

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73934

This is to certify that: RUBBER BAND HOLDINGS LLC
910 N CURTIS RD
BOISE ID 83706
(208)377-3777

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>
2-2100A	AJC/License	07/15/1952	2.8 cfs	630 af	140.0	372.0	SNAKE RIVER
2-7086	AJC/License	07/28/1971	4.64 cfs	1044 af	232.0	372.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

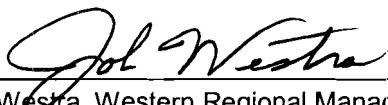
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-2100A	NO	NO	YES	NO	NO	NO
2-7086	NO	NO	YES	NO	NO	NO

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>
2-2100A	2-2100A	2.8 cfs	630 af	140.0	477.0		N/A	N/A	N/A	N/A
2-7086	2-7086	4.64 cfs	1044 af	232.0	477.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		7.44 cfs	1674 af	372.0	477.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of August, 2008



John Westra, Western Regional Manager

WATER RIGHT NO. 2-2100A
As Modified by Transfer No. 73934

In accordance with the approval of Transfer No. 73934, Water Right No. 2-2100A is now described as follows.

Right Holder: RUBBER BAND HOLDINGS LLC
910 N CURTIS RD
BOISE ID 83706

Priority Date: July 15, 1952

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.80 CFS	630.0 AF
			2.80 CFS	630.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L7 (NESE) Sec. 35 Twp 03S Rge 01E OWYHEE County

SNAKE RIVER L8 (NWSE) Sec. 35 Twp 03S Rge 01E OWYHEE County

SNAKE RIVER L7 (NWSE) Sec. 36 Twp 03S Rge 01E OWYHEE 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	
03S 01E 35									38.3	36.0	33.0	40.0	27.6	29.1	40.0	40.0	284.0
									L 9				L 7	L 8			
03S 01E 36									30.0	32.0	32.0	25.0	15.0	25.0	24.0	10.0	193.0
									L 6	L 5			L 8	L 7			

Total Acres: 477.0

CONDITIONS OF APPROVAL

1. Prior to diversion of water under Right Nos. 02-02100A and 02-07086, flow measurement ports or other devices approved by the Department shall be installed on all points of diversion.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right 02-07086 is also diverted through the point(s) of diversion described above.
4. This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

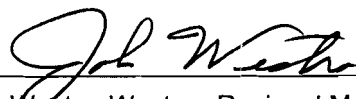
WATER RIGHT NO. 2-2100A
As Modified by Transfer No. 73934

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 11/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 07/15/1952.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre or more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. Rights 2-2100A and 2/7086 when combined shall not exceed the irrigation of 372 acres in a single season.
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 12th day of August, 20 08



John Westra, Western Regional Manager

WATER RIGHT NO. 2-7086
As Modified by Transfer No. 73934

In accordance with the approval of Transfer No. 73934, Water Right No. 2-7086 is now described as follows.

Right Holder: RUBBER BAND HOLDINGS LLC
910 N CURTIS RD
BOISE ID 83706

Priority Date: July 28, 1971

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	4.64 CFS	1,044.0 AF
			4.64 CFS	1,044.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER	L7 (NESE)	Sec. 35 Twp 03S	Rge 01E	OWYHEE County
SNAKE RIVER	L8 (NWSE)	Sec. 35 Twp 03S	Rge 01E	OWYHEE County
SNAKE RIVER	L7 (NWSE)	Sec. 36 Twp 03S	Rge 01E	OWYHEE 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	
03S	01E	35									38.3	36.0	33.0	40.0	27.6	29.1	40.0	40.0	284.0
											L 9				L 7	L 8			
03S	01E	36									30.0	32.0	32.0	25.0	15.0	25.0	24.0	10.0	193.0
											L 6	L 5			L 8	L 7			

Total Acres: 477.0

CONDITIONS OF APPROVAL

1. Prior to diversion of water under Right Nos. 02-02100A and 02-07086, flow measurement ports or other devices approved by the Department shall be installed on all points of diversion.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right 2-2100A is also diverted through the point(s) of diversion described above.
4. This right is limited to the irrigation of 232 acres within the place of use described above in a single irrigation season.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

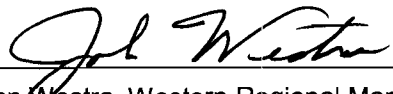
WATER RIGHT NO. 2-7086
As Modified by Transfer No. 73934

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 11/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 07/28/1971.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre or more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. Rights 2-2100A and 2/7086 when combined shall not exceed the irrigation of 372 acres in a single season.
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 12th day of August, 20 08



John Westra, Western Regional Manager