

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 73568**

This is to certify that: HAGERMAN WINGS FARM LLC  
 823 E 2700 S  
 HAGERMAN ID 83332  
 (208) 837-9153

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 2-10208      | AJC/License         | 02/25/1963      | 49.16 cfs   | 9832 af       | 2,458.0           | 3,080.0            | SNAKE RIVER   |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 2-10208               | YES          | NO         | YES        | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|

|         |                |          |        |      |       |                |           |         |         |         |
|---------|----------------|----------|--------|------|-------|----------------|-----------|---------|---------|---------|
| 2-10208 | <b>2-10338</b> | 0.60 cfs | 120 af | 30.0 | 202.0 | <b>2-10337</b> | 48.56 cfs | 9712 af | 2,428.0 | 3,080.0 |
|---------|----------------|----------|--------|------|-------|----------------|-----------|---------|---------|---------|

**COMBINED**

|               |  |                 |               |             |              |  |            |            |            |            |
|---------------|--|-----------------|---------------|-------------|--------------|--|------------|------------|------------|------------|
| <b>TOTALS</b> |  | <b>0.60 cfs</b> | <b>120 af</b> | <b>30.0</b> | <b>202.0</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 12<sup>th</sup> day of July, 20 07

  
 Administrator, Water Management Division

**SUPPORT DATA**

IN FILE # 2-10208

**WATER RIGHT NO. 2-10337**  
**As Modified by Transfer No. 73568**

In accordance with the approval of Transfer No. 73568, Water Right No. 2-10337 is now described as follows.

**Right Holder:** COTTONWOOD MUTUAL CANAL CO  
 C/O RINGERT CLARK CHARTERED  
 PO BOX 2773  
 BOISE ID 83701

**Priority Date:** February 25, 1963

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 48.56 CFS             | 9,712.0 AF    |
|                       |             |           | 48.56 CFS             | 9,712.0 AF    |

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

SNAKE RIVER                      L6 (NWSW)              Sec. 9   Twp 06S   Rge 11E   ELMORE 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   |        |
| 06S 10E 1   |      |      |      |      |      |      |      |      | 35.0 |      | 40.0 | 14.5 |      |      |      |      | 89.5   |
| 06S 10E 2   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 40.0 |      | 40.0   |
| 06S 10E 11  |      | 40.0 |      |      | 40.0 |      |      | 40.0 |      |      |      |      |      |      |      |      | 120.0  |
| 06S 10E 12  |      |      |      | 18.5 | 40.0 | 40.0 | 40.0 | 40.0 |      | 20.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 438.5  |
| 06S 10E 13  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |      |      | 40.0 | 40.0 | 40.0 | 40.0 | 560.0  |
| 06S 10E 24  | 40.0 | 40.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 40.0 | 40.0 |      |      | 240.0  |
| 06S 11E 6   |      |      |      |      |      |      |      |      |      |      | 10.0 |      |      |      |      |      | 10.0   |
| 06S 11E 7   | 25.0 | 25.0 | 40.0 | 40.0 | 30.0 | 38.0 | 38.0 | 40.0 | 40.0 | 38.0 | 38.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 592.0  |
|             |      |      |      |      |      | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |        |
| 06S 11E 17  |      |      |      |      |      | 40.0 | 40.0 |      |      | 40.0 |      |      |      |      |      |      | 120.0  |
| 06S 11E 18  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 38.0 | 38.0 | 40.0 | 40.0 | 38.0 | 38.0 | 40.0 |      |      |      |      | 472.0  |
|             |      |      |      |      |      | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |        |
| 06S 11E 19  |      |      |      |      |      |      | 39.0 |      | 40.0 | 39.0 |      | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 318.0  |
|             |      |      |      |      |      |      | L 2  |      |      | L 3  |      |      |      |      |      |      |        |
| 06S 11E 20  |      |      |      |      |      |      |      |      |      | 40.0 | 40.0 |      |      |      |      |      | 80.0   |

Total Acres: 3080

**WATER RIGHT NO. 2-10337**  
**As Modified by Transfer No. 73568**

**CONDITIONS OF APPROVAL**

1. Approval of transfer 69980 does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
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 October 31 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 the rights listed below is limited to a total combined diversion rate of 89.64 cfs. Combined Right Nos.: 2-103, 2-4021, and all parts of base right 2-2029 including 2-2209B, 2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10209, and 2-10337.
4. This right is limited to the irrigation of 2428 acres within the place of use described above in a single irrigation season.
5. This right is a split from former right 02-2209, and from recommended right 2-10208.
6. 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 12<sup>th</sup> day of July, 20 07

  
Administrator, Water Management Division

**WATER RIGHT NO. 2-10338**  
**As Modified by Transfer No. 73568**

In accordance with the approval of Transfer No. 73568, Water Right No. 2-10338 is now described as follows.

**Right Holder:** COTTONWOOD MUTUAL CANAL CO  
 C/O RINGERT CLARK CHARTERED  
 PO BOX 2773  
 BOISE ID 83701

**Priority Date:** February 25, 1963

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.60 CFS              | 120.0 AF      |
|                       |             |           | 0.60 CFS              | 120.0 AF      |

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

SNAKE RIVER                      L3 (NESE)                      Sec. 16 Twp 07S    Rge 13E    GOODING 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 | 13E | 15  |    |    |    |     |    |    |    | 28.0 | 37.0 | 23.0 | 40.0 | 40.0 | 11.0 |    |    |    |        | 179.0 |
|     |     |     |    |    |    |     |    |    |    | L 5  |      |      |      |      |      |    |    |    |        |       |
| 07S | 13E | 16  |    |    |    | 3.0 |    |    |    |      |      |      |      |      | 20.0 |    |    |    |        | 23.0  |
|     |     |     |    |    |    | L 3 |    |    |    |      |      |      |      |      | L 3  |    |    |    |        |       |

Total Acres: 202

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
2. Rights 2-10338, 36-98 and 36-15467 when combined shall not exceed a total diversion rate of 10.55 cfs, a total annual maximum diversion volume of 484.0 af at the field headgate, and the irrigation of 121 acres.
3. Prior to diversion of water under this transfer approval the right holder shall submit to the Department a diagram identifying the specific location of the 121.0 acres authorized for irrigation annually, and prior to the irrigation season any year when irrigated acres will be different than previously identified.
4. All rights combined, when applied to these lands via sprinklers, 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.

**WATER RIGHT NO. 2-10338**  
**As Modified by Transfer No. 73568**

**CONDITIONS OF APPROVAL**

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 2/15 and an ending date of 11/30 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the elements and conditions of this water right as authorized under this transfer is cause for the Director to rescind approval of the transfer.

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 12<sup>th</sup> day of July, 2007

  
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Administrator, Water Management Division