

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69354

This is to certify that: Magic View Calves LLC
 352 N 100 E
 JEROME ID 83338

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>
36-14147	WR/Decreed	12/31/1922	0.04 cfs	N/A	N/A	N/A	GROUND WATER
36-15739	WR/Decreed	12/03/1966	0.10 cfs	N/A	13.4	16.0	GROUND WATER
36-15741	WR/Decreed	10/18/1968	0.13 cfs	N/A	8.7	16.0	GROUND WATER
36-15743	WR/Decreed	02/18/1971	0.05 cfs	N/A	N/A	16.0	GROUND WATER
37-21144	WR/Decreed	01/07/1974	0.20 cfs	40 af	N/A	10.0	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>
36-14147	NO	NO	YES	YES	NO	NO
36-15739	NO	YES	YES	NO	YES	YES
36-15741	NO	YES	YES	NO	YES	YES
36-15743	NO	YES	YES	NO	YES	YES
37-21144	NO	NO	NO	NO	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>
36-14147	36-14147	0.04 cfs	2.2 af	N/A	N/A		N/A	N/A	N/A	N/A
36-15739	36-15739	0.10 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
36-15741	36-15741	0.13 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
36-15743	36-15743	0.05 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.22 cfs	45.2 af	N/A	N/A		N/A	N/A	N/A	N/A

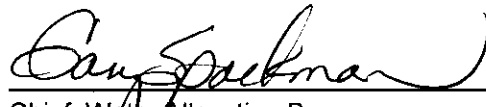
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69354

Summary of Water Rights Included for Mitigation After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-21144	37-21144	0.17 cfs	40.0 af	N/A	4.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of October, 2003



Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-14147
As Modified by Transfer No. 69354**

In accordance with the approval of Transfer No. 69354, Water Right No. 36-14147 is now described as follows.

Right Holder: JEAN DEGROOT And
 PETE DEGROOT
 5520 W. DELAWARE AVE
 VISALIA CA 93291

Priority Date: December 31, 1922

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 to	12/31	0.04 CFS	2.2 AF
			0.04 CFS	2.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 32 Twp 07S Rge 17E JEROME County

GROUND WATER SWSWNW Sec. 32 Twp 07S Rge 17E JEROME County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07S	17E	32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X							X			

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-14147, 36-15739, 36-15741 and 36-15743 shall not exceed 0.22 cfs, nor a total combined annual volume of 45.2 afa except as modified below.
2. Beginning on the date of approval of Transfer 69354, Rights 36-14147, 36-15739, 36-15741 and 36-15743 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2003 the rights are limited to 14.6 afa.
 Years 2004 through 2007 the rights are limited to 36.6 afa.
 Years 2008 through 2012 the rights are limited to 40.9 afa.
 Years 2013 through 2017 the rights are limited to 43.9 afa
 Years 2018 and beyond the rights are limited to 45.2 afa.

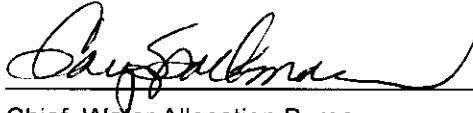
WATER RIGHT NO. 36-14147
As Modified by Transfer No. 69354

CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under Transfer approval 69354, 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.
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. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
7. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. The diversion and use of water described in Transfer 69354 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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 24th day of October, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15739
As Modified by Transfer No. 69354

In accordance with the approval of Transfer No. 69354, Water Right No. 36-15739 is now described as follows.

Right Holder: Magic View Calves LLC
 352 N 100 E
 JEROME ID 83338

Priority Date: December 03, 1966

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	0.10 CFS	
STOCKWATER	01/01	to 12/31	0.10 CFS	
			0.10 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 32 Twp 07S Rge 17E JEROME County

GROUND WATER SWSWNW Sec. 32 Twp 07S Rge 17E JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07S	17E	32							X			X							

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07S	17E	32							X			X							

WATER RIGHT NO. 36-15739
As Modified by Transfer No. 69354

CONDITIONS OF APPROVAL

1. Rights 36-15739 and 36-15741 when combined shall not exceed a total diversion rate of 0.13 cfs.
2. Rights 36-15739, 36-15741 and 36-15743 when combined shall not exceed a total diversion rate of 0.18 cfs and a total diversion volume of 43.0 afa except as modified below.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-14147, 36-15739, 36-15741 and 36-15743 shall not exceed 0.22 cfs, nor a total combined annual volume of 45.2 afa except as modified below.

