

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75045

This is to certify that: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325
 (208) 825-5617

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>
36-16676	WR/Decreed	09/12/1973	0.12 cfs	24 af	6.0	160.0	GROUND WATER

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

36-16530	WR/Decreed	11/11/1959	0.2 cfs	N/A	9.1	485.0	GROUND WATER
36-16533	WR/Decreed	11/15/1970	0.3 cfs	N/A	13.7	485.0	GROUND WATER
36-16536	WR/Decreed	05/16/1980	0.08 cfs	N/A	3.4	485.0	GROUND WATER
36-16539	WR/Decreed	05/26/1971	0.02 cfs	N/A	1.9	485.0	GROUND WATER
36-16380	WR/Decreed	09/12/1973	0.11 cfs	21.2 af	5.3	485.0	GROUND WATER
36-16674	WR/Decreed	09/12/1973	0.08 cfs	16 af	4.0	485.0	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>
36-16676	NO	YES	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>
36-16676	36-16676	0.12 cfs	24 af	6.0	485.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.12 cfs	24 af	6	485		N/A	N/A	N/A	N/A

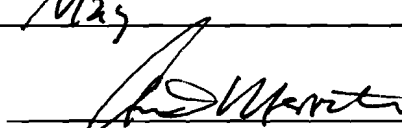
Detailed Water Right Description(s) attached

Dated this 6th day of May, 2009

SUPPORT DATA

IN FILE # 36-16676

For


 Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16676
As Modified by Transfer No. 75045

In accordance with the approval of Transfer No. 75045, Water Right No. 36-16676 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/01	0.12 CFS	24.0 AF
			0.12 CFS	24.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESW	Sec. 24 Twp 08S	Rge 21E	JEROME County
GROUND WATER	NENESE	Sec. 24 Twp 08S	Rge 21E	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	
08S 21E 24									40.0			40.0	40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30						42.0	21.0										63.0
						L 1											

Total Acres: 485

CONDITIONS OF APPROVAL

1. The combination of changes under Transfer approval 75044 as described under right 37-22452 and Transfer approval 75045 as described under right 36-16676 and provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 75045.

2. This right is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.
3. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 when combined shall not exceed a total diversion rate of 0.68 cfs, a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
4. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 are also diverted through the point of diversion described above.

WATER RIGHT NO. 36-16676
As Modified by Transfer No. 75045

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. 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 4/15 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
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. 130.
8. Prior to the diversion and use of water under Transfer approval 75045, 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.
9. 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.
10. This right does not grant any right-of-way or easement across the land of another.
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. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 43.4 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
13. The right holder shall accomplish the change authorized by this transfer within one 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 6th day of May, 20 09



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16380
As Modified by Transfer No. 75045

In accordance with the approval of Transfer No. 75045, Water Right No. 36-16380 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/01	0.11 CFS	21.2 AF
			0.11 CFS	21.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESW	Sec. 24 Twp 08S	Rge 21E	JEROME County
GROUND WATER	NENESE	Sec. 24 Twp 08S	Rge 21E	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	
08S 21E 24									40.0				40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30						42.0	21.0										63.0
						L 1											

Total Acres: 485

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.3 acres within the place of use described above in a single irrigation season.
2. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 when combined shall not exceed a total diversion rate of 0.68 cfs, a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
3. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 are also diverted through the point of diversion described above.
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. 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 4/15 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
6. 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.

