

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72441**

This is to certify that: BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352
(208)886-7540

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>
37-2626	WR/Decreed	12/01/1959	1.63 cfs	620.0 af	N/A	155.0	GROUND WATER
37-20395	WR/Decreed	03/16/1982	2.10 cfs	489.6 af	N/A	122.4	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>
37-2626	NO	NO	YES	YES	NO	NO
37-20395	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>
37-2626	37-2626	1.63 cfs	620.0 af	155.0	277.4		N/A	N/A	N/A	N/A
37-20395	37-20395	2.10 cfs	489.6 af	122.4	277.4		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.48 cfs	1109.6 af	277.4	277.4		N/A	277.4	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of September, 20 06



Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 37-02626

WATER RIGHT NO. 37-2626
As Modified by Transfer No. 72441

In accordance with the approval of Transfer No. 72441, Water Right No. 37-2626 is now described as follows.

Right Holder: BOOT JACK DAIRY PARTNERSHIP
 PO BOX 856
 SHOSHONE ID 83352

Priority Date: December 01, 1959

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	1.63 CFS	620.0 AF
		1.63 CFS	620.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING County

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E 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	
05S	15E	3									35.0	39.0	33.0	38.0					145.0
05S	15E	4				28.4									35.0		31.0	38.0	132.4

Total Acres: 277.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 155.0 acres within the place of use described above in a single irrigation season.
2. Rights 37-2626 and 37-20395 when combined shall not exceed a total diversion rate of 2.48 cfs, a total annual maximum diversion volume of 1109.6 af at the field headgate, and the irrigation of 277.4 acres.
3. 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.
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.

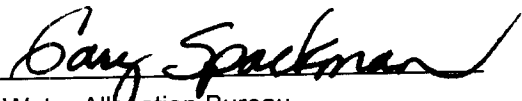
WATER RIGHT NO. 37-2626
As Modified by Transfer No. 72441

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 72441, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.
6. Use of this right is combined with water from Big Wood Canal Co.
7. Use of this right is combined with water from American Falls Reservoir District No. 2.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within one 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.

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 29th day of September, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20395
As Modified by Transfer No. 72441

In accordance with the approval of Transfer No. 72441, Water Right No. 37-20395 is now described as follows.

Right Holder: BOOT JACK DAIRY PARTNERSHIP
 PO BOX 856
 SHOSHONE ID 83352

Priority Date: March 16, 1982

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	2.10 CFS	489.6 AF
		2.10 CFS	489.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENESW	Sec. 3 Twp 05S Rge 15E	GOODING County
GROUND WATER	NENESW	Sec. 3 Twp 05S Rge 15E	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					
05S	15E	3									35.0	39.0	33.0	38.0					145.0
05S	15E	4				28.4									35.0		31.0	38.0	132.4

Total Acres: 277.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 122.4 acres within the place of use described above in a single irrigation season.
2. Rights 37-2626 and 37-20395 when combined shall not exceed a total diversion rate of 2.48 cfs, a total annual maximum diversion volume of 1109.6 af at the field headgate, and the irrigation of 277.4 acres.
3. 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.
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.

WATER RIGHT NO. 37-20395
As Modified by Transfer No. 72441

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 72441, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.
6. Use of this right is combined with water from Big Wood Canal Co.
7. Use of this right is combined with water from American Falls Reservoir District No. 2.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12-11-2002.
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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of 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 29th day of September, 20 06


Chief, Water Allocation Bureau