

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74270**

This is to certify that: OKELBERRY FARMS INC
1970 E 1200 S
HAZELTON ID 83335
(208)829-5350

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>
36-7101	WR/Decreed	12/16/1969	1.12 cfs	N/A	N/A	240.0	GROUND WATER
36-2102	WR/Decreed	01/02/1951	3.74 cfs	N/A	N/A	280.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>PQU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-7101	NO	NO	YES	YES	NO	NO
36-2102	NO	NO	YES	YES	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>
36-7101	36-7101	1.12 cfs	108 af	240.0	307.0		N/A	N/A	N/A	N/A
36-2102	36-2102	3.74 cfs	1120 af	280.0	307.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		4.86 cfs	1228 af	307.0	307.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 25th day of February, 20 08

Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 36-2102

WATER RIGHT NO. 36-2102
As Modified by Transfer No. 74270

In accordance with the approval of Transfer No. 74270, Water Right No. 36-2102 is now described as follows.

Right Holder: OKELBERRY FARMS INC
 1970 E 1200 S
 HAZELTON ID 83335

Priority Date: January 02, 1951

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	3.74 CFS	1,120.0 AF
			3.74 CFS	1,120.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 16 Twp 10S Rge 20E JEROME County

GROUND WATER SENWNW Sec. 16 Twp 10S 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	
10S	20E	16					39.0	34.0	39.0	40.0	39.0	39.0	38.0	39.0					307.0

Total Acres: 307

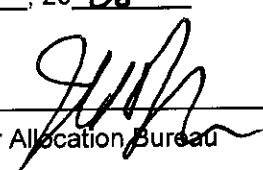
**WATER RIGHT NO. 36-2102
As Modified by Transfer No. 74270**

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.
2. Rights 36-2102 and 36-7101 when combined shall not exceed a total diversion rate of 4.86 cfs, a total annual maximum diversion volume of 1228.0 af at the field headgate, and the irrigation of 307 acres.
3. 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.
4. The right holder shall cease irrigation of 8 acres previously authorized under Rights 36-2102 and 36-7101, and shall consolidate use of water on the remaining 307 acres.
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. Prior to the diversion and use of water under Transfer approval 74270, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.
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. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year 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.

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 25th day of February, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7101
As Modified by Transfer No. 74270

In accordance with the approval of Transfer No. 74270, Water Right No. 36-7101 is now described as follows.

Right Holder: OKELBERRY FARMS INC
 1970 E 1200 S
 HAZELTON ID 83335

Priority Date: December 16, 1969

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	1.12 CFS	108.0 AF
			1.12 CFS	108.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 16 Twp 10S Rge 20E JEROME County

GROUND WATER SENWNW Sec. 16 Twp 10S 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	
10S	20E	16					39.0	34.0	39.0	40.0	39.0	39.0	38.0	39.0					307.0

Total Acres: 307

WATER RIGHT NO. 36-7101
As Modified by Transfer No. 74270

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.
2. Rights 36-2102 and 36-7101 when combined shall not exceed a total diversion rate of 4.86 cfs, a total annual maximum diversion volume of 1228.0 af at the field headgate, and the irrigation of 307 acres.
3. 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.
4. The right holder shall cease irrigation of 8 acres previously authorized under Rights 36-2102 and 36-7101, and shall consolidate use of water on the remaining 307 acres.
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. Prior to the diversion and use of water under Transfer approval 74270, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.
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. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than August 27, 2001.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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 25th day of February, 20 08



Chief, Water Allocation Bureau