

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74963

This is to certify that: IDAHOAN FOODS LLC
 PO BOX 265
 DUBOIS ID 83423

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>
31-7489	WR/License	11/06/1987	1.0 cfs	676 af	N/A	N/A	GROUND WATER
31-7128	WR/Decreed	07/30/1974	0.2 cfs	64.1 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
31-7489	NO	NO	YES	NO	NO	NO
31-7128	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
31-7489	31-7489	1.0 cfs	676 af	N/A	N/A		N/A	N/A	N/A	N/A
31-7128	31-7128	0.2 cfs	64.1 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.2 cfs	740.1 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18 day of May, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 31-7128

WATER RIGHT NO. 31-7489
As Modified by Transfer No. 74963

In accordance with the approval of Transfer No. 74963, Water Right No. 31-7489 is now described as follows.

Right Holder: IDAHOAN FOODS LLC
 PO BOX 265
 DUBOIS ID 83423

Priority Date: November 06, 1987

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	1.00 CFS	676.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 28 Twp 09N	Rge 36E	CLARK County
GROUND WATER	NWNE	Sec. 28 Twp 09N	Rge 36E	CLARK County
GROUND WATER	NWNE	Sec. 28 Twp 09N	Rge 36E	CLARK 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	
09N 36E 16			X											X			
09N 36E 21		X	X														X
09N 36E 22							X	X	X	X	X	X					
09N 36E 27		X			X												
09N 36E 28	X												X				X

CONDITIONS OF APPROVAL

1. 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.
2. 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. 110.
3. Prior to the diversion and use of water under Transfer approval 74963, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. Commercial use is for a potato processing plant.
5. 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.

WATER RIGHT NO. 31-7489
As Modified by Transfer No. 74963

CONDITIONS OF APPROVAL

6. 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 commercial facility as authorized by this water right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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 18 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 31-7128
As Modified by Transfer No. 74963

In accordance with the approval of Transfer No. 74963, Water Right No. 31-7128 is now described as follows.

Right Holder: IDAHOAN FOODS LLC
 PO BOX 265
 DUBOIS ID 83423

Priority Date: July 30, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 to 12/31		0.02 CFS	0.6 AF
COMMERCIAL	10/15 to 08/31		0.20 CFS	63.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 28 Twp 09N	Rge 36E	CLARK County
GROUND WATER	NWNE	Sec. 28 Twp 09N	Rge 36E	CLARK County
GROUND WATER	NWNE	Sec. 28 Twp 09N	Rge 36E	CLARK County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 36E 28	X	X															

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	
09N 36E 16			X												X		
09N 36E 21		X	X														X
09N 36E 22							X	X	X	X	X	X					
09N 36E 27		X			X												
09N 36E 28	X												X				X

CONDITIONS OF APPROVAL

1. 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.
2. 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. 110.
3. Prior to the diversion and use of water under Transfer approval 74963, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. Commercial use is for a potato processing plant.

WATER RIGHT NO. 31-7128
As Modified by Transfer No. 74963

CONDITIONS OF APPROVAL

5. 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.
6. 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 commercial facility as authorized by this water right.
7. Domestic use is for lavatories and a break area.
8. The quantity of water for domestic use under this right shall not exceed 2,500 gallons per day.
9. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 18 day of May, 2009

Ernest Carlson
for Chief, Water Allocation Bureau