

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75269

This is to certify that: KIRK EGBERT
 1401 E 1300 N
 TERRETON ID 83450
 (208)663-4505

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>
31-11954	WR/Decreed	04/01/1932	0.37 cfs	38.9 af	N/A	11.1	GROUND WATER
31-11947	WR/Decreed	04/01/1932	1.08 cfs	150.2 af	42.9	272.9	GROUND WATER
31-11410	WR/Decreed	01/14/1976	4.54 cfs	774 af	199.2	272.9	GROUND WATER
31-11414	WR/Decreed	01/14/1976	0.32 cfs	48 af	16.0	272.9	GROUND WATER
31-11428	WR/Decreed	01/14/1976	0.3 cfs	51.8 af	14.8	272.9	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>
31-11954	NO	YES	YES	YES	NO	NO
31-11947	NO	NO	YES	NO	NO	NO
31-11410	NO	NO	YES	NO	NO	NO
31-11414	NO	NO	YES	NO	NO	NO
31-11428	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>
31-11954	31-11954	0.37 cfs	38.9 af	11.1	284.0		N/A	N/A	N/A	N/A
31-11947	31-11947	1.08 cfs	150.2 af	42.9	284.0		N/A	N/A	N/A	N/A
31-11410	31-11410	4.54 cfs	774 af	199.2	284.0		N/A	N/A	N/A	N/A
31-11414	31-11414	0.32 cfs	48 af	16.0	284.0		N/A	N/A	N/A	N/A
31-11428	31-11428	0.3 cfs	51.8 af	14.8	284.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.99 cfs	886.5 af	284.0	284.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 31-11410

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75269

Detailed Water Right Description(s) attached

Dated this 9 day of February, 2007

Ernest Coulter
Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11954
As Modified by Transfer No. 75269

In accordance with the approval of Transfer No. 75269, Water Right No. 31-11954 is now described as follows.

Right Holder: KIRK EGBERT
 1401 E 1300 N
 TERRETON ID 83450

Priority Date: April 01, 1932

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.37 CFS	38.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (NWNW)	Sec. 1 Twp 07N Rge 37E	JEFFERSON County
GROUND WATER	L2 (NWNE)	Sec. 2 Twp 07N Rge 37E	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	
07N	37E	1					35.5	35.5	35.5	35.5									142.0
							L3	L4											
07N	37E	2	35.5	35.5	35.5	35.5													142.0
			L1	L2															

Total Acres: 284

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 11.1 acres within the place of use described above in a single irrigation season.
2. Irrigation use under rights 31-11410, 31-11414, 31-11428, 31-11947 and 31-11954 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 886.5 af at the field headgate, the irrigation of 284.0 acres, and as further restricted by the mitigation schedule described in Transfer 70815.
3. Prior to the diversion and use of water under Transfer approval 75269, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
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. 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.

WATER RIGHT NO. 31-11954
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) 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.
9. The following rights are diverted through point(s) of diversion described above: 31-11410, 31-11414, 31-11428, 31-11947, 31-11954.
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 9 day of February, 2009

Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11947
As Modified by Transfer No. 75269

In accordance with the approval of Transfer No. 75269, Water Right No. 31-11947 is now described as follows.

Right Holder: KIRK S EGBERT

1402 E 1300 N
 PO BOX 87
 TERRETON ID 83450

Priority Date: April 01, 1932

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.08 CFS	150.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (SENWNW)	Sec. 1	Twp 07N	Rge 37E	JEFFERSON County
GROUND WATER	L2 (SENWNE)	Sec. 2	Twp 07N	Rge 37E	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	
07N	37E	1					35.5	35.5	35.5	35.5									142.0
							L 3	L 4											
07N	37E	2	35.5	35.5	35.5	35.5													142.0
			L 1	L 2															

Total Acres: 284

As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 42.9 acres within the place of use described above in a single irrigation season.
2. Irrigation use under rights 31-11410, 31-11414, 31-11428 and 31-11947 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 847.6 af at the field headgate, the irrigation of 272.9 acres, and as further restricted by the mitigation schedule described in Transfer 70815.
3. Irrigation use under rights 31-11410, 31-11414, 31-11428, 31-11947 and 31-11954 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 886.5 af at the field headgate, the irrigation of 284.0 acres, and as further restricted by the mitigation schedule described in Transfer 70815.
4. Prior to the diversion and use of water under Transfer approval 75269, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.

