

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69149

This is to certify that: MARIA BORBA And
JOSE BORBA
214 E 400 N
JEROME ID 83338
(208)324-7045

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>
36-8731	WR/License	07/13/1994	0.08 cfs	13.3 af	N/A	N/A	GROUND WATER
36-15665	WR/Decreed	10/18/1968	0.04 cfs	N/A	2.7	5.0	GROUND WATER
36-15667	WR/Decreed	12/03/1966	0.03 cfs	N/A	1.6	5.0	GROUND WATER
36-15669	WR/Decreed	02/18/1971	0.02 cfs	N/A	N/A	5.0	GROUND WATER
37-21317	WR/Decreed	01/07/1974	0.01 cfs	2.4 af	N/A	0.6	GROUND WATER
37-21318	WR/Decreed	01/07/1974	0.13 cfs	25.2 af	N/A	6.3	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>
36-8731	NO	NO	NO	YES	NO	YES
36-15665	NO	YES	YES	NO	YES	YES
36-15667	NO	YES	YES	NO	YES	YES
36-15669	NO	YES	YES	NO	YES	YES
37-21317	NO	YES	YES	NO	YES	YES
37-21318	NO	NO	NO	NO	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>
36-8731	36-8731	0.08 cfs	13.3 af	N/A	N/A		N/A	N/A	N/A	N/A
36-15665	36-15665	0.04 cfs	7.3 af	N/A	N/A		N/A	N/A	N/A	N/A
36-15667	36-15667	0.03 cfs	4.3 af	N/A	N/A		N/A	N/A	N/A	N/A
36-15669	36-15669	0.02 cfs	1.9 af	N/A	N/A		N/A	N/A	N/A	N/A
37-21317	36-16240	0.01 cfs	1.7 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.15 cfs	28.5 af	N/A	N/A		N/A	N/A	N/A	N/A

Related Mitigation Right

37-21318	37-21318	0.13 cfs	25.2 af	N/A	4.5		N/A	N/A	N/A	N/A
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SUPPORT DATA

IN FILE # 36-8731

TRANSFER OF WATER RIGHT

TRANSFER NO. 69149

Detailed Water Right Description(s) attached

Dated this 7th day of September, 2004

Gary Spackman
Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15665**As Modified by Transfer No. 69149**

In accordance with the approval of Transfer No. 69149, Water Right No. 36-15665 is now described as follows.

Right Holder: JOSE BORBA And
MARIA BORBA
214 E 400 N
JEROME ID 83338

Priority Date: October 18, 1968

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	0.04 CFS	7.3 AF
STOCKWATER	01/01	to 12/31	0.04 CFS	7.3 AF
			0.04 CFS	7.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME County

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME 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	
07S	17E	28												X					
07S	17E	33						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	
07S	17E	28												X					

CONDITIONS OF APPROVAL

1. Rights 36-15665 and 36-15667 when combined shall not exceed a total diversion rate of 0.04 cfs.
2. The total instantaneous diversion of water from all points of diversion under Rights 36-15665, 36-15667, 36-15669, 36-8731 and 36-16240 not exceed 0.15 cfs, nor a total combined annual volume of 28.5 afa.
3. The water right holder shall maintain control of the necessary portion of right 37-21318 for mitigation purposes under Transfer approval 69149. If the necessary portion of the mitigation right 37-21318 is sold, transferred, leased, used on any place of use or is not deliverable due to priority call then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
4. Prior to the diversion and use of water under Transfer approval 69149, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

WATER RIGHT NO. 36-15665
As Modified by Transfer No. 69149

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
6. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. Commercial use is for a dairy with barn located in the SWSW S28, T07S, R17E, B.M.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
11. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12. The diversion and use of water described in Transfer 69149 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
13. The model used to calculate depletion effects and mitigation for the Milner to King Hill 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 69149. 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.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 7th day of September, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15667
As Modified by Transfer No. 69149

In accordance with the approval of Transfer No. 69149, Water Right No. 36-15667 is now described as follows.

