

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 70815**

This is to certify that: SID BROWN  
2251 E 2350 N  
HAMER ID 83425  
(208)317-1024

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 31-11410     | WR/Decreed          | 01/14/1976      | 4.54 cfs    | 774.0 af      | N/A               | 258.0              | GROUND WATER  |
| 31-11414     | WR/Decreed          | 01/14/1976      | 0.32 cfs    | 48.0 af       | N/A               | 16.0               | GROUND WATER  |
| 31-11428     | WR/Decreed          | 01/14/1976      | 0.30 cfs    | 51.8 af       | N/A               | 14.8               | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 31-11410              | NO           | YES        | YES        | NO             | NO                   | YES                  |
| 31-11414              | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 31-11428              | NO           | YES        | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 31-11410               | <b>31-11410</b>                  | 4.54 cfs             | 774.0 af               | 199.2             | 230.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-11414               | <b>31-11414</b>                  | 0.32 cfs             | 48.0 af                | 16.0              | 230.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-11428               | <b>31-11428</b>                  | 0.30 cfs             | 51.8 af                | 14.8              | 230.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>4.54 cfs</b>      | <b>873.8 af</b>        | <b>230.0</b>      | <b>230.0</b>       |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

Detailed Water Right Description(s) attached

Dated this 5<sup>th</sup> day of January, 2005

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**SUPPORT DATA**  
**IN FILE # 31-11410**

**WATER RIGHT NO. 31-11410**  
**As Modified by Transfer No. 70815**

In accordance with the approval of Transfer No. 70815, Water Right No. 31-11410 is now described as follows.

**Right Holder:** KIRK S EGBERT  
 1410 E 1300 N  
 PO BOX 87  
 TERRETON ID 83450

**Priority Date:** January 14, 1976

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| MITIGATION            | 04/01       | to 11/01  | 2.17 CFS              | 506.4 AF      |
| IRRIGATION            | 04/01       | to 11/01  | 4.54 CFS              | 597.6 AF      |
|                       |             |           | 4.54 CFS              | 774.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |        |         |         |                     |
|--------------|------|--------|---------|---------|---------------------|
| GROUND WATER | NWNW | Sec. 1 | Twp 07N | Rge 37E | JEFFERSON<br>County |
| GROUND WATER | NWNE | Sec. 2 | Twp 07N | Rge 37E | JEFFERSON<br>County |

**PLACE OF USE:** MITIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |     |    | SW |    |     |     | SE |    |    |    | Totals |  |  |  |  |
|-----|-----|-----|----|----|----|----|----|----|-----|----|----|----|-----|-----|----|----|----|----|--------|--|--|--|--|
|     |     |     | NE | NW | SW | SE | NE | NW | SW  | SE | NE | NW | SW  | SE  | NE | NW | SW | SE |        |  |  |  |  |
| 08N | 36E | 30  |    |    |    |    |    |    |     |    | X  | X  | X   | X   |    |    |    |    |        |  |  |  |  |
|     |     |     |    |    |    |    |    |    |     |    |    |    |     |     |    |    |    |    |        |  |  |  |  |
| 08N | 36E | 31  |    | X  |    |    | X  | X  |     |    |    |    |     |     |    |    |    |    |        |  |  |  |  |
|     |     |     |    |    |    |    |    |    | L 1 |    |    |    | L 3 | L 4 |    |    |    |    |        |  |  |  |  |

**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 |        |  |  |  |       |
| 07N | 37E | 1   |      |      |      |      | 32.0 | 33.0 | 32.0 | 33.0 |    |    |    |    |    |    |    |    |        |  |  |  | 130.0 |
| 07N | 37E | 2   | 25.0 | 25.0 | 25.0 | 25.0 |      |      |      |      |    |    |    |    |    |    |    |    |        |  |  |  | 100.0 |

Total Acres: 230

**CONDITIONS OF APPROVAL**

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within three year(s) of the date of this approval.
4. 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.

