

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70166

This is to certify that: STEVE NEIBAUR FARMS INC
1125 N 600 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>
36-2230D	WR/Decreed	07/15/1953	5.64 cfs	N/A	293.0	335.0	GROUND WATER
36-15209	WR/Decreed	03/15/1970	0.71 cfs	N/A	42.0	335.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

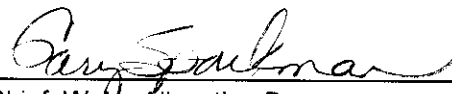
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-2230D	NO	NO	NO	YES	NO	NO
36-15209	NO	NO	NO	YES	NO	NO

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>
36-2230D	36-2230D	5.64 cfs	N/A	293.0	335.0		N/A	N/A	N/A	N/A
36-15209	36-15209	0.71 cfs	N/A	42.0	335.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		5.64 cfs	1340 af	335.0	335.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2230D**As Modified by Transfer No. 70166**

In accordance with the approval of Transfer No. 70166, Water Right No. 36-2230D is now described as follows.

Right Holder: STEVE NEIBAUR FARMS INC
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	5.64 CFS	
			5.64 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	29	38.0	39.0	37.0	30.0	22.0				24.0	40.0			39.0	5.0	39.0	22.0	335.0

Total Acres: 335

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 70166, 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.

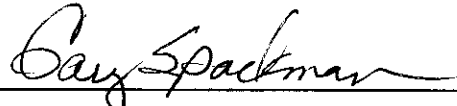
WATER RIGHT NO. 36-2230D
As Modified by Transfer No. 70166

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. Use of this right with right no. 36-15209 is limited to a total combined diversion rate of 5.64 cfs, and a total combined annual diversion volume of 1340 af.
11. Use of this right with right no. 36-15209 is limited to the irrigation of a combined total of 335 acres in a single irrigation season. This right is limited to the irrigation of 293 acres within the place of use described above in a single irrigation season.
12. The following rights are also diverted through point of diversion described above: 36-2230 G, 36-15241, 36-15375, 36-2185, 36-2230 K, and 36-2230 H
13. Right no. 36-15209 is an expansion of this right pursuant to section 42-1426, 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 5th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15209
As Modified by Transfer No. 70166

In accordance with the approval of Transfer No. 70166, Water Right No. 36-15209 is now described as follows.

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

Priority Date: March 15, 1970

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	0.71 CFS	
			0.71 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	29	38.0	39.0	37.0	30.0	22.0				24.0	40.0			39.0	5.0	39.0	22.0	335.0

Total Acres: 335

CONDITIONS OF APPROVAL

1. Use of this right with right no. 36-2230 D is limited to the irrigation of a combined total of 335 acres in a single irrigation season. This right is limited to the irrigation of 42 acres within the place of use described above in a single irrigation season.
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. Prior to the diversion and use of water under Transfer approval 70166, 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.
5. 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.
6. 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.

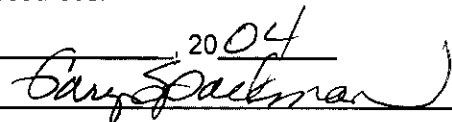
WATER RIGHT NO. 36-15209
As Modified by Transfer No. 70166

CONDITIONS OF APPROVAL

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.
11. Use of this right with right no. 36-02230 D is limited to a total combined diversion rate of 5.64 cfs, and a total combined annual diversion volume of 1340 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. This right is based upon an enlargement of right no. 36-02230 D pursuant to section 42-1426, Idaho Code.
14. The following rights are also diverted through point of diversion described above: 36-2230 G, 36-15241, 36-15375, 36-2185, 36-2230 K, and 36-2230 H

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