

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87042**

This is to certify that: **BRISBIE LLC C/O GIVENS PURSLEY LLP**
601 W BANNOCK ST
BOISE, ID 83702-5919

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>
63-11347	WR/LICENSE	7/8/1992	0.600 cfs	157.5 af	33.5	1064.0	GROUND WATER
63-3362	WR/DECREED	7/11/1963	2.270 cfs	741.8 af	157.8	1139.0	GROUND WATER
63-34795	WR/LICENSE	7/8/1992	1.280 cfs	329.1 af	70.0	75.0	GROUND WATER
63-35388	WR/DECREED	9/10/1973	1.540 cfs	360.0 af	N/A	80.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
63-10383	WR/LICENSE	9/23/1986	4.760 cfs	2195.3 af	128.1	1139.0	GROUND WATER
63-7531	WR/DECREED	12/10/1971	2.110 cfs	360.0 af		N/A	GROUND WATER
63-35356	WR/DECREED	12/10/1971	2.510 cfs	360.0 af	135.8	1139.0	GROUND WATER
63-35411	WR/DECREED	12/10/1971	1.090 cfs	384.6 af		N/A	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>
63-11347	NO	NO	YES	YES	YES	YES
63-3362	NO	NO	YES	YES	YES	YES
63-34795	NO	NO	YES	YES	YES	YES
63-35388	NO	NO	YES	YES	YES	YES

SUPPORT DATA

Summary Of Water Rights After the Approved Change

IN FILE # 63-3362

<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>
63-11347	63-11347	0.610 cfs	77.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-3362	63-3362	2.270 cfs	366.1 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-34795	63-34795	1.280 cfs	162.4 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-35388	63-35388	1.540 cfs	150.8 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.700 cfs	757.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Transfer No. 87042

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87042

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 13th day of June, 2024.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 63-11347
As Modified by Transfer No. 87042

In accordance with the approval of Transfer No. 87042, Water Right No. 63-11347 is now described as follows:

Right Holder: BRISBIE LLC C/O GIVENS PURSLEY LLP
 601 W BANNOCK ST
 BOISE, ID 83702-5919

Priority Date: 7/8/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	01/01	to 12/31	0.610 cfs	77.7 af
			0.610 cfs	77.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (NWNW)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31	Twp 02N Rge 02E	ADA County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6	X	X	X	X	X	X	X	X									
			L1	L2			L3	L4	L5										0
01N	02E	7	X			X									X			X	0
01N	02E	18	X																0
02N	02E	31						X	X		X	X	X	X			X		0
								L1	L2			L3	L4						0

CONDITIONS OF APPROVAL

1. The approval of transfer 87042 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Industrial use is for a data center.
3. The place of industrial use authorized by this right may include land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

WATER RIGHT NO. 63-11347
As Modified by Transfer No. 87042

CONDITIONS OF APPROVAL

4. Diversion of water under water right nos. 63-3362, 63-11347, 63-34795, and 63-35388 from the points of diversion authorized under Transfer 87042 located in the SWSE of Section 31, T2N, R2E, and in NENE of Section 06, T1N, R2E shall not exceed a total combined maximum diversion rate of 2.23 cfs.
5. Prior to diversion and use of water under Transfer approval 87042, the right holder shall install and maintain acceptable measuring device(s) and lockable controlling works at the authorized point(s) of diversion, in accordance with Department specifications.
6. The right holder shall record the quantity of water diverted and annually report diversions of water as required by Idaho Code § 42-701.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
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. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

WATER RIGHT NO. 63-3362**As Modified by Transfer No. 87042**

In accordance with the approval of Transfer No. 87042, Water Right No. 63-3362 is now described as follows:

Right Holder: BRISBIE LLC C/O GIVENS PURSLEY LLP
601 W BANNOCK ST
BOISE, ID 83702-5919

Priority Date: 7/11/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	01/01	to 12/31	2.270 cfs	366.1 af
			2.270 cfs	366.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (NWNW)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31	Twp 02N Rge 02E	ADA County

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6	X	X	X	X	X	X	X	X									
			L1	L2			L3	L4	L5										0
01N	02E	7	X			X									X			X	0
01N	02E	18	X																0
02N	02E	31						X	X		X	X	X	X			X		0
							L1	L2			L3	L4							0