WATER RIGHT NO. 31-11947
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

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. 110.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. The following rights are diverted through point(s) of diversion described above: 31-11410, 31-11414, 31-11428, 31-11947, 31-11954.
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 7 day of February, 2007

Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11410
As Modified by Transfer No. 75269

In accordance with the approval of Transfer No. 75269, Water Right No. 31-11410 is now described as follows.

Right Holder: KIRK S EGBERT
 1402 E 1300 N
 PO BOX 87
 TERRETON ID 83450

Priority Date: January 14, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	04/01	to 11/01	2.17 CFS	506.4 AF
IRRIGATION	04/01	to 11/01	4.54 CFS	597.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (SENWNW) Sec. 1 Twp 07N Rge 37E JEFFERSON County
 GROUND WATER L2 (SENWNE) Sec. 2 Twp 07N Rge 37E JEFFERSON County

PLACE OF USE: MITIGATION

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>	
08N 36E 30									X	X	X	X			X	X	
08N 36E 31		X			X	X				L 3	L 4						
						L 1											

PLACE OF USE: IRRIGATION

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>	
07N 37E 1					35.5	35.5	35.5	35.5									142.0
07N 37E 2	35.5	35.5	35.5	35.5													142.0
	L 1	L 2															

Total Acres: 284

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 199.2 acres within the place of use described above in a single irrigation season and as further restricted by the mitigation schedule described below.
2. Irrigation use under rights 31-11410, 31-11414 and 31-11428 when combined shall not exceed a total diversion rate of 4.54 cfs, a total annual maximum diversion volume of 697.4 af at the field headgate, the irrigation of 230 acres, and as further restricted by the mitigation schedule described below.
3. Irrigation use under rights 31-11410, 31-11414, 31-11428 and 31-11947 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 847.6 af at the field headgate, and the irrigation of 272.9 acres.

WATER RIGHT NO. 31-11410
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

4. Irrigation use under rights 31-11410, 31-11414, 31-11428, 31-11947 and 31-11954 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 886.5 af at the field headgate, the irrigation of 284.0 acres, and as further restricted by the mitigation schedule described in Transfer 70815.
5. Beginning on 01-05-2005, the date of approval of Transfer 70815, the irrigation and mitigation uses described under rights 31-11410, 31-11414 and 31-11428 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.

Years 1 through 3 the diversion and use of water under the rights for irrigation are limited to 2.37 cfs, 367.4 afa and 120 acres. The un-diverted mitigation use is 2.17 cfs, 506.4 afa, and 168.8 un-irrigated acres.

Year 4 rights limited to 2.47 cfs, 382.4 afa and 125 acres. Mitigation is 2.07 cfs, 491.4 afa, and 163.8 acres.

Year 5 rights limited to 2.57 cfs, 397.4 afa and 130 acres. Mitigation is 1.97 cfs, 476.4 afa, and 158.8 acres.

Year 6 rights limited to 2.66 cfs, 412.4 afa and 135 acres. Mitigation is 1.88 cfs, 461.4 afa, and 153.8 acres.

Year 7 rights limited to 2.76 cfs, 427.4 afa and 140 acres. Mitigation is 1.78 cfs, 446.4 afa, and 148.8 acres.

Year 8 rights limited to 2.86 cfs, 442.4 afa and 145 acres. Mitigation is 1.68 cfs, 431.4 afa, and 143.8 acres.

Year 9 rights limited to 2.96 cfs, 457.4 afa and 150 acres. Mitigation is 1.58 cfs, 416.4 afa, and 138.8 acres.

Year 10 rights limited to 3.06 cfs, 472.4 afa and 155 acres. Mitigation is 1.48 cfs, 401.4 afa, and 133.8 acres.

Year 11 rights limited to 3.12 cfs, 481.4 afa and 158 acres. Mitigation is 1.42 cfs, 392.4 afa, and 130.8 acres.