4. Beginning on the date of approval of Transfer 69354, Rights 36-14147, 36-15739, 36-15741 and 36-15743 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2003 the rights are limited to 14.6 afa.

Years 2004 through 2007 the rights are limited to 36.6 afa.

Years 2008 through 2012 the rights are limited to 40.9 afa.

Years 2013 through 2017 the rights are limited to 43.9 afa

Years 2018 and beyond the rights are limited to 45.2 afa.

5. The water right holder shall maintain control of the necessary portion of right 37-21144 for mitigation purposes under Transfer approval 69354. If the necessary portion of the mitigation right is sold, transferred, leased, used on any place of use or is not deliverable due to priority call, then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
6. Prior to the diversion and use of water under Transfer approval 69354, 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.
7. 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.
8. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. Commercial use is for a calf raising facility.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
11. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12. The diversion and use of water described in Transfer 69354 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

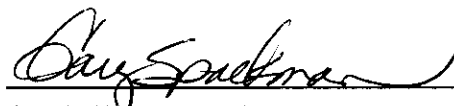
WATER RIGHT NO. 36-15739
As Modified by Transfer No. 69354

CONDITIONS OF APPROVAL

13. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 69354. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 24th day of October, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15741
As Modified by Transfer No. 69354

In accordance with the approval of Transfer No. 69354, Water Right No. 36-15741 is now described as follows.

Right Holder: Magic View Calves LLC
 352 N 100 E
 JEROME ID 83338

Priority Date: October 18, 1968

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	0.13 CFS	
STOCKWATER	01/01 to	12/31	0.13 CFS	
			0.13 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 32 Twp 07S Rge 17E JEROME County

GROUND WATER SWSWNW Sec. 32 Twp 07S Rge 17E JEROME County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
07S 17E 32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X				X						

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
07S 17E 32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X				X						

WATER RIGHT NO. 36-15741
As Modified by Transfer No. 69354

CONDITIONS OF APPROVAL

1. Rights 36-15739 and 36-15741 when combined shall not exceed a total diversion rate of 0.13 cfs.
2. Rights 36-15739, 36-15741 and 36-15743 when combined shall not exceed a total diversion rate of 0.18 cfs and a total diversion volume of 43.0 afa except as modified below.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-14147, 36-15739, 36-15741 and 36-15743 shall not exceed 0.22 cfs, nor a total combined annual volume of 45.2 afa except as modified below.
4. Beginning on the date of approval of Transfer 69354, Rights 36-14147, 36-15739, 36-15741 and 36-15743 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2003 the rights are limited to 14.6 afa.

Years 2004 through 2007 the rights are limited to 36.6 afa.

Years 2008 through 2012 the rights are limited to 40.9 afa.

Years 2013 through 2017 the rights are limited to 43.9 afa

Years 2018 and beyond the rights are limited to 45.2 afa.

5. The water right holder shall maintain control of the necessary portion of right 37-21144 for mitigation purposes under Transfer approval 69354. If the necessary portion of the mitigation right is sold, transferred, leased, used on any place of use or is not deliverable due to priority call, then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
6. Prior to the diversion and use of water under Transfer approval 69354, 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.
7. 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.
8. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. Commercial use is for a calf raising facility.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
11. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

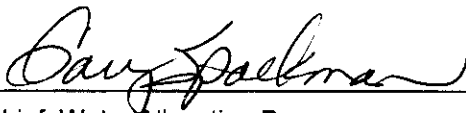
WATER RIGHT NO. 36-15741
As Modified by Transfer No. 69354

CONDITIONS OF APPROVAL

12. The diversion and use of water described in Transfer 69354 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
13. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 69354. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 24th day of October, 20 03



Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15743
As Modified by Transfer No. 69354

In accordance with the approval of Transfer No. 69354, Water Right No. 36-15743 is now described as follows.

