

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70816

This is to certify that: WILLOW CREEK ENTERPRISES

C/O REED GIBBY
 576 S 650 E
 BURLEY ID 83318
 (208)654-2054

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>
43-13331	WR/Decreed	03/15/1963	4.90 cfs	1094.8 af	273.7	327.6	GROUND WATER
43-13333	WR/Decreed	01/27/1978	4.90 cfs	1310.4 af	N/A	327.6	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>
43-13331	YES	YES	YES	YES	YES	YES
43-13333	YES	YES	YES	YES	YES	YES

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>
43-13331	43-13336	0.10 cfs	17.4 af	N/A	N/A	43-13335	4.80 cfs	1071.6 af	267.9	320.6
43-13333	43-13338	0.10 cfs	20.9 af	N/A	N/A	43-13337	4.80 cfs	1282.4 af	N/A	320.6
COMBINED TOTALS		0.12 cfs	20.9 af	N/A	N/A		5.29 cfs	1282.4 af	N/A	320.6

Detailed Water Right Description(s) attached

Dated this 12th day of November, 20 04


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 43-13331

WATER RIGHT NO. 43-13335
As Modified by Transfer No. 70816

In accordance with the approval of Transfer No. 70816, Water Right No. 43-13335 is now described as follows.

Right Holder: WILLOW CREEK ENTERPRISES
 C/O REED GIBBY
 576 S 650 E
 BURLEY ID 83318

Priority Date: March 15, 1963

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	4.80 CFS	1,071.6 AF
			4.80 CFS	1,071.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 28 Twp 10S Rge 26E 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	
10S	26E	27					40.0	34.1			5.1								79.2
10S	26E	28	37.6	35.4	40.0	40.0	40.0			40.0	2.3				5.6	.5			241.4

Total Acres: 320.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 267.9 acres within the place of use described above in a single irrigation season.
2. Use of this right with Right No. 43-13337 is limited to the irrigation of a combined total of 320.6 acres in a single irrigation season.
3. Use of this right with Right No. 43-13337 is limited to a total combined diversion rate of 5.29 cfs and to a total combined annual diversion volume of 1282.4 af.
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.

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 12th day of November, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13336
As Modified by Transfer No. 70816

In accordance with the approval of Transfer No. 70816, Water Right No. 43-13336 is now described as follows.

Right Holder: WILLOW CREEK ENTERPRISES
 C/O REED GIBBY
 576 S 650 E
 BURLEY ID 83318

Priority Date: March 15, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/13	0.10 CFS	17.4 AF
STOCKWATER	01/01	to 12/31	0.10 CFS	17.4 AF
			0.10 CFS	17.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNENE	Sec. 28 Twp 10S	Rge 26E	CASSIA County
GROUND WATER	NWNENE	Sec. 28 Twp 10S	Rge 26E	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	
10S	26E	28	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	
10S	26E	28	X	X															

CONDITIONS OF APPROVAL

1. Rights 43-13336 and 43-13338 when combined shall not exceed a total diversion rate of 0.12 cfs from all points of diversion, and a total annual maximum diversion volume of 20.9 af at the field headgate.
2. 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.
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. Commercial use is for cleaning and other non-stockwater uses in a hog-breeding and farrowing facility.

WATER RIGHT NO. 43-13336
As Modified by Transfer No. 70816

CONDITIONS OF 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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. 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 12th day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13337
As Modified by Transfer No. 70816

In accordance with the approval of Transfer No. 70816, Water Right No. 43-13337 is now described as follows.

Right Holder: WILLOW CREEK ENTERPRISES
 C/O REED GIBBY
 576 S 650 E
 BURLEY ID 83318

Priority Date: January 27, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	4.80 CFS	1,282.4 AF
			4.80 CFS	1,282.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 28 Twp 10S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

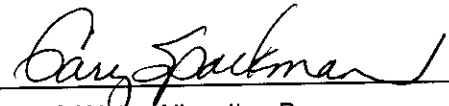
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
10S	26E	27					40.0	34.1					5.1					79.2	
10S	26E	28	37.6	35.4	40.0	40.0	40.0			40.0	2.3				5.6	.5	241.4		
Total Acres:			320.6																

CONDITIONS OF APPROVAL

1. Use of this right with Right No. 43-13335 is limited to the irrigation of a combined total of 320.6 acres in a single irrigation season.
2. Use of this right with Right No. 43-13335 is limited to a total combined diversion rate of 5.29 cfs and to a total combined annual diversion volume of 1282.4 af.
3. 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 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/26/2002.
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.

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 12th day of November, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13338
As Modified by Transfer No. 70816

In accordance with the approval of Transfer No. 70816, Water Right No. 43-13338 is now described as follows.

Right Holder: WILLOW CREEK ENTERPRISES
 C/O REED GIBBY
 576 S 650 E
 BURLEY ID 83318

Priority Date: January 27, 1978

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	0.10 CFS	20.9 AF
COMMERCIAL	01/01	to 12/31	0.10 CFS	20.9 AF
			0.10 CFS	20.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNENE	Sec. 28 Twp 10S	Rge 26E	CASSIA County
GROUND WATER	NWNENE	Sec. 28 Twp 10S	Rge 26E	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	
10S 26E 28	X	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	
10S 26E 28	X	X															

CONDITIONS OF APPROVAL

1. Rights 43-13336 and 43-13338 when combined shall not exceed a total diversion rate of 0.12 cfs from all points of diversion, and a total annual maximum diversion volume of 20.9 af at the field headgate.
2. 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.
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. Commercial use is for cleaning and other non-stockwater uses in a hog-breeding and farrowing facility.
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.

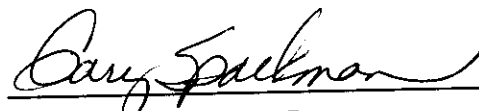
WATER RIGHT NO. 43-13338
As Modified by Transfer No. 70816

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. 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 12th day of November, 2004



Chief, Water Allocation Bureau