

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66721

This is to certify that: ELQUIST RANCHES INC

1425 S 80 W
 OAKLEY ID 83346
 (208)431-3851

And

LAMBERT PRODUCE CO INC
 C/O CORY KING
 203 E 1100 S
 BURLEY ID 83318
 (208)678-2668

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>
45-4013B	AJC/Beneficial Use	04/10/1948	0.88 cfs	429.4 af	560.0	892.0	GROUND WATER
45-12450	AJC/Beneficial Use	05/15/1955	4.43 cfs	2161.8 af		892.0	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>
45-4013B	NO	YES	NO	NO	NO	NO
45-12450	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

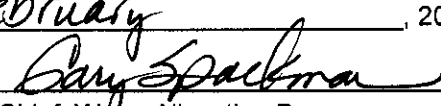
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-4013B	45-4013B	0.88 cfs	429.4 af	560.0	892.0		N/A	N/A	N/A	N/A
45-12450	45-12450	4.43 cfs	2161.8 af		892.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.31 cfs	2591.2 af		892.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 10th day of February, 2005

SUPPORT DATA

IN FILE # 45-4013


 Chief, Water Allocation Bureau

WATER RIGHT NO. 45-12450
As Modified by Transfer No. 66721

In accordance with the approval of Transfer No. 66721, Water Right No. 45-12450 is now described as follows.

Right Holder: ELQUIST RANCHES INC
 1425 S 80 W
 OAKLEY ID 83346

Priority Date: May 15, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	4.43 CFS	2,161.8 AF
			4.43 CFS	2,161.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼ NW¼ SW¼ Sec. 5 Twp 13S Rge 23E CASSIA County

GROUND WATER SE¼ SE¼ SW¼ Sec. 8 Twp 13S Rge 23E CASSIA 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	
12S 22E 25													33.0	33.0	33.0	33.0	132.0
12S 22E 36	33.0	40.0	40.0	33.0	33.0	33.0	33.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0		565.0
12S 23E 31			5.0											30.0	40.0	25.0	100.0
			L 2											L 3	L 4		
13S 22E 1	20.0	40.0															60.0
	L 1	L 2															
13S 23E 6	5.0	30.0															35.0
	L 1	L 2															

Total Acres: 892

WATER RIGHT NO. 45-12450
As Modified by Transfer No. 66721

CONDITIONS OF APPROVAL

1. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. The well in the SE¼ NE¼ of Section 5, T13S, R23E, B.M. previously used under Right 45-4013B shall be abandoned in a manner which complies with Department well abandonment rules.
4. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
5. 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.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Rights 45-703, 45-4013B, 45-12444, 45-12447 and 45-12450 when combined shall not exceed the irrigation of 892 acres in a single irrigation season.
9. 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.
10. 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.
11. The total instantaneous diversion of water from all points of diversion under Rights 45-12450 and 45-4013B shall not exceed 5.31 cfs, nor a total combined annual volume of 2591.2 af.
12. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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 10th day of February, 2005

Gary Spaulman
Chief, Water Allocation Bureau

WATER RIGHT NO. 45-4013B
As Modified by Transfer No. 66721

In accordance with the approval of Transfer No. 66721, Water Right No. 45-4013B is now described as follows.

Right Holder: ELQUIST RANCHES INC
 1425 S 80 W
 OAKLEY ID 83346

Priority Date: April 10, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.88 CFS	429.4 AF
			0.88 CFS	429.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼ NW¼ SW¼ Sec. 5 Twp 13S Rge 23E CASSIA County

GROUND WATER SE¼ SE¼ SW¼ Sec. 8 Twp 13S Rge 23E CASSIA 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	
12S 22E 25													33.0	33.0	33.0	33.0	132.0
12S 22E 36	33.0	40.0	40.0	33.0	33.0	33.0	33.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0		565.0
12S 23E 31			5.0											30.0	40.0	25.0	100.0
			L 2											L 3	L 4		
13S 22E 1	20.0	40.0															60.0
	L 1	L 2															
13S 23E 6	5.0	30.0															35.0
	L 1	L 2															

Total Acres: 892

WATER RIGHT NO. 45-4013B
As Modified by Transfer No. 66721

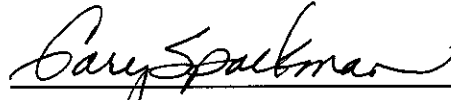
CONDITIONS OF APPROVAL

1. The well in the SE¼ NE¼ of Section 5, T13S, R23E, B.M. previously used under Right 45-4013B shall be abandoned in a manner which complies with Department well abandonment rules.
2. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. This right is limited to the irrigation of 560 acres within the place of use described above in a single irrigation season.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. 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.
10. 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.
11. Rights 45-703, 45-4013B, 45-12444, 45-12447 and 45-12450 when combined shall not exceed the irrigation of 892 acres in a single irrigation season.
12. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
13. The total instantaneous diversion of water from all points of diversion under Rights 45-12450 and 45-4013B shall not exceed 5.31 cfs, nor a total combined annual volume of 2591.2 af.

Page 7 of 7

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 10th day of February, 20 05

A handwritten signature in cursive script, reading "Gary Spackman", written over a horizontal line.

Gary Spackman