

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 72393**

This is to certify that: G & G DAIRY  
 328 S 300 E  
 JEROME ID 83338  
 (208)733-1225

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 36-8215      | WR/Decreed          | 06/22/1983      | 0.07 cfs    | 11.6 af       | N/A               | N/A                | GROUND WATER  |
| 36-16381     | WR/Decreed          | 09/12/1973      | 0.08 cfs    | 16.0 af       | N/A               | 4.0                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-8215               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 36-16381              | NO           | YES        | YES        | NO             | YES                  | YES                  |

**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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-8215               | <b>36-8215</b>                   | 0.07 cfs             | 11.6 af                | N/A               |                    |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 36-16381              | <b>36-16381</b>                  | 0.08 cfs             | 12.0 af                | N/A               |                    |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.15 cfs</b>      | <b>23.6 af</b>         | <b>N/A</b>        |                    |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 18<sup>th</sup> day of September, 20 07

\_\_\_\_\_  
 Chief, Water Allocation Bureau

SUPPORT DATA  
 IN FILE # 36-8215

**WATER RIGHT NO. 36-16381**  
**As Modified by Transfer No. 72393**

In accordance with the approval of Transfer No. 72393, Water Right No. 36-16381 is now described as follows.

**Right Holder:** IDAHO WATER CO LLC  
 C/O DEL KOHTZ  
 1135 VALLEY RD S  
 EDEN ID 83325

**Priority Date:** September 12, 1973

**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     | 0.08 CFS              | 9.1 AF        |
| COMMERCIAL            | 01/01 to    | 12/31     | 0.08 CFS              | 2.9 AF        |
|                       |             |           | 0.08 CFS              | 12.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWSWNW      Sec. 3   Twp 09S   Rge 17E   JEROME County

GROUND WATER      NWSWNW      Sec. 3   Twp 09S   Rge 17E   JEROME 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 |        |
| 09S | 17E | 3   |    |    |    |    |    | X  | X  | 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 |        |
| 09S | 17E | 3   |    |    |    |    |    | X  | X  | X  |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The combination of changes under Transfer approval 72393 as described under right 36-16381 and Transfer approval 72389 as described under right 36-16380 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 72393.

**WATER RIGHT NO. 36-16381**  
**As Modified by Transfer No. 72393**

**CONDITIONS OF APPROVAL**

2. Beginning on the date of approval of Transfer 72393, Right 36-16381 is limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 1 the right is limited to 9.0 afa.

Year 2 the right is limited to 10.0 afa.

Years 3 through 4 the right is limited to 11.0 afa.

Years 5 and beyond the right is limited to 12.0 afa.

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. 130.
4. Prior to the diversion and use of water under Transfer approval 72393, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
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. Commercial use is for a dairy.
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. 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.
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 18<sup>th</sup> day of September, 20 07

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-8215**  
**As Modified by Transfer No. 72393**

In accordance with the approval of Transfer No. 72393, Water Right No. 36-8215 is now described as follows.

**Right Holder:** G & G DAIRY  
 328 S 300 E  
 JEROME ID 83338

**Priority Date:** June 22, 1983

**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     | 0.07 CFS              | 5.8 AF        |
| DOMESTIC              | 01/01 to    | 12/31     | 0.04 CFS              | 1.2 AF        |
| STOCKWATER            | 01/01 to    | 12/31     | 0.06 CFS              | 4.6 AF        |
|                       |             |           | 0.07 CFS              | 11.6 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWSWNW      Sec. 3   Twp 09S   Rge 17E   JEROME County

GROUND WATER      NWSWNW      Sec. 3   Twp 09S   Rge 17E   JEROME 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 |        |
| 09S | 17E | 3   |    |    |    |    |    | X  | X  | X  |    |    |    |    |    |    |    |    |        |

**PLACE OF USE:** DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 17E | 3   |    |    |    |    |    |    | 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 |        |
| 09S | 17E | 3   |    |    |    |    |    | X  | X  | X  |    |    |    |    |    |    |    |    |        |

**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. 130.
2. Prior to the diversion and use of water under Transfer approval 72393, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.

**WATER RIGHT NO. 36-8215**  
**As Modified by Transfer No. 72393**

**CONDITIONS OF APPROVAL**

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. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. 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.
6. Commercial use is for a dairy.
7. Domestic use is for 3 dwellings.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day nor irrigation of more than a total of 1/2 acre of land around all three dwellings.
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 18<sup>th</sup> day of September, 2007

  
\_\_\_\_\_  
Chief, Water Allocation Bureau