

Transfer No. 73274
Receipt No.S029141

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
DEC 21 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Applicant Information HARRIS AG LLC
2655 E 1440 S
MALTA ID 83342
(208)645-2382

Will this transfer result in an ownership change? No

2. Current Water Right				Part 2 Attached for Each Right		
	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-13423	WR/Decreed	0.21	27.1			GROUND WATER
43-10499	WR/Decreed	0.04	14.6			GROUND WATER

3. Purpose of Transfer (Change Proposed)				Part 3A Attached for Each Proposed Right		
				Part 3B Attached for Each Split Right		
Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-13423	NO	YES	NO	NO	NO	NO
43-10499	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes
The north well (Sec. 6) is being taken over by a neighbor, so a replacement well is needed. Also, the east well has gone dry and needs to be replaced. We want to drill one new well near the SW corner of the property to replace the two existing wells that will no longer be used for our feedlot.

- 4. FOR CHANGES IN NATURE OF USE ONLY**
- A. Describe the expected quantity of the return flows and location of discharge after the proposed change**
- B. Describe the effects on other water uses resulting from the proposed change**

5. Total Amounts Transferred				
	Rate	Acre Limit	Total Acres	Volume
43-13423	0.21 cfs			27.1 af
43-10499	0.04 cfs			14.6 af
TOTAL	0.25 cfs			41.7 af

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Kurt Ham
(Signature of Applicant)

Partner
(Title or Office)

Subscribed and sworn to before me this 21st day of December, 2006.



J. E. Stanton
(Notary Public)

My commission expires 10-25-2008

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 43-13423

Priority Date: December 04, 1951
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.21 CFS	27.1 AFA	
COMMERCIAL	01/01 12/31	0.21 CFS	27.1 AFA	
Total Diversion		0.21 CFS	27.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER L7 (SWSWSW) Sec. 6 Twp 14S Rge 27E CASSIA County

GROUND WATER L1 (NWNWNW) Sec. 7 Twp 14S Rge 27E CASSIA County

GROUND WATER L1 (SENWNW) Sec. 7 Twp 14S Rge 27E CASSIA County

PLACE OF USE: STOCKWATER

<u>Twp Rge Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
14S 27E 6	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S 27E 7						X					X						
						L 1					L 7						

PLACE OF USE: COMMERCIAL

<u>Twp Rge Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
14S 27E 6	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S 27E 7						X					X						
						L 1					L 7						

Conditions/Remarks:

- 1. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

2. 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.
3. Right 43-10499 is also diverted through the point(s) of diversion described above.
4. Rights 43-12966 and 43-13422 are also diverted through the point of diversion located within Lot 7 (SWSWSW), Sec. 6, T14S, R27E.
5. Commercial use is for a feedlot operation.
6. After specific notification by the Department, the right holder shall install a suitable measuring device 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 43-10499

Priority Date: May 20, 1961
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01 12/31	0.04 CFS	1.2 AFA	
STOCKWATER	01/01 12/31	0.04 CFS	13.4 AFA	
Total Diversion		0.04 CFS	14.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER L7 (SWSWSW) Sec. 6 Twp 14S Rge 27E CASSIA County

GROUND WATER L1 (NWNWNW) Sec. 7 Twp 14S Rge 27E CASSIA County

GROUND WATER L1 (SENWNW) Sec. 7 Twp 14S Rge 27E CASSIA County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S 27E 7						X											
						L 1											

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S 27E 6											X						
											L 7						
14S 27E 7						X											
						L 1											

Conditions/Remarks:

1. The quantity of water under this right shall not exceed 13,000 gallons per day.

2. Domestic use is for 1 home.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. 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.
5. Right 43-13423 is also diverted through the point(s) of diversion described above.
6. Rights 43-12966 and 43-13422 are also diverted through the point of diversion located within Lot 7 (SWSWSW), Sec. 6, T14S, R27E.
7. After specific notification by the Department, the right holder shall install a suitable measuring device 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Proposed Water Right No. 43-13423

Status: Active

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.21 CFS	27.1 AFA	
COMMERCIAL	01/01 12/31	0.21 CFS	27.1 AFA	
Total Diversion		0.21 CFS	27.1 AFA	

GROUND WATER L1 (SWNWNW) Sec. 7 Twp 14S Rge 27E CASSIA County

Point of Diversion # 2 New well to be drilled, motor & pump to be installed

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S	27E	6											X						
													L 7						
14S	27E	7						X											
								L 1											

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S	27E	6											X						
													L 7						
14S	27E	7							X										
									L 1										

Transfer No. 73274
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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 43-10499

Priority Date: May 20, 1961
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01 12/31	0.04 CFS	1.2 AFA	
STOCKWATER	01/01 12/31	0.04 CFS	13.4 AFA	
Total Diversion		0.04 CFS	14.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER L1 (NWNWNW) Sec. 7 Twp 14S Rge 27E CASSIA County

GROUND WATER L1 (SWNWNW) Sec. 7 Twp 14S Rge 27E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 existing well
Point of Diversion # 2 New well to be drilled, motor & pump to be installed

PLACE OF USE: DOMESTIC

[illegible]

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S	27E	6											X						
													L 7						
14S	27E	7						X											
								L 1											

well goes
to neighbor

NNNW NW

new
well

SENN NW

well gone
dry