

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75396

This is to certify that: BIG SKY DAIRY
PO BOX 407
JEROME ID 83338
(208) 934-9072

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>
45-7335	WR/Decreed	09/19/1978	6.68 cfs	2253.3 af	469.0	863.0	GROUND WATER
45-7355	WR/Decreed	08/21/1978	6.4 cfs	1787.9 af	277.5	863.0	GROUND WATER
45-13549	WR/Decreed	08/21/1978	0.76 cfs	241.6 af	37.5	863.0	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>
45-7335	NO	YES	NO	NO	NO	NO
45-7355	NO	YES	NO	NO	NO	NO
45-13549	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>
45-7335	45-7335	6.68 cfs	2253.3 af	469.0	863.0		N/A	N/A	N/A	N/A
45-7355	45-7355	6.4 cfs	1787.9 af	277.5	863.0		N/A	N/A	N/A	N/A
45-13549	45-13549	0.76 cfs	241.6 af	37.5	863.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		13.08cfs	4282.8 af	784	863		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21st day of April, 2009

SUPPORT DATA

IN FILE # 45-7335

FOR


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-7335
As Modified by Transfer No. 75396

In accordance with the approval of Transfer No. 75396, Water Right No. 45-7335 is now described as follows.

Right Holder: BIG SKY DAIRY
 PO BOX 407
 JEROME ID 83338

Priority Date: September 19, 1978

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	1.65 CFS	377.3 AF
IRRIGATION	03/01	to 11/15	5.03 CFS	1,876.0 AF
STOCKWATER	01/01	to 12/31	1.65 CFS	377.3 AF
			6.68 CFS	2,253.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESW	Sec. 23 Twp 12S Rge 21E CASSIA County
GROUND WATER	SWSWSW	Sec. 24 Twp 12S Rge 21E CASSIA County
GROUND WATER	SWSWSW	Sec. 24 Twp 12S Rge 21E 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	
12S 21E 23															X	X	
12S 21E 24										X					X		

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	
12S 21E 23	38.0	37.0	41.0	39.0	40.0	38.0	39.0	41.0	41.0	40.0	37.0	38.0					469.0
12S 21E 24	39.0	39.0	40.0	38.5	40.0	40.0	40.0	40.0					39.0	1.5		37.0	394.0

Total Acres: 863

WATER RIGHT NO. 45-7335
As Modified by Transfer No. 75396

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	
12S 21E 23									X				X	X	X	X	
12S 21E 24									X	X	X	X		X	X		

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 469.0 acres within the place of use described above in a single irrigation season.
2. Rights 45-7335, 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 13.08 cfs, a total annual maximum diversion volume of 4282.8 af at the field headgate, and the irrigation of 784.0 acres.
3. Land application of wastewater under the authorized commercial use is limited to the same 784.0 acres authorized under combined Rights 45-7335, 45-7355 and 45-13549 in any single irrigation season.
4. 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.
5. 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.
6. Prior to diversion and use of water under Transfer approval 75396, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications. Water diverted from any authorized well for use at the dairy must be measured independently from the irrigation water also diverted from the well.
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. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
10. 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.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

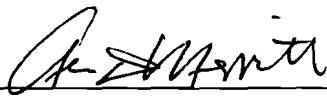
WATER RIGHT NO. 45-7335
As Modified by Transfer No. 75396

CONDITIONS OF APPROVAL

12. Commercial use is for 3 dairy barns on the south side of this property.
13. 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.
14. The right holder shall accomplish the proposed change authorized by this transfer and previous transfer No. 72035 by 6/15/2011.
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.

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 21st day of April, 2009


For Chief, Water Allocation Bureau

WATER RIGHT NO. 45-7355
As Modified by Transfer No. 75396

In accordance with the approval of Transfer No. 75396, Water Right No. 45-7355 is now described as follows.

Right Holder: BIG SKY DAIRY
 PO BOX 407
 JEROME ID 83338

Priority Date: August 21, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/01	3.20 CFS	1,110.0 AF
STOCKWATER	01/01	to 12/31	3.20 CFS	677.9 AF
COMMERCIAL	01/01	to 12/31	3.20 CFS	677.9 AF
			6.40 CFS	1,787.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESW	Sec. 23 Twp 12S Rge 21E CASSIA County
GROUND WATER	SWSWSW	Sec. 24 Twp 12S Rge 21E CASSIA County
GROUND WATER	SWSWSW	Sec. 24 Twp 12S Rge 21E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
12S 21E 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	469.0
	38.0	37.0	41.0	39.0	40.0	38.0	39.0	41.0	41.0	40.0	37.0	38.0					
12S 21E 24	39.0	39.0	40.0	38.5	40.0	40.0	40.0	40.0					39.0	1.5		37.0	394.0

