

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 69069)
IN THE NAME OF SOLAR FARMS)
_____)

ORDER GRANTING
EXTENSION OF TIME TO
COMPLETE TRANSFER

FINDINGS OF FACT

1. On October 24, 2001, the Department of Water Resources (Department) approved Application for Transfer No. 69069 (transfer) in the name of Solar Farms (right holder) with the following condition of approval:

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

2. On October 15, 2002, the right holder requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

CONCLUSIONS OF LAW

3. The Department should grant an extension of time in which to complete the change authorized by the transfer.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the time period within which Transfer No. 69069 must be accomplished is extended to October 24, 2004.

Dated this 16th day of October, 2002.

For

L. GLEN SAXTON

Chief, Water Allocation Bureau

MICROFILMED
OCT 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69069

This is to certify that: SOLAR FARMS
181 S 600 E
RUPERT ID 83350
(208)436-4628

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
45-2744A	AJC/License	02/10/1960	3.34 cfs			252.9	GROUND WATER
45-2744B	AJC/License	02/10/1960	0.86 cfs	260.2 af		N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

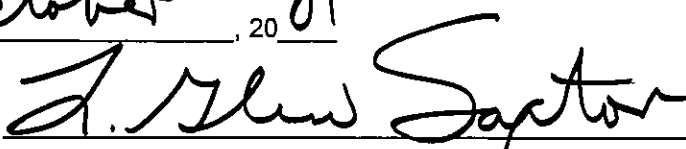
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-2744A	YES	YES	YES	NO	YES	YES
45-2744B	NO	YES	NO	NO	NO	NO

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>
45-2744A	45-13405	0.53 cfs	120 af	N/A	N/A	45-13404	2.81 cfs	851.6 af	212.9	212.9
45-2744B	45-2744B	0.86 cfs	260.2 af	N/A	N/A		N/A	N/A		N/A
TOTALS		1.39 cfs	380.2 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of October, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 45-2744B
As Modified by Transfer No. 69069

In accordance with the approval of Transfer No. 69069, Water Right No. 45-2744B is now described as follows.

Right Holder: SOLAR FARMS
 181 S 600 E
 RUPERT ID 83350

Priority Date: 02/10/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.54 CFS	163.8 AF
STOCKWATER	01/01	to 12/31	0.32 CFS	96.4 AF
			0.86 CFS	260.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENWSW	Sec. 33 Twp 09S	Rge 25E	CASSIA County
GROUND WATER	SWSWSW	Sec. 33 Twp 09S	Rge 25E	CASSIA County

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	
09S 25E 28									X	X	X	X		X	X		
09S 25E 29	X	X	X	X									X	X	X	X	
09S 25E 32	X	X	X	X	X			X					X	X	X	X	
09S 25E 33		X	X		X	X	X	X	X	X	X						
10S 24E 1	X			X													
10S 25E 5	X	X	X	X	X	X	X	X									
10S 25E 6	X	X	X	X	X	X	X	X									

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 25E 33										X	X						

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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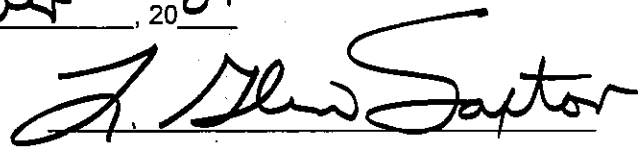
WATER RIGHT NO. 45-2744B
As Modified by Transfer No. 69069

CONDITIONS OF APPROVAL

3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The total instantaneous diversion of water from all points of diversion under Rights 45-2744B and 45-13405 shall not exceed 1.39 cfs, nor total combined annual volume of 380.2 af.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

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 24th day of October, 2001


Chief, Water Allocation Bureau

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NOV 26 2001

WATER RIGHT NO. 45-13404
As Modified by Transfer No. 69069

In accordance with the approval of Transfer No. 69069, Water Right No. 45-13404 is now described as follows.

Right Holder: DANIEL C WALTON
RT 3 BOX 325
RUPERT ID 83350

Priority Date: 02/10/1960

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	2.81 CFS	851.6 AF
			2.81 CFS	851.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESE Sec. 32 Twp 09S Rge 25E 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	
09S	25E	32													40.0	40.0	40.0	40.0	160.0
09S	25E	33									40.0	12.9							52.9

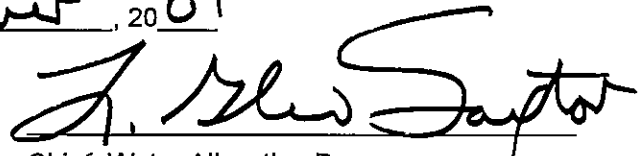
Total Acres: 212.9

CONDITIONS OF APPROVAL

1. Approval of Transfer 69069 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.
2. 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.

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 24th day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED
NOV 26 2001

WATER RIGHT NO. 45-13405
As Modified by Transfer No. 69069

In accordance with the approval of Transfer No. 69069, Water Right No. 45-13405 is now described as follows.

Right Holder: DANIEL C WALTON
 RT 3 BOX 325
 RUPERT ID 83350

Priority Date: 02/10/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.53 CFS	120.0 AF
STOCKWATER	01/01	to 12/31	0.53 CFS	120.0 AF
			0.53 CFS	120.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWSW Sec. 33 Twp 09S Rge 25E CASSIA County
 GROUND WATER SWSWSW Sec. 33 Twp 09S Rge 25E CASSIA County

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	
09S 25E 28									X	X	X	X		X	X		
09S 25E 29	X	X	X	X									X	X	X	X	
09S 25E 32	X	X	X	X	X			X					X	X	X	X	
09S 25E 33		X	X		X	X	X	X	X	X	X						
10S 24E 1	X			X													
10S 25E 5	X	X	X	X	X	X	X	X									
10S 25E 6	X	X	X	X	X	X	X	X									

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 25E 33										X	X						

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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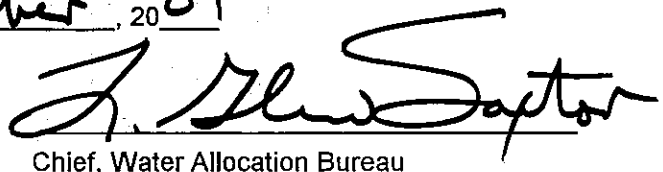
WATER RIGHT NO. 45-13405
As Modified by Transfer No. 69069

CONDITIONS OF APPROVAL

3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The total instantaneous diversion of water from all points of diversion under Rights 45-2744B and 45-13405 shall not exceed 1.39 cfs, nor total combined annual volume of 380.2 af.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

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 24th day of October, 2001


Chief, Water Allocation Bureau

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NOV 26 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 17, 2002

SOLAR FARMS
181 S 600 E
RUPERT ID 83350

RE: Order In the Matter of Transfer No. 69069 - Water Right 45-13405

Dear Water Right Holder(s):

Enclosed please find Order Granting Extension of Time to Complete Transfer issued by the department in reference to the above listed information.

You should be aware that any water right can be forfeited through five (5) years of non-use including the years of non-use that may have accumulated prior to the approval of the transfer.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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OCT 17 2002

MEMORANDUM

TO: FILE 45-13405
FROM: VAULT
RE: TRANSFER # 69069
DATE: 10.29.01

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 45-2744 B

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