

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70165

This is to certify that: DARWIN NEIBAUR FARMS PARTNERSHIP
 C/O CORINNE NEIBAUR-JONES
 1105 N 500 W
 PAUL ID 83347
 (208)532-4554

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>
36-2185	WR/Decreed	12/26/1952	4 cfs	N/A	200.0	427.0	GROUND WATER
36-2230G	WR/Decreed	07/15/1953	3.66 cfs	732 af	N/A	183.0	GROUND WATER
36-2230H	WR/Decreed	07/15/1953	5 cfs	1000 af	N/A	250.0	GROUND WATER
36-2230K	WR/Decreed	07/15/1953	1.08 cfs	272 af	N/A	68.0	GROUND WATER
36-15241	WR/Decreed	03/01/1962	1.575 cfs	N/A	131.4	427.0	GROUND WATER
36-15375	WR/Decreed	04/01/1978	1.25 cfs	N/A	N/A	427.0	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>
36-2185	NO	NO	YES	YES	NO	NO
36-2230G	NO	NO	YES	YES	NO	NO
36-2230H	NO	NO	YES	YES	NO	NO
36-2230K	NO	NO	YES	YES	NO	NO
36-15241	NO	NO	YES	YES	NO	NO
36-15375	NO	NO	YES	YES	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>
36-2185	36-2185	4.00 cfs	N/A	200.0	427.0		N/A	N/A	N/A	N/A
36-2230G	36-2230G	3.66 cfs	732 af	N/A	183.0		N/A	N/A	N/A	N/A
36-2230H	36-2230H	5.00 cfs	1000 af	N/A	250.0		N/A	N/A	N/A	N/A
36-2230K	36-2230K	1.08 cfs	272 af	N/A	68.0		N/A	N/A	N/A	N/A
36-15241	36-15241	1.58 cfs	N/A	131.4	427.0		N/A	N/A	N/A	N/A
36-15375	36-15375	1.25 cfs	N/A	N/A	427.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		15.32 cfs	3712 af	928.0	928.0		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70165

Detailed Water Right Description(s) attached

Dated this 5th day of April, 2004

Gary Spackman
Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2230G
As Modified by Transfer No. 70165

In accordance with the approval of Transfer No. 70165, Water Right No. 36-2230G is now described as follows.

Right Holder: STEVE NEIBAUR
 1125 N 600 W
 PAUL ID 83347

Priority Date: July 15, 1953

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	3.66 CFS	732.0 AF
			3.66 CFS	732.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 20 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWNWSW	Sec. 28 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWSWNE	Sec. 29 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SENESE	Sec. 29 Twp 07S	Rge 23E	LINCOLN 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	23E	29				10.0						3.0	7.0			33.0	1.0	17.0	40.0	111.0
07S	23E	32	40.0	18.0	1.5	12.5														72.0

Total Acres: 183

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Prior to the diversion and use of water under Transfer approval 70165, 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.
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. 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. 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.

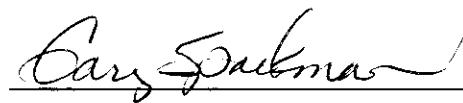
WATER RIGHT NO. 36-2230G
As Modified by Transfer No. 70165

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.
10. The total instantaneous diversion of water from all points of diversion under Rights 36-2230 G, 36-15241, 36-15375, 36-2185, 36-2230 K, and 36-2230 H shall not exceed 15.32 cfs, nor total combined annual volume of 3712.0 af.
11. The following rights are also diverted through point of diversion described above: 36-02230 D & 36-15209.

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 April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15241
As Modified by Transfer No. 70165

In accordance with the approval of Transfer No. 70165, Water Right No. 36-15241 is now described as follows.

Right Holder: DARWIN NEIBAUR FARMS PARTNERSHIP
C/O CORINNE NEIBAUR-JONES
1105 N 500 W
PAUL ID 83347

Priority Date: March 01, 1962

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	1.58 CFS	
			1.58 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 20 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWNWSW	Sec. 28 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWSWNE	Sec. 29 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SENESE	Sec. 29 Twp 07S	Rge 23E	LINCOLN 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	23E	20			10.0	33.0	6.0	22.0	36.0	37.0	40.0	34.0	15.0	38.0	19.0	40.0	39.0	38.0	407.0
07S	23E	29											20.0						20.0

Total Acres: 427

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70165, 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.
2. This right does not grant any right-of-way or easement across the land of another.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
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. 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. 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.