Right Holder: JOSE BORBA And
 MARIA BORBA
 214 E 400 N
 JEROME ID 83338

Priority Date: December 03, 1966

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	0.03 CFS	4.3 AF
STOCKWATER	01/01	to 12/31	0.03 CFS	4.3 AF
			0.03 CFS	4.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME County

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME 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	
07S 17E 28												X					
07S 17E 33						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	
07S 17E 28												X					

CONDITIONS OF APPROVAL

1. Rights 36-15665 and 36-15667 when combined shall not exceed a total diversion rate of 0.04 cfs.
2. The total instantaneous diversion of water from all points of diversion under Rights 36-15665, 36-15667, 36-15669, 36-8731 and 36-16240 shall not exceed 0.15 cfs, nor a total combined annual volume of 28.5 afa.
3. The water right holder shall maintain control of the necessary portion of right 37-21318 for mitigation purposes under Transfer approval 69149. If the necessary portion of the mitigation right 37-21318 is sold, transferred, leased, used on any place of use or is not deliverable due to priority call then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
4. Prior to the diversion and use of water under Transfer approval 69149, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

WATER RIGHT NO. 36-15667
As Modified by Transfer No. 69149

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
6. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. Commercial use is for a dairy with barn located in the SWSW S28, T07S, R17E, B.M.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
11. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12. The diversion and use of water described in Transfer 69149 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
13. The model used to calculate depletion effects and mitigation for the Milner to King Hill 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 69149. 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.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 7th day of September, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15669
As Modified by Transfer No. 69149

In accordance with the approval of Transfer No. 69149, Water Right No. 36-15669 is now described as follows.

Right Holder: JOSE BORBA And
 MARIA BORBA
 214 E 400 N
 JEROME ID 83338

Priority Date: February 18, 1971

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	0.02 CFS	1.9 AF
COMMERCIAL	01/01 to	12/31	0.02 CFS	1.9 AF
			0.02 CFS	1.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME County

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME 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	
07S	17E	28												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	
07S	17E	28												X					
07S	17E	33						X											

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-15665, 36-15667, 36-15669, 36-8731 and 36-16240 shall not exceed 0.15 cfs, nor a total combined annual volume of 28.5 afa.
2. The water right holder shall maintain control of the necessary portion of right 37-21318 for mitigation purposes under Transfer approval 69149. If the necessary portion of the mitigation right 37-21318 is sold, transferred, leased, used on any place of use or is not deliverable due to priority call then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
3. Prior to the diversion and use of water under Transfer approval 69149, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

WATER RIGHT NO. 36-15669
As Modified by Transfer No. 69149

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. Commercial use is for a dairy with barn located in the SWSW S28, T07S, R17E, B.M.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. The diversion and use of water described in Transfer 69149 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
12. The model used to calculate depletion effects and mitigation for the Milner to King Hill 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 69149. 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.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 7th day of September, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-8731
As Modified by Transfer No. 69149

In accordance with the approval of Transfer No. 69149, Water Right No. 36-8731 is now described as follows.

Right Holder: JOSE BORBA And
 MARIA BORBA
 214 E 400 N
 JEROME ID 83338

Priority Date: July 13, 1994

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 to	12/31	0.08 CFS	1.8 AF
STOCKWATER	01/01 to	12/31	0.08 CFS	11.5 AF
			0.08 CFS	13.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME County

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 17E 28											X						

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 17E 28											X						

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-15665, 36-15667, 36-15669, 36-8731 and 36-16240 shall not exceed 0.15 cfs, nor a total combined annual volume of 28.5 afa.
2. Prior to the diversion and use of water under Transfer approval 69149, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Domestic use is for three 3 houses located in the SWSW S28, T07S, R17E, B.M.

WATER RIGHT NO. 36-8731
As Modified by Transfer No. 69149

CONDITIONS OF APPROVAL

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 diversion and use of water described in Transfer 69149 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 7th day of September, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16240
As Modified by Transfer No. 69149

In accordance with the approval of Transfer No. 69149, Water Right No. 36-16240 is now described as follows.

Right Holder: JOSE BORBA And
 MARIA BORBA
 214 E 400 N
 JEROME ID 83338

Priority Date: January 07, 1974

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	0.01 CFS	1.7 AF
STOCKWATER	01/01	to 12/31	0.01 CFS	1.7 AF
			0.01 CFS	1.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME County

GROUND WATER SWSW Sec. 28 Twp 07S Rge 17E JEROME 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	
07S	17E	28												X					
07S	17E	33						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	
07S	17E	28												X					

