

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75147

This is to certify that: SOUTHEAST IDAHO ENERGY LLC
116 RADIO CIRCLE STE 208
MT KISCO NY 10549-2632
(410)340-9441

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>
29-2301	WR/Decreed	04/24/1951	4.0 cfs	2895.9 af	N/A	N/A	GROUND WATER
29-2284	WR/Decreed	03/02/1949	4.5 cfs	3257.9 af	N/A	N/A	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>
29-2301	NO	YES	YES	NO	NO	NO
29-2284	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>
29-2301	~~29-2301~~ 35-14015	4.0 cfs	2895.9 af	N/A	N/A		N/A	N/A	N/A	N/A
29-2284	~~29-2284~~ 35-14014	4.5 cfs	3257.9 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		8.5 cfs	5070 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31 day of December, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

SCANNED

JAN 05 2010

SUPPORT DATA
IN FILE # 29-2284

WATER RIGHT NO. 29-2284
As Modified by Transfer No. 75147

In accordance with the approval of Transfer No. 75147, Water Right No. 29-2284 is now described as follows.

Right Holder: SOUTHEAST IDAHO ENERGY LLC
 116 RADIO CIRCLE STE 208
 MT KISCO NY 10549-2632

Priority Date: March 02, 1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	4.50 CFS	3,257.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 2	Twp 08S	Rge 30E	POWER County
GROUND WATER	NWNE	Sec. 2	Twp 08S	Rge 30E	POWER County

PLACE OF USE: INDUSTRIAL

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	30E	35															X	X	
07S	30E	36										X	X						
08S	30E	1					X	X	X	X									
08S	30E	2	X	X	X	X									X	X	X		

CONDITIONS OF APPROVAL

- Water right 29-2284 was leased to the Water Supply Bank on April 15, 2005. In accordance with the water supply bank lease acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. The right will remain in the bank indefinitely unless released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department.
- Rights 29-2284 and 29-2301 when combined shall not exceed a total diversion rate of 8.5 cfs, a total annual maximum diversion volume of 5070 af.
- 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.
- 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.
- Prior to diversion and use of water under Transfer approval 75147, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

JAN 05 2010

WATER RIGHT NO. 29-2284
As Modified by Transfer No. 75147

CONDITIONS OF APPROVAL

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.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. The following rights are diverted through point(s) of diversion described above: 29-2284, 29-2301
12. 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.
13. This right does not grant any right-of-way or easement across the land of another.
14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
15. 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.
16. Industrial use is for a Coal/Fertilizer Gasification Plant.

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 31 day of December, 2009

for Ernest Carlson
Chief, Water Allocation Bureau

SCANNED
JAN 05 2010

WATER RIGHT NO. 29-2301
As Modified by Transfer No. 75147

In accordance with the approval of Transfer No. 75147, Water Right No. 29-2301 is now described as follows.

Right Holder: SOUTHEAST IDAHO ENERGY LLC
 116 RADIO CIRCLE STE 208
 MT KISCO NY 10549-2632

Priority Date: April 24, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	4.00 CFS	2,895.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 2	Twp 08S	Rge 30E	POWER County
GROUND WATER	NWNE	Sec. 2	Twp 08S	Rge 30E	POWER County

PLACE OF USE: INDUSTRIAL

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	30E	35															X	X	
07S	30E	36										X	X						
08S	30E	1					X	X	X	X									
08S	30E	2	X	X	X	X									X	X	X		

CONDITIONS OF APPROVAL

1. Water right 29-2301 was leased to the Water Supply Bank on April 15, 2005. In accordance with the water supply bank lease acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. The right will remain in the bank indefinitely unless released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department.
2. Rights 29-2284 and 29-2301 when combined shall not exceed a total diversion rate of 8.5 cfs, a total annual maximum diversion volume of 5070 af.
3. 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.
4. 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.
5. Prior to diversion and use of water under Transfer approval 75147, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

SCANNED
 JAN 05 2010

WATER RIGHT NO. 29-2301
As Modified by Transfer No. 75147

CONDITIONS OF APPROVAL

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13. This right does not grant any right-of-way or easement across the land of another.
14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
15. 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.
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Dated this 31 day of December, 20 09

Ernest Carlson
for _____
Chief, Water Allocation Bureau

SCANNED
JAN 05 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75147

This is to certify that: SOUTHEAST IDAHO ENERGY LLC
 116 RADIO CIRCLE STE 208
 MT KISCO NY 10549-2632
 (410)340-9441

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>
29-2301	WR/Decreed	04/24/1951	4.0 cfs	2895.9 af	N/A	N/A	GROUND WATER
29-2284	WR/Decreed	03/02/1949	4.5 cfs	3257.9 af	N/A	N/A	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>
29-2301	NO	YES	YES	NO	NO	NO
29-2284	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>
29-2301	29-2301	4.0 cfs	2895.9 af	N/A	N/A		N/A	N/A	N/A	N/A
29-2284	29-2284	4.5 cfs	3257.9 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		8.5 cfs	5070 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31 day of December, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 29-2284

WATER RIGHT NO. 29-2284
As Modified by Transfer No. 75147

In accordance with the approval of Transfer No. 75147, Water Right No. 29-2284 is now described as follows.

Right Holder: SOUTHEAST IDAHO ENERGY LLC
 116 RADIO CIRCLE STE 208
 MT KISCO NY 10549-2632

Priority Date: March 02, 1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	4.50 CFS	3,257.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 2	Twp 08S	Rge 30E	POWER County
GROUND WATER	NWNE	Sec. 2	Twp 08S	Rge 30E	POWER County

PLACE OF USE:

Twp Rge Sec		INDUSTRIAL																Totals
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 30E 35																		
07S 30E 36												X	X					
08S 30E 1						X	X	X	X									
08S 30E 2		X	X	X	X									X	X	X		

CONDITIONS OF APPROVAL

1. Water right 29-2284 was leased to the Water Supply Bank on April 15, 2005. In accordance with the water supply bank lease acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. The right will remain in the bank indefinitely unless released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department.
2. Rights 29-2284 and 29-2301 when combined shall not exceed a total diversion rate of 8.5 cfs, a total annual maximum diversion volume of 5070 af.
3. 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.
4. 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.
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WATER RIGHT NO. 29-2284
As Modified by Transfer No. 75147

CONDITIONS OF APPROVAL

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16. Industrial use is for a Coal/Fertilizer Gasification Plant.

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 31 day of December, 20 09

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 29-2301
As Modified by Transfer No. 75147

In accordance with the approval of Transfer No. 75147, Water Right No. 29-2301 is now described as follows.

Right Holder: SOUTHEAST IDAHO ENERGY LLC
 116 RADIO CIRCLE STE 208
 MT KISCO NY 10549-2632

Priority Date: April 24, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	4.00 CFS	2,895.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 2	Twp 08S	Rge 30E	POWER County
GROUND WATER	NWNE	Sec. 2	Twp 08S	Rge 30E	POWER County

PLACE OF USE: INDUSTRIAL

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	30E	35															X	X	
07S	30E	36											X	X					
08S	30E	1					X	X	X	X									
08S	30E	2	X	X	X	X									X	X	X		

CONDITIONS OF APPROVAL

1. Water right 29-2301 was leased to the Water Supply Bank on April 15, 2005. In accordance with the water supply bank lease acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. The right will remain in the bank indefinitely unless released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department.
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WATER RIGHT NO. 29-2301
As Modified by Transfer No. 75147

CONDITIONS OF APPROVAL

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Ernest Carlson
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Chief, Water Allocation Bureau