Year 12 rights limited to 3.18 cfs, 490.4 afa and 161 acres. Mitigation is 1.36 cfs, 383.4 afa, and 127.8 acres.

Year 13 rights limited to 3.24 cfs, 499.4 afa and 164 acres. Mitigation is 1.30 cfs, 374.4 afa, and 124.8 acres.

Year 14 rights limited to 3.30 cfs, 508.4 afa and 167 acres. Mitigation is 1.24 cfs, 365.4 afa, and 121.8 acres.

Year 15 rights limited to 3.36 cfs, 517.4 afa and 170 acres. Mitigation is 1.18 cfs, 356.4 afa, and 118.8 acres.

Year 16 rights limited to 3.41 cfs, 526.4 afa and 173 acres. Mitigation is 1.13 cfs, 347.4 afa, and 115.8 acres.

Year 17 rights limited to 3.47 cfs, 535.4 afa and 176 acres. Mitigation is 1.07 cfs, 338.4 afa, and 112.8 acres.

Year 18 rights limited to 3.53 cfs, 544.4 afa and 179 acres. Mitigation is 1.01 cfs, 329.4 afa, and 109.8 acres.

Year 19 rights limited to 3.59 cfs, 553.4 afa and 182 acres. Mitigation is 0.95 cfs, 320.4 afa, and 106.8 acres.

Year 20 rights limited to 3.65 cfs, 562.4 afa and 185 acres. Mitigation is 0.89 cfs, 311.4 afa, and 103.8 acres.

Year 21 rights limited to 3.71 cfs, 571.4 afa and 188 acres. Mitigation is 0.83 cfs, 302.4 afa, and 100.8 acres.

Year 22 rights limited to 3.77 cfs, 580.4 afa and 191 acres. Mitigation is 0.77 cfs, 293.4 afa,

WATER RIGHT NO. 31-11410
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

5. CONTINUED

and 97.8 acres.

Year 23 rights limited to 3.83 cfs, 589.4 afa and 194 acres. Mitigation is 0.71 cfs, 284.4 afa, and 94.8 acres.

Year 24 rights limited to 3.89 cfs, 598.4 afa and 197 acres. Mitigation is .65 cfs, 275.4 afa, and 91.8 acres.

Year 25 rights limited to 3.95 cfs, 607.4 afa and 200 acres. Mitigation is .59 cfs, 266.4 afa, and 88.8 acres.

Year 26 rights limited to 4.01 cfs, 616.4 afa and 203 acres. Mitigation is .53 cfs, 257.4 afa, and 85.8 acres.

Year 27 rights limited to 4.07 cfs, 625.4 afa and 206 acres. Mitigation is .47 cfs, 248.4 afa, and 82.8 acres.

Year 28 rights limited to 4.13 cfs, 634.4 afa and 209 acres. Mitigation is .41 cfs, 239.4 afa, and 79.8 acres.

Year 29 rights limited to 4.18 cfs, 643.4 afa and 212 acres. Mitigation is .36 cfs, 230.4 afa, and 76.8 acres.

Year 30 rights limited to 4.24 cfs, 652.4 afa and 215 acres. Mitigation is .3 cfs, 221.4 afa, and 73.8 acres.

Year 31 rights limited to 4.30 cfs, 661.4 afa and 218 acres. Mitigation is .24 cfs, 212.4 afa, and 70.8 acres.

Year 32 rights limited to 4.36 cfs, 670.4 afa and 221 acres. Mitigation is .18 cfs, 203.4 afa, and 67.8 acres.

Year 33 rights limited to 4.42 cfs, 679.4 afa and 224 acres. Mitigation is .12 cfs, 194.4 afa, and 64.8 acres.

Year 34 rights limited to 4.48 cfs, 688.4 afa and 227 acres. Mitigation is .06 cfs, 185.4 afa, and 61.8 acres.

Years 35 and beyond the diversion and use of water under the rights for irrigation are limited to 4.54 cfs, 697.4 afa and 230 acres. The undiverted mitigation use is .00 cfs, 176.4 afa, and 58.8 un-irrigated acres.

