

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66132

This is to certify that: HEIDI F MATTHEWS And
 E EUGENE MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346
 (208) 431-3260

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>
45-2406	AJC/License	02/11/1952	1.87 cfs	480 af	120.0	339.0	GROUND WATER
45-2661	AJC/License	07/11/1961	0.82 cfs	276 af	69.0	339.0	GROUND WATER
45-2405	AJC/License	02/11/1952	1.87 cfs	492 af	123.0	238.0	GROUND WATER
45-12928	AJC/Beneficial Use	06/30/1985	0.9 cfs	N/A	115.0	238.0	GROUND WATER
45-12930	AJC/Beneficial Use	06/30/1985	1 cfs	0 af	118.0	339.0	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>
45-2406	NO	NO	YES	YES	NO	NO
45-2661	NO	NO	YES	YES	NO	NO
45-2405	NO	NO	YES	YES	NO	NO
45-12928	NO	NO	YES	YES	NO	NO
45-12930	NO	NO	YES	YES	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>
45-2406	45-2406	1.87 cfs	480 af	120.0	905.9		N/A	N/A	N/A	N/A
45-2661	45-2661	0.82 cfs	276 af	69.0	905.9		N/A	N/A	N/A	N/A
45-2405	45-2405	1.87 cfs	492 af	123.0	905.9		N/A	N/A	N/A	N/A
45-12928	45-12928	0.9 cfs	N/A	115.0	905.9		N/A	N/A	N/A	N/A
45-12930	45-12930	1 cfs	N/A	109.2	905.9		N/A	N/A	N/A	N/A

COMBINED

TOTALS	4.56 cfs	1212 af	527.2	905.9		N/A	N/A	N/A	N/A
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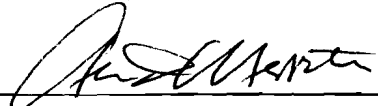
SUPPORT DATA

IN FILE # 45-2405

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66132

Detailed Water Right Description(s) attached

Dated this 30th day of November, 2009


FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2405
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-2405 is now described as follows.

Right Holder: HEIDI F MATTHEWS And
 E EUGENE MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: February 11, 1952

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	1.87 CFS	492.0 AF
			1.87 CFS	492.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0			40.0	40.0						120.0
13S 23E 28			34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0		323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0				35.0	35.0				40.0	36.0		296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 123.0 acres within the place of use described above in a single irrigation season.
2. Rights 45-2405 and 45-12928 when combined shall not exceed a total diversion rate of 1.87 cfs, a total annual maximum diversion volume of 492.0 af at the field headgate and the irrigation of 238 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
4. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate, and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-2405
As Modified by Transfer No. 66132

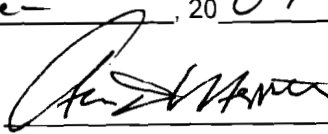
CONDITIONS OF APPROVAL

5. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points 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. 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. 140.
9. 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.
10. If the surface water rights 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.
11. 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.
12. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
13. Right 45-12928 is an expansion of Right 45-2405 pursuant to Sec. 42-1416B, Idaho Code.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.

WATER RIGHT NO. 45-2405
As Modified by Transfer No. 66132

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 30th day of November, 20 09



for Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2406
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-2406 is now described as follows.

Right Holder: HEIDI F MATTHEWS And
 E EUGENE MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: February 11, 1952

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	1.87 CFS	480.0 AF
			1.87 CFS	480.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA 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	
13S 23E 20				32.0								35.0	32.0	35.0	32.0		166.0
13S 23E 21							40.0			40.0	40.0						120.0
13S 23E 28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S 23E 29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 120.0 acres within the place of use described above in a single irrigation season.
2. Rights 45-2406 and 45-2661 when combined shall not exceed the irrigation of 180 acres.
3. Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed a total diversion rate of 2.69 cfs and a total annual maximum diversion volume of 720.0 af at the field headgate and the irrigation of 289.2 acres.
4. Rights 45-2406, 45-2661, 45-12930, 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.

WATER RIGHT NO. 45-2406
As Modified by Transfer No. 66132

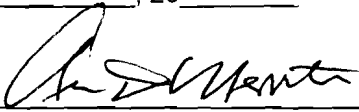
CONDITIONS OF APPROVAL

5. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
9. 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. 140.
10. 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.
11. If the surface water rights 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.
12. 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.
13. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
14. Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, Idaho Code.
15. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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.

WATER RIGHT NO. 45-2406
As Modified by Transfer No. 66132

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 30th day of November, 2009


for Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2661
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-2661 is now described as follows.

