

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69971

This is to certify that: PKD PROPERTIES LLC And
THE DUNCAN LIMITED PARTNERSHIP
750 E 100 S
RUPERT ID 83350
(208)436-1214

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>
36-2062	WR/Decreed	02/23/1948	4.00 cfs	1280.0 af	N/A	320.0	GROUND WATER
36-2221	WR/Decreed	05/02/1953	4.00 cfs	1280.0 af	N/A	320.0	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>
36-2062	YES	YES	YES	NO	NO	NO
36-2221	YES	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>
36-2062	36-16059	0.18 cfs	58.0 af	N/A	14.5	36-16058	3.82 cfs	1222.0 af	N/A	305.5
36-2221	36-16061	0.18 cfs	58.0 af	N/A	14.5	36-16060	3.82 cfs	1222.0 af	N/A	305.5

COMBINED

TOTALS	0.36 cfs	116.0 af	29.0	29.0	N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 15th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16058
As Modified by Transfer No. 69971

In accordance with the approval of Transfer No. 69971, Water Right No. 36-16058 is now described as follows.

Right Holder: PKD PROPERTIES LLC And
THE DUNCAN LIMITED PARTNERSHIP
750 E 100 S
RUPERT ID 83350

Priority Date: February 23, 1948

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	3.82 CFS	1,222.0 AF
			3.82 CFS	1,222.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENE Sec. 19 Twp 07S Rge 25E MINIDOKA 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	
07S 25E 19	40.0	33.5	38.5	40.0													152.0
07S 25E 20					33.5	40.0	40.0	40.0									153.5

Total Acres: 305.5

CONDITIONS OF APPROVAL

1. 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 15th day of April, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16059
As Modified by Transfer No. 69971

In accordance with the approval of Transfer No. 69971, Water Right No. 36-16059 is now described as follows.

Right Holder: PKD PROPERTIES LLC And
 THE DUNCAN LIMITED PARTNERSHIP
 750 E 100 S
 RUPERT ID 83350

Priority Date: February 23, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.18 CFS	58.0 AF
			0.18 CFS	58.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 36 Twp 07S Rge 25E MINIDOKA 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
07S	25E	36								14.5									14.5

Total Acres: 14.5

CONDITIONS OF APPROVAL

1. Rights 36-16059 and 16061 when combined shall not exceed a total diversion rate of 0.36 cfs, a total annual maximum diversion volume of 116 af at the field headgate, and the irrigation of 29 acres.
2. Rights 36-2109B, 36-2109C, 36-2447B, 36-2447C, 36-16059 and 36-16061 are all diverted through the point of diversion described above and when combined shall not exceed a total diversion rate of 3.354 cfs, a total annual maximum diversion volume of 1235.3 af at the field headgate, and the irrigation of 310 acres.
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. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

WATER RIGHT NO. 36-16059
As Modified by Transfer No. 69971

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 69971, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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.
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 15th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16060
As Modified by Transfer No. 69971

In accordance with the approval of Transfer No. 69971, Water Right No. 36-16060 is now described as follows.

Right Holder: PKD PROPERTIES LLC And
 THE DUNCAN LIMITED PARTNERSHIP
 750 E 100 S
 RUPERT ID 83350

Priority Date: May 02, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	3.82 CFS	1,222.0 AF
			3.82 CFS	1,222.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESE Sec. 19 Twp 07S Rge 25E MINIDOKA 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	
07S 25E 19													40.0	38.5	33.5	40.0	152.0
07S 25E 20									40.0	40.0	40.0	33.5					153.5

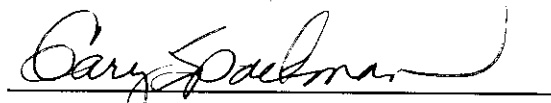
Total Acres: 305.5

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.

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 15th day of April, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16061
As Modified by Transfer No. 69971

In accordance with the approval of Transfer No. 69971, Water Right No. 36-16061 is now described as follows.

Right Holder: PKD PROPERTIES LLC And
 THE DUNCAN LIMITED PARTNERSHIP
 750 E 100 S
 RUPERT ID 83350

Priority Date: May 02, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.18 CFS	58.0 AF
			0.18 CFS	58.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWNW Sec. 36 Twp 07S Rge 25E MINIDOKA 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
07S 25E 36								14.5									14.5

Total Acres: 14.5

CONDITIONS OF APPROVAL

1. Rights 36-16059 and 16061 when combined shall not exceed a total diversion rate of 0.36 cfs, a total annual maximum diversion volume of 116 af at the field headgate, and the irrigation of 29 acres.
2. Rights 36-2109B, 36-2109C, 36-2447B, 36-2447C, 36-16059 and 36-16061 are all diverted through the point of diversion described above and when combined shall not exceed a total diversion rate of 3.354 cfs, a total annual maximum diversion volume of 1235.3 af at the field headgate, and the irrigation of 310 acres.
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. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

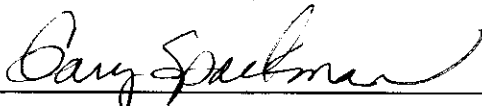
WATER RIGHT NO. 36-16061
As Modified by Transfer No. 69971

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 69971, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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.
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 15th day of April, 20 04



Chief, Water Allocation Bureau