

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85828**

This is to certify that: CRAIG D HEPWORTH
897 N 700 E
RUPERT, ID 83350-8529
AND
IDAHO ACRES DAIRY LLC
111 S MERIDIAN
RUPERT, ID 83350-8701

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-11110	WR/DECREED	3/15/1968	1.000 cfs	N/A	100.0	408.0	GROUND WATER
36-2512	WR/DECREED	11/30/1962	2.000 cfs	N/A	100.0	408.0	GROUND WATER
36-8412	WR/LICENSE	3/1/1989	0.950 cfs	N/A	300.0	408.0	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>
36-11110	NO	NO	YES	NO	NO	NO
36-2512	NO	NO	YES	NO	NO	NO
36-8412	YES	NO	YES	NO	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>
36-11110	36-11110	1.000 cfs	N/A	100.0	247.1	N/A	N/A	N/A	N/A	N/A
36-2512	36-2512	2.000 cfs	400.0 af	100.0	247.1	N/A	N/A	N/A	N/A	N/A
36-8412	36-17202	0.490 cfs	239.1 af	147.1	247.1	36-8412	0.460 cfs	224.4 af	N/A	137.7
COMBINED TOTALS		2.490 cfs	988.4 af	247.1	247.1		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 7th day of February, 2023.

SUPPORT DATA

IN FILE # 36-2512

Southern Region Manager

Transfer No. 85828

SCANNED

FEB 08 2023

WATER RIGHT NO. 36-2512**As Modified by Transfer No. 85828**

In accordance with the approval of Transfer No. 85828, Water Right No. 36-2512 is now described as follows:

Right Holder: CRAIG D HEPWORTH
897 N 700 E
RUPERT, ID 83350-8529

Priority Date: 11/30/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	2.000 cfs	400.0 af
			2.000 cfs	400.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENENE Sec 9 Twp 08S Rge 25E MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	25E	9	22	1.1	26	40									40	40	39	39	247.1

Right Acre Limit: 100.0

POU Total Acres: 247.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 100 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2512 and 36-11110 when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual maximum diversion volume of 800.0 af at the field headgate, and the irrigation of 200.0 acres.
3. Rights 36-2512, 36-11110, and 36-17202 when combined shall not exceed a total diversion rate of 2.49 cfs, a total annual maximum diversion volume of 988.4 af at the field headgate, and the irrigation of 247.1 acres.
4. Use of water under this right may 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 85828

SCANNED

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WATER RIGHT NO. 36-2512
As Modified by Transfer No. 85828

CONDITIONS OF APPROVAL

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 place of use.
7. Right no. 36-11110 is an enlargement of this right pursuant to section 42-1426, Idaho Code.
8. Use of this right is combined with water from A & B Irrigation Dist.
9. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-8412**As Modified by Transfer No. 85828**

In accordance with the approval of Transfer No. 85828, Water Right No. 36-8412 is now described as follows:

Right Holder: IDAHO ACRES DAIRY LLC
111 S MERIDIAN
RUPERT, ID 83350-8701

Priority Date: 3/1/1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.460 cfs	224.4 af
			0.460 cfs	224.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENENE Sec 9 Twp 08S Rge 25E MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	25E	10						31	27	5.7	34	37				3			137.7

POU Total Acres: 137.7

CONDITIONS OF APPROVAL

1. Use of water under this right may 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.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
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 place of use.
4. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
5. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.

Transfer No. 85828

SCANNED

FEB 08 2023

WATER RIGHT NO. 36-8412
As Modified by Transfer No. 85828

CONDITIONS OF APPROVAL

6. Use of this right is combined with water from A & B Irrigation Dist.
7. The right holder shall accomplish the change authorized by this transfer within one 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.



WATER RIGHT NO. 36-17202
As Modified by Transfer No. 85828

In accordance with the approval of Transfer No. 85828, Water Right No. 36-17202 is now described as follows:

Right Holder: CRAIG D HEPWORTH
897 N 700 E
RUPERT, ID 83350-8529

Priority Date: 3/1/1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.490 cfs 0.490 cfs	239.4 af 239.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENENE Sec 9 Twp 08S Rge 25E MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	25E	9	22.0	1.1	26.0	40.0									40.0	40.0	39.0	39.0	247.1

Right Acre Limit: 147.1

POU Total Acres: 247.1

CONDITIONS OF APPROVAL

1. Rights 36-2512, 36-11110, and 36-17202 when combined shall not exceed a total diversion rate of 2.49 cfs, a total annual maximum diversion volume of 988.4 af at the field headgate, and the irrigation of 247.1 acres.
2. This right is limited to the irrigation of 147.1 acres within the place of use described above in a single irrigation season.
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 place of use.
4. Use of this right is combined with water from A & B Irrigation Dist.
5. Use of water under this right may 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.

