

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72060

This is to certify that: SEARLE BROTHERS LAND & LIVESTOCK LLC
 171 E 600 S
 BURLEY ID 83318
 (208)312-3802

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>
36-16343	WR/Decreed	11/11/1959	0.08 cfs	22.5 af	5.6	17.3	GROUND WATER
36-16345	WR/Decreed	11/15/1970	0.13 cfs	33.8 af	8.5	17.3	GROUND WATER
36-16347	WR/Decreed	05/16/1980	0.03 cfs	8.3 af	2.1	17.3	GROUND WATER
36-16349	WR/Decreed	05/26/1971	0.01 cfs	4.7 af	1.2	17.3	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>
36-16343	NO	YES	YES	NO	YES	YES
36-16345	NO	YES	YES	NO	YES	YES
36-16347	NO	YES	YES	NO	YES	YES
36-16349	NO	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>
36-16343	45-13986	0.08 cfs	14.6 af	N/A	N/A		N/A	N/A	N/A	N/A
36-16345	45-13987	0.13 cfs	22.0 af	N/A	N/A		N/A	N/A	N/A	N/A
36-16347	45-13988	0.03 cfs	5.4 af	N/A	N/A		N/A	N/A	N/A	N/A
36-16349	45-13989	0.01 cfs	3.0 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.16 cfs	45.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of February, 2006

SUPPORT DATA

IN FILE # 36-16343


 Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13988
As Modified by Transfer No. 72060

In accordance with the approval of Transfer No. 72060, Water Right No. 45-13988 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: May 16, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.03 CFS	5.4 AF
COMMERCIAL	01/01	12/31	0.03 CFS	5.4 AF
			0.03 CFS	5.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 22 Twp 08S Rge 21E CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 23E 22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X											

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 23E 22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X											

CONDITIONS OF APPROVAL

1. Rights 45-13986, 45-13987, 45-13988 and 45-13989 when combined shall not exceed a total diversion rate of 0.16 cfs and a total annual maximum diversion volume of 45.0 af.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
3. Prior to the diversion and use of water under Transfer approval 72060, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion, in accordance with Department specifications.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Commercial use is for a dairy barn located in the NWNW, S22, T11S, R23E.

WATER RIGHT NO. 45-13988
As Modified by Transfer No. 72060

CONDITIONS OF APPROVAL

6. Right 45-13989 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

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 February, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13987
As Modified by Transfer No. 72060

In accordance with the approval of Transfer No. 72060, Water Right No. 45-13987 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: November 15, 1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.13 CFS	22.0 AF
STOCKWATER	01/01	to 12/31	0.13 CFS	22.0 AF
			0.13 CFS	22.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 22 Twp 11S Rge 23E CASSIA 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	
11S	23E	22						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	
11S	23E	22						X											

CONDITIONS OF APPROVAL

1. Rights 45-13986, 45-13987, 45-13988, and 45-13989 when combined shall not exceed a total diversion rate of 0.16 cfs and a total annual maximum diversion volume of 45.0 af.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
3. Prior to the diversion and use of water under Transfer approval 72060, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion, in accordance with Department specifications.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Commercial use is for a dairy barn located in the NWNW, S22, T11S, R23E.

WATER RIGHT NO. 45-13987
As Modified by Transfer No. 72060

CONDITIONS OF APPROVAL

6. Right 45-13989 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

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 February, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13986
As Modified by Transfer No. 72060

In accordance with the approval of Transfer No. 72060, Water Right No. 45-13986 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: November 11, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.08 CFS	14.6 AF
COMMERCIAL	01/01	to 12/31	0.08 CFS	14.6 AF
			0.08 CFS	14.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 22 Twp 11S Rge 23E CASSIA County

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	
11S	23E	22						X											

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	
11S	23E	22						X											

CONDITIONS OF APPROVAL

1. Rights 45-13986, 45-13987, 45-13988, and 45-13989 when combined shall not exceed a total diversion rate of 0.16 cfs and a total annual maximum diversion volume of 45.0 af.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
3. Prior to the diversion and use of water under Transfer approval 72060, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion, in accordance with Department specifications.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Commercial use is for a dairy barn located in the NWNW, S22, T11S, R23E.

WATER RIGHT NO. 45-13986
As Modified by Transfer No. 72060

CONDITIONS OF APPROVAL

6. Right 45-13989 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

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 February, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-13989
As Modified by Transfer No. 72060

In accordance with the approval of Transfer No. 72060, Water Right No. 45-13989 is now described as follows.

Right Holder: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325

Priority Date: May 26, 1971

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	0.01 CFS	3.0 AF
STOCKWATER	01/01	12/31	0.01 CFS	3.0 AF
			0.01 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 22 Twp 11S Rge 23E CASSIA 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	
11S 23E 22						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	
11S 23E 22						X											

CONDITIONS OF APPROVAL

1. Rights 45-13986, 45-13987, 45-13988, and 45-13989 when combined shall not exceed a total diversion rate of 0.16 cfs and a total annual maximum diversion volume of 45.0 af.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
3. Prior to the diversion and use of water under Transfer approval 72060, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion, in accordance with Department specifications.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Commercial use is for a dairy barn located in the NWNW, S22, T11S, R23E.

WATER RIGHT NO. 45-13989
As Modified by Transfer No. 72060

CONDITIONS OF APPROVAL

6. This right is an enlargement of Rights 45-13986, 45-13987, and 45-13988 pursuant to Section 42-1426, Idaho Code.
7. 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.
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.
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.

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 February, 20 06


Chief, Water Allocation Bureau