

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 75148**

This is to certify that: IDAHOAN FOODS INC  
 PO BOX 130  
 LEWISVILLE ID 83431  
 (208) 754-4686

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 1-10514      | WR/Decreed          | 06/01/1888      | 8 cfs       | N/A           | N/A               | 151.6              | SNAKE RIVER   |
| 1-10516      | WR/Decreed          | 04/01/1939      | 3.64 cfs    | N/A           | N/A               | 151.6              | SNAKE RIVER   |

**Purpose of Transfer (Changes Proposed)**

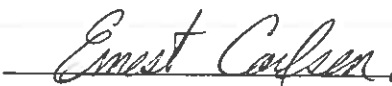
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 1-10514               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 1-10516               | NO           | NO         | NO         | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 1-10514               | <b>1-10514</b>                   | 8 cfs                | N/A                    | N/A               | 151.6              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 1-10516               | <b>1-10516</b>                   | 3.64 cfs             | N/A                    | N/A               | 151.6              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>11.64 cfs</b>     | <b>N/A</b>             | <b>151.6</b>      | <b>151.6</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 3 day of March, 2009

  
 Chief, Water Allocation Bureau

**SUPPORT DATA**

IN FILE # 1-10514

**WATER RIGHT NO. 1-10514**  
**As Modified by Transfer No. 75148**

In accordance with the approval of Transfer No. 75148, Water Right No. 1-10514 is now described as follows.

**Right Holder:** IDAHOAN FOODS INC  
P O BOX 130  
LEWISVILLE ID 83431

**Priority Date:** June 01, 1888

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/01 to 10/31

**To**

**Diversion Rate**

8.00 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

SNAKE RIVER

NWSE

Sec. 1 Twp 04N Rge 38E JEFFERSON County

SNAKE RIVER

SWNE

Sec. 2 Twp 04N Rge 38E JEFFERSON 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 |        |
| 04N | 38E | 1   |      |    |    |      |    | 40.0 | 17.0 |    |     |      |    |    |    |    |     |    | 57.0   |
|     |     |     |      |    |    |      |    | L 4  |      |    |     |      |    |    |    |    |     |    |        |
| 04N | 38E | 2   | 38.0 |    |    | 17.0 |    |      |      |    |     |      |    |    |    |    |     |    | 55.0   |
|     |     |     | L 1  |    |    |      |    |      |      |    |     |      |    |    |    |    |     |    |        |
| 05N | 38E | 35  |      |    |    |      |    |      |      |    |     |      |    |    |    |    | 2.5 |    | 2.5    |
| 05N | 38E | 36  |      |    |    |      |    |      |      |    | 3.1 | 34.0 |    |    |    |    |     |    | 37.1   |

Total Acres: 151.6

**CONDITIONS OF APPROVAL**

1. Rights 01-10514 and 01-10516 when combined shall not exceed the irrigation of 151.6 acres.
2. Diversion of water from the additional point(s) of diversion authorized under Transfer 75148 located in SWNE, Sec. 02, T04N, R38E shall not exceed a maximum diversion rate of 4.00 cfs.
3. 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year(s) 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.

**WATER RIGHT NO. 1-10514**  
**As Modified by Transfer No. 75148**

**CONDITIONS OF APPROVAL**

7. Water is delivered through Bramwell Canal to the point of diversion listed above in section 1.
8. The following rights are diverted through point(s) of diversion described above in Section 2: 1-286A, 1-10514, 1-10516.
9. Water is delivered from the Dry Bed.
10. 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 3 day of March, 2009

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 1-10516**  
**As Modified by Transfer No. 75148**

In accordance with the approval of Transfer No. 75148, Water Right No. 1-10516 is now described as follows.

**Right Holder:** IDAHOAN FOODS INC  
P O BOX 130  
LEWISVILLE ID 83431

**Priority Date:** April 01, 1939

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 04/01 to           | 10/31            | 3.64 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

|             |      |        |         |         |                  |
|-------------|------|--------|---------|---------|------------------|
| SNAKE RIVER | NWSE | Sec. 1 | Twp 04N | Rge 38E | JEFFERSON County |
| SNAKE RIVER | SWNE | Sec. 2 | Twp 04N | Rge 38E | JEFFERSON 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 |        |
| 04N | 38E | 1   |      |    |    |      |    | 40.0 | 17.0 |    |     |      |    |    |    |    |     |    | 57.0   |
|     |     |     |      |    |    |      |    | L 4  |      |    |     |      |    |    |    |    |     |    |        |
| 04N | 38E | 2   | 38.0 |    |    | 17.0 |    |      |      |    |     |      |    |    |    |    |     |    | 55.0   |
|     |     |     | L 1  |    |    |      |    |      |      |    |     |      |    |    |    |    |     |    |        |
| 05N | 38E | 35  |      |    |    |      |    |      |      |    |     |      |    |    |    |    | 2.5 |    | 2.5    |
| 05N | 38E | 36  |      |    |    |      |    |      |      |    | 3.1 | 34.0 |    |    |    |    |     |    | 37.1   |

Total Acres: 151.6

**CONDITIONS OF APPROVAL**

1. Rights 01-10514 and 01-10516 when combined shall not exceed the irrigation of 151.6 acres.
2. Diversion of water from the additional point(s) of diversion authorized under Transfer 75148 located in SWNE, Sec. 02, T04N, R38E shall not exceed a maximum diversion rate of 4.00 cfs.
3. 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year(s) 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.

**WATER RIGHT NO. 1-10516**  
**As Modified by Transfer No. 75148**

**CONDITIONS OF APPROVAL**

7. The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
8. Water is delivered through Bramwell Canal to the point of diversion listed above in section 1.
9. The following rights are diverted through point(s) of diversion described above in Section 2: 1-286A, 1-10514, 1-10516.
10. Water is delivered from the Dry Bed.
11. 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 3 day of March, 2009

  
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Chief, Water Allocation Bureau