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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69209

This is to certify that: ANDCO LEASING L C  
1820 W BROADWAY  
IDAHO FALLS ID 83402

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. 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>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 35-2654C     | AJC/License         | 03/17/1961      | 12.98 cfs   | 3628.0 af     | 907.0        | 907.0        | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

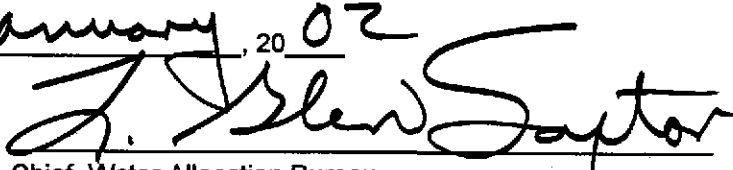
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-2654C              | YES          | YES        | YES        | NO             | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-2654C              | 35-13315                         | 0.62 cfs             | 130.0 af               | N/A               | 1.0                | 35-13314                           | 12.36 cfs             | 3456.0 af               | N/A                         | 864.0                        |
| <b>TOTALS</b>         |                                  | <b>0.62 cfs</b>      | <b>130.0 af</b>        | <b>N/A</b>        | <b>1.0</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 2<sup>nd</sup> day of January, 2002

  
Chief, Water Allocation Bureau

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**Right Holder:** ROLAND L WALKER  
PO BOX 129  
MENAN ID 83434

**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  | 12.36 CFS             | 3,456.0 AF    |
|                       |             |           | 12.36 CFS             | 3,456.0 AF    |

GROUND WATER                      SNNWSE Sec. 3   Twp 02N   Rge 35E   BONNEVILLE  
County

GROUND WATER                      SWNWE Sec. 10 Twp 02N   Rge 35E   BONNEVILLE  
County

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |       | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE    |        |
| 02N | 35E | 2   |      |      |      |      |      |      |      |      |      | 40.0 | 37.0 |      |      |      |      | 77.0  |        |
| 02N | 35E | 3   |      |      |      |      |      |      |      |      |      | 40.0 | 36.0 | 40.0 | 40.0 | 40.0 | 40.0 | 316.0 |        |
| 02N | 35E | 10  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 36.0 | 16.0 | 32.0 |      |      | 12.0 |      |      | 376.0 |        |
| 02N | 35E | 11  |      |      |      |      |      | 40.0 | 40.0 |      |      | 15.0 |      |      |      |      |      | 95.0  |        |

### CONDITIONS OF APPROVAL

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
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. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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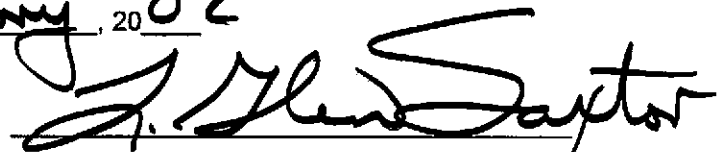
**WATER RIGHT NO. 35-13314**  
**As Modified by Transfer No. 69209**

**CONDITIONS OF APPROVAL**

4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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 2<sup>nd</sup> day of January, 2002

  
Chief, Water Allocation Bureau

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JAN 09 2002

**Right Holder:** ANDCO LEASING L C  
1820 W BROADWAY  
IDAHO FALLS ID 83402

**Source:** GROUND WATER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 04/01              | to 10/31         | 0.03 CFS                     | 4.0 AF               |
| COMMERCIAL                   | 01/01              | to 12/31         | 0.59 CFS                     | 126.0 AF             |
|                              |                    |                  | 0.62 CFS                     | 130.0 AF             |

GROUND WATER                      SESWSW Sec. 4   Twp 01N   Rge 37E   BONNEVILLE  
County

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           |               |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>Totals</u> |
| 01N | 37E | 4   |           |           |           |           |           |           |           |           |           |           |           | 1.0       |           |           |           |           | 1.0           |

**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 |        |
| 01N | 37E | 4   |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    | X  |        |
| 01N | 37E | 9   |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |    |        |

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

JAN 09 2002

**WATER RIGHT NO. 35-13315**  
**As Modified by Transfer No. 69209**

**CONDITIONS OF APPROVAL**

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.
7. Commercial use is for a truck stop, cafe, store and other businesses.
8. The point of diversion is located within Lot 6, Block 1, Andco Subdivision.

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 2<sup>nd</sup> day of January, 2002

  
Chief, Water Allocation Bureau

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JAN 09 2002

**MEMORANDUM**

**TO:** FILE 35-133/5  
**FROM:** VAULT  
**RE:** TRANSFER # 69209  
**DATE:** 1.2.02

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**Original Transfer Application, Form and correspondence regarding the above  
referenced Transfer is located within:**

**FILE #** 35-02654C

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