

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88508**

This is to certify that: **WEST INDIAN COVE WATER CO INC**
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

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>
2-10008	WR/DECREED	4/13/1971	2.370 cfs	N/A	79.0	714.0	SNAKE RIVER
2-10010	WR/DECREED	4/13/1971	1.240 cfs	N/A	N/A	714.0	SNAKE RIVER
2-2044	WR/DECREED	2/7/1944	3.740 cfs	N/A	458.0	714.0	SNAKE RIVER
2-2055	WR/DECREED	6/22/1938	10.000 cfs	N/A	458.0	714.0	SNAKE RIVER
2-2097B	WR/DECREED	6/4/1952	0.120 cfs	N/A	6.0	714.0	SNAKE RIVER
2-2128	WR/DECREED	4/30/1956	0.960 cfs	4361.0 af	490.0	714.0	SNAKE RIVER
2-4015	WR/DECREED	8/30/1969	1.710 cfs	N/A	57.0	714.0	SNAKE RIVER
2-7133	WR/DECREED	12/28/1973	1.300 cfs	325.0 af	65.0	714.0	SNAKE RIVER

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>
2-10008	NO	NO	NO	YES	NO	NO
2-10010	NO	NO	NO	YES	NO	NO
2-2044	NO	NO	NO	YES	NO	NO
2-2055	NO	NO	NO	YES	NO	NO
2-2097B	NO	NO	NO	YES	NO	NO
2-2128	NO	NO	NO	YES	NO	NO
2-4015	NO	NO	NO	YES	NO	NO
2-7133	NO	NO	NO	YES	NO	NO

SUPPORT DATA

Summary Of Water Rights After the Approved Change

IN FILE # 2-2044

<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>
2-10008	2-10008	2.370 cfs	N/A	79.0	N/A	N/A	N/A	N/A	N/A	N/A
2-10010	2-10010	1.240 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2-2044	2-2044	3.740 cfs	N/A	458.0	N/A	N/A	N/A	N/A	N/A	N/A
2-2055	2-2055	10.000 cfs	N/A	458.0	N/A	N/A	N/A	N/A	N/A	N/A
2-2097B	2-2097B	0.120 cfs	N/A	6.0	N/A	N/A	N/A	N/A	N/A	N/A
2-2128	2-2128	0.960 cfs	4361.0 af	490.0	N/A	N/A	N/A	N/A	N/A	N/A
2-4015	2-4015	1.710 cfs	N/A	57.0	N/A	N/A	N/A	N/A	N/A	N/A
2-7133	2-7133	1.300 cfs	325.0 af	65.0	N/A	N/A	N/A	N/A	N/A	N/A

Transfer No. 88508

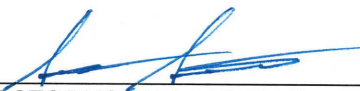
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88508

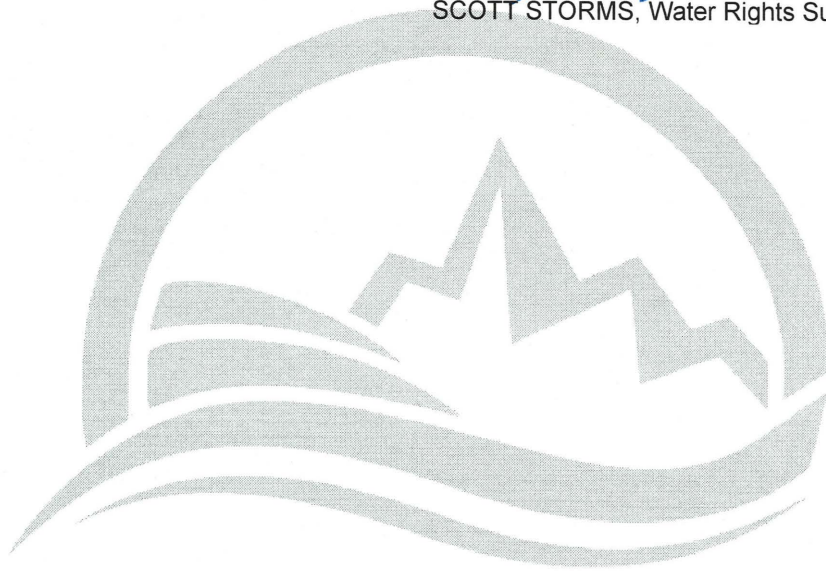
COMBINED TOTALS	21.440 cfs	N/A	714.0	714.0	N/A	N/A	N/A	N/A
-----------------	------------	-----	-------	-------	-----	-----	-----	-----

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 22nd day of April, 2024.