6. The model used to calculate depletion effects and mitigation for the Heise/Ashton to Lewisville Reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 70815. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
7. Prior to the diversion and use of water under Transfer approval 75269, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. 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.
9. 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.

WATER RIGHT NO. 31-11410
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Right 31-11428 is based upon an enlargement of Right 31-11410 pursuant to Section 42-1426, Idaho Code.
14. The following rights are diverted through point(s) of diversion described above: 31-11947, 31-11410, 31-11414, 31-11428, 31-11954.
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 9 day of February, 2009

Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11414
As Modified by Transfer No. 75269

In accordance with the approval of Transfer No. 75269, Water Right No. 31-11414 is now described as follows.

Right Holder: KIRK S EGBERT
 1402 E 1300 N
 PO BOX 87
 TERRETON ID 83450

Priority Date: January 14, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.32 CFS	48.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (SENWNW)	Sec. 1	Twp 07N	Rge 37E	JEFFERSON County
GROUND WATER	L2 (SENWNE)	Sec. 2	Twp 07N	Rge 37E	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	
07N	37E	1					35.5	35.5	35.5	35.5									142.0
							L 3	L 4											
07N	37E	2	35.5	35.5	35.5	35.5													142.0
			L 1	L 2															

Total Acres: 284

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.0 acres within the place of use described above in a single irrigation season and as further restricted by the mitigation schedule described below.
2. Irrigation use under rights 31-11410, 31-11414 and 31-11428 when combined shall not exceed a total diversion rate of 4.54 cfs, a total annual maximum diversion volume of 697.4 af at the field headgate, and the irrigation of 230 acres.
3. Irrigation use under rights 31-11410, 31-11414 31-11428 and 31-11947 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 847.6 af at the field headgate, and the irrigation of 272.9 acres.
4. Irrigation use under rights 31-11410, 31-11414, 31-11428, 31-11947 and 31-11954 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 886.5 af at the field headgate, the irrigation of 284.0 acres, and as further restricted by the mitigation schedule described in Transfer 70815.

WATER RIGHT NO. 31-11414
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

5. Beginning on 1-05-2005, the date of approval of Transfer 70815, the irrigation and mitigation uses described under rights 31-11410, 31-11414 and 31-11428 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.

Years 1 through 3 the diversion and use of water under the rights for irrigation are limited to 2.37 cfs, 367.4 afa and 120 acres. The un-diverted mitigation use is 2.17 cfs, 506.4 afa, and 168.8 un-irrigated acres.

Year 4 rights limited to 2.47 cfs, 382.4 afa and 125 acres. Mitigation is 2.07 cfs, 491.4 afa, and 163.8 acres.

Year 5 rights limited to 2.57 cfs, 397.4 afa and 130 acres. Mitigation is 1.97 cfs, 476.4 afa, and 158.8 acres.

Year 6 rights limited to 2.66 cfs, 412.4 afa and 135 acres. Mitigation is 1.88 cfs, 461.4 afa, and 153.8 acres.

Year 7 rights limited to 2.76 cfs, 427.4 afa and 140 acres. Mitigation is 1.78 cfs, 446.4 afa, and 148.8 acres.

Year 8 rights limited to 2.86 cfs, 442.4 afa and 145 acres. Mitigation is 1.68 cfs, 431.4 afa, and 143.8 acres.

Year 9 rights limited to 2.96 cfs, 457.4 afa and 150 acres. Mitigation is 1.58 cfs, 416.4 afa, and 138.8 acres.

Year 10 rights limited to 3.06 cfs, 472.4 afa and 155 acres. Mitigation is 1.48 cfs, 401.4 afa, and 133.8 acres.

Year 11 rights limited to 3.12 cfs, 481.4 afa and 158 acres. Mitigation is 1.42 cfs, 392.4 afa, and 130.8 acres.

Year 12 rights limited to 3.18 cfs, 490.4 afa and 161 acres. Mitigation is 1.36 cfs, 383.4 afa, and 127.8 acres.

Year 13 rights limited to 3.24 cfs, 499.4 afa and 164 acres. Mitigation is 1.30 cfs, 374.4 afa, and 124.8 acres.