**WATER RIGHT NO. 31-11410**  
**As Modified by Transfer No. 70815**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion and use of water under Transfer approval 70815, 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.
6. This right is limited to the irrigation of 199.2 acres within the place of use described above in a single irrigation season and as further restricted by the mitigation schedule described below.
7. Irrigation use under Rights 31-11410, 31-11414 and 31-11428 when combined shall not exceed a total diversion rate of 4.54 cfs, a total annual maximum diversion volume of 697.4 af at the field headgate, the irrigation of 230 acres, and as further restricted by the mitigation schedule described below.
8. Beginning on the date of approval of Transfer 70815, the irrigation and mitigation uses described under rights 31-11410, 31-11414 and 31-11428 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.

Years 1 through 3 the diversion and use of water under the rights for irrigation are limited to 2.37 cfs, 367.4 afa and 120 acres. The un-diverted mitigation use is 2.17 cfs, 506.4 afa, and 168.8 un-irrigated acres.

Year 4 rights limited to 2.47 cfs, 382.4 afa and 125 acres. Mitigation is 2.07 cfs, 491.4 afa, and 163.8 acres.  
Year 5 rights limited to 2.57 cfs, 397.4 afa and 130 acres. Mitigation is 1.97 cfs, 476.4 afa, and 158.8 acres.  
Year 6 rights limited to 2.66 cfs, 412.4 afa and 135 acres. Mitigation is 1.88 cfs, 461.4 afa, and 153.8 acres.  
Year 7 rights limited to 2.76 cfs, 427.4 afa and 140 acres. Mitigation is 1.78 cfs, 446.4 afa, and 148.8 acres.  
Year 8 rights limited to 2.86 cfs, 442.4 afa and 145 acres. Mitigation is 1.68 cfs, 431.4 afa, and 143.8 acres.  
Year 9 rights limited to 2.96 cfs, 457.4 afa and 150 acres. Mitigation is 1.58 cfs, 416.4 afa, and 138.8 acres.  
Year 10 rights limited to 3.06 cfs, 472.4 afa and 155 acres. Mitigation is 1.48 cfs, 401.4 afa, and 133.8 acres.  
Year 11 rights limited to 3.12 cfs, 481.4 afa and 158 acres. Mitigation is 1.42 cfs, 392.4 afa, and 130.8 acres.  
Year 12 rights limited to 3.18 cfs, 490.4 afa and 161 acres. Mitigation is 1.36 cfs, 383.4 afa, and 127.8 acres.  
Year 13 rights limited to 3.24 cfs, 499.4 afa and 164 acres. Mitigation is 1.30 cfs, 374.4 afa, and 124.8 acres.  
Year 14 rights limited to 3.30 cfs, 508.4 afa and 167 acres. Mitigation is 1.24 cfs, 365.4 afa, and 121.8 acres.  
Year 15 rights limited to 3.36 cfs, 517.4 afa and 170 acres. Mitigation is 1.18 cfs, 356.4 afa, and 118.8 acres.  
Year 16 rights limited to 3.41 cfs, 526.4 afa and 173 acres. Mitigation is 1.13 cfs, 347.4 afa, and 115.8 acres.  
Year 17 rights limited to 3.47 cfs, 535.4 afa and 176 acres. Mitigation is 1.07 cfs, 338.4 afa, and 112.8 acres.  
Year 18 rights limited to 3.53 cfs, 544.4 afa and 179 acres. Mitigation is 1.01 cfs, 329.4 afa, and 109.8 acres.  
Year 19 rights limited to 3.59 cfs, 553.4 afa and 182 acres. Mitigation is 0.95 cfs, 320.4 afa, and 106.8 acres.  
Year 20 rights limited to 3.65 cfs, 562.4 afa and 185 acres. Mitigation is 0.89 cfs, 311.4 afa, and 103.8 acres.  
Year 21 rights limited to 3.71 cfs, 571.4 afa and 188 acres. Mitigation is 0.83 cfs, 302.4 afa, and 100.8 acres.  
Year 22 rights limited to 3.77 cfs, 580.4 afa and 191 acres. Mitigation is 0.77 cfs, 293.4 afa, and 97.8 acres.  
Year 23 rights limited to 3.83 cfs, 589.4 afa and 194 acres. Mitigation is 0.71 cfs, 284.4 afa, and 94.8 acres.  
Year 24 rights limited to 3.89 cfs, 598.4 afa and 197 acres. Mitigation is 0.65 cfs, 275.4 afa, and 91.8 acres.  
Year 25 rights limited to 3.95 cfs, 607.4 afa and 200 acres. Mitigation is 0.59 cfs, 266.4 afa, and 88.8 acres.  
Year 26 rights limited to 4.01 cfs, 616.4 afa and 203 acres. Mitigation is 0.53 cfs, 257.4 afa, and 85.8 acres.  
Year 27 rights limited to 4.07 cfs, 625.4 afa and 206 acres. Mitigation is 0.47 cfs, 248.4 afa, and 82.8 acres.  
Year 28 rights limited to 4.13 cfs, 634.4 afa and 209 acres. Mitigation is 0.41 cfs, 239.4 afa, and 79.8 acres.  
Year 29 rights limited to 4.18 cfs, 643.4 afa and 212 acres. Mitigation is 0.36 cfs, 230.4 afa, and 76.8 acres.  
Year 30 rights limited to 4.24 cfs, 652.4 afa and 215 acres. Mitigation is 0.30 cfs, 221.4 afa, and 73.8 acres.  
Year 31 rights limited to 4.30 cfs, 661.4 afa and 218 acres. Mitigation is 0.24 cfs, 212.4 afa, and 70.8 acres.  
Year 32 rights limited to 4.36 cfs, 670.4 afa and 221 acres. Mitigation is 0.18 cfs, 203.4 afa, and 67.8 acres.  
Year 33 rights limited to 4.42 cfs, 679.4 afa and 224 acres. Mitigation is 0.12 cfs, 194.4 afa, and 64.8 acres.  
Year 34 rights limited to 4.48 cfs, 688.4 afa and 227 acres. Mitigation is 0.06 cfs, 185.4 afa, and 61.8 acres.  
Years 35 and beyond the diversion and use of water under the rights for irrigation are limited to 4.54 cfs, 697.4 afa, and 230 acres. The un-diverted mitigation use is 0.00 cfs, 176.4 afa, and 58.8 un-irrigated acres.