SCOTT STORMS, Water Rights Supervisor



WATER RIGHT NO. 2-7133

As Modified by Transfer No. 88508

In accordance with the approval of Transfer No. 88508, Water Right No. 2-7133 is now described as follows:

Right Holder: WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

Priority Date: 12/28/1973

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.300 cfs	325.0 af
			1.300 cfs	325.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L2 (SWNW)	Sec 34 Twp 05S Rge 07E	OWYHEE County
SNAKE RIVER	L6 (NWSW)	Sec 34 Twp 05S Rge 07E	OWYHEE County

CONDITIONS OF APPROVAL

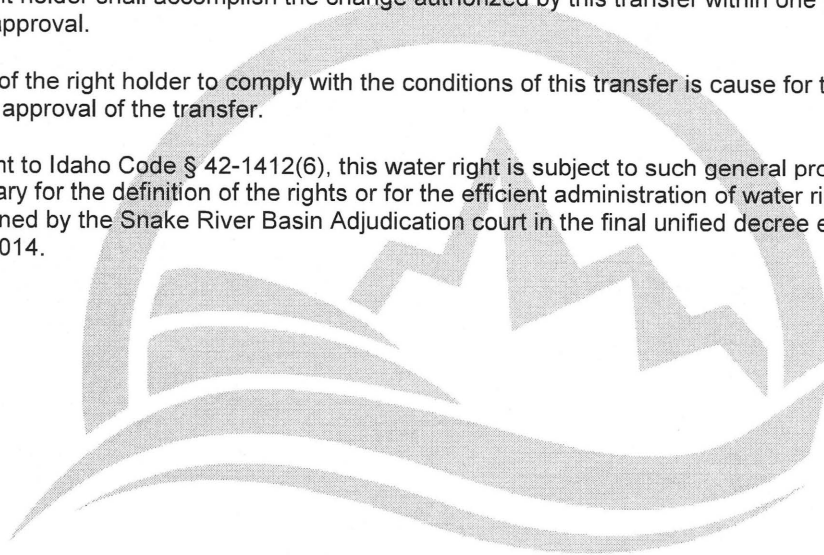
1. This right is limited to the irrigation of 65 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.
3. Rights 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010 when combined shall not exceed the irrigation of 714 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. 02.
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).
6. Prior to the diversion and use of water under Transfer approval 88508, 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.
7. Place of use is within the area served by West Indian Cove Water Co.

WATER RIGHT NO. 2-7133

As Modified by Transfer No. 88508

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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. 2-2128
As Modified by Transfer No. 88508

In accordance with the approval of Transfer No. 88508, Water Right No. 2-2128 is now described as follows:

Right Holder: WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

Priority Date: 4/30/1956

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.960 cfs	4361.0 af
			0.960 cfs	4361.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L2 (SNNW)	Sec 34 Twp 05S Rge 07E	OWYHEE County
SNAKE RIVER	L6 (NWSW)	Sec 34 Twp 05S Rge 07E	OWYHEE County

