

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69699

This is to certify that: ROOST POTATO CO INC
 1440 E 750 S
 EDEN ID 83325
 (208)825-5322

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>
36-15152	WR/Decreed	08/30/1984	0.08 cfs	N/A	4.0	64.0	GROUND WATER
36-2324	WR/Decreed	04/24/1957	1.20 cfs	240 af	60.0	64.0	GROUND WATER
36-7554	WR/Decreed	07/05/1975	5.35 cfs	1280 af	N/A	320.0	GROUND WATER
36-7829	WR/Decreed	11/09/1978	4.80 cfs	964 af	N/A	241.0	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>
36-15152	NO	NO	YES	NO	NO	NO
36-2324	NO	NO	YES	NO	NO	NO
36-7554	NO	NO	YES	NO	NO	NO
36-7829	NO	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>
36-15152	36-15152	0.08 cfs	N/A	4.0	633.0		N/A	N/A	N/A	N/A
36-2324	36-2324	1.20 cfs	240 af	60.0	633.0		N/A	N/A	N/A	N/A
36-7554	36-7554	5.35 cfs	1280 af	320.0	633.0		N/A	N/A	N/A	N/A
36-7829	36-7829	4.80 cfs	964 af	241.0	633.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		6.55 cfs	2500 af	625.0	633.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of December, 20 06


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 36-2324

WATER RIGHT NO. 36-7554
As Modified by Transfer No. 69699

In accordance with the approval of Transfer No. 69699, Water Right No. 36-7554 is now described as follows.

Right Holder: ROOST POTATO CO INC
 1440 E 750 S
 EDEN ID 83325

Priority Date: July 05, 1975

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	5.35 CFS	1,280.0 AF
			5.35 CFS	1,280.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENW Sec. 36 Twp 08S Rge 20E JEROME County

GROUND WATER SWSESE Sec. 36 Twp 08S Rge 20E JEROME 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	20E	36	40.0	36.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	38.0	633.0

Total Acres: 633

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 320.0 acres within the place of use described above in a single irrigation season.
2. Rights 36-7554 and 36-7829 when combined shall not exceed a total diversion rate of 5.35 cfs.
3. Rights 36-2324, 36-7554, 36-7829 and 36-15152 when combined shall not exceed a total diversion rate of 6.55 cfs, a total annual maximum diversion volume of 2500.0 af at the field headgate, and the irrigation of 625.0 acres.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 69699, 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.

WATER RIGHT NO. 36-7554
As Modified by Transfer No. 69699

CONDITIONS OF APPROVAL

6. 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.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 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 08/27/2001.
8. 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.
9. Rights 36-2324, 36-7829 and 36-15152 are also diverted through the point(s) of diversion described above.
10. The right holder shall accomplish the change authorized by this transfer within one (1) 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 4th day of December, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7829
As Modified by Transfer No. 69699

In accordance with the approval of Transfer No. 69699, Water Right No. 36-7829 is now described as follows.

Right Holder: ROOST POTATO CO INC
1440 E 750 S
EDEN ID 83325

Priority Date: November 09, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	4.80 CFS	964.0 AF
		4.80 CFS	964.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENW Sec. 36 Twp 08S Rge 20E JEROME County

GROUND WATER SWSESE Sec. 36 Twp 08S Rge 20E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S 20E 36	40.0	36.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	38.0	633.0

Total Acres: 633

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 241.0 acres within the place of use described above in a single irrigation season.
2. Rights 36-7554 and 36-7829 when combined shall not exceed a total diversion rate of 5.35 cfs.
3. Rights 36-2324, 36-7554, 36-7829 and 36-15152 when combined shall not exceed a total diversion rate of 6.55 cfs, a total annual maximum diversion volume of 2500.0 af at the field headgate, and the irrigation of 625.0 acres.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 69699, 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.

WATER RIGHT NO. 36-7829
As Modified by Transfer No. 69699

CONDITIONS OF APPROVAL

6. 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.
7. 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.
8. Rights 36-2324, 36-7554 and 36-15152 are also diverted through the point(s) of diversion described above.
9. The right holder shall accomplish the change authorized by this transfer within one (1) 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 4th day of December, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2324
As Modified by Transfer No. 69699

In accordance with the approval of Transfer No. 69699, Water Right No. 36-2324 is now described as follows.

Right Holder: ROOST POTATO CO INC
 1440 E 750 S
 EDEN ID 83325

Priority Date: April 24, 1957

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	1.20 CFS	240.0 AF
		1.20 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENW Sec. 36 Twp 08S Rge 20E JEROME County

GROUND WATER SWSESE Sec. 36 Twp 08S Rge 20E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S 20E 36	40.0	36.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	38.0	633.0

Total Acres: 633

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60.0 acres within the place of use described above in a single irrigation season.
2. Rights 36-2324 and 36-15152 when combined shall not exceed a total diversion rate of 1.20 cfs, and a total annual maximum diversion volume of 256.0 af at the field headgate.
3. Rights 36-2324, 36-7554, 36-7829 and 36-15152 when combined shall not exceed a total diversion rate of 6.55 cfs, a total annual maximum diversion volume of 2500.0 af at the field headgate, and the irrigation of 625.0 acres.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 69699, 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.

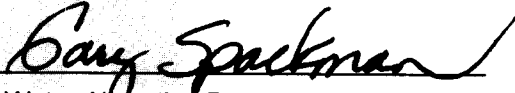
WATER RIGHT NO. 36-2324
As Modified by Transfer No. 69699

CONDITIONS OF APPROVAL

6. 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.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 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 09/25/2001.
8. 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.
9. Right 36-15152 is an enlargement of Right 36-2324 pursuant to Section 42-1426, Idaho Code.
10. Rights 36-7554, 36-7829 and 36-15152 also diverted through the point(s) of diversion described above.
11. The right holder shall accomplish the change authorized by this transfer within one (1) 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 4th day of December, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15152
As Modified by Transfer No. 69699

In accordance with the approval of Transfer No. 69699, Water Right No. 36-15152 is now described as follows.

Right Holder: ROOST POTATO CO INC
 1440 E 750 S
 EDEN ID 83325

Priority Date: August 30, 1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.08 CFS	
			0.08 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENW Sec. 36 Twp 08S Rge 20E JEROME County

GROUND WATER SWSESE Sec. 36 Twp 08S Rge 20E JEROME 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	20E	36	40.0	36.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	38.0	633.0

Total Acres: 633

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.0 acres within the place of use described above in a single irrigation season.
2. Rights 36-2324 and 36-15152 when combined shall not exceed a total diversion rate of 1.20 cfs, and a total annual maximum diversion volume of 256.0 af at the field headgate
3. Rights 36-2324, 36-7554, 36-7829 and 36-15152 when combined shall not exceed a total diversion rate of 6.55 cfs, a total annual maximum diversion volume of 2500.0 af at the field headgate, and the irrigation of 625.0 acres.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 69699, 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.

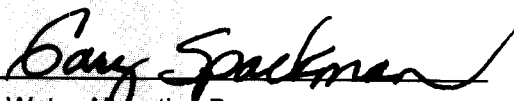
WATER RIGHT NO. 36-15152
As Modified by Transfer No. 69699

CONDITIONS OF APPROVAL

6. 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.
7. 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.
8. Rights 36-2324, 36-7554, and 36-7829 are also diverted through the point(s) of diversion described above.
9. Right 36-15152 is an enlargement of Right 36-2324 pursuant to Section 42-1426, Idaho Code.
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. The right holder shall accomplish the change authorized by this transfer within one (1) 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 4th day of December, 2006


Chief, Water Allocation Bureau