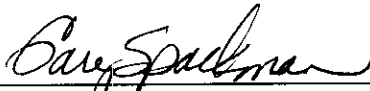
**WATER RIGHT NO. 31-11410**  
**As Modified by Transfer No. 70815**

**CONDITIONS OF APPROVAL**

9. The model used to calculate depletion effects and mitigation for the Heise/Ashton to Lewisville Reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 70815. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
10. Right 31-11428 is based upon an enlargement of Right 31-11410 pursuant to Section 42-1426, Idaho Code.
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 5<sup>th</sup> day of January, 2005

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 31-11414**  
**As Modified by Transfer No. 70815**

In accordance with the approval of Transfer No. 70815, Water Right No. 31-11414 is now described as follows.

**Right Holder:** KIRK S EGBERT  
 1410 E 1300 N  
 PO BOX 87  
 TERRETON ID 83450

**Priority Date:** January 14, 1976

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 11/01     | 0.32 CFS              | 48.0 AF       |
|                       |             |           | 0.32 CFS              | 48.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |        |         |         |                     |
|--------------|--------|--------|---------|---------|---------------------|
| GROUND WATER | SENWNW | Sec. 1 | Twp 07N | Rge 37E | JEFFERSON<br>County |
| GROUND WATER | SENWNE | Sec. 2 | Twp 07N | Rge 37E | JEFFERSON<br>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 |        |
| 07N | 37E | 1   |      |      |      |      | 32.0 | 33.0 | 32.0 | 33.0 |    |    |    |    |    |    |    |    | 130.0  |
| 07N | 37E | 2   | 25.0 | 25.0 | 25.0 | 25.0 |      |      |      |      |    |    |    |    |    |    |    |    | 100.0  |

Total Acres: 230

**CONDITIONS OF APPROVAL**

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within three year(s) of the date of this approval.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 70815, 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.