Transfer No. 85828

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WATER RIGHT NO. 36-17202
As Modified by Transfer No. 85828

CONDITIONS OF APPROVAL

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
8. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.
9. The right holder shall accomplish the change authorized by this transfer within one 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.

WATER RIGHT NO. 36-11110

As Modified by Transfer No. 85828

In accordance with the approval of Transfer No. 85828, Water Right No. 36-11110 is now described as follows:

Right Holder: CRAIG D HEPWORTH
897 N 700 E
RUPERT, ID 83350-8529

Priority Date: 3/15/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/15	to 11/15	1.000 cfs 1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENENE Sec 9 Twp 08S Rge 25E MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	25E	9	22	1.1	26	40									40	40	39	39	247.1

Right Acre Limit: 100.0

POU Total Acres: 247.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 100 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2512 and 36-11110 when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual maximum diversion volume of 800.0 af at the field headgate, and the irrigation of 200.0 acres.
3. Rights 36-2512, 36-11110, and 36-17202 when combined shall not exceed a total diversion rate of 2.49 cfs, a total annual maximum diversion volume of 988.4 af at the field headgate, and the irrigation of 247.1 acres.
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 place of use.
5. Use of this right is combined with water from A & B Irrigation Dist.

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SCANNED
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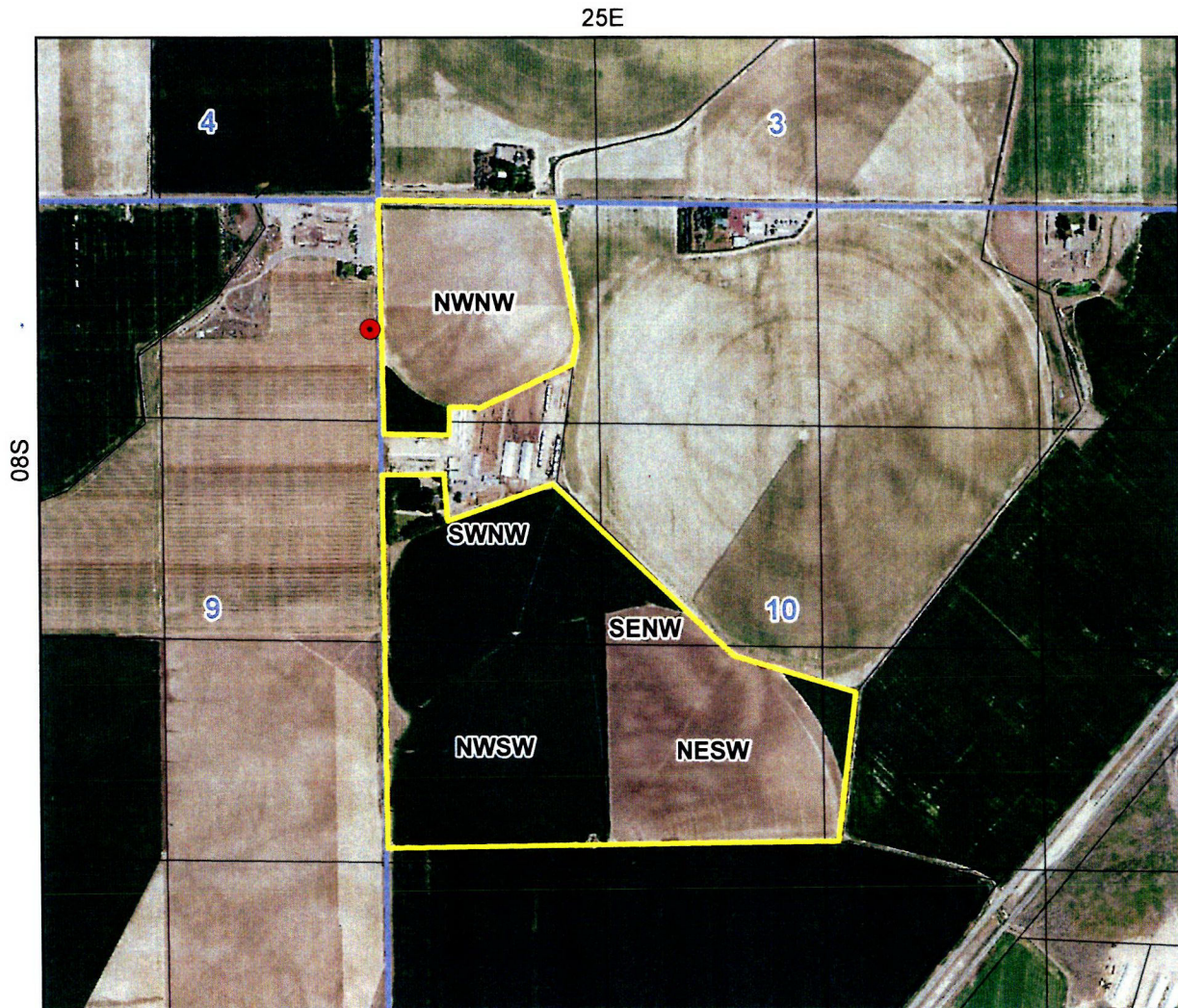
WATER RIGHT NO. 36-11110
As Modified by Transfer No. 85828

