

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70979

This is to certify that: M & J ENTERPRISES INC
3701 HWY 16
EAGLE ID 83616
(208)286-0566

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>
63-15776	AJC/Beneficial Use	05/20/1961	2.85 cfs	720 af	N/A	160.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

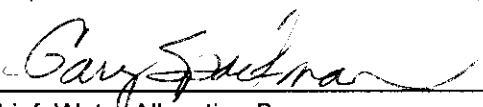
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-15776	YES	NO	YES	YES	YES	YES

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>
63-15776	63-31824	0.09 cfs	5.9 af	N/A	N/A	63-31823	2.76 cfs	697.5 af	N/A	155.0
COMBINED										
TOTALS		0.09 cfs	5.9 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31823
As Modified by Transfer No. 70979

In accordance with the approval of Transfer No. 70979, Water Right No. 63-31823 is now described as follows.

Right Holder: DONALD B JENSEN Or
 CHARLOTTE JENSEN
 9551 W HIGHWAY 52
 EMMETT ID 83617

Priority Date: May 20, 1961

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	2.76 CFS	697.5 AF
			2.76 CFS	697.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSE Sec. 33 Twp 05N Rge 01W ADA 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	
04N 01W 4		40.0			40.0												80.0
05N 01W 33											40.0				35.0		75.0

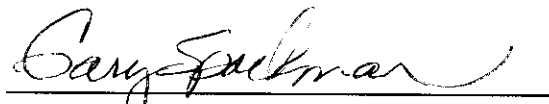
Total Acres: 155

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 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.
3. Use of this right is combined with water from Farmers Union Ditch Company Ltd.

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 13th day of April, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31824
As Modified by Transfer No. 70979

In accordance with the approval of Transfer No. 70979, Water Right No. 63-31824 is now described as follows.

Right Holder: MYRON LEE KAUFFMAN And
 JOY F KAUFFMAN
 3701 N HWY 16
 EAGLE ID 83616

Priority Date: May 20, 1961

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	0.09 CFS	5.9 AF
			0.09 CFS	5.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 4 Twp 04N Rge 01W ADA County
GROUND WATER	SWSE	Sec. 33 Twp 05N Rge 01W ADA 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	
04N 01W 4		X			X												
05N 01W 33												X		X	X		

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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. The total instantaneous diversion of water from all points of diversion under Right 63-31824 shall not exceed 0.09 cfs, nor a total combined annual volume of 5.9 af.

WATER RIGHT NO. 63-31824
As Modified by Transfer No. 70979

CONDITIONS OF APPROVAL

7. Approval of Transfer 70979 requires control of appurtenant shares from Farmers Union Ditch Co. to ensure the shares are not used. This right shall not be used if those canal shares are used on lands located within the SE, S33, T5N, R1W or any other lands.
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 commercial facility as authorized by this water right.
9. Commercial use is for a winery located in the NWSE, S33, T5N, R1W.

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 13th day of April, 2004



Chief, Water Allocation Bureau