

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 74238**

This is to certify that: WHITNAH RANCHES INC  
 C/O ROGER WHITNAH PRES  
 2954 S WHITNAH RD  
 AMERICAN FALLS ID 83211  
 (208)226-2760

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 35-13613     | WR/Decreed          | 12/19/1975      | 9.88 cfs    | N/A           | 616.6             | 659.0              | GROUND WATER  |
| 35-13615     | WR/Decreed          | 04/01/1987      | 0.64 cfs    | N/A           | 42.4              | 659.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-13613              | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 35-13615              | YES          | YES        | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-13613              | <b>35-13654</b>                  | 0.16 cfs             | 41.2 af                | 10.3              | 11.0               | <b>35-13653</b>                    | 9.72 cfs              | N/A                     | 606.3                       | 648.0                        |
| 35-13615              | <b>35-13656</b>                  | 0.01 cfs             | 2.8 af                 | 0.7               | 11.0               | <b>35-13655</b>                    | 0.63 cfs              | N/A                     | 41.7                        | 648.0                        |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.16 cfs</b>      | <b>44.0 af</b>         | <b>11.0</b>       | <b>11.0</b>        |                                    | <b>9.72 cfs</b>       | <b>2592.0 af</b>        | <b>648.0</b>                | <b>648.0</b>                 |

Detailed Water Right Description(s) attached

Dated this 25<sup>th</sup> day of January, 20 08

\_\_\_\_\_  
 Chief, Water Allocation Bureau

**SUPPORT DATA**  
**IN FILE #** 35-13613

**WATER RIGHT NO. 35-13653**  
**As Modified by Transfer No. 74238**

In accordance with the approval of Transfer No. 74238, Water Right No. 35-13653 is now described as follows.

**Right Holder:** WHITNAH RANCHES INC  
C/O ROGER WHITNAH PRES  
2954 S WHITNAH RD  
AMERICAN FALLS ID 83211

**Priority Date:** December 19, 1975

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 10/31  | 9.72 CFS              |
|                       |             |           | 9.72 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |        |         |         |              |
|--------------|--------|--------|---------|---------|--------------|
| GROUND WATER | SESWNW | Sec. 3 | Twp 08S | Rge 29E | POWER County |
| GROUND WATER | SWSESW | Sec. 3 | Twp 08S | Rge 29E | POWER 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    |        |
| 08S | 29E | 3   |      | 13.0 | 37.0 | 20.0 | 13.0 |      | 28.0 | 36.0 | 40.0 | 35.0 | 27.0 | 38.0 | 35.0 | 39.0 | 39.0 | 28.0  | 428.0  |
|     |     |     |      | L 2  |      |      | L 3  |      |      |      |      |      |      |      |      |      |      |       |        |
| 08S | 29E | 10  | 35.0 | 39.0 | 15.0 | 4.0  | 40.0 | 36.0 | 25.0 | 26.0 |      |      |      |      |      |      |      | 220.0 |        |

Total Acres: 648

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 606.3 acres within the place of use described above in a single irrigation season.
2. Right No. 35-13655 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
3. Right Nos. 35-13653 and 35-13655 are limited to the irrigation of a combined total of 648 acres in a single irrigation season.
4. Right Nos. 35-13653 and 35-13655 are limited to a total combined diversion rate of 9.72 cfs and to a total combined annual diversion volume of 2592 AF.
5. Right 35-13655 is also diverted through the points of diversion described above.
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. 35-13653**  
**As Modified by Transfer No. 74238**

**CONDITIONS OF APPROVAL**

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 25<sup>th</sup> day of January, 20 08

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13654**  
**As Modified by Transfer No. 74238**

In accordance with the approval of Transfer No. 74238, Water Right No. 35-13654 is now described as follows.

