

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75743

This is to certify that: SCHORZMAN RANCH INC
 3298 E 1400 S
 MALTA ID 83342
 (208)645-2284

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>
43-10409	WR/Decreed	03/15/1878	1.47 cfs	391.3 af	96.0	426.0	LOWER WARM CREEK SPRING, UPPER WARM CREEK SPRINGS

Purpose of Transfer (Changes Proposed)

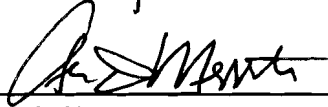
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-10409	YES	YES	YES	NO	YES	YES

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>
43-10409	43-13653	0.03 cfs	6.5 af	N/A		43-13652	1.44 cfs	383.3 af	94.0	426.0
COMBINED										
TOTALS		0.03 cfs	6.5 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of January, 20 10



 Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13652
As Modified by Transfer No. 75743

In accordance with the approval of Transfer No. 75743, Water Right No. 43-13652 is now described as follows.

Right Holder: SCHORZMAN RANCH INC
 3298 E 1400 S
 MALTA ID 83342

Priority Date: March 15, 1878

Source: LOWER WARM CREEK
 SPRING
 UPPER WARM CREEK
 SPRINGS

Tributary: WARM CREEK
 WARM CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.44 CFS	376.0 AF
STOCKWATER	01/01	to 12/31	0.12 CFS	6.7 AF
DOMESTIC	01/01	to 12/31	0.04 CFS	0.6 AF
			1.44 CFS	383.3 AF

LOCATION OF POINT(S) OF DIVERSION:

LOWER WARM CREEK SWNESW Sec. 35 Twp 12S Rge 28E CASSIA County
 SPRING

UPPER WARM CREEK SWNWSE Sec. 35 Twp 12S Rge 28E CASSIA County
 SPRINGS

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12S 28E 35					40.0	40.0	40.0	40.0		6.0	30.0	30.0					226.0
13S 28E 2	40.0	40.0	40.0	40.0	40.0												200.0
	L1	L2			L3												
Total Acres: 426																	

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12S 28E 35									X	X		X		X	X		

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12S 28E 35												X			X		

WATER RIGHT NO. 43-13652
As Modified by Transfer No. 75743

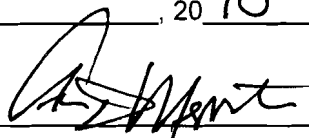
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 94 acres within the place of use described above in a single irrigation season.
2. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
3. 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 28th day of January, 20 10

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Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13653
As Modified by Transfer No. 75743

In accordance with the approval of Transfer No. 75743, Water Right No. 43-13653 is now described as follows.

Right Holder: SCHORZMAN RANCH INC
3298 E 1400 S
MALTA ID 83342

Priority Date: March 15, 1878

Source: UPPER WARM CREEK
SPRINGS

Tributary: WARM CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.03 CFS	6.5 AF
			0.03 CFS	6.5 AF

LOCATION OF POINT(S) OF DIVERSION:

UPPER WARM CREEK SWNWSE Sec. 35 Twp 12S Rge 28E CASSIA County
SPRINGS

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	28E	35															X	X	

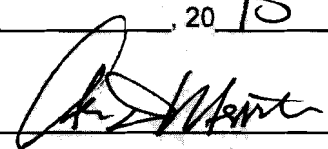
WATER RIGHT NO. 43-13653
As Modified by Transfer No. 75743

CONDITIONS OF APPROVAL

1. Commercial use is for a water bottling plant.
2. To prevent injury to existing water rights as a result of approval of transfer No. 75743 the commercial use is subordinated to all rights on Lower Warm Creek Spring, Upper Warm Creek Springs and Warm Creek during the non-irrigation season that are valid on the date of the approval of transfer No. 75743.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
7. 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 28th day of January, 20 10


for Chief, Water Allocation Bureau