

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70098

This is to certify that: CINDER CONE BUTTE FARM LLC
5001 FIFESHIRE PL N
BOISE ID 83713
(208)323-0726

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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
61-7424	WR/License	12/08/1980	7.00 cfs	1920 af	480.0	925.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions updated)

61-7306C	WR/Decreed	05/19/1987	0.49 cfs	N/A	29.0	925.0	GROUND WATER
61-7390	WR/Decreed	05/19/1987	8.90 cfs	1580 af	395.0	925.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
61-7424	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
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61-7424	61-12013	2.48 cfs	680 af	170.0	1,168.0	61-12012	4.52 cfs	1240 af	310.0	925.0
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COMBINED

TOTALS		2.48 cfs	680 af	170.0	1168.0		4.52 cfs	1240 af	310.0	925.0
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Detailed Water Right Description(s) attached

Dated this 5th day of August, 2004


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 61-7424

WATER RIGHT NO. 61-12012
As Modified by Transfer No. 70098

In accordance with the approval of Transfer No. 70098, Water Right No. 61-12012 is now described as follows.

Right Holder: CINDER CONE BUTTE FARM LLC
 5001 FIFESHIRE PL N
 BOISE ID 83713

Priority Date: December 08, 1980

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	4.52 CFS	1,240.0 AF
			4.52 CFS	1,240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SWSE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE 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	
02S 05E 16									2.0	18.0	40.0	35.0					95.0
02S 05E 17					10.0			39.0	39.0			39.0					127.0
02S 05E 19	32.0	32.0	32.0	31.0													127.0
02S 05E 20	34.0	34.0	38.0	34.0					37.0	37.0	37.0	40.0	36.0	40.0	40.0	36.0	443.0
02S 05E 21					33.0	33.0	34.0	33.0									133.0

Total Acres: 925

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. 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.
3. Approval of this transfer does not confirm the validity of this water right.

WATER RIGHT NO. 61-12012
As Modified by Transfer No. 70098

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 310 acres within the place of use described above in a single irrigation season.
5. Rights 61-7306C, 61-7390, 61-12011 and 61-12012 when combined shall not exceed a total diversion rate of 17.31 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres within the place of use described above in a single irrigation season.

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 5th day of August, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-12013
As Modified by Transfer No. 70098

In accordance with the approval of Transfer No. 70098, Water Right No. 61-12013 is now described as follows.

Right Holder: CORP PRES BISHOP LDS CHURCH
 NATURAL RESOURCE SERVICES
 50 E NORTH TEMPLE ST FL 12
 SALT LAKE CITY UT 84150-6321

Priority Date: December 08, 1980

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	2.48 CFS	680.0 AF
			2.48 CFS	680.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 36 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec. 36 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec. 30 Twp 02S	Rge 05E	ELMORE 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	
02S 04E 25									36.0	36.0	36.0	37.0					145.0
02S 04E 36	36.0	36.0	37.0	36.0	36.0	36.0	36.0	36.0					36.0	37.0	36.0	36.0	434.0
02S 05E 29									3.0	3.0							6.0
02S 05E 30					37.0	37.0	37.0	37.0	36.0	36.0	37.0	36.0	36.0	36.0	36.0	36.0	437.0
02S 05E 31					37.0	37.0	36.0	36.0									146.0

Total Acres: 1168

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. After specific notification by the Department, the right holder shall measure the diversion 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. 61-12013
As Modified by Transfer No. 70098

CONDITIONS OF APPROVAL

4. 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.
5. The total instantaneous diversion of water from all points of diversion under Right 61-12013 shall not exceed 2.48 cfs, nor total combined annual volume of 680 af.
6. This right is limited to the irrigation of 170 acres within the place of use described above in a single irrigation season.
7. Rights 61-7210, 61-12010 and 61-12013 when combined shall not exceed a total diversion rate of 17.73 cfs, a total annual maximum diversion volume of 4672 af at the field headgate, and the irrigation of 1168 acres within the place of use described above in a single irrigation season.
8. 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 the date of this approval.
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.

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 5th day of August, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7306C
As Modified by Transfer No. 70098

In accordance with the approval of Transfer No. 70098, Water Right No. 61-7306C is now described as follows.

Right Holder: CINDER CONE BUTTE FARM LLC
 5001 FIFESHIRE PL N
 BOISE ID 83713

Priority Date: May 19, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01 to	10/31	0.49 CFS	
			0.49 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SWSE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE 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	
02S 05E 16									2.0	18.0	40.0	35.0					95.0
02S 05E 17					10.0			39.0	39.0			39.0					127.0
02S 05E 19	32.0	32.0	32.0	31.0													127.0
02S 05E 20	34.0	34.0	38.0	34.0					37.0	37.0	37.0	40.0	36.0	40.0	40.0	36.0	443.0
02S 05E 21					33.0	33.0	34.0	33.0									133.0

Total Acres: 925

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. 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.
3. This right is limited to the irrigation of 29 acres within the place of use described above in a single irrigation season.

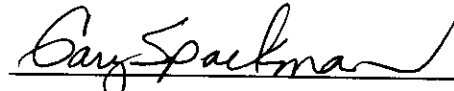
WATER RIGHT NO. 61-7306C
As Modified by Transfer No. 70098

CONDITIONS OF APPROVAL

4. Rights 61-7306C, 61-7390, 61-12011 and 61-12012 when combined shall not exceed a total diversion rate of 17.31 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres within the place of use described above in a single irrigation season.
5. 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 October 26, 2000.
6. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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 5th day of August, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7390
As Modified by Transfer No. 70098

In accordance with the approval of Transfer No. 70098, Water Right No. 61-7390 is now described as follows.

Right Holder: CINDER CONE BUTTE FARM LLC
 5001 FIFESHIRE PL N
 BOISE ID 83713

Priority Date: May 19, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	8.90 CFS	1,580.0 AF
			8.90 CFS	1,580.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SWSE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE 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	
02S 05E 16									2.0	18.0	40.0	35.0					95.0
02S 05E 17					10.0			39.0	39.0			39.0					127.0
02S 05E 19	32.0	32.0	32.0	31.0													127.0
02S 05E 20	34.0	34.0	38.0	34.0					37.0	37.0	37.0	40.0	36.0	40.0	40.0	36.0	443.0
02S 05E 21					33.0	33.0	34.0	33.0									133.0

Total Acres: 925

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. 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.
3. This right is limited to the irrigation of 395 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 61-7390
As Modified by Transfer No. 70098

CONDITIONS OF APPROVAL

4. Rights 61-7306C, 61-7390, 61-12011 and 61-12012 when combined shall not exceed a total diversion rate of 17.31 cfs, a total annual maximum diversion volume of 3500 af at the field headgate, and the irrigation of 875 acres within the place of use described above in a single irrigation season.
5. 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 October 26, 2000.
6. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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 5th day of August, 2004



Chief, Water Allocation Bureau