CONDITIONS OF APPROVAL

6. Use of water under this right may 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 a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right is based upon an enlargement of right no. 36-2512 pursuant to section 42-1426, Idaho Code.
9. 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 Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
10. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 85828
36-8412

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.125 0.25 0.5 Miles

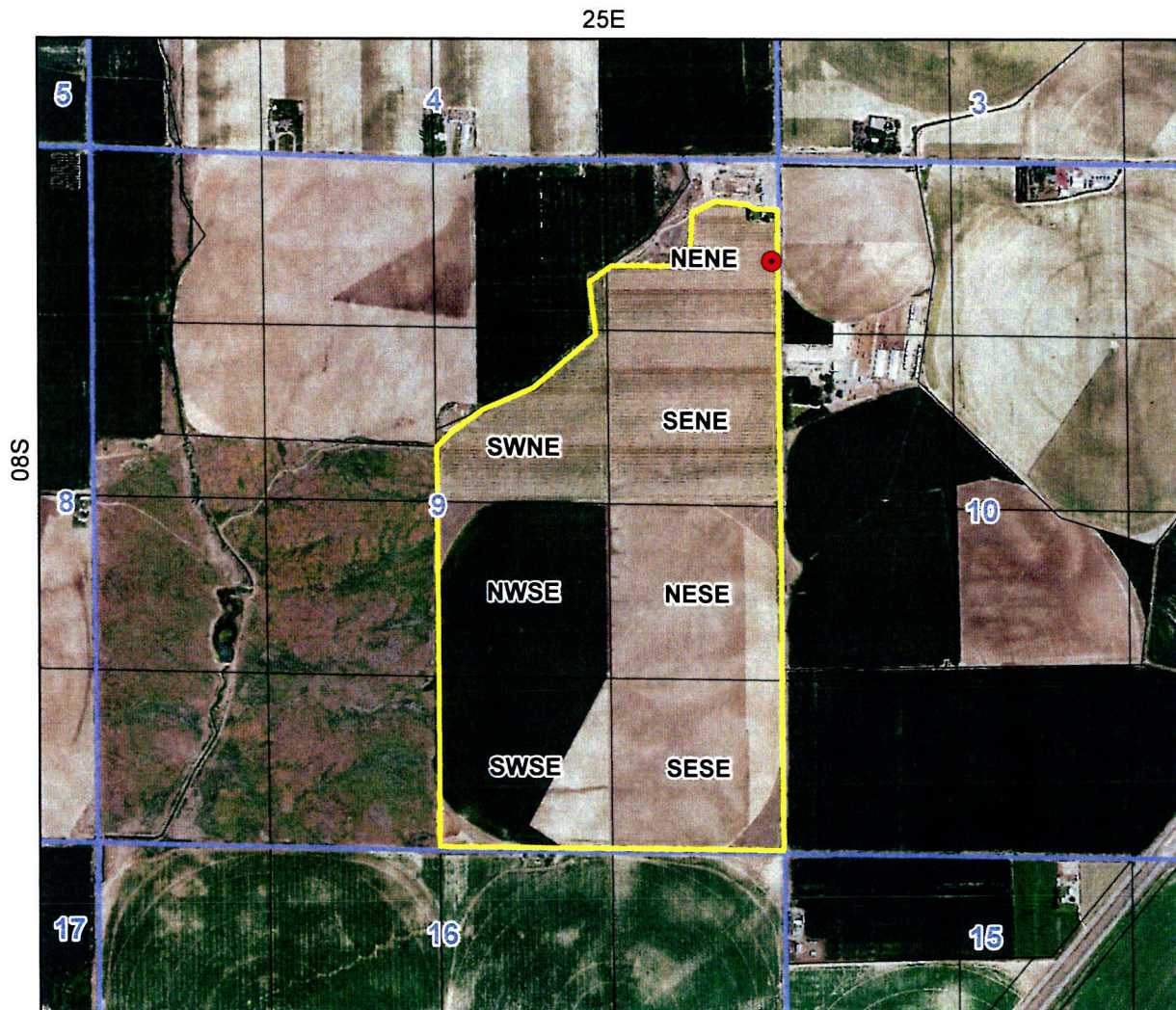
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



SCANNED
FEB 08 2023

State of Idaho
Department of Water Resources
Attachment to Transfer # 85828
36-2512, 36-11110, and 36-17202

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.15 0.3 0.6 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



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