

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73404

This is to certify that: BOX CANYON DAIRY
 PO BOX 140
 WENDELL ID 83355-0140
 (208)536-2928

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>
36-7387A	WR/Decreed	10/27/1973	0.44 cfs	264 af		66.0	GROUND WATER
36-7387C	WR/Decreed	10/27/1973	0.29 cfs	N/A		44.0	GROUND WATER
36-16653	WR/Decreed	11/26/1956	0.06 cfs	21.2 af		5.3	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>
36-7387A	NO	NO	YES	NO	NO	NO
36-7387C	NO	NO	YES	NO	NO	NO
36-16653	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>
36-7387A	36-7387A	0.44 cfs	134.8 af	N/A	33.7		N/A	N/A		N/A
36-7387C	36-7387C	0.17 cfs	N/A	N/A	33.7		N/A	N/A		N/A
36-16653	36-16653	0.06 cfs	21.2 af	5.3	33.7		N/A	N/A		N/A
COMBINED										
TOTALS		0.67 cfs	134.8 af		33.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of August, 2008

 Chief, Water Allocation Bureau

SUPPORT DATA
 IN FILE # 36-7387A

WATER RIGHT NO. 36-7387A
As Modified by Transfer No. 73404

In accordance with the approval of Transfer No. 73404, Water Right No. 36-7387A is now described as follows.

Right Holder: BOX CANYON DAIRY
 PO BOX 140
 WENDELL ID 83355-0140

Priority Date: October 27, 1973

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	0.44 CFS	134.8 AF
		0.44 CFS	134.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING County

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>	
08S 14E 25	.7	33.0															33.7

Total Acres: 33.7

CONDITIONS OF APPROVAL

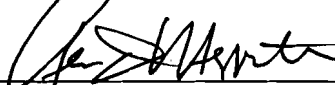
1. Rights 36-7387A, 36-7387C and 36-16653 when combined shall not exceed a total diversion rate of 0.67 cfs, a total annual maximum diversion volume of 134.8 af at the field headgate, and the irrigation of 33.7 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. Use of this right is combined with shares in the North Side Canal Co. Ltd.
4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 36-7387A
As Modified by Transfer No. 73404

6. 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.
7. Rights 36-2312A, 36-7387C, 36-7641, 36-16653 and 36-16654 are also diverted through the point of diversion described above.
8. 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. 130.
9. Prior to the diversion and use of water under Transfer approval 73404, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point 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.
10. 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.
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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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 4th day of August, 20 08



Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-16653
As Modified by Transfer No. 73404**

In accordance with the approval of Transfer No. 73404, Water Right No. 36-16653 is now described as follows.

Right Holder: BOX CANYON DAIRY
PO BOX 140
WENDELL ID 83355-0140

Priority Date: November 26, 1956

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	0.06 CFS	21.2 AF
			0.06 CFS	21.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<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>	<u>Totals</u>
08S 14E 25	.7	33.0															33.7

Total Acres: 33.7

CONDITIONS OF APPROVAL

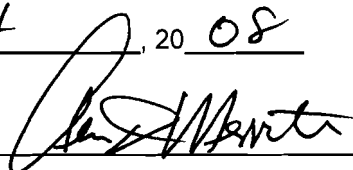
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 36-7387A, 36-7387C and 36-16653 when combined shall not exceed a total diversion rate of 0.67 cfs, a total annual maximum diversion volume of 134.8 af at the field headgate, and the irrigation of 33.7 acres.
3. 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.
4. Use of this right is combined with shares in the North Side Canal Co. Ltd.
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. 130.
6. 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.

WATER RIGHT NO. 36-16653
As Modified by Transfer No. 73404

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Rights 36-2312A, 36-7387C, 36-7641, 36-7387A and 36-16654 are also diverted through the point of diversion described above.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. Prior to the diversion and use of water under Transfer approval 73404, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point 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.
12. 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.
13. 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 4th day of August, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7387C
As Modified by Transfer No. 73404

In accordance with the approval of Transfer No. 73404, Water Right No. 36-7387C is now described as follows.

Right Holder: BOX CANYON DAIRY
 PO BOX 140
 WENDELL ID 83355-0140

Priority Date: October 27, 1973

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	0.17 CFS	
			0.17 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08S	14E	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			.7	33.0															33.7

Total Acres: 33.7

CONDITIONS OF APPROVAL

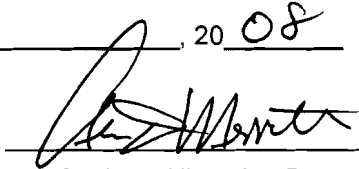
1. Use of this right is combined with shares in the North Side Canal Co. Ltd.
2. Rights 36-2312A, 36-7387A, 36-7641, 36-16653 and 36-16654 are also diverted through the point of diversion described above.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. 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.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 36-7387C
As Modified by Transfer No. 73404

7. 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.
8. Prior to the diversion and use of water under Transfer approval 73404, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point 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.
9. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. 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. 130.
11. 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.
12. Rights 36-7387A, 36-7387C and 36-16653 when combined shall not exceed a total diversion rate of 0.67 cfs, a total annual maximum diversion volume of 134.8 af at the field headgate, and the irrigation of 33.7 acres.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

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 4th day of August, 2008



Chief, Water Allocation Bureau