	Rge 01W ADA 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	
04N	01W	26	28.0	38.0	40.0	39.0				30.0					35.0	40.0			250.0

Total Acres: 250

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 63-31861
As Modified by Transfer No. 71109

CONDITIONS OF APPROVAL

6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. The total instantaneous diversion of water from all points of diversion under Rights 63-2656B and 63-31861 shall not exceed 1.35 cfs, a total combined annual volume of 346.5 af for the irrigation of 77 acres.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. Use of this right is combined with water from Settlers Irrigation District.
12. Right 63-2656B is also diverted through the point of diversion described above.

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 9th day of November, 2004



Chief, Water Allocation Bureau