

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70489

This is to certify that: SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355
(208)536-5414

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>
36-7157A	WR/Decreed	02/16/1971	3.3 cfs	1000 af	N/A	250.0	GROUND WATER
36-8760	WR/Decreed	12/04/1990	1.52 cfs	304 af	76.0	326.0	GROUND WATER
36-2907	WR/Decreed	04/26/1990	0.8 cfs	120 af	40.0	326.0	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>
36-7157A	NO	NO	YES	YES	NO	NO
36-8760	NO	NO	YES	YES	NO	NO
36-2907	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>
36-7157A	36-7157A	3.30 cfs	1000 af	250.0	436.0		N/A	N/A	N/A	N/A
36-8760	36-8760	1.52 cfs	304 af	76.0	436.0		N/A	N/A	N/A	N/A
36-2907	36-2907	0.80 cfs	120 af	40.0	436.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		4.82 cfs	1304 af	326.0	436.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29 day of August, 2003

For  Chief, Water Allocation Bureau

WATER RIGHT NO. 36-7157A
As Modified by Transfer No. 70489

In accordance with the approval of Transfer No. 70489, Water Right No. 36-7157A is now described as follows.

Right Holder: SOUTHFIELD DAIRY
 3308 S 1600 E
 WENDELL ID 83355

Priority Date: February 16, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	3.30 CFS	1,000.0 AF
			3.30 CFS	1,000.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 4 Twp 08S Rge 14E GOODING County

GROUND WATER SWSESW Sec. 4 Twp 08S Rge 14E GOODING 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	
08S 14E 4						38.0	40.0		40.0	40.0	40.0	40.0					238.0
						L 4											
08S 14E 5	38.0	38.0	10.0	32.0													118.0
	L 1	L 2															
08S 14E 9					40.0	40.0											80.0

Total Acres: 436

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 250 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 36-2907, 36-7157A and 36-8760 shall not exceed 4.82 cfs, nor total combined annual volume of 1304 af, for the irrigation of of 326 acres.
3. 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.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 12, 2001.

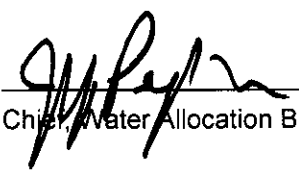
WATER RIGHT NO. 36-7157A
As Modified by Transfer No. 70489

CONDITIONS OF APPROVAL

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. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 70489, 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.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 29 day of August, 2003

For 
Chief, Water Allocation Bureau

WATER RIGHT NO. 36-8760
As Modified by Transfer No. 70489

In accordance with the approval of Transfer No. 70489, Water Right No. 36-8760 is now described as follows.

Right Holder: SOUTHFIELD DAIRY
 3308 S 1600 E
 WENDELL ID 83355

Priority Date: December 04, 1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.52 CFS	304.0 AF
			1.52 CFS	304.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 4 Twp 08S Rge 14E GOODING County

GROUND WATER SWSESW Sec. 4 Twp 08S Rge 14E GOODING 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	
08S	14E	4						38.0	40.0		40.0	40.0	40.0	40.0					238.0
								L 4											
08S	14E	5	38.0	38.0	10.0	32.0													118.0
			L 1	L 2															
08S	14E	9					40.0	40.0											80.0

Total Acres: 436

CONDITIONS OF APPROVAL

- As mitigation for potential injury that might otherwise occur as a result of Transfer No. 3868, no water shall be diverted under Right No. 36-02907. Use of Water Right No. 36-02907 for mitigation purposes under Transfer No. 3868 shall be deemed by the department to constitute a beneficial use of water. By approval of Transfer No. 3868, mitigation right No. 36-02907 with a rate of diversion of 0.80 cfs and an annual volume of 120 af for the irrigation of 40 acres shall be considered appurtenant to the same place of use as authorized by this transfer. Approval of Transfer No. 3868 contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760. The remaining portion of Right No. 37-07031D in excess of the amount approved for transfer by Transfer No. 3868 shall be considered abandoned.
- This right is limited to the irrigation of 76 acres within the place of use described above in a single irrigation season.
- The total instantaneous diversion of water from all points of diversion under Rights 36-2907, 36-7157A and 36-8760 shall not exceed 4.82 cfs, nor total combined annual volume of 1304 af, for the irrigation of of 326 acres.

WATER RIGHT NO. 36-8760
As Modified by Transfer No. 70489

CONDITIONS OF APPROVAL

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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 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.
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. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to the diversion and use of water under Transfer approval 70489, 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.
9. 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.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 29 day of August, 2003

For:  Chief, Water Allocation Bureau

WATER RIGHT NO. 36-2907
As Modified by Transfer No. 70489

In accordance with the approval of Transfer No. 70489, Water Right No. 36-2907 is now described as follows.

Right Holder: SOUTHFIELD DAIRY
 3308 S 1600 E
 WENDELL ID 83355

Priority Date: April 26, 1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.80 CFS	120.0 AF
			0.80 CFS	120.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNW Sec. 4 Twp 08S Rge 14E GOODING County

GROUND WATER SWSESW Sec. 4 Twp 08S Rge 14E GOODING 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	
08S	14E	4						38.0	40.0		40.0	40.0	40.0	40.0					238.0
								L 4											
08S	14E	5	38.0	38.0	10.0	32.0													118.0
			L 1	L 2															
08S	14E	9					40.0	40.0											80.0

Total Acres: 436

CONDITIONS OF APPROVAL

- As mitigation for potential injury that might otherwise occur as a result of Transfer No. 3868, no water shall be diverted under Right No. 36-02907. Use of Water Right No. 36-02907 for mitigation purposes under Transfer No. 3868 shall be deemed by the department to constitute a beneficial use of water. By approval of Transfer No. 3868, mitigation right No. 36-02907 with a rate of diversion of 0.80 cfs and an annual volume of 120 af for the irrigation of 40 acres shall be considered appurtenant to the same place of use as authorized by this transfer. Approval of Transfer No. 3868 contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760.
- This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
- The total instantaneous diversion of water from all points of diversion under Rights 36-2907, 36-7157A and 36-8760 shall not exceed 4.82 cfs, nor total combined annual volume of 1304 af, for the irrigation of of 326 acres.

WATER RIGHT NO. 36-2907
As Modified by Transfer No. 70489

CONDITIONS OF APPROVAL

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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 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.
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. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to the diversion and use of water under Transfer approval 70489, 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.
9. 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.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 29 day of August, 2003

For 
Chief, Water Allocation Bureau