

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 71337**

This is to certify that: HIGH PLAINS LLC  
 C/O FRANK FICKEN  
 2724 LAVENDER DR  
 WALNUT CREEK CA 94596  
 (925)963-0895

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-31908     | AJC/License         | 04/26/1971      | 0.12 cfs    | 26.6 af       | N/A               | 5.9                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-31908              | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-31908              | <b>63-31908</b>                  | 0.12 cfs             | 26.6 af                | N/A               | 5.9                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.12 cfs</b>      | <b>26.6 af</b>         | <b>N/A</b>        | <b>5.9</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 15<sup>th</sup> day of December, 20 04

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

**WATER RIGHT NO. 63-31908**  
**As Modified by Transfer No. 71337**

In accordance with the approval of Transfer No. 71337, Water Right No. 63-31908 is now described as follows.

**Right Holder:** HIGH PLAINS LLC  
 C/O FRANK FICKEN  
 2724 LAVENDER DR  
 WALNUT CREEK CA 94596

**Priority Date:** April 26, 1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | 10/15     | 0.12 CFS              | 26.6 AF       |
|                       |             |           | 0.12 CFS              | 26.6 AF       |

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

GROUND WATER                      SWSE                      Sec. 6   Twp 05N   Rge 02W CANYON County

**PLACE OF USE:**    IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE | Totals |
| 05N 02W 6   |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 5.9 |    | 5.9    |

Total Acres: 5.9

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device 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.

**WATER RIGHT NO. 63-31908**  
**As Modified by Transfer No. 71337**

**CONDITIONS OF APPROVAL**

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 10/15 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. Point of diversion and place of use are located within Lot 13, Blk. 1, High Plains Estates Subdivision.

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 15<sup>th</sup> day of December, 20 04

  
Chief, Water Allocation Bureau