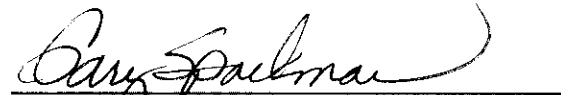
WATER RIGHT NO. 36-15241
As Modified by Transfer No. 70165

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.
10. The total instantaneous diversion of water from all points of diversion under Rights 36-2230 G, 36-15241, 36-15375, 36-2185, 36-2230 K, and 36-2230 H shall not exceed 15.32 cfs, nor total combined annual volume of 3712.0 af.
11. use of this right with rights listed below is limited to a total combined diversion rate of 5.58 cfs, and a total combined annual diversion volume of 1708 af.
combined right nos.: 36-02185, 36-15375
12. this right is limited to the irrigation of 131.4 acres within the place of use described above in a single irrigation season. use of this right with the rights listed below is limited to the irrigation of a combined total of 427 acres in a single irrigation season. combined right nos.: 36-02185, 36-15375
13. Right no. 36-15375 is an expansion of this right pursuant to section 42-1426, idaho code.
14. The following rights are also diverted through point of diversion described above: 36-02230 D & 36-15209.

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 April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15375
As Modified by Transfer No. 70165

In accordance with the approval of Transfer No. 70165, Water Right No. 36-15375 is now described as follows.

Right Holder: DARWIN NEIBAUR FARMS PARTNERSHIP
C/O CORINNE NEIBAUR-JONES
1105 N 500 W
PAUL ID 83347

Priority Date: April 01, 1978

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	1.25 CFS	
			1.25 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 20 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWNWSW	Sec. 28 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWSWNE	Sec. 29 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SENESE	Sec. 29 Twp 07S	Rge 23E	LINCOLN 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	23E	20			10.0	33.0	6.0	22.0	36.0	37.0	40.0	34.0	15.0	38.0	19.0	40.0	39.0	38.0	407.0
07S	23E	29										20.0							20.0

Total Acres: 427

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70165, 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.
2. This right does not grant any right-of-way or easement across the land of another.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
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. 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. 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.

WATER RIGHT NO. 36-15375
As Modified by Transfer No. 70165

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.
10. The total instantaneous diversion of water from all points of diversion under Rights 36-2230 G, 36-15241, 36-15375, 36-2185, 36-2230 K, and 36-2230 H shall not exceed 15.32 cfs, nor total combined annual volume of 3712.0 af.
11. use of this right with right nos.: 36-02185 and 36-15241 is limited to a total combined diversion rate of 5.58 cfs, and a total combined annual diversion volume of 1708 af.
12. This water right is subordinate to all water rights with a priority date earlier than april 12, 1994, that are not decreed as enlargements pursuant to section 42-1426, Idaho Code. as between water rights decreed as enlargements pursuant to section 42-1426, Idaho Code, the earlier priority right is the superior right.
13. use of this right with the right nos.: 36-02185 and 36-15241 is limited to the irrigation of a combined total of 427 acres in a single irrigation season. this right is limited to the irrigation of 95.6 acres within the place of use described above in a single irrigation season.
14. this right is based upon an enlargement of right nos.: 36-02185 and 36-15241 pursuant to section 42-1426, idaho code.
15. The following rights are also diverted through point of diversion described above: 36-02230 D & 36-15209.

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 April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2185
As Modified by Transfer No. 70165

In accordance with the approval of Transfer No. 70165, Water Right No. 36-2185 is now described as follows.

