

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74372

This is to certify that: DAVID O HINCKLEY Or
S & H FARMS LLC
3500 N 2200 W
SALT LAKE CITY UT 84116
801-595-6339

Or

RULAN SPEAR
2750 E 358 S
DECLO ID 83323
801-595-6339

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>
35-7173	WR/Decreed	04/16/1971	7.2 cfs	1789.2 af	N/A	446.4	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>
35-7173	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>
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35-7173	35-7173	7.2 cfs	1789.2 af	N/A	446.4		N/A	N/A	N/A	N/A
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COMBINED

TOTALS		7.2 cfs	1789.2 af	N/A	446.4		N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 11th day of January, 20 08

Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7173
As Modified by Transfer No. 74372

In accordance with the approval of Transfer No. 74372, Water Right No. 35-7173 is now described as follows.

Right Holder: DAVID O HINCKLEY Or
 S & H FARMS LLC
 3500 N 2200 W
 SALT LAKE CITY UT 84116

Or

RULAN SPEAR
 2750 E 358 S
 DECLO ID 83323

Priority Date: April 16, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/30	7.20 CFS	1,789.2 AF
			7.20 CFS	1,789.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 31 Twp 07S 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	
07S	29E	30																3.4	3.4
07S	29E	31	32.0	27.0	37.0	34.0			18.0	33.0	40.0	27.0	24.0	35.0	35.0	36.0	32.0	33.0	443.0
									L 2				L 3	L 4					

Total Acres: 446.4

WATER RIGHT NO. 35-7173
As Modified by Transfer No. 74372

CONDITIONS OF APPROVAL

1. 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.
2. Prior to the diversion and use of water under Transfer approval 74372, 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.
3. 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.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 11th day of January, 20 08

Chief, Water Allocation Bureau