

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71527

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>
27-7446	WR/License	11/07/1988	4.34 cfs	864.8 af	N/A	215.0	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>
27-7446	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>
27-7446	27-7446	4.34 cfs	864.8 af	215.0	474.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.34 cfs	864.8 af	215.0	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. 27-7446
As Modified by Transfer No. 71527

In accordance with the approval of Transfer No. 71527, Water Right No. 27-7446 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	to 10/31	4.30 CFS	860.0 AF
INDUSTRIAL	11/01	to 03/31	1.34 CFS	4.8 AF
			4.34 CFS	864.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L13 (SWSESW)	Sec. 6 Twp 01S	Rge 37E	BINGHAM County
GROUND WATER	L10 (SENWSE)	Sec. 6 Twp 01S	Rge 37E	BINGHAM County
GROUND WATER	L9 (SESWSE)	Sec. 6 Twp 01S	Rge 37E	BINGHAM County
GROUND WATER	L12(NWSWNW)	Sec. 7 Twp 01S	Rge 37E	BINGHAM County
GROUND WATER	L6 (NWNWSE)	Sec. 7 Twp 01S	Rge 37E	BINGHAM County
GROUND WATER	SWSESE	Sec. 7 Twp 01S	Rge 37E	BINGHAM County
GROUND WATER	SWSESE	Sec. 7 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 L 9		3.1 L 10	27.0 L 9		34.7
01S 37E 6												19.0 L 13					19.0
01S 37E 7		29.0	34.0	1.6	25.0 L 8		7.0 L 12	26.0 L 7					8.0	46.0 L 6	11.0 L 5	2.5	190.1
01S 37E 18	4.0	5.6 L 8	28.0					9.3 L 2	28.0 L 6		9.9 L 14	27.0 L 5		23.0	4.1		138.9
01S 37E 18											8.2 L 18						8.2
01S 37E 19		.7	14.0		19.0 L 2		6.7 L 16	17.0 L 3	11.0 L 4	7.9 L 17		3.8 L 5	3.2				83.3

Total Acres: 474.2

PLACE OF USE: INDUSTRIAL

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												X		X	X		
01S 37E 7		X	X	X	X		X	X	X				X	X	X	X	
01S 37E 18	X	X	X					X	X		X	X		X	X		
01S 37E 19		X	X		X		X	X	X	X		X	X				

WATER RIGHT NO. 27-7446
As Modified by Transfer No. 71527

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. This right is limited to the irrigation of 215 acres within the place of use described above in a single irrigation season.
3. Diversion of water for industrial use is limited to a total weekly volume of 0.22 af.
4. 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.
5. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
6. 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.
7. Industrial use under this approval provides water to flush waste from the delivery system and shall comply with applicable water quality standards of the Department of Environmental Quality.
8. 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.
9. Prior to the diversion and use of water under Transfer approval 71527, 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.
10. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
12. The total instantaneous diversion of water from all points of diversion under Right 27-7446 shall not exceed 4.34 cfs, nor total combined annual volume of 864.8 af.

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, 20 05



Chief, Water Allocation Bureau