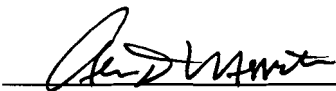
WATER RIGHT NO. 36-16380
As Modified by Transfer No. 75045

7. Prior to the diversion and use of water under Transfer approval 75045, 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. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 43.4 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
12. The combination of changes under Transfer approval 75042 as described under right 37-22446 and Transfer approval 75043 as described under rights 36-16380 and 36-16674 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 75043.
13. The right holder shall accomplish the change authorized by this transfer within one 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 6th day of May, 2009



for Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16530
As Modified by Transfer No. 75045

In accordance with the approval of Transfer No. 75045, Water Right No. 36-16530 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: November 11, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.20 CFS
			0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESW	Sec. 24 Twp 08S	Rge 21E	JEROME County
GROUND WATER	NENESE	Sec. 24 Twp 08S	Rge 21E	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	
08S 21E 24									40.0			40.0	40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30						42.0	21.0										63.0
						L 1											

Total Acres: 485

CONDITIONS OF APPROVAL

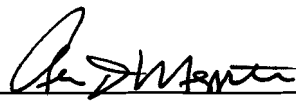
1. This right is limited to the irrigation of 9.1 acres within the place of use described above in a single irrigation season.
2. Irrigation use under Rights 36-16530, 36-16533, 36-16536 and 36-16539 when combined shall not exceed a total diversion rate of 0.37 cfs, a total annual maximum diversion volume of 112.4 af at the field headgate, and the irrigation of 28.1 acres.
3. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 when combined shall not exceed a total diversion rate of 0.68 cfs, a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
4. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 are also diverted through the points of diversion described above.
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. 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.

WATER RIGHT NO. 36-16530
As Modified by Transfer No. 75045

7. Prior to the diversion and use of water under Transfer approval 75045, 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. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 43.4 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
12. Right No. 36-16539 is an enlargement of Right Nos. 36-16530, 36-16533, and 36-16536 pursuant to Section 42-1426, Idaho Code.
13. The right holder shall accomplish the change authorized by this transfer within one 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 6th day of May, 2009


for Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16533
As Modified by Transfer No. 75045

In accordance with the approval of Transfer No. 75045, Water Right No. 36-16533 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: November 15, 1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to	10/15	0.30 CFS
			0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESW	Sec. 24 Twp 08S	Rge 21E	JEROME County
GROUND WATER	NENESE	Sec. 24 Twp 08S	Rge 21E	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	
08S 21E 24									40.0			40.0	40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30						42.0	21.0										63.0
						L 1											

Total Acres: 485

CONDITIONS OF APPROVAL

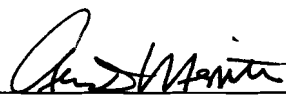
1. This right is limited to the irrigation of 13.7 acres within the place of use described above in a single irrigation season.
2. Irrigation use under Rights 36-16530, 36-16533, 36-16536 and 36-16539 when combined shall not exceed a total diversion rate of 0.37 cfs, a total annual maximum diversion volume of 112.4 af at the field headgate, and the irrigation of 28.1 acres.
3. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 when combined shall not exceed a total diversion rate of 0.68 cfs, a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
4. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 are also diverted through the point of diversion described above.
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. 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.

WATER RIGHT NO. 36-16533
As Modified by Transfer No. 75045

7. Prior to the diversion and use of water under Transfer approval 75045, 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. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. Prior to diversion of water under transfer 75045 approval the right holder shall submit to the Department a diagram identifying the specific location of the 43.4 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
12. Right No. 36-16539 is an enlargement of Right Nos. 36-16530, 36-16533, and 36-16536 pursuant to Section 42-1426, Idaho Code.
13. The right holder shall accomplish the change authorized by this transfer within one 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 6th day of May, 2009


P-2 Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16536
As Modified by Transfer No. 75045

In accordance with the approval of Transfer No. 75045, Water Right No. 36-16536 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: May 16, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.08 CFS
			0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESW	Sec. 24 Twp 08S	Rge 21E	JEROME County
GROUND WATER	NENESE	Sec. 24 Twp 08S	Rge 21E	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	
08S 21E 24									40.0				40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30						42.0	21.0										63.0
						L 1											

Total Acres: 485

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.4 acres within the place of use described above in a single irrigation season.
2. Irrigation use under Rights 36-16530, 36-16533, 36-16536 and 36-16539 when combined shall not exceed a total diversion rate of 0.37 cfs, a total annual maximum diversion volume of 112.4 af at the field headgate, and the irrigation of 28.1 acres.
3. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 when combined shall not exceed a total diversion rate of 0.68 cfs, a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
4. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 are also diverted through the point of diversion described above.
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. 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.