Year 14 rights limited to 3.30 cfs, 508.4 afa and 167 acres. Mitigation is 1.24 cfs, 365.4 afa, and 121.8 acres.

Year 15 rights limited to 3.36 cfs, 517.4 afa and 170 acres. Mitigation is 1.18 cfs, 356.4 afa, and 118.8 acres.

Year 16 rights limited to 3.41 cfs, 526.4 afa and 173 acres. Mitigation is 1.13 cfs, 347.4 afa, and 115.8 acres.

Year 17 rights limited to 3.47 cfs, 535.4 afa and 176 acres. Mitigation is 1.07 cfs, 338.4 afa, and 112.8 acres.

Year 18 rights limited to 3.53 cfs, 544.4 afa and 179 acres. Mitigation is 1.01 cfs, 329.4 afa, and 109.8 acres.

Year 19 rights limited to 3.59 cfs, 553.4 afa and 182 acres. Mitigation is 0.95 cfs, 320.4 afa, and 106.8 acres.

Year 20 rights limited to 3.65 cfs, 562.4 afa and 185 acres. Mitigation is 0.89 cfs, 311.4 afa, and 103.8 acres.

Year 21 rights limited to 3.71 cfs, 571.4 afa and 188 acres. Mitigation is 0.83 cfs, 302.4 afa, and 100.8 acres.

Year 22 rights limited to 3.77 cfs, 580.4 afa and 191 acres. Mitigation is 0.77 cfs, 293.4 afa, and 97.8 acres.

Year 23 rights limited to 3.83 cfs, 589.4 afa and 194 acres. Mitigation is 0.71 cfs, 284.4 afa, and 94.8 acres.

WATER RIGHT NO. 31-11414
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

5. CONTINUED

Year 24 rights limited to 3.89 cfs, 598.4 afa and 197 acres. Mitigation is .65 cfs, 275.4 afa, and 91.8 acres.

Year 25 rights limited to 3.95 cfs, 607.4 afa and 200 acres. Mitigation is .59 cfs, 266.4 afa, and 88.8 acres.

Year 26 rights limited to 4.01 cfs, 616.4 afa and 203 acres. Mitigation is .53 cfs, 257.4 afa, and 85.8 acres.

Year 27 rights limited to 4.07 cfs, 625.4 afa and 206 acres. Mitigation is .47 cfs, 248.4 afa, and 82.8 acres.

Year 28 rights limited to 4.13 cfs, 634.4 afa and 209 acres. Mitigation is .41 cfs, 239.4 afa, and 79.8 acres.

Year 29 rights limited to 4.18 cfs, 643.4 afa and 212 acres. Mitigation is .36 cfs, 230.4 afa, and 76.8 acres.

Year 30 rights limited to 4.24 cfs, 652.4 afa and 215 acres. Mitigation is .3 cfs, 221.4 afa, and 73.8 acres.

Year 31 rights limited to 4.30 cfs, 661.4 afa and 218 acres. Mitigation is .24 cfs, 212.4 afa, and 70.8 acres.

Year 32 rights limited to 4.36 cfs, 670.4 afa and 221 acres. Mitigation is .18 cfs, 203.4 afa, and 67.8 acres.

Year 33 rights limited to 4.42 cfs, 679.4 afa and 224 acres. Mitigation is .12 cfs, 194.4 afa, and 64.8 acres.

Year 34 rights limited to 4.48 cfs, 688.4 afa and 227 acres. Mitigation is .06 cfs, 185.4 afa, and 61.8 acres.

Years 35 and beyond the diversion and use of water under the rights for irrigation are limited to 4.54 cfs, 697.4 afa and 230 acres. The undiverted mitigation use is .00 cfs, 176.4 afa, and 58.8 un-irrigated acres.

6. The model used to calculate depletion effects and mitigation for the Heise/Ashton to Lewisville Reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 70815. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
7. Prior to the diversion and use of water under Transfer approval 75269, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. 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.
9. 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.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 31-11414
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

11. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. The following rights are diverted through point(s) of diversion described above: 31-11947, 31-11410, 31-11414, 31-11428, 31-11954.
14. 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 9 day of February, 2009

Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11428
As Modified by Transfer No. 75269

In accordance with the approval of Transfer No. 75269, Water Right No. 31-11428 is now described as follows.

