

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71607

This is to certify that: 4 BROS DAIRY INC
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352
(208)886-7716

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>
37-20613	WR/Decreed	12/19/1974	1.12 cfs	309.6 af	N/A	77.4	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>
37-20613	NO	YES	YES	YES	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>
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37-20613	37-20613	1.12 cfs	174.8 af	N/A	N/A		N/A	N/A	N/A	N/A
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COMBINED

TOTALS		1.12 cfs	174.8 af	N/A	N/A		N/A	N/A	N/A	N/A
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Right 37-20613 is subject to the conditions of the Final Order dated 04-30-2007 in the matter of Application for Transfer 71607.

Detailed Water Right Description(s) attached

Dated this 13th day of June, 20 07



Administrator, Water Management Division

WATER RIGHT NO. 37-20613
As Modified by Transfer No. 71607

In accordance with the approval of Transfer No. 71607, Water Right No. 37-20613 is now described as follows.

Right Holder: 4 BROS DAIRY INC
 C/O ANDREW FITZGERALD
 427 N 250 W
 SHOSHONE ID 83352

Priority Date: December 19, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	1.12 CFS	174.8 AF
STOCKWATER	01/01	12/31	1.12 CFS	174.8 AF
			1.12 CFS	174.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESE Sec. 5 Twp 05S Rge 17E LINCOLN County

GROUND WATER SESE Sec. 5 Twp 05S Rge 17E LINCOLN 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	
05S 17E 5															X	X	
05S 17E 8	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	
05S 17E 5															X	X	
05S 17E 8	X	X															

CONDITIONS OF APPROVAL

1. The annual volume that may be diverted shall be 174.8 acre feet.
2. Upon a determination by Department of Agriculture, the Department of Environmental Quality, or other agency having primary jurisdiction over enforcement of water quality standards that the water right holder has violated water quality standards or the provisions of the nutrient management plan, IDWR has cause to revoke approval of this application for transfer.

WATER RIGHT NO. 37-20613
As Modified by Transfer No. 71607

CONDITIONS OF APPROVAL

3. Beginning on the date of approval of Transfer 71607, Right 37-20613 is limited to 174.8 afa. 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.
4. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 71607. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 71607, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
7. Commercial use is for a dairy.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.

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 13th day of June, 2007


Administrator, Water Management Division