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-15665, 36-15667, 36-15669, 36-8731 and 36-16240 shall not exceed 0.15 cfs, nor a total combined annual volume of 28.5 afa.
2. The water right holder shall maintain control of the necessary portion of right 37-21318 for mitigation purposes under Transfer approval 69149. If the necessary portion of the mitigation right 37-21318 is sold, transferred, leased, used on any place of use or is not deliverable due to priority call then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
3. Prior to the diversion and use of water under Transfer approval 69149, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

WATER RIGHT NO. 36-16240
As Modified by Transfer No. 69149

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. Commercial use is for a dairy with barn located in the SWSW S28, T07S, R17E, B.M.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. The diversion and use of water described in Transfer 69149 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
12. The model used to calculate depletion effects and mitigation for the Milner to King Hill 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 69149. 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.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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 7th day of September, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21318
As Modified by Transfer No. 69149

In accordance with the approval of Transfer No. 69149, Water Right No. 37-21318 is now described as follows.

Right Holder: JOSE BORBA And
 MARIA BORBA
 214 E 400 N
 JEROME ID 83338

Priority Date: January 07, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	01/01	to 12/31	0.13 CFS	25.2 AF
IRRIGATION	03/15	to 11/15	0.08 CFS	18.0 AF
			0.13 CFS	25.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWSE Sec. 13 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: MITIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06S	18E	13	X				

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06S	18E	13	4.5				4.5

Total Acres: 4.5

CONDITIONS OF APPROVAL

- 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.
- Rights 37-21264, 37-21266, 37-21316, 37-21318, 37-21142, 37-21144 and 37-21134 are all diverted through the point(s) of diversion described above.
- Rights 37-21264, 37-21266, 37-21316, 37-21318, 37-21142, 37-21144 and 37-21134 when combined shall not exceed a total diversion rate of 3.24 cfs.
- The model used to calculate depletion effects and mitigation for the Milner to King Hill 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 69149. 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.

WATER RIGHT NO. 37-21318
As Modified by Transfer No. 69149

CONDITIONS OF APPROVAL

5. Right 37-21318 is used for mitigation purposes for rights 36-15665, 36-15667, 36-15669, and 36-16240 under Transfer approval 69149. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer. The right holder shall file a notice of intent with the Department prior to the increased use of water under the mitigation rights each time an increase according to the schedule is sought.

Years 2005 through 2006 the diversion and use of water under this right for irrigation is limited to 0.00 cfs, 0.0 afa and 0 acres. The undiverted mitigation use is 0.13 cfs, 25.2 afa, and 6.3 unirrigated acres.

Year 2007 the diversion and use of water under this right for irrigation is limited to 0.03 cfs, 6.0 afa and 1.5 acres. The undiverted mitigation use is 0.10 cfs, 19.2afa, and 4.8 unirrigated acres.

Years 2008 through 2012 the diversion and use of water under this right for irrigation is limited to 0.04 cfs, 9.2 afa and 2.3 acres. The undiverted mitigation use is 0.09 cfs, 16.0 afa, and 4.0 unirrigated acres.

Years 2013 through 2017 the diversion and use of water under this right for irrigation is limited to 0.06 cfs, 14.4 afa and 3.6 acres. The undiverted mitigation use is 0.07 cfs, 10.8 afa, and 2.7 unirrigated acres.

Years 2018 through 2022 the diversion and use of water under this right for irrigation is limited to 0.07 cfs, 16.0 afa and 4.0 acres. The undiverted mitigation use is 0.06 cfs, 9.2 afa, and 2.3 unirrigated acres.

Years 2023 through 2031 the diversion and use of water under this right for irrigation is limited to 0.07 cfs, 16.8 afa and 4.2 acres. The undiverted mitigation use is 0.06 cfs, 8.4 afa, and 2.1 unirrigated acres.

Years 2032 through 2042 the diversion and use of water under this right for irrigation is limited to 0.08 cfs, 17.2 afa and 4.3 acres. The undiverted mitigation use is 0.05 cfs, 8.0 afa, and 2.0 unirrigated acres.

Years 2043 through 2052 the diversion and use of water under this right for irrigation is limited to 0.08 cfs, 17.6 afa and 4.4 acres. The undiverted mitigation use is 0.05 cfs, 7.6 afa, and 1.9 unirrigated acres.

Years 2053 and beyond the diversion and use of water under this right for irrigation is limited to 0.08 cfs, 18.0 afa and 4.5 acres. The undiverted mitigation use is 0.05 cfs, 7.2 afa, and 1.8 unirrigated acres.

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 7th day of September, 2004


Chief, Water Allocation Bureau