**WATER RIGHT NO. 31-11414**  
**As Modified by Transfer No. 70815**

**CONDITIONS OF APPROVAL**

6. This right is limited to the irrigation of 16.0 acres within the place of use described above in a single irrigation season and as further restricted by the mitigation schedule described below.
7. Irrigation use under Rights 31-11410, 31-11414 and 31-11428 when combined shall not exceed a total diversion rate of 4.54 cfs, a total annual maximum diversion volume of 697.4 af at the field headgate, the irrigation of 230 acres, and as further restricted by the mitigation schedule described below.
8. Beginning on the date of approval of Transfer 70815, the irrigation and mitigation uses described under rights 31-11410, 31-11414 and 31-11428 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.

Years 1 through 3 the diversion and use of water under the rights for irrigation are limited to 2.37 cfs, 367.4 afa and 120 acres. The un-diverted mitigation use is 2.17 cfs, 506.4 afa, and 168.8 un-irrigated acres.

Year 4 rights limited to 2.47 cfs, 382.4 afa and 125 acres. Mitigation is 2.07 cfs, 491.4 afa, and 163.8 acres.  
Year 5 rights limited to 2.57 cfs, 397.4 afa and 130 acres. Mitigation is 1.97 cfs, 476.4 afa, and 158.8 acres.  
Year 6 rights limited to 2.66 cfs, 412.4 afa and 135 acres. Mitigation is 1.88 cfs, 461.4 afa, and 153.8 acres.  
Year 7 rights limited to 2.76 cfs, 427.4 afa and 140 acres. Mitigation is 1.78 cfs, 446.4 afa, and 148.8 acres.  
Year 8 rights limited to 2.86 cfs, 442.4 afa and 145 acres. Mitigation is 1.68 cfs, 431.4 afa, and 143.8 acres.  
Year 9 rights limited to 2.96 cfs, 457.4 afa and 150 acres. Mitigation is 1.58 cfs, 416.4 afa, and 138.8 acres.  
Year 10 rights limited to 3.06 cfs, 472.4 afa and 155 acres. Mitigation is 1.48 cfs, 401.4 afa, and 133.8 acres.  
Year 11 rights limited to 3.12 cfs, 481.4 afa and 158 acres. Mitigation is 1.42 cfs, 392.4 afa, and 130.8 acres.  
Year 12 rights limited to 3.18 cfs, 490.4 afa and 161 acres. Mitigation is 1.36 cfs, 383.4 afa, and 127.8 acres.  
Year 13 rights limited to 3.24 cfs, 499.4 afa and 164 acres. Mitigation is 1.30 cfs, 374.4 afa, and 124.8 acres.  
Year 14 rights limited to 3.30 cfs, 508.4 afa and 167 acres. Mitigation is 1.24 cfs, 365.4 afa, and 121.8 acres.  
Year 15 rights limited to 3.36 cfs, 517.4 afa and 170 acres. Mitigation is 1.18 cfs, 356.4 afa, and 118.8 acres.  
Year 16 rights limited to 3.41 cfs, 526.4 afa and 173 acres. Mitigation is 1.13 cfs, 347.4 afa, and 115.8 acres.  
Year 17 rights limited to 3.47 cfs, 535.4 afa and 176 acres. Mitigation is 1.07 cfs, 338.4 afa, and 112.8 acres.  
Year 18 rights limited to 3.53 cfs, 544.4 afa and 179 acres. Mitigation is 1.01 cfs, 329.4 afa, and 109.8 acres.  
