

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69118

This is to certify that: BOOT JACK DAIRY PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352
(208)886-7540

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>
37-8007	WR/Decree	03/16/1982	2.25 cfs	524.0 af	N/A	131.0	GROUND WATER

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

<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>
37-2626	WR/Decree	12/01/1959	1.63 cfs	620.0 af	N/A	155.0	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>
37-8007	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>
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37-8007	37-20396	0.08 cfs	25.8 af	N/A	N/A	37-20395	2.10 cfs	489.6 af	122.4	122.4
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COMBINED

TOTALS		0.08 cfs	25.8 af	N/A	N/A		N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 7th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20395

As Modified by Transfer No. 69118

In accordance with the approval of Transfer No. 69118, Water Right No. 37-20395 is now described as follows:

Right Holder: BOOT JACK DAIRY PARTNERSHIP

PO BOX 856

SHOSHONE ID 83352

Priority Date: March 16, 1982

Source: GROUND WATER

BENEFICIAL USE

From **To**
04/01 to 11/01

Diversion Rate
2.10 CFS
2.10 CFS

Volume

489.6 AF
489.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING 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				
05S	15E	4				23.4												33.0		28.0	38.0	122.4

Total Acres: 122.4

CONDITIONS OF APPROVAL

1. Use of this right with Right No. 37-2626 is limited to a total combined diversion rate of 2.48 cfs.
2. Use of this right is combined with water from American Falls Reservoir District No. 2.
3. Use of this right is combined with water from Big Wood Canal Co.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
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 12-11-2002.

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 April, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20396
As Modified by Transfer No. 69118

In accordance with the approval of Transfer No. 69118, Water Right No. 37-20396 is now described as follows.

Right Holder: BOOT JACK DAIRY PARTNERSHIP
 PO BOX 856
 SHOSHONE ID 83352

Priority Date: March 16, 1982

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	0.08 CFS	25.8 AF
STOCKWATER	01/01	to 12/31	0.08 CFS	25.8 AF
			0.08 CFS	25.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENENE	Sec. 11 Twp 05S	Rge 17E	GOODING County
GROUND WATER	NENENE	Sec. 11 Twp 05S	Rge 17E	GOODING County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05S	17E	11	X				

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05S	17E	11	X				

CONDITIONS OF APPROVAL

1. Rights 37-8361, 37-10146 and 37-20396 when combined shall not exceed a total diversion rate of 0.15 cfs from all points of diversion, and a total annual maximum diversion volume of 40.9 af.
2. Prior to the diversion and use of water under Transfer approval 69118, 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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Commercial use is for a dairy.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

WATER RIGHT NO. 37-20396
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CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
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. The right holder shall accomplish the change authorized by this approval within 5 years.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 7th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2626
As Modified by Transfer No. 69118

In accordance with the approval of Transfer No. 69118, Water Right No. 37-2626 is now described as follows.

Right Holder: BOOT JACK DAIRY PARTNERSHIP
 PO BOX 856
 SHOSHONE ID 83352

Priority Date: December 01, 1959

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	1.63 CFS	620.0 AF
			1.63 CFS	620.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENESW Sec. 3 Twp 05S Rge 15E GOODING 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	
05S	15E	3									39.0	40.0	37.0	39.0					155.0
Total Acres:			155																

CONDITIONS OF APPROVAL

1. Use of this right with Right No. 37-20395 is limited to a total combined diversion rate of 2.48 cfs.
2. Use of this right is combined with water from American Falls Reservoir District No. 2.
3. Use of this right is combined with water from Big Wood Canal Co.
4. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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 April, 2004


 Chief, Water Allocation Bureau