CONDITIONS OF APPROVAL

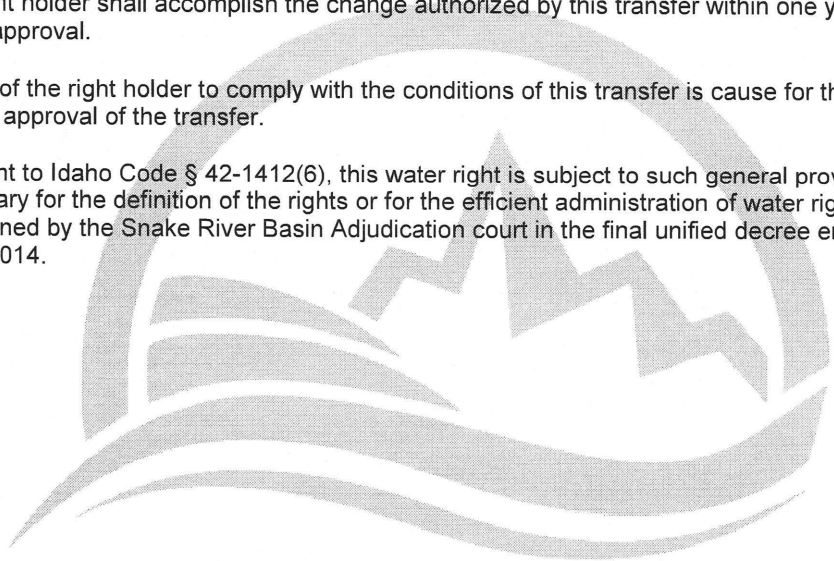
1. This right is limited to the irrigation of 490 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Rights 2-2044, 2-2055, and 2-2128 when combined shall not exceed a total annual maximum diversion volume of 4,361 af at the field headgate.
4. Rights 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010 when combined shall not exceed the irrigation of 714 acres.
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. 02.
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. Prior to the diversion and use of water under Transfer approval 88508, 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. Place of use is within the area served by West Indian Cove Water Co.

Transfer No. 88508

WATER RIGHT NO. 2-2128
As Modified by Transfer No. 88508

CONDITIONS OF APPROVAL

9. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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.



WATER RIGHT NO. 2-2097B

As Modified by Transfer No. 88508

In accordance with the approval of Transfer No. 88508, Water Right No. 2-2097B is now described as follows:

Right Holder: WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

Priority Date: 6/4/1952

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 11/15

Diversion Rate

0.120 cfs

0.120 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

L2 (SWNW)
L6 (NWSW)

Sec 34 Twp 05S Rge 07E OWYHEE County
Sec 34 Twp 05S Rge 07E OWYHEE County

CONDITIONS OF APPROVAL

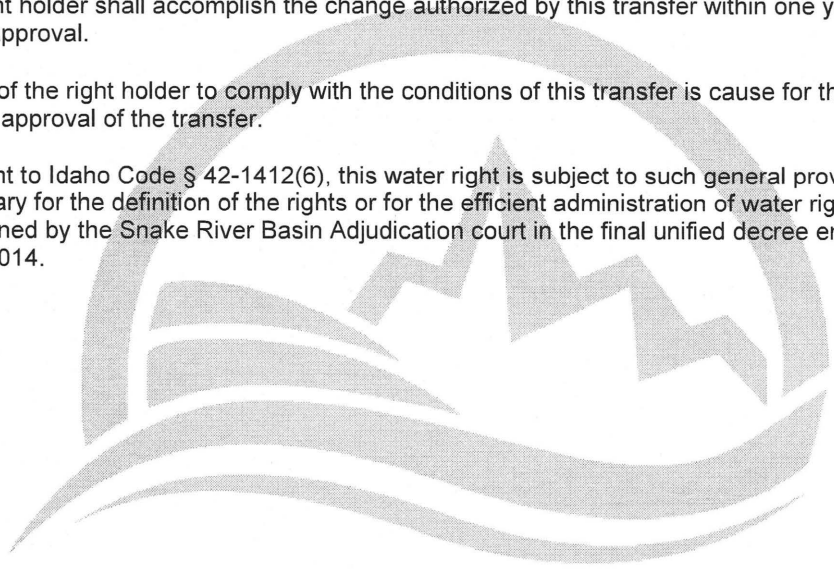
1. This right is limited to the irrigation of 490 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Rights 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010 when combined shall not exceed the irrigation of 714 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. 02.
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).
6. Prior to the diversion and use of water under Transfer approval 88508, 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.
7. Place of use is within the area served by West Indian Cove Water Co.