Right Holder: Magic View Calves LLC
 352 N 100 E
 JEROME ID 83338

Priority Date: February 18, 1971

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	0.05 CFS	
STOCKWATER	01/01 to	12/31	0.05 CFS	
			0.05 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 32 Twp 07S Rge 17E JEROME County

GROUND WATER SWSWNW Sec. 32 Twp 07S Rge 17E JEROME 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	
07S	17E	32																	
									X				X						

PLACE OF USE: STOCKWATER

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	17E	32																	
									X				X						

WATER RIGHT NO. 36-15743
As Modified by Transfer No. 69354

CONDITIONS OF APPROVAL

1. Rights 36-15739, 36-15741 and 36-15743 when combined shall not exceed a total diversion rate of 0.18 cfs and a total diversion volume of 43.0 afa except as modified below.
2. The total instantaneous diversion of water from all points of diversion under Rights 36-14147, 36-15739, 36-15741 and 36-15743 shall not exceed 0.22 cfs, nor a total combined annual volume of 45.2 afa except as modified below.
3. Beginning on the date of approval of Transfer 69354, Rights 36-14147, 36-15739, 36-15741 and 36-15743 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2003 the rights are limited to 14.6 afa.

Years 2004 through 2007 the rights are limited to 36.6 afa.

Years 2008 through 2012 the rights are limited to 40.9 afa.

Years 2013 through 2017 the rights are limited to 43.9 afa.

Years 2018 and beyond the rights are limited to 45.2 afa.

4. The water right holder shall maintain control of the necessary portion of right 37-21144 for mitigation purposes under Transfer approval 69354. If the necessary portion of the mitigation right is sold, transferred, leased, used on any place of use or is not deliverable due to priority call, then the amount of water authorized for diversion under this transfer approval shall be reduced by the same proportion of the amount reduced under the mitigation right.
5. Prior to the diversion and use of water under Transfer approval 69354, 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.
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.
7. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. Commercial use is for a calf raising facility.
9. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. The diversion and use of water described in Transfer 69354 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

WATER RIGHT NO. 36-15743
As Modified by Transfer No. 69354

CONDITIONS OF APPROVAL

12. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 69354. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 24th day of October, 2003



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21144
As Modified by Transfer No. 69354

In accordance with the approval of Transfer No. 69354, Water Right No. 37-21144 is now described as follows.

Right Holder: Magic View Calves LLC
 352 N 100 E
 JEROME ID 83338

Priority Date: January 07, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	01/01 to	12/31	0.17 CFS	40.0 AF
IRRIGATION	03/15 to	11/15	0.07 CFS	16.0 AF
			0.17 CFS	40.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWSE Sec. 13 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: MITIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06S 18E 13	X			X													

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06S 18E 13	4.0																4.0

Total Acres: 4

WATER RIGHT NO. 37-21144
As Modified by Transfer No. 69354

CONDITIONS OF APPROVAL

1. Right 37-21144 is used for mitigation purposes for rights 36-15739, 36-15741 and 36-15743 under Transfer approval 69354. The irrigation and mitigation uses described under this mitigation right is limited to the following schedule of allowed use which begins on the date of approval of the transfer. The right holder shall file a notice of intent with the Department prior to the increased use of water under the mitigation rights each time an increase according to the schedule is sought.

Years 2003 through 2012 the diversion and use of this right is limited to 0.00 cfs, 0.0 afa and 0.0 acres (10.0 acres left unirrigated).

Years 2013 through 2022 the diversion and use of this right is limited to 0.02 cfs, 4.0 afa and 1.0 acres (9.0 acres left unirrigated).

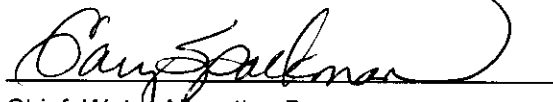
Years 2023 through 2031 the diversion and use of this right is limited to 0.05 cfs, 12.0 afa and 3.0 acres (7.0 acres left unirrigated).

Years 2032 and beyond the diversion and use of this right is limited to 0.07 cfs, 16.0 afa and 4.0 acres (6.0 acres left unirrigated).

2. The diversion and use of water described in Transfer 69354 may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
3. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 69354. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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 24th day of October, 2003


Chief, Water Allocation Bureau