

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70501

This is to certify that: JOE BERTAO And/Or
GORETTA BERTAO
2967 N 2600 E
TWIN FALLS ID 83301
(208)735-0056

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>
47-11825	WR/Decreed	12/31/1968	0.14 cfs	N/A			GROUND WATER
47-16849	AJC/License	04/03/1961	0.32 cfs	157.3 af	111.0		GROUND WATER
47-16851	AJC/License	11/06/1961	4.41 cfs	964.8 af	241.2		GROUND WATER
47-16853	AJC/License	08/08/1954	2 cfs	880.4 af	220.1		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>
47-11825	NO	YES	YES	NO	NO	NO
47-16849	YES	YES	YES	NO	YES	YES
47-16851	YES	YES	YES	NO	YES	YES
47-16853	YES	YES	YES	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>
47-11825	47-11825	0.14 cfs	14.6 af	N/A			N/A	N/A	N/A	N/A
47-16849	47-16868	0.01 cfs	2 af	N/A		47-16867	0.31 cfs	154.7 af	109.3	237.7
47-16851	47-16870	0.07 cfs	12 af	N/A		47-16869	4.34 cfs	948.8 af	237.0	237.7
47-16853	47-16872	0.03 cfs	10.9 af	N/A		47-16871	1.97 cfs	865.8 af	216.3	237.7
COMBINED										
TOTALS		0.21 cfs	26.6 af	N/A			N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of September, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-16867
As Modified by Transfer No. 70501

In accordance with the approval of Transfer No. 70501, Water Right No. 47-16867 is now described as follows.

Right Holder: MATHERS RANCH INC
 3485 E 3100 N
 KIMBERLY ID 83341

Priority Date: April 03, 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	0.31 CFS	154.7 AF
			0.31 CFS	154.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 31 Twp 11S	Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec. 32 Twp 11S	Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec. 32 Twp 11S	Rge 18E	TWIN FALLS 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	
11S	18E	31	1.6		8.5	38.0							2.6	40.0	26.0	38.0	37.0	191.7	
11S	18E	32					39.0			7.0								46.0	

Total Acres: 237.7

CONDITIONS OF APPROVAL

- 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.
- Rights 47-16867, 47-16869 and 47-16871 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 950.8 af at the field headgate, and the irrigation of 237.7 acres.
- Right 47-16867 is limited to the irrigation of 109.3 acres within the place of use described above in a single irrigation season.
- 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.
- After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

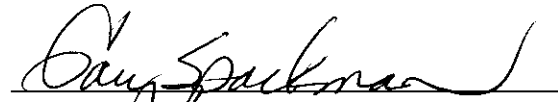
WATER RIGHT NO. 47-16867
As Modified by Transfer No. 70501

CONDITIONS OF APPROVAL

6. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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 20th day of September, 20 03


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-16868
As Modified by Transfer No. 70501

In accordance with the approval of Transfer No. 70501, Water Right No. 47-16868 is now described as follows.

Right Holder: JOE BERTAO And/Or
 GORETTA BERTAO
 2967 N 2600 E
 TWIN FALLS ID 83301

Priority Date: April 03, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.01 CFS	2.0 AF
COMMERCIAL	01/01 to	12/31	0.01 CFS	2.0 AF
			0.01 CFS	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 35 Twp 11S Rge 16E TWIN FALLS County

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	
11S	16E	35				X													

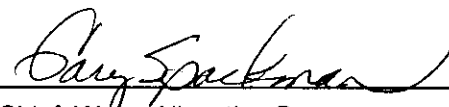
PLACE OF USE: COMMERCIAL, same as Stockwater

CONDITIONS OF APPROVAL

1. Commercial use is for a dairy
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Rights 47-11825, 47-16868, 47-16870, and 47-16872 when combined shall not exceed a total diversion rate of 0.21 cfs, a total annual maximum diversion volume of 26.6 af at the field headgate.

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 20th day of September, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 47-16869
As Modified by Transfer No. 70501

In accordance with the approval of Transfer No. 70501, Water Right No. 47-16869 is now described as follows.

Right Holder: MATHERS RANCH INC
 3485 E 3100 N
 KIMBERLY ID 83341

Priority Date: November 06, 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	4.34 CFS	948.8 AF
			4.34 CFS	948.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 31 Twp 11S	Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec. 32 Twp 11S	Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec. 32 Twp 11S	Rge 18E	TWIN FALLS 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	
11S	18E	31	1.6		8.5	38.0							2.6	40.0	26.0	38.0	37.0	191.7	
11S	18E	32					39.0			7.0								46.0	

Total Acres: 237.7

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. Rights 47-16867, 47-16869 and 47-16871 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 950.8 af at the field headgate, and the irrigation of 237.7 acres.
3. Right 47-16869 is limited to the irrigation of 237 acres within the place of use described above in a single irrigation season.
4. 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.
5. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

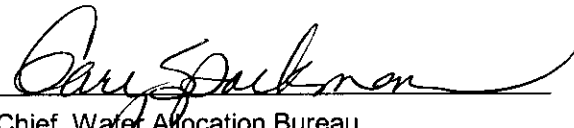
WATER RIGHT NO. 47-16869
As Modified by Transfer No. 70501

CONDITIONS OF APPROVAL

6. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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 20th day of September, 20 03


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-16870
As Modified by Transfer No. 70501

In accordance with the approval of Transfer No. 70501, Water Right No. 47-16870 is now described as follows.

