

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73349**

This is to certify that: AMERICAN COW MILKING ENTERPRISE DAIRY INC
PO BOX 189
OAKLEY ID 83346
(208)862-2263

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>
45-12909B	WR/Decreed	04/01/1961	0.04 cfs	9.2 af	N/A	N/A	GROUND WATER
45-2434B	WR/Decreed	01/27/1953	0.32 cfs	74.8 af	N/A	N/A	GROUND WATER
45-10454	WR/Decreed	01/01/1955	0.04 cfs	14.6 af	N/A	N/A	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>
45-12909B	NO	NO	NO	YES	NO	NO
45-2434B	NO	NO	NO	YES	NO	NO
45-10454	NO	NO	NO	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>
45-12909B	45-12909B	0.04 cfs	9.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
45-2434B	45-2434B	0.32 cfs	74.8 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
45-10454	45-10454	0.04 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

COMBINED

TOTALS **0.36 cfs 98.6af** **N/A** **N/A** **N/A** **N/A** **N/A** **N/A** **N/A**

Detailed Water Right Description(s) attached

Dated this 21st day of November, 20 07

Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 45-02434B

WATER RIGHT NO. 45-2434B
As Modified by Transfer No. 73349

In accordance with the approval of Transfer No. 73349, Water Right No. 45-2434B is now described as follows.

Right Holder: AMERICAN COW MILKING ENTERPRISE DAIRY INC
 PO BOX 189
 OAKLEY ID 83346

Priority Date: January 27, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to 12/31		0.32 CFS	74.8 AF
STOCKWATER	01/01 to 12/31		0.32 CFS	74.8 AF
			0.32 CFS	74.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

GROUND WATER NESENE Sec. 5 Twp 14S Rge 22E CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	31			X	X					X					X	X	X	X

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	31									X								

WATER RIGHT NO. 45-2434B
As Modified by Transfer No. 73349

CONDITIONS OF APPROVAL

1. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
2. Rights 45-2434B, 45-10454, and 45-12909B when combined shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
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. 140.
4. Prior to the diversion and use of water under Transfer approval 73349, 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. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 21st day of November, 20 07

Chief, Water Allocation Bureau

WATER RIGHT NO. 45-12909B
As Modified by Transfer No. 73349

In accordance with the approval of Transfer No. 73349, Water Right No. 45-12909B is now described as follows.

Right Holder: AMERICAN COW MILKING ENTERPRISE DAIRY INC
 PO BOX 189
 OAKLEY ID 83346

Priority Date: April 01, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.04 CFS	9.2 AF
COMMERCIAL	01/01	to 12/31	0.04 CFS	9.2 AF
			0.04 CFS	9.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S Rge 22E CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S Rge 22E CASSIA County
GROUND WATER	NESENE	Sec. 5 Twp 14S Rge 22E CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 22E 31									X								

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 22E 31			X	X					X				X	X	X	X	

WATER RIGHT NO. 45-12909B
As Modified by Transfer No. 73349

CONDITIONS OF APPROVAL

1. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
2. 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. 140.
3. Prior to the diversion and use of water under Transfer approval 73349, 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.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
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.
11. 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 21st day of November, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-10454
As Modified by Transfer No. 73349

In accordance with the approval of Transfer No. 73349, Water Right No. 45-10454 is now described as follows.

Right Holder: AMERICAN COW MILKING ENTERPRISE DAIRY INC
PO BOX 189
OAKLEY ID 83346

And

SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY ID 83346

Priority Date: January 01, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.04 CFS	14.6 AF
			0.04 CFS	14.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	NESENE	Sec. 5 Twp 14S	Rge 22E	CASSIA County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	31																	
14S	22E	6		X												X			

WATER RIGHT NO. 45-10454
As Modified by Transfer No. 73349

CONDITIONS OF APPROVAL

1. Rights 45-2434B, 45-10454, and 45-12909B, when combined shall not exceed a total diversion rate of 0.36 cfs, nor a total annual maximum diversion volume of 98.6 af at the field headgate.
2. 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. 140.
3. Prior to the diversion and use of water under Transfer approval 73349, 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.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The quantity of water decreed for this water right is not a determination of historical beneficial use.
7. The quantity of water under this right shall not exceed 13,000 gallons per day.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
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.

Dated this 21ST day of November, 20 07



Chief, Water Allocation Bureau