Right Holder: KIRK S EGBERT

1402 E 1300 N

PO BOX 87

TERRETON ID 83450

Priority Date: January 14, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.30 CFS	51.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (SENWNW)	Sec. 1	Twp 07N	Rge 37E	JEFFERSON County
GROUND WATER	L2 (SENWNE)	Sec. 2	Twp 07N	Rge 37E	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	
07N	37E	1					35.5	35.5	35.5	35.5									142.0
							L 3	L 4											
07N	37E	2	35.5	35.5	35.5	35.5												142.0	
			L 1	L 2															

Total Acres: 284

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.8 acres within the place of use described above in a single irrigation season and as further restricted by the mitigation schedule described below.
2. Irrigation use under rights 31-11410, 31-11414 and 31-11428 when combined shall not exceed a total diversion rate of 4.54 cfs, a total annual maximum diversion volume of 697.4 af at the field headgate, the irrigation of 230 acres, and as further restricted by the mitigation schedule described below.
3. Irrigation use under rights 31-11410, 31-11414, 31-11428 and 31-11947 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 847.6 af at the field headgate, and the irrigation of 272.9 acres.
4. Irrigation use under rights 31-11410, 31-11414, 31-11428, 31-11947 and 31-11954 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 886.5 af at the field headgate, the irrigation of 284.0 acres, and as further restricted by the mitigation schedule described in Transfer 70815.

WATER RIGHT NO. 31-11428
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

5. Beginning on 1-05-2005, the date of approval of Transfer 70815, the irrigation and mitigation uses described under rights 31-11410, 31-11414 and 31-11428 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.

Years 1 through 3 the diversion and use of water under the rights for irrigation are limited to 2.37 cfs, 367.4 afa and 120 acres. The un-diverted mitigation use is 2.17 cfs, 506.4 afa, and 168.8 un-irrigated acres.

Year 4 rights limited to 2.47 cfs, 382.4 afa and 125 acres. Mitigation is 2.07 cfs, 491.4 afa, and 163.8 acres.

Year 5 rights limited to 2.57 cfs, 397.4 afa and 130 acres. Mitigation is 1.97 cfs, 476.4 afa, and 158.8 acres.

Year 6 rights limited to 2.66 cfs, 412.4 afa and 135 acres. Mitigation is 1.88 cfs, 461.4 afa, and 153.8 acres.

Year 7 rights limited to 2.76 cfs, 427.4 afa and 140 acres. Mitigation is 1.78 cfs, 446.4 afa, and 148.8 acres.

Year 8 rights limited to 2.86 cfs, 442.4 afa and 145 acres. Mitigation is 1.68 cfs, 431.4 afa, and 143.8 acres.

Year 9 rights limited to 2.96 cfs, 457.4 afa and 150 acres. Mitigation is 1.58 cfs, 416.4 afa, and 138.8 acres.

Year 10 rights limited to 3.06 cfs, 472.4 afa and 155 acres. Mitigation is 1.48 cfs, 401.4 afa, and 133.8 acres.

Year 11 rights limited to 3.12 cfs, 481.4 afa and 158 acres. Mitigation is 1.42 cfs, 392.4 afa, and 130.8 acres.

Year 12 rights limited to 3.18 cfs, 490.4 afa and 161 acres. Mitigation is 1.36 cfs, 383.4 afa, and 127.8 acres.

Year 13 rights limited to 3.24 cfs, 499.4 afa and 164 acres. Mitigation is 1.30 cfs, 374.4 afa, and 124.8 acres.

Year 14 rights limited to 3.30 cfs, 508.4 afa and 167 acres. Mitigation is 1.24 cfs, 365.4 afa, and 121.8 acres.

Year 15 rights limited to 3.36 cfs, 517.4 afa and 170 acres. Mitigation is 1.18 cfs, 356.4 afa, and 118.8 acres.

Year 16 rights limited to 3.41 cfs, 526.4 afa and 173 acres. Mitigation is 1.13 cfs, 347.4 afa, and 115.8 acres.