Total Acres: 863

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
12S 21E 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X	X	X	X	
12S 21E 24									X	X	X	X		X	X		

WATER RIGHT NO. 45-7355
As Modified by Transfer No. 75396

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 21E 23															X	X	
12S 21E 24										X					X		

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 277.5 acres within the place of use described above in a single irrigation season.
2. Rights 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 6.40 cfs, a total annual maximum diversion volume of 2029.5 af at the field headgate, and the irrigation of 315.0 acres.
3. Rights 45-7335, 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 13.08 cfs, a total annual maximum diversion volume of 4282.8 af at the field headgate, and the irrigation of 784.0 acres.
4. 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.
5. Land application of wastewater under the authorized commercial use is limited to the same 784.0 acres authorized under combined Rights 45-7335, 45-7355 and 45-13549 in any single irrigation season.
6. The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/1/2006.
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. Prior to diversion and use of water under Transfer approval 75396, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications. Water diverted from any authorized well for use at the dairy must be measured independently from the irrigation water also diverted from the well.
9. 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.
10. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

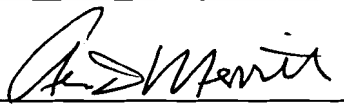
WATER RIGHT NO. 45-7355
As Modified by Transfer No. 75396

CONDITIONS OF APPROVAL

11. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12. 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.
13. Right No. 45-13549 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. Commercial use is for 3 dairy barns on the south side of this property.
16. 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.
17. The right holder shall accomplish the proposed change authorized by this transfer and previous transfer No. 72035 by 6/15/2011.
18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 21st day of April, 2009


F-12 Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13549
As Modified by Transfer No. 75396

In accordance with the approval of Transfer No. 75396, Water Right No. 45-13549 is now described as follows.

Right Holder: BIG SKY DAIRY
 PO BOX 407
 JEROME ID 83338

Priority Date: August 21, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.38 CFS	91.6 AF
COMMERCIAL	01/01 to	12/31	0.38 CFS	91.6 AF
IRRIGATION	03/15 to	11/15	0.38 CFS	150.0 AF
			0.76 CFS	241.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESW	Sec. 23 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	SWSWSW	Sec. 24 Twp 12S	Rge 21E	CASSIA County
GROUND WATER	SWSWSW	Sec. 24 Twp 12S	Rge 21E	CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12S 21E 23									X	X	X	X	X	X	X	X	
12S 21E 24								X	X	X	X		X	X			

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12S 21E 23															X	X	
12S 21E 24										X					X		

WATER RIGHT NO. 45-13549
As Modified by Transfer No. 75396

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	
12S 21E 23	38.0	37.0	41.0	39.0	40.0	38.0	39.0	41.0	41.0	40.0	37.0	38.0					469.0
12S 21E 24	39.0	39.0	40.0	38.5	40.0	40.0	40.0	40.0					39.0	1.5		37.0	394.0

Total Acres: 863

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 37.5 acres within the place of use described above in a single irrigation season.
2. Rights 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 6.40 cfs, a total annual maximum diversion volume of 2029.5 af at the field headgate, and the irrigation of 315.0 acres.
3. Rights 45-7335, 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 13.08 cfs, a total annual maximum diversion volume of 4282.8 af at the field headgate, and the irrigation of 784.0 acres.
4. 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.
5. Land application of wastewater under the authorized commercial use is limited to the same 784.0 acres authorized under combined Rights 45-7335, 45-7355 and 45-13549 in any single irrigation season.
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. 140.
7. Prior to diversion and use of water under Transfer approval 75396, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications. Water diverted from any authorized well for use at the dairy must be measured independently from the irrigation water also diverted from the well.
8. 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.
9. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. This right is based upon an enlargement of Right No. 45-7355 pursuant to Section 42-1426, Idaho Code.

WATER RIGHT NO. 45-13549
As Modified by Transfer No. 75396

CONDITIONS OF APPROVAL

11. 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.
12. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
13. 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.
14. Commercial use is for 3 dairy barns on the south side of this property.
15. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. 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.
17. The right holder shall accomplish the proposed change authorized by this transfer and previous transfer No. 72035 by 6/15/2011.
18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 21st day of April, 2009

For



Chief, Water Allocation Bureau