

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71642

This is to certify that: FAULKNER LAND & LIVESTOCK CO INC
 1989 E 1875 S
 GOODING ID 83330
 (208)934-4956

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>
37-7808	WR/License	11/16/1979	3.26 cfs	570.5 af	N/A	163.0	GROUND WATER
37-8005B	WR/Decreed	03/20/1982	2.02 cfs	528.0 af	N/A	111.0	GROUND WATER
37-8005C	WR/Decreed	03/20/1982	1.60 cfs	488.0 af	N/A	122.0	GROUND WATER
37-8005D	WR/Decreed	03/20/1982	0.41 cfs	124.0 af	31.0	260.0	GROUND WATER

Associated Rights Included In Transfer (Update Conditions)

37-8720	WR/License	04/23/1991	3.20 cfs	N/A	160.0	324.0	GROUND WATER
37-8812	WR/Decreed	08/07/1961	0.82 cfs	212 af	N/A	53.0	GROUND WATER
37-8702	WR/License	01/31/1991	2.50 cfs	556 af	139.0	260.0	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>
37-7808	NO	YES	YES	NO	NO	NO
37-8005B	NO	YES	YES	NO	NO	NO
37-8005C	NO	NO	YES	NO	NO	NO
37-8005D	NO	YES	YES	NO	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>
37-7808	37-7808*	3.26 cfs	570.5 af	N/A	163.0		N/A	N/A	N/A	N/A
37-8005B	37-8005B	2.02 cfs	444.0 af	111.0	264.0		N/A	N/A	N/A	N/A
37-8005C	37-8005C	1.60 cfs	488.0 af	122.0	264.0		N/A	N/A	N/A	N/A
37-8005D	37-8005D	0.41 cfs	124.0 af	31.0	264.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		7.29 cfs	1626.5 af	427.0	427.0		N/A	N/A	N/A	N/A

*See conditions of approval for quantity limitations.

SUPPORT DATA

IN FILE # **37-7808**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71642

Detailed Water Right Description(s) attached

Dated this 22nd day of September, 20 06

Gary Sackman
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7808
As Modified by Transfer No. 71642

In accordance with the approval of Transfer No. 71642, Water Right No. 37-7808 is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO INC
 1989 E 1875 S
 GOODING ID 83330

Priority Date: November 16, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/15	3.26 CFS	570.5 AF
		3.26 CFS	570.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 8 Twp 06S Rge 14E 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	
06S	14E	8	.3	32.0	1.5		33.0	1.2		1.0								35.0	104.0
06S	14E	9										22.0	37.0						59.0

Total Acres: 163

CONDITIONS OF APPROVAL

- Beginning on the date of approval of Transfer 71642, Right 37-7808 is limited to the following schedule of allowed diversion rate and 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.

From year 2006 and beyond the right is limited to 1.76 cfs and 308.1 afa for the use of irrigation of 163 acres within the place of use described above in a single irrigation season. The un-diverted portion of the right is 1.50 cfs and 262.4 afa that is used to mitigate Transfer 71642.

- 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 71642. 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.
- 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. 37-7808
As Modified by Transfer No. 71642

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 71642, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point 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.
5. Prior to diversion and use of water under Transfer approval 71642, the right holder shall install and maintain an acceptable measuring device, including data logger, at the dedicated distribution lines to the authorized place of use for this right.
6. The right holder shall maintain a lockable controlling works of a type approved by the Department 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. 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 4/15 and after 10/15 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.
9. 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.
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.

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 22nd day of September, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8005B
As Modified by Transfer No. 71642

In accordance with the approval of Transfer No. 71642, Water Right No. 37-8005B is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO INC
 1989 E 1875 S
 GOODING ID 83330

Priority Date: March 20, 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	2.02 CFS	444.0 AF
			2.02 CFS	444.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 8 Twp 06S Rge 14E 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	
06S	14E	8	.5	.5	31.0	35.0	2.5	2.5	36.0	36.0	29.0	28.0			33.0	28.0			262.0
06S	14E	9							1.0				1.0						2.0

Total Acres: 264

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 111 acres within the place of use described above in a single irrigation season.
2. 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.
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 71642, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point 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.
5. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 37-8005B
As Modified by Transfer No. 71642

CONDITIONS OF APPROVAL

6. 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 1/1 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.
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 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 22nd day of September, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8005C
As Modified by Transfer No. 71642

In accordance with the approval of Transfer No. 71642, Water Right No. 37-8005C is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO INC
 1989 E 1875 S
 GOODING ID 83330

Priority Date: March 20, 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	1.60 CFS	488.0 AF
			1.60 CFS	488.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 8 Twp 06S Rge 14E 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	
06S	14E	8	.5	.5	31.0	35.0	2.5	2.5	36.0	36.0	29.0	28.0					33.0	28.0	262.0
06S	14E	9							1.0			1.0							2.0

