

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71422

This is to certify that: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

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>
37-2532A	WR/Decreed	10/13/1952	0.77 cfs	462.0 af	N/A	132.0	GROUND WATER
37-2804A	WR/Decreed	08/07/1952	0.64 cfs	462.0 af	N/A	132.0	GROUND WATER
37-20840	WR/Decreed	11/29/1960	4.02 cfs	727.3 af	N/A	207.9	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>
37-2532A	NO	NO	YES	NO	NO	NO
37-2804A	NO	NO	YES	NO	NO	NO
37-20840	NO	NO	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>
37-2532A	37-2532A	0.77 cfs	303.9 af	132.0	448.0		N/A	N/A	N/A	N/A
37-2804A	37-2804A	0.64 cfs	252.6 af	132.0	448.0		N/A	N/A	N/A	N/A
37-20840	37-20840	4.02 cfs	727.3 af	207.9	448.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		5.43 cfs	1189.3 af	339.9	448.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of June, 20 05


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 37-2532A

WATER RIGHT NO. 37-2532A
As Modified by Transfer No. 71422

In accordance with the approval of Transfer No. 71422, Water Right No. 37-2532A is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: October 13, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/31	0.77 CFS	303.9 AF
		0.77 CFS	303.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (NESWNW) Sec. 31 Twp 06S Rge 17E LINCOLN 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 17E 30									56.0		40.0				40.0		136.0
									L 4								
06S 17E 31	40.0	40.0	40.0	40.0	40.0	56.0	16.0	40.0									312.0
						L 1	L 2										

Total Acres: 448

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 132 acres within the place of use described above in a single irrigation season.
2. Rights 37-2532A and 37-2804A when combined shall not exceed a total annual maximum diversion volume of 462.0 af at the field headgate, and the irrigation of 132 acres.
3. Rights 37-2532A, 37-2804A and 37-20840 when combined shall not exceed a total annual maximum diversion volume of 1189.3 af at the field headgate, and the irrigation of 339.9 acres.
4. 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.
5. 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.

WATER RIGHT NO. 37-2532A
As Modified by Transfer No. 71422

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 71422, 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.
7. 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.
8. 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.
9. 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 10/31 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.
10. Rights 37-2804A, 37-20840 and 37-20841 are also diverted through the point of diversion described above.
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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 6th day of June, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2804A
As Modified by Transfer No. 71422

In accordance with the approval of Transfer No. 71422, Water Right No. 37-2804A is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: August 07, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.64 CFS	252.6 AF
			0.64 CFS	252.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (NESWNW) Sec. 31 Twp 06S Rge 17E LINCOLN 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	17E	30											56.0	40.0			40.0		136.0
													L 4						
06S	17E	31	40.0	40.0	40.0	40.0	40.0	56.0	16.0	40.0									312.0
								L 1	L 2										

Total Acres: 448

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 132 acres within the place of use described above in a single irrigation season.
2. Rights 37-2532A and 37-2804A when combined shall not exceed a total annual maximum diversion volume of 462.0 af at the field headgate, and the irrigation of 132 acres.
3. Rights 37-2532A, 37-2804A and 37-20840 when combined shall not exceed a total annual maximum diversion volume of 1189.3 af at the field headgate, and the irrigation of 339.9 acres.
4. 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.
5. 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. 37-2804A
As Modified by Transfer No. 71422

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 71422, 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.
7. 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.
8. 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.
9. 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 10/31 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.
10. Rights 37-2532A, 37-20840 and 37-20841 are also diverted through the point of diversion described above.
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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 6th day of June, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20840
As Modified by Transfer No. 71422

In accordance with the approval of Transfer No. 71422, Water Right No. 37-20840 is now described as follows.

Right Holder: NOTCH BUTTE FARMS LLC
 PO BOX 486
 JEROME ID 83338

Priority Date: November 29, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	4.02 CFS	727.3 AF
			4.02 CFS	727.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (NESWNW) Sec. 31 Twp 06S Rge 17E LINCOLN 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 17E 30									56.0		40.0				40.0		136.0
									L 4								
06S 17E 31	40.0	40.0	40.0	40.0	40.0	56.0	16.0	40.0									312.0
						L 1	L 2										

Total Acres: 448

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 207.9 acres within the place of use described above in a single irrigation season.
2. Rights 37-2532A, 37-2804A and 37-20840 when combined shall not exceed a total annual maximum diversion volume of 1189.3 af at the field headgate, and the irrigation of 339.9 acres.
3. 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.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 71422, 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.

WATER RIGHT NO. 37-20840
As Modified by Transfer No. 71422

CONDITIONS OF APPROVAL

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. 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 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 10/31 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.
9. Rights 37-2532A, 37-2804A and 37-20841 are also diverted through the point of diversion described above.
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.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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 6th day of June, 20 05


Chief, Water Allocation Bureau