Year 19 rights limited to 3.59 cfs, 553.4 afa and 182 acres. Mitigation is 0.95 cfs, 320.4 afa, and 106.8 acres.  
Year 20 rights limited to 3.65 cfs, 562.4 afa and 185 acres. Mitigation is 0.89 cfs, 311.4 afa, and 103.8 acres.  
Year 21 rights limited to 3.71 cfs, 571.4 afa and 188 acres. Mitigation is 0.83 cfs, 302.4 afa, and 100.8 acres.  
Year 22 rights limited to 3.77 cfs, 580.4 afa and 191 acres. Mitigation is 0.77 cfs, 293.4 afa, and 97.8 acres.  
Year 23 rights limited to 3.83 cfs, 589.4 afa and 194 acres. Mitigation is 0.71 cfs, 284.4 afa, and 94.8 acres.  
Year 24 rights limited to 3.89 cfs, 598.4 afa and 197 acres. Mitigation is 0.65 cfs, 275.4 afa, and 91.8 acres.  
Year 25 rights limited to 3.95 cfs, 607.4 afa and 200 acres. Mitigation is 0.59 cfs, 266.4 afa, and 88.8 acres.  
Year 26 rights limited to 4.01 cfs, 616.4 afa and 203 acres. Mitigation is 0.53 cfs, 257.4 afa, and 85.8 acres.  
Year 27 rights limited to 4.07 cfs, 625.4 afa and 206 acres. Mitigation is 0.47 cfs, 248.4 afa, and 82.8 acres.  
Year 28 rights limited to 4.13 cfs, 634.4 afa and 209 acres. Mitigation is 0.41 cfs, 239.4 afa, and 79.8 acres.  
Year 29 rights limited to 4.18 cfs, 643.4 afa and 212 acres. Mitigation is 0.36 cfs, 230.4 afa, and 76.8 acres.  
Year 30 rights limited to 4.24 cfs, 652.4 afa and 215 acres. Mitigation is 0.30 cfs, 221.4 afa, and 73.8 acres.  
Year 31 rights limited to 4.30 cfs, 661.4 afa and 218 acres. Mitigation is 0.24 cfs, 212.4 afa, and 70.8 acres.  
Year 32 rights limited to 4.36 cfs, 670.4 afa and 221 acres. Mitigation is 0.18 cfs, 203.4 afa, and 67.8 acres.  
Year 33 rights limited to 4.42 cfs, 679.4 afa and 224 acres. Mitigation is 0.12 cfs, 194.4 afa, and 64.8 acres.  
Year 34 rights limited to 4.48 cfs, 688.4 afa and 227 acres. Mitigation is 0.06 cfs, 185.4 afa, and 61.8 acres.  
Years 35 and beyond the diversion and use of water under the rights for irrigation are limited to 4.54 cfs, 697.4 afa, and 230 acres. The un-diverted mitigation use is 0.00 cfs, 176.4 afa, and 58.8 un-irrigated acres.

**WATER RIGHT NO. 31-11414**  
**As Modified by Transfer No. 70815**

**CONDITIONS OF APPROVAL**

9. The model used to calculate depletion effects and mitigation for the Heise/Ashton to Lewisville Reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 70815. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
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.

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 5<sup>th</sup> day of January, 2005

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 31-11428**  
**As Modified by Transfer No. 70815**

In accordance with the approval of Transfer No. 70815, Water Right No. 31-11428 is now described as follows.

