

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73715

This is to certify that: IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325
(208) 825-5617

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>
36-16531	WR/Decreed	11/11/1959	0.13 cfs	N/A	6.0	485.0	GROUND WATER
36-16534	WR/Decreed	11/15/1970	0.19 cfs	N/A	8.9	485.0	GROUND WATER
36-16537	WR/Decreed	05/16/1980	0.05 cfs	N/A	2.2	485.0	GROUND WATER
36-16540	WR/Decreed	05/26/1971	0.02 cfs	N/A	1.2	485.0	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>
36-16531	NO	YES	YES	YES	YES	YES
36-16534	NO	YES	YES	YES	YES	YES
36-16537	NO	YES	YES	YES	YES	YES
36-16540	NO	YES	YES	YES	YES	YES

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>
36-16531	36-16531	0.13 cfs	18.0 af	N/A	N/A		N/A	N/A	N/A	N/A
36-16534	36-16534	0.19 cfs	26.8 af	N/A	N/A		N/A	N/A	N/A	N/A
36-16537	36-16537	0.05 cfs	6.6 af	N/A	N/A		N/A	N/A	N/A	N/A
36-16540	36-16540	0.02 cfs	3.6 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.24 cfs	55.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of June, 20 08

Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 36-16531

WATER RIGHT NO. 36-16531
As Modified by Transfer No. 73715

In accordance with the approval of Transfer No. 73715, Water Right No. 36-16531 is now described as follows.

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

Priority Date: November 11, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.13 CFS	18.0 AF
COMMERCIAL	01/01	to 12/31	0.13 CFS	18.0 AF
			0.13 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESE	Sec. 2 Twp 09S Rge 22E MINIDOKA County
GROUND WATER	SENESE	Sec. 2 Twp 09S Rge 22E MINIDOKA County

PLACE OF USE: STOCKWATER

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 22E 2									X				X				

PLACE OF USE: COMMERCIAL

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 22E 2									X				X				

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, provides 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 73715.

WATER RIGHT NO. 36-16531
As Modified by Transfer No. 73715

CONDITIONS OF APPROVAL

2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 130.
4. Prior to the diversion and use of water under Transfer approval 73715, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
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. Commercial use is for a dairy.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
9. Rights 36-16531, 36-16534, 36-16537 and 36-16540 when combined shall not exceed a total diversion rate of 0.24 cfs.
10. Right No. 36-16540 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
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. 36-16534
As Modified by Transfer No. 73715

In accordance with the approval of Transfer No. 73715, Water Right No. 36-16534 is now described as follows.

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

Priority Date: November 15, 1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.19 CFS	26.8 AF
COMMERCIAL	01/01 to	12/31	0.19 CFS	26.8 AF
			0.19 CFS	26.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 2 Twp 09S Rge 22E MINIDOKA County

GROUND WATER SENESE Sec. 2 Twp 09S Rge 22E MINIDOKA County

PLACE OF USE: STOCKWATER

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	22E	2									X				X	X	X	X	

PLACE OF USE: COMMERCIAL

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	22E	2									X				X	X	X	X	

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 provides 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 73715.

WATER RIGHT NO. 36-16534
As Modified by Transfer No. 73715

CONDITIONS OF APPROVAL

2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 130.
4. Prior to the diversion and use of water under Transfer approval 73715, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
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. Commercial use is for a dairy.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
9. Rights 36-16531, 36-16534, 36-16537 and 36-16540 when combined shall not exceed a total diversion rate of 0.24 cfs.
10. Right No. 36-16540 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
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. 36-16537
As Modified by Transfer No. 73715

In accordance with the approval of Transfer No. 73715, Water Right No. 36-16537 is now described as follows.

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

Priority Date: May 16, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	0.05 CFS	6.6 AF
STOCKWATER	01/01 to	12/31	0.05 CFS	6.6 AF
			0.05 CFS	6.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 2 Twp 09S Rge 22E MINIDOKA County

GROUND WATER SENESE Sec. 2 Twp 09S Rge 22E MINIDOKA County

PLACE OF USE: COMMERCIAL

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 22E 2									X			X	X	X	X	X	

PLACE OF USE: STOCKWATER

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 22E 2									X			X	X	X	X	X	

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 provides 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 73715.

WATER RIGHT NO. 36-16537
As Modified by Transfer No. 73715

CONDITIONS OF APPROVAL

2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 130.
4. Prior to the diversion and use of water under Transfer approval 73715, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
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. Commercial use is for a dairy.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
9. Rights 36-16531, 36-16534, 36-16537 and 36-16540 when combined shall not exceed a total diversion rate of 0.24 cfs.
10. Right No. 36-16540 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
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. 36-16540
As Modified by Transfer No. 73715

In accordance with the approval of Transfer No. 73715, Water Right No. 36-16540 is now described as follows.

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

Priority Date: May 26, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.02 CFS	3.6 AF
COMMERCIAL	01/01 to	12/31	0.02 CFS	3.6 AF
			0.02 CFS	3.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESE Sec. 2 Twp 09S Rge 22E MINIDOKA County

GROUND WATER SENESE Sec. 2 Twp 09S Rge 22E MINIDOKA County

PLACE OF USE: STOCKWATER

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	22E	2									X			X	X	X	X	X	

PLACE OF USE: COMMERCIAL

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	22E	2									X			X	X	X	X	X	

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 73715.

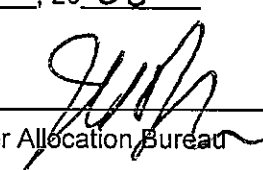
WATER RIGHT NO. 36-16540
As Modified by Transfer No. 73715

CONDITIONS OF APPROVAL

2. 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 73715, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
6. 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.
7. Commercial use is for a dairy.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
10. Rights 36-16531, 36-16534, 36-16537 and 36-16540 when combined shall not exceed a total diversion rate of 0.24 cfs.
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.
14. This right is based upon an enlargement of Right Nos. 36-16531, 36-16534 and 36-16537 pursuant to Section 42-1426, Idaho Code.

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