Total Acres: 264

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 122 acres within the place of use described above in a single irrigation season.
2. 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.
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 71642, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point 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.
5. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 37-8005C
As Modified by Transfer No. 71642

CONDITIONS OF APPROVAL

6. 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 the date of this approval.
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 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 22nd day of September, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8005D
As Modified by Transfer No. 71642

In accordance with the approval of Transfer No. 71642, Water Right No. 37-8005D is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO INC
 1989 E 1875 S
 GOODING ID 83330

Priority Date: March 20, 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	0.41 CFS	124.0 AF
		0.41 CFS	124.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 8 Twp 06S Rge 14E 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		
06S	14E	8	.5	.5	31.0	35.0	2.5	2.5	36.0	36.0	29.0	28.0					33.0	28.0		262.0
06S	14E	9							1.0			1.0								2.0

Total Acres: 264

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 31 acres within the place of use described above in a single irrigation season.
2. 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.
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 71642, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point 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.
5. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

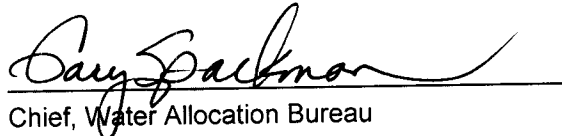
WATER RIGHT NO. 37-8005D
As Modified by Transfer No. 71642

CONDITIONS OF APPROVAL

6. 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 the date of this approval.
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 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 22nd day of September, 2006


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8702
As Modified by Transfer No. 71642

In accordance with the approval of Transfer No. 71642, Water Right No. 37-8702 is now described as follows.

Right Holder: SAWTOOTH SHEEP CO INC
 1989 S 1875 E
 GOODING ID 83330

Priority Date: January 31, 1991

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	2.50 CFS	556.0 AF
			2.50 CFS	556.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESW Sec. 31 Twp 06S 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		
07S	15E	5								31.0	20.0	30.0	40.0	37.0	19.0					177.0
										L 4	L 3									
07S	15E	6				19.0										40.0			24.0	83.0
						L 1														

Total Acres: 260

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 139 acres within the place of use described above in a single irrigation season.
2. Rights 37-8720 and 37-8812 is also diverted through the point of diversion described above.
3. Rights 37-8702, 37-8720 and 37-8812 when combined shall not exceed a total diversion rate of 4.66 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1040.0 af at the field headgate for the lands above.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.

WATER RIGHT NO. 37-8702
As Modified by Transfer No. 71642

CONDITIONS OF APPROVAL

7. 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.
8. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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 22nd day of September, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8720
As Modified by Transfer No. 71642

In accordance with the approval of Transfer No. 71642, Water Right No. 37-8720 is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO INC
 1989 E 1875 S
 GOODING ID 83330

Priority Date: April 23, 1991

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	3.20 CFS	640.0 AF
			3.20 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESW Sec. 31 Twp 06S 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	
06S 15E 31		18.0	26.0		20.0			30.0	21.0		26.0	35.0	12.0	24.0	38.0	37.0	287.0
											L 4						
07S 15E 4							1.0										1.0
							L 4										
07S 15E 5	22.0	10.0			4.0												36.0
	L 1	L 2			L 3												

Total Acres: 324

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. Rights 37-8702, and 37-8812 are also diverted through the point of diversion described above.
3. Rights 37-8812 and 37-8720 when combined shall not exceed the irrigation of 213 acres.
4. Rights 37-8702, 37-8720 and 37-8812 when combined shall not exceed a total diversion rate of 4.66 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1296.0 af at the field headgate for the lands above.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.

WATER RIGHT NO. 37-8720
As Modified by Transfer No. 71642

CONDITIONS OF APPROVAL

8. If the surface water rights 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.
9. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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 22nd day of September, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8812
As Modified by Transfer No. 71642

In accordance with the approval of Transfer No. 71642, Water Right No. 37-8812 is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO INC
 1989 E 1875 S
 GOODING ID 83330

Priority Date: August 07, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01 to 10/31	0.82 CFS	212.0 AF
		0.82 CFS	212.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESW Sec. 31 Twp 06S 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	
06S 15E 31		11.0						23.0	4.0						15.0		53.0

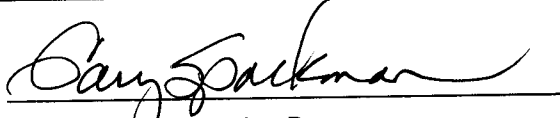
Total Acres: 53

CONDITIONS OF APPROVAL

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Rights 37-8702, and 37-8720 are also diverted through the point of diversion described above.
3. Rights 37-8812 and 37-8720 when combined shall not exceed the irrigation of 213 acres.
4. Rights 37-8702, 37-8720 and 37-8812 when combined shall not exceed a total diversion rate of 4.66 cfs.

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 22nd day of September, 2006


 Chief, Water Allocation Bureau