**Right Holder:** WHITNAH RANCHES INC  
 C/O ROGER WHITNAH PRES  
 2954 S WHITNAH RD  
 AMERICAN FALLS ID 83211

**Priority Date:** December 19, 1975

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.16 CFS              | 41.2 AF       |
|                       |             |           | 0.16 CFS              | 41.2 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |              |
|--------------|--------|-----------------|---------|--------------|
| GROUND WATER | SWNESW | Sec. 36 Twp 07S | Rge 29E | POWER County |
| GROUND WATER | SWNESE | Sec. 36 Twp 07S | Rge 29E | POWER County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   | NW | SW | SE | Totals |
|-----|-----|-----|------|----|----|----|--------|
| 08S | 29E | 1   | 11.0 |    |    |    | 11.0   |

Total Acres: 11

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 10.3 acres within the place of use described above in a single irrigation season.
2. Rights 35-13654, and 35-13656 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 44 af at the field headgate, and the irrigation of 11 acres.
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. 120
4. Prior to the diversion and use of water under Transfer approval 74238, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) 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.
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. 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. 35-13654**  
**As Modified by Transfer No. 74238**

**CONDITIONS OF APPROVAL**

7. Right No. 35-13656 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. Right 35-13656 is also diverted through the points of diversion described above.
9. This right does not grant any right-of-way or easement across the land of another.
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.
12. 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 25<sup>th</sup> day of January, 2008

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13655**  
**As Modified by Transfer No. 74238**

In accordance with the approval of Transfer No. 74238, Water Right No. 35-13655 is now described as follows.

**Right Holder:** WHITNAH RANCHES INC  
 C/O ROGER WHITNAH PRES  
 2954 S WHITNAH RD  
 AMERICAN FALLS ID 83211

**Priority Date:** April 01, 1987

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.63 CFS              |
|                       |             |           | 0.63 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |        |         |         |              |
|--------------|--------|--------|---------|---------|--------------|
| GROUND WATER | SESWNW | Sec. 3 | Twp 08S | Rge 29E | POWER County |
| GROUND WATER | SWSESW | Sec. 3 | Twp 08S | Rge 29E | POWER 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    |        |
| 08S | 29E | 3   |      | 13.0 | 37.0 | 20.0 | 13.0 |      | 28.0 | 36.0 | 40.0 | 35.0 | 27.0 | 38.0 | 35.0 | 39.0 | 39.0 | 28.0  | 428.0  |
|     |     |     |      | L 2  |      |      | L 3  |      |      |      |      |      |      |      |      |      |      |       |        |
| 08S | 29E | 10  | 35.0 | 39.0 | 15.0 | 4.0  | 40.0 | 36.0 | 25.0 | 26.0 |      |      |      |      |      |      |      | 220.0 |        |

Total Acres: 648

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 41.7 acres within the place of use described for this right.
2. Right Nos. 35-13653 and 35-13655 are limited to the irrigation of a combined total of 648 acres in a single irrigation season.
3. Right Nos. 35-13653 and 35-13655 are limited to a total combined diversion rate of 9.72 cfs and to a total combined annual diversion volume of 2592 AF.
4. 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.
5. This right is based upon an enlargement of Right No. 35-13653 pursuant to Section 42-1426, Idaho Code.
6. Right 35-13653 is also diverted through the points of diversion described above.

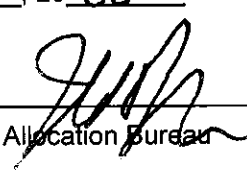
**WATER RIGHT NO. 35-13655**  
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Dated this 25<sup>th</sup> day of January, 20 08

  
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**Priority Date:** April 01, 1987

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 01/01 to    | 12/31     | 0.01 CFS              | 2.8 AF        |
|                       |             |           | 0.01 CFS              | 2.8 AF        |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |              |
|--------------|--------|-----------------|---------|--------------|
| GROUND WATER | SWNESW | Sec. 36 Twp 07S | Rge 29E | POWER County |
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**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 |        |
| 08S | 29E | 1   | 11.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11.0   |

Total Acres: 11

**CONDITIONS OF APPROVAL**

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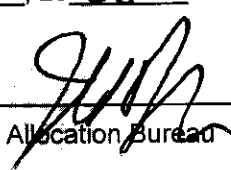
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Dated this 25<sup>th</sup> day of January, 20 08

  
\_\_\_\_\_  
Chief, Water Allocation Bureau