Right Holder: HEIDI F MATTHEWS And
 E EUGENE MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: July 11, 1961

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	0.82 CFS	276.0 AF
			0.82 CFS	276.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA 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	
13S	23E	20				32.0								35.0	32.0	35.0	32.0		166.0
13S	23E	21						40.0			40.0	40.0							120.0
13S	23E	28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S	23E	29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 69.0 acres within the place of use described above in a single irrigation season.
2. Rights 45-2406 and 45-2661 when combined shall not exceed the irrigation of 180 acres.
3. Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed a total diversion rate of 2.69 cfs and a total annual maximum diversion volume of 720.0 af at the field headgate and the irrigation of 289.2 acres.
4. Rights 45-2406, 45-2661, 45-12930, 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.

WATER RIGHT NO. 45-2661
As Modified by Transfer No. 66132

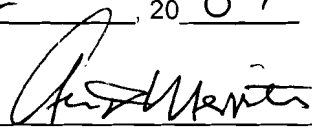
CONDITIONS OF APPROVAL

5. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate, and the irrigation of 527.2 acres.
6. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
9. 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. 140.
10. 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.
11. If the surface water rights 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.
12. 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.
13. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
14. Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, Idaho Code.
15. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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.

WATER RIGHT NO. 45-2661
As Modified by Transfer No. 66132

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 30th day of November, 20 09



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 45-12930
As Modified by Transfer No. 66132

In accordance with the approval of Transfer No. 66132, Water Right No. 45-12930 is now described as follows.

Right Holder: HEIDI F MATTHEWS And
 E EUGENE MATTHEWS
 1249 S HWY 27
 OAKLEY ID 83346

Priority Date: June 30, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.00 CFS
			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA 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	
13S	23E	20				32.0								35.0	32.0	35.0	32.0		166.0
13S	23E	21						40.0			40.0	40.0							120.0
13S	23E	28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S	23E	29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 109.2 acres within the place of use described above in a single irrigation season.
2. Rights 45-2406, 45-2661 and 45-12930 when combined shall not exceed a total diversion rate of 2.69 cfs and a total annual maximum diversion volume of 720.0 af at the field headgate and the irrigation of 289.2 acres.
3. Rights 45-2406, 45-2661, 45-12930, 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.
4. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate, and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-12930
As Modified by Transfer No. 66132

CONDITIONS OF APPROVAL

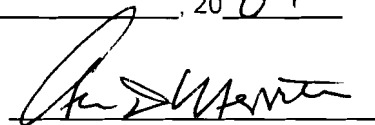
5. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
6. 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.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
9. 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. 140.
10. 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.
11. If the surface water rights 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.
12. 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.
13. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
14. Right 45-12930 is an expansion of Rights 45-2406 and 45-2661 pursuant to Sec. 42-1416B, Idaho Code.
15. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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.

WATER RIGHT NO. 45-12930
As Modified by Transfer No. 66132

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 30th day of November, 2009

F&R



Chief, Water Allocation Bureau

**WATER RIGHT NO. 45-12928
As Modified by Transfer No. 66132**

In accordance with the approval of Transfer No. 66132, Water Right No. 45-12928 is now described as follows.

Right Holder: HEIDI F MATTHEWS And
E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

Priority Date: June 30, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.90 CFS
			0.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 28 Twp 13S Rge 23E CASSIA County

GROUND WATER SWNWSE Sec. 3 Twp 14S Rge 23E CASSIA 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	
13S	23E	20				32.0								35.0	32.0	35.0	32.0		166.0
13S	23E	21						40.0			40.0	40.0							120.0
13S	23E	28		34.0	33.0		33.0	11.0	5.5	34.0	38.0	29.0	35.0	35.0		36.0			323.5
13S	23E	29	4.4	35.0	39.0	38.0	34.0			35.0	35.0				40.0	36.0			296.4

Total Acres: 905.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 115.0 acres within the place of use described above in a single irrigation season.
2. Rights 45-2405 and 45-12928 when combined shall not exceed a total diversion rate of 1.87 cfs and a total annual maximum diversion volume of 492.0 af at the field headgate and the irrigation of 238 acres.
3. Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.
4. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed a total diversion rate of 4.56 cfs, a total annual maximum diversion volume of 1212.0 af at the field headgate, and the irrigation of 527.2 acres.

WATER RIGHT NO. 45-12928
As Modified by Transfer No. 66132

CONDITIONS OF APPROVAL

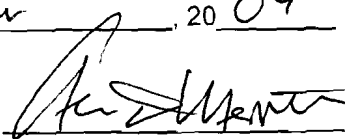
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 66132, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
7. 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. 140.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
9. 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.
10. If the surface water rights 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.
11. 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.
12. Rights 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 are diverted through the point(s) of diversion described above.
13. Right 45-12928 is an expansion of Right 45-2405 pursuant to Sec. 42-1416B, Idaho Code.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.

WATER RIGHT NO. 45-12928
As Modified by Transfer No. 66132

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 30th day of November, 2009

FDL



Chief, Water Allocation Bureau