

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71793

This is to certify that: **SHOULDER 3 RANCHES INC** And **ROBINSON & WHITELEY LLC**
PO BOX 218 **PO BOX 189**
OAKLEY ID 83346 **OAKLEY ID 83346**
(208)862-2263

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>
45-12909B	AJC/Beneficial Use	04/01/1961	0.04 cfs	9.2 af	N/A	N/A	GROUND WATER
45-2434B	AJC/License	01/27/1953	0.32 cfs	74.8 af	N/A	N/A	GROUND WATER
45-10454	AJC/Beneficial Use	01/01/1955	0.04 cfs	14.6 af	N/A	N/A	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>
45-12909B	NO	NO	NO	YES	NO	NO
45-2434B	NO	NO	NO	YES	NO	NO
45-10454	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

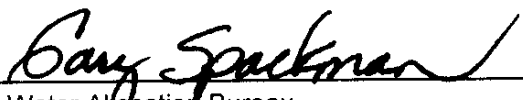
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-12909B	45-12909B	0.04 cfs	9.2 af	N/A	N/A		N/A	N/A	N/A	N/A
45-2434B	45-2434B	0.32 cfs	74.8 af	N/A	N/A		N/A	N/A	N/A	N/A
45-10454	45-10454	0.04 cfs	14.6 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.36 cfs	98.6 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of April, 2005

SUPPORT DATA

IN FILE # 45-2434B


 Chief, Water Allocation Bureau

WATER RIGHT NO. 45-2434B
As Modified by Transfer No. 71793

In accordance with the approval of Transfer No. 71793, Water Right No. 45-2434B is now described as follows.

Right Holder: AMERICAN COW MILKING ENTERPRISE DAIRY INC
 PO BOX 189
 OAKLEY ID 83346

Priority Date: January 27, 1953

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	0.32 CFS	74.8 AF
STOCKWATER	01/01 to	12/31	0.32 CFS	74.8 AF
			0.32 CFS	74.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SESW	Sec. 32 Twp 13S	Rge 22E	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	
13S	22E	31			X	X					X				X	X	X	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	
13S	22E	31									X								

CONDITIONS OF APPROVAL

1. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
3. 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. 45-2434B
As Modified by Transfer No. 71793

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
10. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
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.
13. 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 April, 20 05



Chief, Water Allocation Bureau

WATER RIGHT NO. 45-10454
As Modified by Transfer No. 71793

In accordance with the approval of Transfer No. 71793, Water Right No. 45-10454 is now described as follows.

Right Holder: SHOULDER 3 RANCHES INC
 PO BOX 218
 OAKLEY ID 83346

Priority Date: January 01, 1955

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	0.04 CFS	14.6 AF
			0.04 CFS	14.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SESW	Sec. 32 Twp 13S	Rge 22E	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	
13S 22E 31																X	
14S 22E 6			X	X													
			L 2														

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.

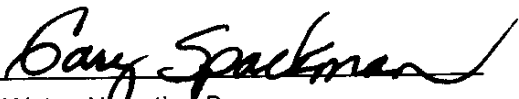
WATER RIGHT NO. 45-10454
As Modified by Transfer No. 71793

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
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.

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 April, 2005


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-12909B
As Modified by Transfer No. 71793

In accordance with the approval of Transfer No. 71793, Water Right No. 45-12909B is now described as follows.

Right Holder: AMERICAN COW MILKING ENTERPRISE DAIRY INC
 PO BOX 189
 OAKLEY ID 83346

Priority Date: April 01, 1961

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	0.04 CFS	9.2 AF
COMMERCIAL	01/01 to	12/31	0.04 CFS	9.2 AF
			0.04 CFS	9.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SESW	Sec. 32 Twp 13S	Rge 22E	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	
13S 22E 31									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	
13S 22E 31			X	X					X				X	X	X	X	

CONDITIONS OF APPROVAL

1. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
2. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
3. 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. 45-12909B
As Modified by Transfer No. 71793

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
10. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
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.
13. 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 April, 20 05



Chief, Water Allocation Bureau