Transfer No. 88508

WATER RIGHT NO. 2-2097B
As Modified by Transfer No. 88508

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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. 2-2055
As Modified by Transfer No. 88508

In accordance with the approval of Transfer No. 88508, Water Right No. 2-2055 is now described as follows:

Right Holder: WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

Priority Date: 6/22/1938

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From
03/15

To
to 11/15

Diversion Rate
10.000 cfs
10.000 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

L2 (SWNW)
L6 (NWSW)

Sec 34 Twp 05S Rge 07E OWYHEE County
Sec 34 Twp 05S Rge 07E OWYHEE County

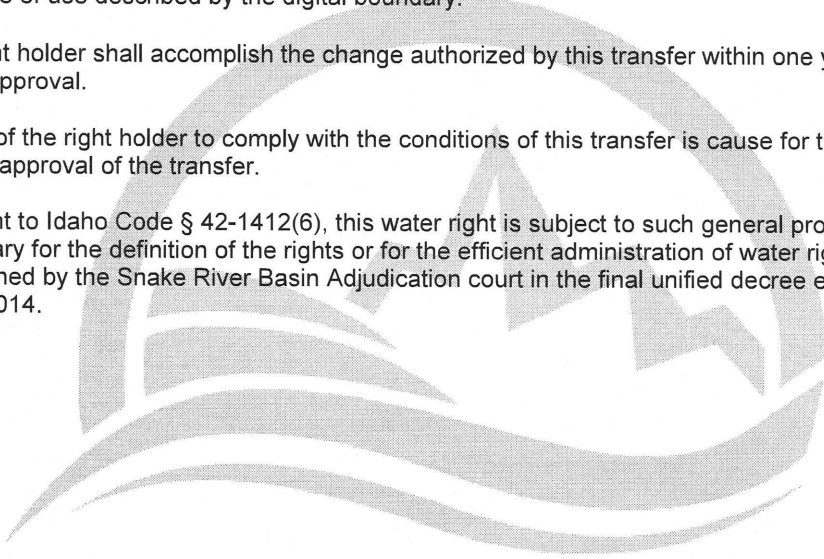
CONDITIONS OF APPROVAL

1. 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.
2. Rights 2-2044 and 2-2055 when combined shall not exceed the irrigation of 458 acres.
3. Rights 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010 when combined shall not exceed the irrigation of 714 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. 02.
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).
6. Prior to the diversion and use of water under Transfer approval 88508, 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.

Transfer No. 88508

WATER RIGHT NO. 2-2055
As Modified by Transfer No. 88508

CONDITIONS OF APPROVAL

7. Place of use is within the area served by West Indian Cove Water Co.
 8. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
 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. 2-2044

As Modified by Transfer No. 88508

In accordance with the approval of Transfer No. 88508, Water Right No. 2-2044 is now described as follows:

Right Holder: WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

Priority Date: 2/7/1944

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From
03/15

To
to 11/15

Diversion Rate

3.740 cfs

3.740 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

L2 (SWNW)
L6 (NWSW)

Sec 34 Twp 05S Rge 07E OWYHEE County
Sec 34 Twp 05S Rge 07E OWYHEE County

CONDITIONS OF APPROVAL

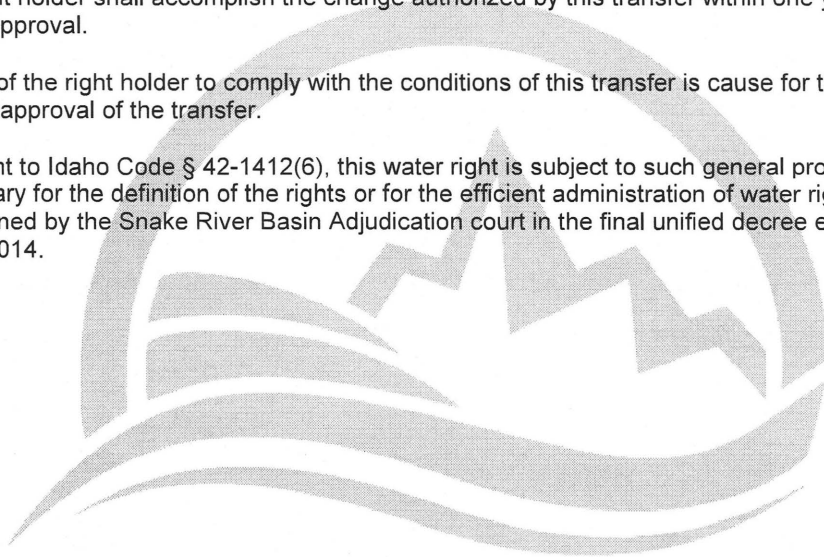
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 2-2044 and 2-2055 when combined shall not exceed the irrigation of 458 acres.
3. Rights 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010 when combined shall not exceed the irrigation of 714 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. 02.
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).
6. Prior to the diversion and use of water under Transfer approval 88508, 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.
7. Place of use is within the area served by West Indian Cove Water Co.

