

Transfer No. 74270
Receipt No. S029808

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

RECEIVED

1. Applicant Information OKELBERRY FARMS INC
1970 E 1200 S
HAZELTON ID 83335
(208)829-5350

OCT 31 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? ~~Yes~~ **No** 11-21-07

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-2102	WR/Decreed	3.74			280.0	GROUND WATER
36-7101	WR/Decreed	1.12			240.0	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
36-2102	NO	NO	YES	YES	NO	NO
36-7101	NO	NO	YES	YES	NO	NO

Describe the reason for the proposed changes

Transfer changes water rights to show how farm has been irrigated for many years. The land list is being reduced to reflect non-irrigation of county roads on 3 sides of the property. There is also a 1-acre flood-control pond that is not farmed. A housing area in the NW corner of the property is also not farmed. FSA surveys show 307 irrigated acres on this farm. We understand that the overall volume limit will be reduced to reflect the acreage reduction.

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

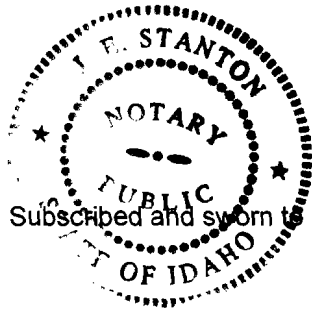
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
36-2102	3.74 cfs	280.0	307.0	1,120.0 af
36-7101	1.12 cfs	240.0	307.0	108.0 af
TOTAL	4.86 cfs	307.0	307.0	1,228.0 af

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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.



Chia Chuan
(Signature of Applicant)

President
(Title or Office)

Subscribed and sworn to before me this 3/5th day of October, 2007.

J. E. Stanton
(Notary Public)

My commission expires 1-12-2013

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

Current Water Right No. 36-2102

Priority Date: January 02, 1951
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15 11/15	3.74 CFS		
	Total Diversion	3.74 CFS		

Source and Point(s) of Diversion:

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					20.0	35.0	40.0	30.0	35.0	40.0	40.0	40.0					280.0

Total Acres: 280

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-07101 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1260.0 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-07101 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 315.0 ACRES IN A SINGLE IRRIGATION SEASON.
3. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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

Transfer ties 2 water rights and wells together to reflect existing system operation.

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

NO

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

Current Water Right No. 36-7101

Priority Date: December 16, 1969
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	1.12 CFS		
	Total Diversion	1.12 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENENW 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					40.0		40.0	40.0	40.0	40.0		40.0					240.0

Total Acres: 240

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-02102 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1260 AF.
2. 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 THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. USE OF THIS RIGHT WITH RIGHT NO. 36-02102 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 315 ACRES IN A SINGLE IRRIGATION SEASON.
4. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

5. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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

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Transfer ties 2 water rights and wells together to reflect existing system operation.

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

NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-2102

Priority Date: January 02, 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>
IRRIGATION	03/15 11/15	3.74 CFS	1,120.0 AFA	
	Total Diversion	3.74 CFS	1,120.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers

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

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-7101

Priority Date: December 16, 1969

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>
IRRIGATION	04/01 11/01	1.12 CFS	108.0 AFA	
	Total Diversion	1.12 CFS	108.0 AFA	

Source and 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

Describe the proposed diversion system

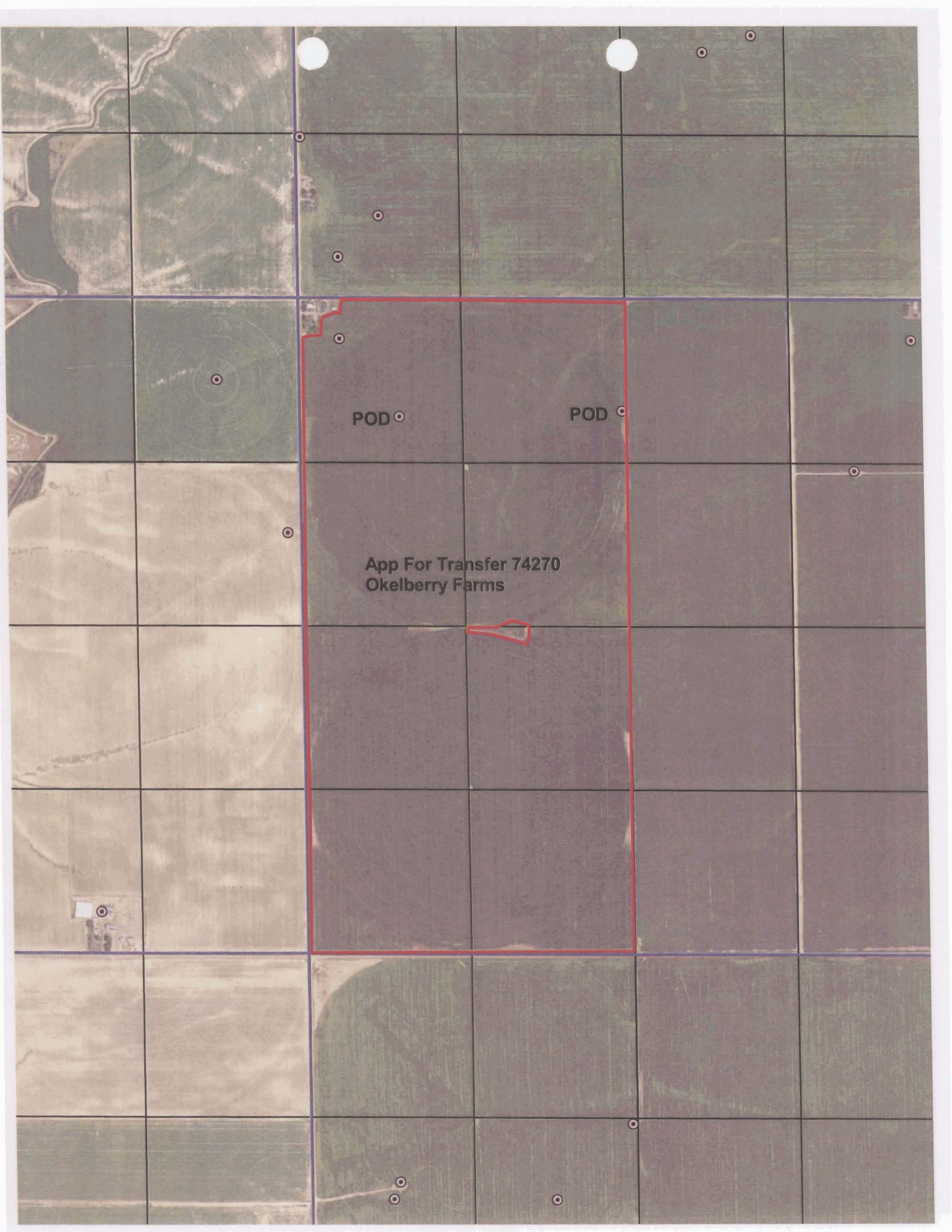
Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 20E 16					39.0	34.0	39.0	40.0	39.0	39.0	38.0	39.0					307.0

Total Acres: 307



POD

POD

App For Transfer 74270
Okelberry Farms