

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73716

This is to certify that: IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

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>
36-16380	WR/Decreed	09/12/1973	0.11 cfs	21.2 af	5.3	485.0	GROUND WATER
36-16546	WR/Decreed	09/12/1973	0.93 cfs	186.8 af	46.7	126.7	GROUND WATER
36-16547	WR/Decreed	09/12/1973	1.60 cfs	320.0 af	80.0	126.7	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>
36-16380	NO	YES	YES	NO	NO	NO
36-16546	NO	NO	YES	NO	NO	NO
36-16547	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>
36-16380	36-16380	0.11 cfs	21.2 af	5.3	160.0		N/A	N/A	N/A	N/A
36-16546	36-16546	0.93 cfs	186.8 af	46.7	160.0		N/A	N/A	N/A	N/A
36-16547	36-16547	1.60 cfs	320.0 af	80.0	160.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.64 cfs	528.0 af	132.0	160.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of June, 2008

Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 36-16380

WATER RIGHT NO. 36-16380
As Modified by Transfer No. 73716

In accordance with the approval of Transfer No. 73716, Water Right No. 36-16380 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/01	0.11 CFS	21.2 AF
			0.11 CFS	21.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 24 Twp 09S Rge 20E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S 20E 24							40.0	40.0	40.0	40.0							160.0

Total Acres: 160

CONDITIONS OF APPROVAL

1. The combination of changes under Transfer approval 73715 as described under rights 36-16531, 36-16534, 36-16537 and 36-16540 and Transfer approval 73716 as described under right 36-16380 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 73716.

2. This right is limited to the irrigation of 5.3 acres within the place of use described above in a single irrigation season.
3. Rights 36-16380, 36-16546 and 36-16547 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 528.0 af at the field headgate, and the irrigation of 132 acres.

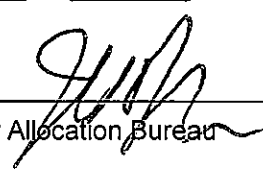
WATER RIGHT NO. 36-16580
As Modified by Transfer No. 73716

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 132 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
5. Rights 36-8559, 36-16546, and 36-16547 are also diverted through the point of diversion described above.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/15 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
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. 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. 130.
10. This right does not grant any right-of-way or easement across the land of another.
11. Prior to the diversion and use of water under Transfer approval 73716 the right holder shall install and maintain acceptable measuring devices, including data loggers, 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 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.
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 19th day of June, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16546
As Modified by Transfer No. 73716

In accordance with the approval of Transfer No. 73716, Water Right No. 36-16546 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 C/O DEL KOHTZ
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/01	0.93 CFS	186.8 AF
			0.93 CFS	186.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 24 Twp 09S Rge 20E JEROME 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	
09S 20E 24							40.0	40.0	40.0	40.0							160.0

Total Acres: 160

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 46.7 acres within the place of use described above in a single irrigation season.
2. Rights 36-16380, 36-16546 and 36-16547 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 528.0 af at the field headgate, and the irrigation of 132 acres.
3. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 132 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
4. Rights 36-8559, 36-16546, and 36-16547 are also diverted through the point of diversion described above.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/15 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
6. 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.

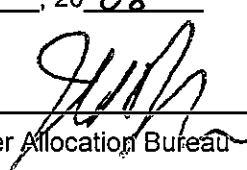
WATER RIGHT NO. 36-16546
As Modified by Transfer No. 73716

CONDITIONS OF APPROVAL

7. 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.
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. This right does not grant any right-of-way or easement across the land of another.
10. Prior to the diversion and use of water under Transfer approval 73716 the right holder shall install and maintain acceptable measuring devices, including data loggers, 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.
11. The right holder shall accomplish the change authorized by this transfer within one year 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. 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 19th day of June, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16547
As Modified by Transfer No. 73716

In accordance with the approval of Transfer No. 73716, Water Right No. 36-16547 is now described as follows.

Right Holder: ROBERT MESSNER And
 SHIRLENE MESSNER
 1236 FREEMONT DR
 TWIN FALLS ID 83301

Priority Date: September 12, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/01	1.60 CFS	320.0 AF
		1.60 CFS	320.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 24 Twp 09S Rge 20E JEROME 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	
09S 20E 24							40.0	40.0	40.0	40.0							160.0

Total Acres: 160

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 36-16380, 36-16546, and 36-16547 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 528.0 af at the field headgate, and the irrigation of 132 acres.
3. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 132 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
4. Rights 36-8559, 36-16546, and 36-16547 are also diverted through the point of diversion described above.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/15 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
6. 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.

WATER RIGHT NO. 36-16547
As Modified by Transfer No. 73716

CONDITIONS OF APPROVAL

7. 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.
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. This right does not grant any right-of-way or easement across the land of another.
10. Prior to the diversion and use of water under Transfer approval 73716 the right holder shall install and maintain acceptable measuring devices, including data loggers, 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.
11. The right holder shall accomplish the change authorized by this transfer within one year 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. 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 19th day of June, 20 08



Chief, Water Allocation Bureau