WATER RIGHT NO. 2-2044

As Modified by Transfer No. 88508

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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. 2-4015
As Modified by Transfer No. 88508

In accordance with the approval of Transfer No. 88508, Water Right No. 2-4015 is now described as follows:

Right Holder: WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

Priority Date: 8/30/1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.710 cfs
			1.710 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L2 (SWNW)	Sec 34 Twp 05S Rge 07E	OWYHEE County
SNAKE RIVER	L6 (NWSW)	Sec 34 Twp 05S Rge 07E	OWYHEE County

CONDITIONS OF APPROVAL

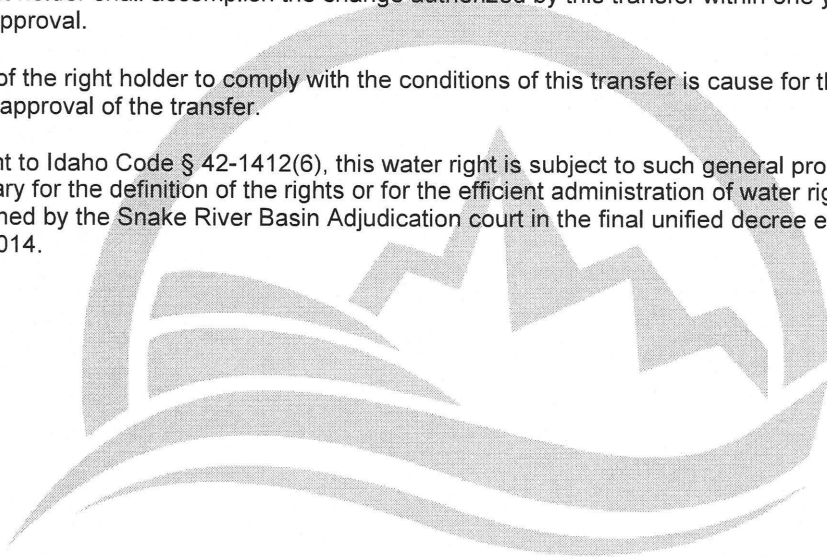
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. This right is limited to the irrigation of 57 acres within the authorized place of use in a single irrigation season.
3. Rights 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010 when combined shall not exceed the irrigation of 714 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. 02.
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).
6. Prior to the diversion and use of water under Transfer approval 88508, 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.
7. Place of use is within the area served by West Indian Cove Water Co.

Transfer No. 88508

WATER RIGHT NO. 2-4015
As Modified by Transfer No. 88508

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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. 2-10010

As Modified by Transfer No. 88508

In accordance with the approval of Transfer No. 88508, Water Right No. 2-10010 is now described as follows:

Right Holder: WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

Priority Date: 4/13/1971

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.240 cfs 1.240 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L2 (SWNW)	Sec 34 Twp 05S Rge 07E	OWYHEE County
SNAKE RIVER	L6 (NWSW)	Sec 34 Twp 05S Rge 07E	OWYHEE County