Right Holder: JOE BERTAO And/Or
 GORETTA BERTAO
 2967 N 2600 E
 TWIN FALLS ID 83301

Priority Date: November 06, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.07 CFS	12.0 AF
STOCKWATER	01/01	12/31	0.07 CFS	12.0 AF
			0.07 CFS	12.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 35 Twp 11S Rge 16E TWIN FALLS County

PLACE OF USE: COMMERCIAL, same as Stockwater

PLACE OF USE: STOCKWATER

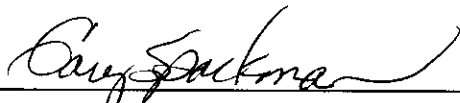
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	16E	35				X													

CONDITIONS OF APPROVAL

1. Commercial use is for a dairy
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Rights 47-11825, 47-16868, 47-16870, and 47-16872 when combined shall not exceed a total diversion rate of 0.21 cfs, a total annual maximum diversion volume of 26.6 af at the field headgate.

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 20th day of September, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 47-16871
As Modified by Transfer No. 70501

In accordance with the approval of Transfer No. 70501, Water Right No. 47-16871 is now described as follows.

Right Holder: MATHERS RANCH INC
 3485 E 3100 N
 KIMBERLY ID 83341

Priority Date: August 08, 1954

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	1.97 CFS	865.8 AF
			1.97 CFS	865.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 31 Twp 11S	Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec. 32 Twp 11S	Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec. 32 Twp 11S	Rge 18E	TWIN FALLS 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	
11S	18E	31	1.6		8.5	38.0							2.6	40.0	26.0	38.0	37.0	191.7	
11S	18E	32					39.0			7.0								46.0	

Total Acres: 237.7

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. Rights 47-16867, 47-16869 and 47-16871 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 950.8 af at the field headgate, and the irrigation of 237.7 acres.
3. Right 47-16871 is limited to the irrigation of 216.3 acres within the place of use described above in a single irrigation season.
4. 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.
5. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

WATER RIGHT NO. 47-16871
As Modified by Transfer No. 70501

CONDITIONS OF APPROVAL

6. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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 20th day of September, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 47-16872
As Modified by Transfer No. 70501

In accordance with the approval of Transfer No. 70501, Water Right No. 47-16872 is now described as follows.

Right Holder: JOE BERTAO And/Or
 GORETTA BERTAO
 2967 N 2600 E
 TWIN FALLS ID 83301

Priority Date: August 08, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.03 CFS	10.9 AF
STOCKWATER	01/01	12/31	0.03 CFS	10.9 AF
			0.03 CFS	10.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 35 Twp 11S Rge 16E TWIN FALLS County

PLACE OF USE: COMMERCIAL, same as Stockwater

PLACE OF USE: STOCKWATER

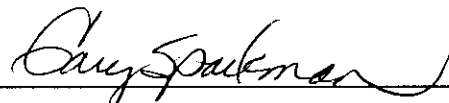
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	16E	35				X													

CONDITIONS OF APPROVAL

1. Commercial use is for a dairy
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Rights 47-11825, 47-16868, 47-16870, and 47-16872 when combined shall not exceed a total diversion rate of 0.21 cfs, a total annual maximum diversion volume of 26.6 af at the field headgate.

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 20th day of September, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 47-11825
As Modified by Transfer No. 70501

In accordance with the approval of Transfer No. 70501, Water Right No. 47-11825 is now described as follows.

Right Holder: JOE BERTAO And/Or
 GORETTA BERTAO
 2967 N 2600 E
 TWIN FALLS ID 83301

Priority Date: December 31, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.06 CFS	14.6 AF
STOCKWATER	01/01	12/31	0.14 CFS	14.6 AF
			0.14 CFS	14.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 35 Twp 11S Rge 16E TWIN FALLS County

PLACE OF USE: DOMESTIC, same as Stockwater

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	
11S 16E 35				X													

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. Rights 47-11825, 47-16868, 47-16870, and 47-16872 when combined shall not exceed a total diversion rate of 0.21 cfs, a total annual maximum diversion volume of 26.6 af at the field headgate.

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 20th day of September, 2003


 Chief, Water Allocation Bureau