Year 17 rights limited to 3.47 cfs, 535.4 afa and 176 acres. Mitigation is 1.07 cfs, 338.4 afa, and 112.8 acres.

Year 18 rights limited to 3.53 cfs, 544.4 afa and 179 acres. Mitigation is 1.01 cfs, 329.4 afa, and 109.8 acres.

Year 19 rights limited to 3.59 cfs, 553.4 afa and 182 acres. Mitigation is 0.95 cfs, 320.4 afa, and 106.8 acres.

Year 20 rights limited to 3.65 cfs, 562.4 afa and 185 acres. Mitigation is 0.89 cfs, 311.4 afa, and 103.8 acres.

Year 21 rights limited to 3.71 cfs, 571.4 afa and 188 acres. Mitigation is 0.83 cfs, 302.4 afa, and 100.8 acres.

Year 22 rights limited to 3.77 cfs, 580.4 afa and 191 acres. Mitigation is 0.77 cfs, 293.4 afa, and 97.8 acres.

Year 23 rights limited to 3.83 cfs, 589.4 afa and 194 acres. Mitigation is 0.71 cfs, 284.4 afa, and 94.8 acres.

WATER RIGHT NO. 31-11428
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

5. CONTINUED:
 - Year 24 rights limited to 3.89 cfs, 598.4 afa and 197 acres. Mitigation is .65 cfs, 275.4 afa, and 91.8 acres.
 - Year 25 rights limited to 3.95 cfs, 607.4 afa and 200 acres. Mitigation is .59 cfs, 266.4 afa, and 88.8 acres.
 - Year 26 rights limited to 4.01 cfs, 616.4 afa and 203 acres. Mitigation is .53 cfs, 257.4 afa, and 85.8 acres.
 - Year 27 rights limited to 4.07 cfs, 625.4 afa and 206 acres. Mitigation is .47 cfs, 248.4 afa, and 82.8 acres.
 - Year 28 rights limited to 4.13 cfs, 634.4 afa and 209 acres. Mitigation is .41 cfs, 239.4 afa, and 79.8 acres.
 - Year 29 rights limited to 4.18 cfs, 643.4 afa and 212 acres. Mitigation is .36 cfs, 230.4 afa, and 76.8 acres.
 - Year 30 rights limited to 4.24 cfs, 652.4 afa and 215 acres. Mitigation is .3 cfs, 221.4 afa, and 73.8 acres.
 - Year 31 rights limited to 4.30 cfs, 661.4 afa and 218 acres. Mitigation is .24 cfs, 212.4 afa, and 70.8 acres.
 - Year 32 rights limited to 4.36 cfs, 670.4 afa and 221 acres. Mitigation is .18 cfs, 203.4 afa, and 67.8 acres.
 - Year 33 rights limited to 4.42 cfs, 679.4 afa and 224 acres. Mitigation is .12 cfs, 194.4 afa, and 64.8 acres.
 - Year 34 rights limited to 4.48 cfs, 688.4 afa and 227 acres. Mitigation is .06 cfs, 185.4 afa, and 61.8 acres.
 - Years 35 and beyond the diversion and use of water under the rights for irrigation are limited to 4.54 cfs, 697.4 afa and 230 acres. The undiverted mitigation use is .00 cfs, 176.4 afa, and 58.8 un-irrigated acres.
6. The model used to calculate depletion effects and mitigation for the Heise/Ashton to Lewisville Reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 70815. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
7. Prior to the diversion and use of water under Transfer approval 75269, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. 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.
9. 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.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

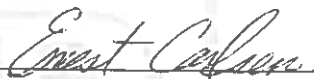
WATER RIGHT NO. 31-11428
As Modified by Transfer No. 75269

CONDITIONS OF APPROVAL

11. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. This right is based upon an enlargement of Right No. 31-11410 pursuant to Section 42-1426, Idaho Code.
14. 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.
15. The following rights are diverted through point(s) of diversion described above: 31-11947, 31-11410, 31-11414, 31-11428, 31-11954.
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.

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 9 day of February, 2009



Chief, Water Allocation Bureau