

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71528

This is to certify that: IDAHO SUPREME POTATOES INC
PO BOX 246
FIRTH ID 83236
(208)346-4100

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>
27-7447	WR/License	11/07/1988	2.94 cfs	588 af	N/A	147.0	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>
27-7447	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>
27-7447	27-7447	2.94 cfs	588 af	147.0	474.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.94 cfs	588 af	147.0	474.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of September, 20 05



Chief, Water Allocation Bureau

WATER RIGHT NO. 27-7447
As Modified by Transfer No. 71528

In accordance with the approval of Transfer No. 71528, Water Right No. 27-7447 is now described as follows.

Right Holder: IDAHO SUPREME POTATOES INC
 PO BOX 246
 FIRTH ID 83236

Priority Date: November 07, 1988

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	2.94 CFS	588.0 AF
			2.94 CFS	588.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L14 (SWSW)	Sec. 18 Twp 01S	Rge 37E	BINGHAM County
GROUND WATER	L2 (NENW)	Sec. 19 Twp 01S	Rge 37E	BINGHAM 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	
01S	37E	6												4.6		3.1	27.0		34.7
														L 9		L 10	L 9		
01S	37E	6												19.0					19.0
														L 13					
01S	37E	7		29.0	34.0	1.6	25.0		7.0	26.0					8.0	46.0	11.0	2.5	190.1
							L 8		L 12	L 7						L 6	L 5		
01S	37E	18	4.0	5.6	28.0				9.3	28.0		9.9	27.0			23.0	4.1		138.9
				L 8						L 2	L 6		L 14	L 5					
01S	37E	18											8.2						8.2
													L 18						
01S	37E	19		.7	14.0		19.0		6.7	17.0	11.0	7.9		3.8	3.2				83.3
							L 2		L 16	L 3	L 4	L 17		L 5					

Total Acres: 474.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 147 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. Prior to the diversion and use of water under Transfer approval 71528, 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 27-7447
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CONDITIONS OF APPROVAL

5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
7. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
8. The total instantaneous diversion of water from all points of diversion under Rights 27-7447 shall not exceed 2.94 cfs, nor a total combined annual volume of 588 af.
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.

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 2nd day of September, 2005


Chief, Water Allocation Bureau