

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73541

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>
35-7567	WR/Decreed	12/19/1975	10.25 cfs	N/A	640.0	684.0	GROUND WATER
35-12672	WR/Decreed	04/01/1987	0.66 cfs	N/A	N/A	684.0	GROUND WATER
35-7569	WR/Decreed	12/19/1975	2.83 cfs	948 af	N/A	237.0	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>
35-7567	YES	YES	YES	NO	NO	NO
35-12672	YES	YES	YES	NO	NO	NO
35-7569	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>
35-7567	35-13614	0.37 cfs	93.6 af	23.4	262.0	35-13613	9.88 cfs	N/A	616.6	659.0
35-12672	35-13616	0.02 cfs	6.4 af	1.6	262.0	35-13615	0.64 cfs	N/A	42.4	659.0
35-7569	35-7569	2.83 cfs	948.0 af	237.0	262.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.20 cfs	1048 af	262.0	262.0		N/A	N/A	659.0	659.0

Detailed Water Right Description(s) attached

Dated this 18th day of October, 20 07

 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 35-7567

WATER RIGHT NO. 35-7569
As Modified by Transfer No. 73541

In accordance with the approval of Transfer No. 73541, Water Right No. 35-7569 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 11/01	2.83 CFS	948.0 AF
			2.83 CFS	948.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWSW Sec. 31 Twp 07S Rge 30E 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	30E	31																	
					13.0				29.0	39.0	37.0	36.0	19.0	34.0		38.0	17.0		262.0

Total Acres: 262

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 73541, 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.
2. 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.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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.
6. Rights 35-7569, 35-13614, and 35-13616 when combined shall not exceed a total diversion rate of 3.2 cfs, a total annual maximum diversion volume of 1048 af at the field headgate, and the irrigation of 262 acres.

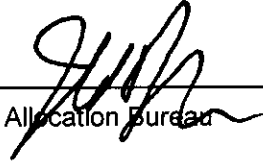
WATER RIGHT NO. 35-7569
As Modified by Transfer No. 73541

CONDITIONS OF APPROVAL

7. Rights 35-13614 and 35-13616 are also diverted through the point of diversion described above.
8. 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.
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. This right is limited to the irrigation of 237 acres within the place of use described above in a single irrigation season.

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 18th day of October, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13613
As Modified by Transfer No. 73541

In accordance with the approval of Transfer No. 73541, Water Right No. 35-13613 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	10/31	9.88 CFS
			9.88 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		14.0	37.0	21.0	13.0		28.0	37.0	40.0	35.0	27.0	38.0	36.0	40.0	40.0	30.0	436.0
				L 2			L 3												
08S	29E	10	35.0	40.0	15.0	4.0	40.0	38.0	25.0	26.0									223.0

Total Acres: 659

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 616.4 acres within the place of use described above in a single irrigation season.
3. Right 35-13615 are also diverted through the point of diversion described above.
4. Right No. 35-13615 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. Right Nos. 35-13613 and 35-13615 are limited to the irrigation of a combined total of 659 acres in a single irrigation season.
6. Right Nos. 35-13613 and 35-13615 are limited to a total combined diversion rate of 9.88 cfs and to a total combined annual diversion volume of 2636 AF.

WATER RIGHT NO. 35-13613
As Modified by Transfer No. 73541

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 18th day of October, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13614
As Modified by Transfer No. 73541

In accordance with the approval of Transfer No. 73541, Water Right No. 35-13614 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	0.37 CFS	93.6 AF
			0.37 CFS	93.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWNE Sec. 31 Twp 07S Rge 30E 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	30E	31			13.0				29.0	39.0	37.0	36.0	19.0	34.0			38.0	17.0	262.0

Total Acres: 262

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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. Rights 35-7569, 35-13614, and 35-13616 when combined shall not exceed a total diversion rate of 3.2 cfs, a total annual maximum diversion volume of 1048 af at the field headgate, and the irrigation of 262 acres.
6. Rights 35-7569 and 35-13616 are also diverted through the point of diversion described above.

WATER RIGHT NO. 35-13614
As Modified by Transfer No. 73541

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under Transfer approval 73541, 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.
8. 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.
9. 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.
10. This right is limited to the irrigation of 23.4 acres within the place of use described above in a single irrigation season.
11. Rights 35-13614 and 35-13616 when combined shall not exceed a total diversion rate of .37 cfs.
12. Right No. 35-13616 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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 18th day of October, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13615
As Modified by Transfer No. 73541

In accordance with the approval of Transfer No. 73541, Water Right No. 35-13615 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	10/31	0.64 CFS
			0.64 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					
08S	29E	3		14.0	37.0	21.0	13.0		28.0	37.0	40.0	35.0	27.0	38.0	36.0	40.0	40.0	30.0	436.0
08S	29E	10	35.0	40.0	15.0	4.0	40.0	38.0	25.0	26.0									223.0

Total Acres: 659

CONDITIONS OF APPROVAL

- 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.
- Right 35-13613 are also diverted through the point of diversion described above.
- Right Nos. 35-13613 and 35-13615 are limited to the irrigation of a combined total of 659 acres in a single irrigation season.
- Right Nos. 35-13613 and 35-13615 are limited to a total combined diversion rate of 9.88 cfs and to a total combined annual diversion volume of 2636 AF.
- This right is based upon an enlargement of Right No. 35-13613 pursuant to Section 42-1426, Idaho Code.
- This right is for an enlargement of 42.4 acres within the place of use described for this right.

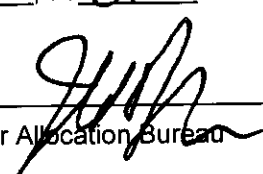
WATER RIGHT NO. 35-13615
As Modified by Transfer No. 73541

CONDITIONS OF APPROVAL

7. 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.

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 18th day of October, 20 07



Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13616
As Modified by Transfer No. 73541**

In accordance with the approval of Transfer No. 73541, Water Right No. 35-13616 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>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.02 CFS	6.4 AF
			0.02 CFS	6.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWSW Sec. 31 Twp 07S Rge 30E 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	30E	31			13.0				29.0	39.0	37.0	36.0	19.0	34.0			38.0	17.0	262.0

Total Acres: 262

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 73541, 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. 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.
4. Rights 35-7569, 35-13614, and 35-13616 when combined shall not exceed a total diversion rate of 3.2 cfs, a total annual maximum diversion volume of 1048 af at the field headgate, and the irrigation of 262 acres.
5. Rights 35-13614 and 35-7569 are also diverted through the point of diversion described above.
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.

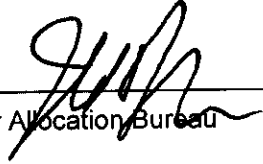
WATER RIGHT NO. 35-13616
As Modified by Transfer No. 73541

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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.
9. 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.
10. 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.
11. This right is based upon an enlargement of Right No. 35-13614 pursuant to Section 42-1426, Idaho Code.
12. Rights 35-13614 and 35-13616 when combined shall not exceed a total diversion rate of .37 cfs.
13. This right is for an enlargement of 1.6 acres within the place of use described for this right.

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 18th day of October, 20 07



Chief, Water Allocation Bureau