WATER RIGHT NO. 36-16536
As Modified by Transfer No. 75045

7. Prior to the diversion and use of water under Transfer approval 75045, 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. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. Prior to diversion of water under transfer 75045 approval the right holder shall submit to the Department a diagram identifying the specific location of the 43.4 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
12. Right No. 36-16539 is an enlargement of Right Nos. 36-16530, 36-16533, and 36-16536 pursuant to Section 42-1426, Idaho Code.
13. The right holder shall accomplish the change authorized by this transfer within one 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 6th day of May, 2009


for Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16539
As Modified by Transfer No. 75045

In accordance with the approval of Transfer No. 75045, Water Right No. 36-16539 is now described as follows.

Right Holder: IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325

Priority Date: May 26, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.02 CFS
			0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESW	Sec. 24 Twp 08S	Rge 21E	JEROME County
GROUND WATER	NENESE	Sec. 24 Twp 08S	Rge 21E	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	
08S 21E 24									40.0				40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30						42.0	21.0										63.0
						L 1											

Total Acres: 485

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.9 acres within the place of use described above in a single irrigation season.
2. Irrigation use under Rights 36-16530, 36-16533, 36-16536 and 36-16539 when combined shall not exceed a total diversion rate of 0.37 cfs, a total annual maximum diversion volume of 112.4 af at the field headgate, and the irrigation of 28.1 acres.
3. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 when combined shall not exceed a total diversion rate of 0.68 cfs, a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
4. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 are also diverted through the point of diversion described above.
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. 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.

WATER RIGHT NO. 36-16539
As Modified by Transfer No. 75045

7. Prior to the diversion and use of water under Transfer approval 75045, 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. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. Prior to diversion of water under transfer 75045 approval the right holder shall submit to the Department a diagram identifying the specific location of the 43.4 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
12. Right No. 36-16539 is an enlargement of Right Nos. 36-16530, 36-16533, and 36-16536 pursuant to Section 42-1426, Idaho Code.
13. The right holder shall accomplish the change authorized by this transfer within one 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.
16. 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.

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 6th day of May, 2009


F-12 Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16674
As Modified by Transfer No. 75045

In accordance with the approval of Transfer No. 75045, Water Right No. 36-16674 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/01	0.08 CFS	16.0 AF
			0.08 CFS	16.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESESW	Sec. 24 Twp 08S	Rge 21E	JEROME County
GROUND WATER	NENESE	Sec. 24 Twp 08S	Rge 21E	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	
08S 21E 24									40.0			40.0	40.0	40.0	40.0	40.0	240.0
08S 21E 25	40.0	40.0	26.0	22.0	39.0			15.0									182.0
08S 22E 30						42.0	21.0										63.0
						L 1											

Total Acres: 485

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.0 acres within the place of use described above in a single irrigation season.
2. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 when combined shall not exceed a total diversion rate of 0.68 cfs, a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
3. Rights 36-16380, 36-16530, 36-16533, 36-16536, 36-16539, 36-16674 and 36-16676 are also diverted through the point of diversion described above.
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. 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 4/15 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
6. 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.

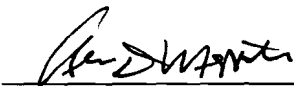
WATER RIGHT NO. 36-16674
As Modified by Transfer No. 75045

7. Prior to the diversion and use of water under Transfer approval 75045 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. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 43.4 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
12. The combination of changes under Transfer approval 75042 as described under right 37-22446 and Transfer approval 75043 as described under rights 36-16380 and 36-16674 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 75043
13. The right holder shall accomplish the change authorized by this transfer within one 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 6th day of May, 2009



For Chief, Water Allocation Bureau