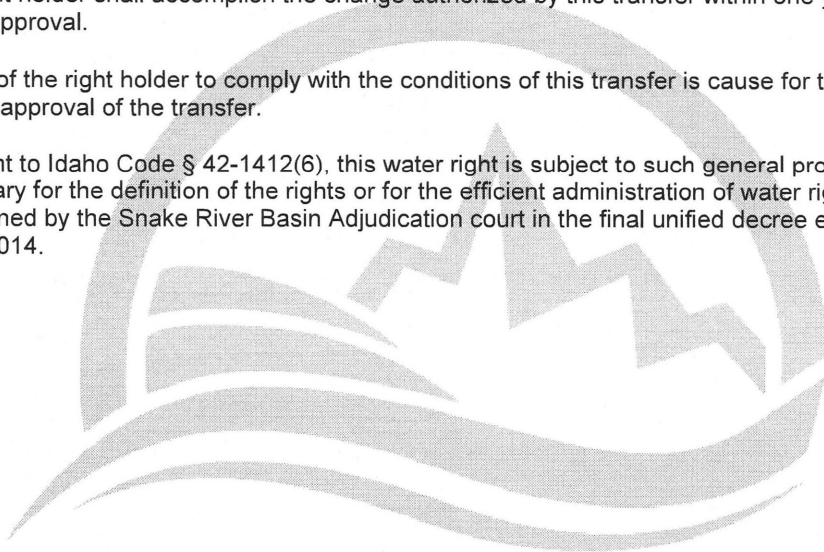
CONDITIONS OF APPROVAL

1. 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.
2. Rights 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010 when combined shall not exceed the irrigation of 714 acres.
3. 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. 02.
4. 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).
5. Prior to the diversion and use of water under Transfer approval 88508, 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.
6. Place of use is within the area served by West Indian Cove Water Co.

WATER RIGHT NO. 2-10010
As Modified by Transfer No. 88508

CONDITIONS OF APPROVAL

7. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
8. The right holder shall accomplish the change authorized by this transfer within one 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 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. 2-10008
As Modified by Transfer No. 88508

In accordance with the approval of Transfer No. 88508, Water Right No. 2-10008 is now described as follows:

Right Holder: WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT, ID 83627-5009

Priority Date: 4/13/1971

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	2.370 cfs 2.370 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L2 (SWNW)	Sec 34 Twp 05S Rge 07E	OWYHEE County
SNAKE RIVER	L6 (NWSW)	Sec 34 Twp 05S Rge 07E	OWYHEE County

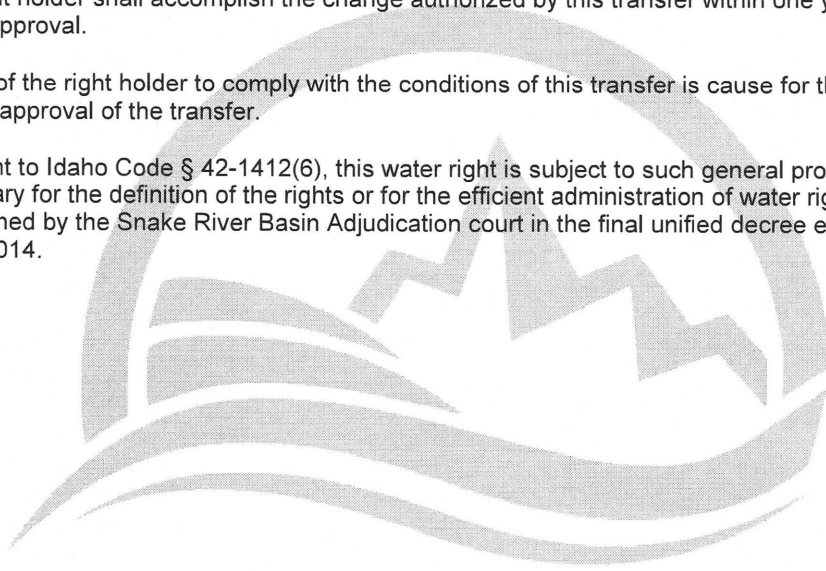
CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 79 acres within the authorized place of use in a single irrigation season.
3. Rights 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010 when combined shall not exceed the irrigation of 714 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. 02.
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).
6. Prior to the diversion and use of water under Transfer approval 88508, 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.
7. Place of use is within the area served by West Indian Cove Water Co.