**Right Holder:** KIRK S EGBERT  
 1410 E 1300 N  
 PO BOX 87  
 TERRETON ID 83450

**Priority Date:** January 14, 1976

**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     | 0.30 CFS              | 51.8 AF       |
|                       |             |           | 0.30 CFS              | 51.8 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |        |         |         |                     |
|--------------|--------|--------|---------|---------|---------------------|
| GROUND WATER | SENWNW | Sec. 1 | Twp 07N | Rge 37E | JEFFERSON<br>County |
| GROUND WATER | SENWNE | Sec. 2 | Twp 07N | Rge 37E | JEFFERSON<br>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 |        |
| 07N | 37E | 1   |      |      |      |      | 32.0 | 33.0 | 32.0 | 33.0 |    |    |    |    |    |    |    |    | 130.0  |
| 07N | 37E | 2   | 25.0 | 25.0 | 25.0 | 25.0 |      |      |      |      |    |    |    |    |    |    |    |    | 100.0  |

Total Acres: 230

**CONDITIONS OF APPROVAL**

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within three year(s) of the date of this approval.
4. 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.
5. Prior to the diversion and use of water under Transfer approval 70815, 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.

**WATER RIGHT NO. 31-11428**  
**As Modified by Transfer No. 70815**

**CONDITIONS OF APPROVAL**

6. This right is limited to the irrigation of 14.8 acres within the place of use described above in a single irrigation season and as further restricted by the mitigation schedule described below.
7. Irrigation use under Rights 31-11410, 31-11414 and 31-11428 when combined shall not exceed a total diversion rate of 4.54 cfs, a total annual maximum diversion volume of 697.4 af at the field headgate, the irrigation of 230 acres, and as further restricted by the mitigation schedule described below.
8. Beginning on the date of approval of Transfer 70815, the irrigation and mitigation uses described under rights 31-11410, 31-11414 and 31-11428 when combined are limited to the following schedule of allowed use. The right holder shall file a notice of intent with the Department prior to the increased use of water under the rights each time an increase according to the schedule is sought.

Years 1 through 3 the diversion and use of water under the rights for irrigation are limited to 2.37 cfs, 367.4 afa and 120 acres. The un-diverted mitigation use is 2.17 cfs, 506.4 afa, and 168.8 un-irrigated acres.