Right Holder: DARWIN NEIBAUR FARMS PARTNERSHIP
 C/O CORINNE NEIBAUR-JONES
 1105 N 500 W
 PAUL ID 83347

Priority Date: December 26, 1952

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	4.00 CFS	
			4.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 20 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWNWSW	Sec. 28 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWSWNE	Sec. 29 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SENESE	Sec. 29 Twp 07S	Rge 23E	LINCOLN 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	23E	20			10.0	33.0	6.0	22.0	36.0	37.0	40.0	34.0	15.0	38.0	19.0	40.0	39.0	38.0	407.0
07S	23E	29											20.0						20.0

Total Acres: 427

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. 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.
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. 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.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-2185
As Modified by Transfer No. 70165

CONDITIONS OF APPROVAL

8. 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.
9. The total instantaneous diversion of water from all points of diversion under Rights 36-2230 G, 36-15241, 36-15375, 36-2185, 36-2230 K, and 36-2230 H shall not exceed 15.32 cfs, nor total combined annual volume of 3712.0 af.
10. Prior to the diversion and use of water under Transfer approval 70165, 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.
11. Use of this right with right nos. 36-15241 and 36-15375 is limited to a total combined diversion rate of 5.58 cfs, and a total combined annual diversion volume of 1708 af.
use of this right with right no. 36-15375 is limited to a total combined diversion rate of 4.00 cfs.
12. Use of this right with the rights listed below is limited to the irrigation of a combined total of 427 acres in a single irrigation season. combined right nos.: 36-15241, 36-15375.
this right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
13. Right no. 36-15375 is an expansion of this right pursuant to section 42-1426, Idaho Code.
14. The following rights are also diverted through point of diversion described above: 36-02230D & 36-15209.

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 April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2230K
As Modified by Transfer No. 70165

In accordance with the approval of Transfer No. 70165, Water Right No. 36-2230K is now described as follows.

Right Holder: STEVE NEIBAUR
 1125 N 600 W
 PAUL ID 83347

Priority Date: July 15, 1953

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	1.08 CFS	272.0 AF
			1.08 CFS	272.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 20 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWNWSW	Sec. 28 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWSWNE	Sec. 29 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SENESE	Sec. 29 Twp 07S	Rge 23E	LINCOLN 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					
07S	23E	28														22.0	8.0	38.0	68.0

Total Acres: 68

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70165, 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.
2. This right does not grant any right-of-way or easement across the land of another.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
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. 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. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

WATER RIGHT NO. 36-2230K
As Modified by Transfer No. 70165

CONDITIONS OF APPROVAL

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.
10. The total instantaneous diversion of water from all points of diversion under Rights 36-2230 G, 36-15241, 36-15375, 36-2185, 36-2230 K, and 36-2230 H shall not exceed 15.32 cfs, nor total combined annual volume of 3712.0 af.
11. The following rights are also diverted through point of diversion described above: 36-02230 D & 36-15209.

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 April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2230H
As Modified by Transfer No. 70165

In accordance with the approval of Transfer No. 70165, Water Right No. 36-2230H is now described as follows.

Right Holder: STEVE NEIBAUR
 1125 N 600 W
 PAUL ID 83347

Priority Date: July 15, 1953

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	5.00 CFS	1,000.0 AF
			5.00 CFS	1,000.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWSE	Sec. 20 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWNWSW	Sec. 28 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SWSWNE	Sec. 29 Twp 07S	Rge 23E	LINCOLN County
GROUND WATER	SENESE	Sec. 29 Twp 07S	Rge 23E	LINCOLN 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 23E 28									40.0	40.0	40.0	40.0	16.3	38.3	30.3		244.9
07S 23E 29										4.0	1.3						5.3

Total Acres: 250

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70165, 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.
2. This right does not grant any right-of-way or easement across the land of another.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
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. 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. 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.

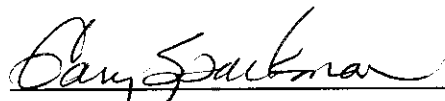
WATER RIGHT NO. 36-2230H
As Modified by Transfer No. 70165

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.
10. The total instantaneous diversion of water from all points of diversion under Rights 36-2230 G, 36-15241, 36-15375, 36-2185, 36-2230 K, and 36-2230 H shall not exceed 15.32 cfs, nor total combined annual volume of 3712.0 af.
11. The following rights are also diverted through point of diversion described above: 36-02230 D & 36-15209.

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 April, 2004



Chief, Water Allocation Bureau