WATER RIGHT NO. 2-10008
As Modified by Transfer No. 88508

CONDITIONS OF APPROVAL

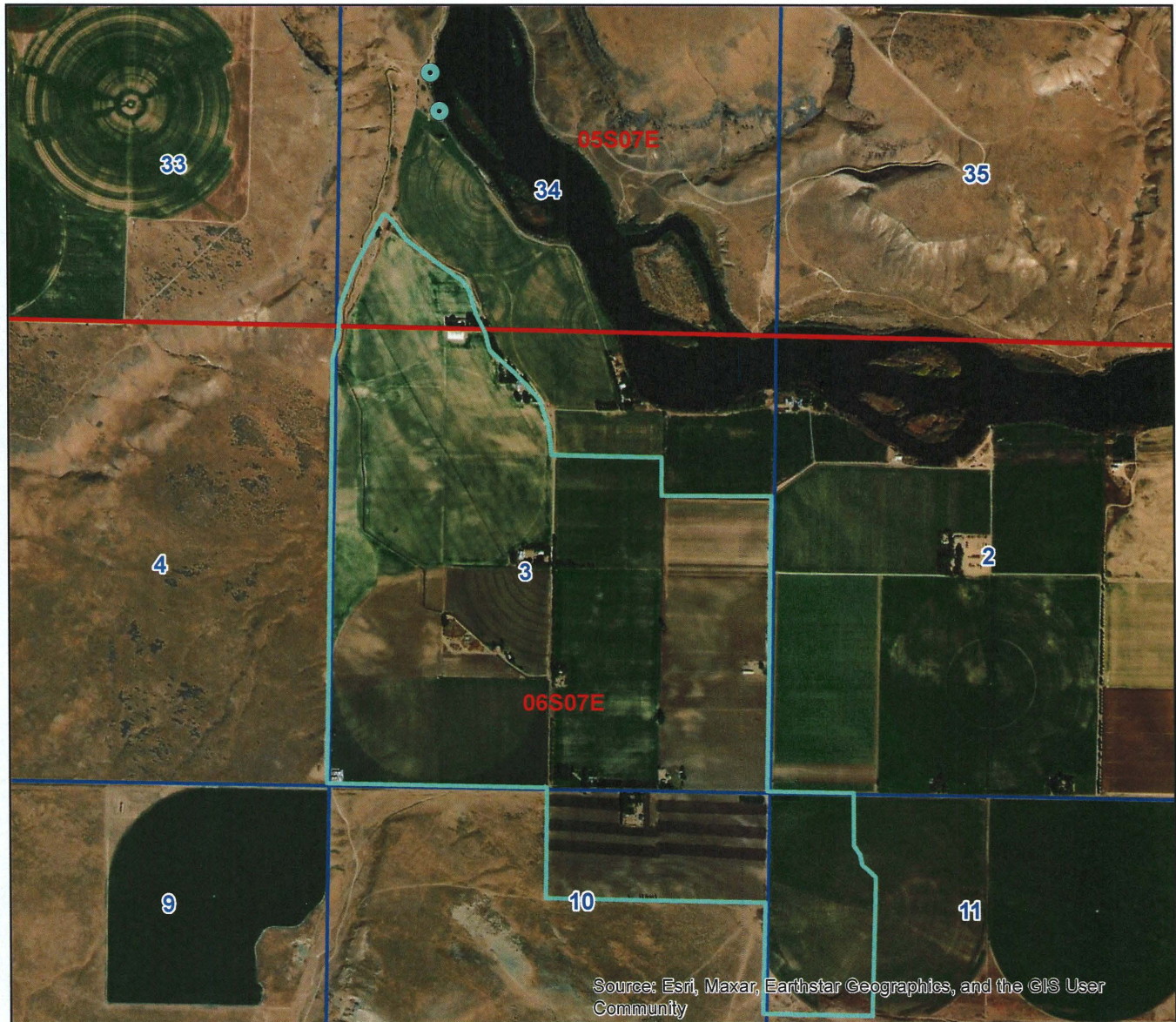
8. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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.



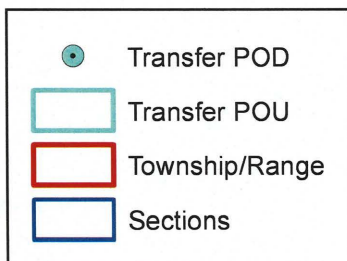
State of Idaho
Department of Water Resources

Attachment to Transfer

Water Right(s): 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, 2-10010



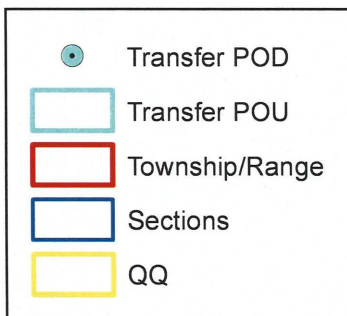
0 0.25 0.5 1 Miles



State of Idaho
Department of Water Resources

Attachment to Transfer

Water Right(s): 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, 2-10010



0 0.03 0.06 0.12 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 24, 2024

WEST INDIAN COVE WATER CO INC
51381 HIGHWAY 78
HAMMETT ID 83627-5009

Re: Transfer No: 88508
Water Right No(s): 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133,
2-10008, 2-10010

Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Evans'.