Year 4 rights limited to 2.47 cfs, 382.4 afa and 125 acres. Mitigation is 2.07 cfs, 491.4 afa, and 163.8 acres.  
Year 5 rights limited to 2.57 cfs, 397.4 afa and 130 acres. Mitigation is 1.97 cfs, 476.4 afa, and 158.8 acres.  
Year 6 rights limited to 2.66 cfs, 412.4 afa and 135 acres. Mitigation is 1.88 cfs, 461.4 afa, and 153.8 acres.  
Year 7 rights limited to 2.76 cfs, 427.4 afa and 140 acres. Mitigation is 1.78 cfs, 446.4 afa, and 148.8 acres.  
Year 8 rights limited to 2.86 cfs, 442.4 afa and 145 acres. Mitigation is 1.68 cfs, 431.4 afa, and 143.8 acres.  
Year 9 rights limited to 2.96 cfs, 457.4 afa and 150 acres. Mitigation is 1.58 cfs, 416.4 afa, and 138.8 acres.  
Year 10 rights limited to 3.06 cfs, 472.4 afa and 155 acres. Mitigation is 1.48 cfs, 401.4 afa, and 133.8 acres.  
Year 11 rights limited to 3.12 cfs, 481.4 afa and 158 acres. Mitigation is 1.42 cfs, 392.4 afa, and 130.8 acres.  
Year 12 rights limited to 3.18 cfs, 490.4 afa and 161 acres. Mitigation is 1.36 cfs, 383.4 afa, and 127.8 acres.  
Year 13 rights limited to 3.24 cfs, 499.4 afa and 164 acres. Mitigation is 1.30 cfs, 374.4 afa, and 124.8 acres.  
Year 14 rights limited to 3.30 cfs, 508.4 afa and 167 acres. Mitigation is 1.24 cfs, 365.4 afa, and 121.8 acres.  
Year 15 rights limited to 3.36 cfs, 517.4 afa and 170 acres. Mitigation is 1.18 cfs, 356.4 afa, and 118.8 acres.  
Year 16 rights limited to 3.41 cfs, 526.4 afa and 173 acres. Mitigation is 1.13 cfs, 347.4 afa, and 115.8 acres.  
Year 17 rights limited to 3.47 cfs, 535.4 afa and 176 acres. Mitigation is 1.07 cfs, 338.4 afa, and 112.8 acres.  
Year 18 rights limited to 3.53 cfs, 544.4 afa and 179 acres. Mitigation is 1.01 cfs, 329.4 afa, and 109.8 acres.  
Year 19 rights limited to 3.59 cfs, 553.4 afa and 182 acres. Mitigation is 0.95 cfs, 320.4 afa, and 106.8 acres.  
Year 20 rights limited to 3.65 cfs, 562.4 afa and 185 acres. Mitigation is 0.89 cfs, 311.4 afa, and 103.8 acres.  
Year 21 rights limited to 3.71 cfs, 571.4 afa and 188 acres. Mitigation is 0.83 cfs, 302.4 afa, and 100.8 acres.  
Year 22 rights limited to 3.77 cfs, 580.4 afa and 191 acres. Mitigation is 0.77 cfs, 293.4 afa, and 97.8 acres.  
Year 23 rights limited to 3.83 cfs, 589.4 afa and 194 acres. Mitigation is 0.71 cfs, 284.4 afa, and 94.8 acres.  
Year 24 rights limited to 3.89 cfs, 598.4 afa and 197 acres. Mitigation is 0.65 cfs, 275.4 afa, and 91.8 acres.  
Year 25 rights limited to 3.95 cfs, 607.4 afa and 200 acres. Mitigation is 0.59 cfs, 266.4 afa, and 88.8 acres.  
Year 26 rights limited to 4.01 cfs, 616.4 afa and 203 acres. Mitigation is 0.53 cfs, 257.4 afa, and 85.8 acres.  
Year 27 rights limited to 4.07 cfs, 625.4 afa and 206 acres. Mitigation is 0.47 cfs, 248.4 afa, and 82.8 acres.  
Year 28 rights limited to 4.13 cfs, 634.4 afa and 209 acres. Mitigation is 0.41 cfs, 239.4 afa, and 79.8 acres.  
Year 29 rights limited to 4.18 cfs, 643.4 afa and 212 acres. Mitigation is 0.36 cfs, 230.4 afa, and 76.8 acres.  
Year 30 rights limited to 4.24 cfs, 652.4 afa and 215 acres. Mitigation is 0.30 cfs, 221.4 afa, and 73.8 acres.  
Year 31 rights limited to 4.30 cfs, 661.4 afa and 218 acres. Mitigation is 0.24 cfs, 212.4 afa, and 70.8 acres.  
Year 32 rights limited to 4.36 cfs, 670.4 afa and 221 acres. Mitigation is 0.18 cfs, 203.4 afa, and 67.8 acres.  
Year 33 rights limited to 4.42 cfs, 679.4 afa and 224 acres. Mitigation is 0.12 cfs, 194.4 afa, and 64.8 acres.  
Year 34 rights limited to 4.48 cfs, 688.4 afa and 227 acres. Mitigation is 0.06 cfs, 185.4 afa, and 61.8 acres.  
Years 35 and beyond the diversion and use of water under the rights for irrigation are limited to 4.54 cfs, 697.4 afa, and 230 acres. The un-diverted mitigation use is 0.00 cfs, 176.4 afa, and 58.8 un-irrigated acres.

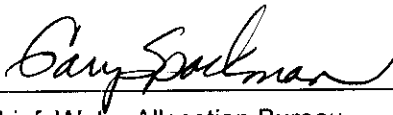
**WATER RIGHT NO. 31-11428**  
**As Modified by Transfer No. 70815**

**CONDITIONS OF APPROVAL**

9. The model used to calculate depletion effects and mitigation for the Heise/Ashton to Lewisville Reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 70815. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
10. Right 31-11428 is based upon an enlargement of Right 31-11410 pursuant to Section 42-1426, Idaho Code.
11. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
12. 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 5<sup>th</sup> day of January, 2005

  
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Chief, Water Allocation Bureau