Lynne Evans
Administrative Assistant I

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88508

Water Right No(s): 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133,
2-10008, 2-10010

WEST INDIAN COVE WATER CO INC (Current Owner)
51381 HIGHWAY 78
HAMMETT ID 83627-5009

ATTN: LORI GRAVES
HDR INC (Representative)
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659



Lynne Evans
Administrative Assistant I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 88508
FROM: Aaron Olson
DATE: 2/6/2023
RE: Evaluation of Application

The purpose of this transfer is to add a point of diversion for the rights involved to include a new pump station and pipeline connected to the applicant's distribution system.

The proposed new point of diversion is a pump station located in Lot 6 NWSW Section 34, Township 05S, Range 07E approximately 0.1 miles south of the current pump station and approximately 2.5 miles West of Indian Cove.

Summary of Information Submitted

Authority to File:

IDWR records show the applicant as the current owner of the involved water rights. The application was signed by Dale Hooley, Secretary of West Indian Cove Water Co Inc.

Water Right Validity:

The partial decrees for all of the involved rights were issued on 5/20/2009. The rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights:

Other water rights will not be impacted by the proposed transfer. The quantity of water used for the right will not change as a result. The proposed transfer was advertised and no protests were received. The application was submitted for review to the Watermaster of Water District 2 and he did not oppose approval on the condition that measuring devices, control works, and data loggers are installed and maintained at the new point of diversion.

Enlargement of Use:

Enlargement does not appear to be an issue. The proposed changes will not result in an increase of diversion rate or number of acres irrigated.

Local Public Interest:

This application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

If approved the following changes should be made to the conditions of the water rights:

Add condition R05 to show rights are administered by Water District 02

Add conditions R43 and 131 per Watermaster request

Add Transfer conditions T07 and T08

Update condition C18 to T19

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Re: West Indian Cove Water Co Inc Transfer 88508 - Add POD

Olson, Aaron <on.Olson@idwr.idaho.gov>

Tue 4/2/2024 4:41 PM

To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>

Rob,

Sounds great. I will go ahead and draft up an approval for the transfer, thanks for looking into it.

Aaron

From: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>

Sent: Tuesday, April 2, 2024 11:34 AM

To: Olson, Aaron <on.Olson@idwr.idaho.gov>

Subject: RE: West Indian Cove Water Co Inc Transfer 88508 - Add POD

Aaron,

I am okay with the conditions you propose below.

RW

From: Olson, Aaron <on.Olson@idwr.idaho.gov>

Sent: Tuesday, February 6, 2024 1:45 PM

To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>

Subject: West Indian Cove Water Co Inc Transfer 88508 - Add POD

Good Afternoon Rob,

I am drafting up an approval for West Indian Cove Water Co Inc's transfer application (copy attached) requesting to add a new pump station to their system. I see here on the Watermaster recommendation form that you wish to discuss the options for approval conditions as you had some concerns about measuring devices, data loggers, control works, etc since the POD is part of the Water District 2 telemetry network. As it currently stands there are no real conditions addressing these things on the rights, after some review and looking at similar transfers we approved somewhat recently I believe the following conditions would be appropriate:

R05-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. 02.

R43- 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).

131-Prior to the diversion and use of water under Transfer approval 88508, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points 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.

I would be glad to discuss these conditions or any other concerns you may have. I haven't run these by Scott or Nick yet but I'm sure they would be glad to discuss as well if needed.

Thanks,

Aaron Olson - Water Resource Agent

Idaho Dept. of Water Resources

2735 W Airport Way

Boise, ID 83705

(208) 605-4629

Aaron.Olson@idwr.idaho.gov