CONDITIONS OF APPROVAL

1. The approval of transfer 87042 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Industrial use is for a data center.
3. The place of industrial use authorized by this right may include land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

WATER RIGHT NO. 63-3362
As Modified by Transfer No. 87042

CONDITIONS OF APPROVAL

4. Diversion of water under water right nos. 63-3362, 63-11347, 63-34795, and 63-35388 from the points of diversion authorized under Transfer 87042 located in the SWSE of Section 31, T2N, R2E, and in NENE of Section 06, T1N, R2E shall not exceed a total combined maximum diversion rate of 2.23 cfs.
5. Prior to diversion and use of water under Transfer approval 87042, the right holder shall install and maintain acceptable measuring device(s) and lockable controlling works at the authorized point(s) of diversion, in accordance with Department specifications.
6. The right holder shall record the quantity of water diverted and annually report diversions of water as required by Idaho Code § 42-701.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
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. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
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. 63-34795
As Modified by Transfer No. 87042

In accordance with the approval of Transfer No. 87042, Water Right No. 63-34795 is now described as follows:

Right Holder: BRISBIE LLC C/O GIVENS PURSLEY LLP
 601 W BANNOCK ST
 BOISE, ID 83702-5919

Priority Date: 7/8/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	01/01	to 12/31	1.280 cfs	162.4 af
			1.280 cfs	162.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (NWNW)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31	Twp 02N Rge 02E	ADA County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6	X	X	X	X	X	X	X	X									
			L1	L2			L3	L4	L5										0
01N	02E	7	X			X									X			X	0
01N	02E	18	X																0
02N	02E	31						X	X		X	X	X	X			X		0
								L1	L2			L3	L4						0

CONDITIONS OF APPROVAL

1. The approval of transfer 87042 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Industrial use is for a data center.
3. The place of industrial use authorized by this right may include land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

WATER RIGHT NO. 63-34795
As Modified by Transfer No. 87042

CONDITIONS OF APPROVAL

4. Diversion of water under water right nos. 63-3362, 63-11347, 63-34795, and 63-35388 from the points of diversion authorized under Transfer 87042 located in the SWSE of Section 31, T2N, R2E, and in NENE of Section 06, T1N, R2E shall not exceed a total combined maximum diversion rate of 2.23 cfs.
5. Prior to diversion and use of water under Transfer approval 87042, the right holder shall install and maintain acceptable measuring device(s) and lockable controlling works at the authorized point(s) of diversion, in accordance with Department specifications.
6. The right holder shall record the quantity of water diverted and annually report diversions of water as required by Idaho Code § 42-701.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

WATER RIGHT NO. 63-35388**As Modified by Transfer No. 87042**

In accordance with the approval of Transfer No. 87042, Water Right No. 63-35388 is now described as follows:

Right Holder: BRISBIE LLC C/O GIVENS PURSLEY LLP
601 W BANNOCK ST
BOISE, ID 83702-5919

Priority Date: 9/10/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	01/01	to 12/31	1.540 cfs	150.8 af
			1.540 cfs	150.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (NWNW)	Sec 6	Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31	Twp 02N Rge 02E	ADA County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6	X	X	X	X	X	X	X	X									
			L1	L2			L3	L4	L5										0
01N	02E	7	X			X									X			X	0
01N	02E	18	X																0
02N	02E	31						X	X		X	X	X	X			X		0
								L1	L2			L3	L4						0

CONDITIONS OF APPROVAL

1. The approval of transfer 87042 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Industrial use is for a data center.
3. The place of industrial use authorized by this right may include land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

WATER RIGHT NO. 63-35388
As Modified by Transfer No. 87042

CONDITIONS OF APPROVAL

4. Diversion of water under water right nos. 63-3362, 63-11347, 63-34795, and 63-35388 from the points of diversion authorized under Transfer 87042 located in the SWSE of Section 31, T2N, R2E, and in NENE of Section 06, T1N, R2E shall not exceed a total combined maximum diversion rate of 2.23 cfs.
5. Prior to diversion and use of water under Transfer approval 87042, the right holder shall install and maintain acceptable measuring device(s) and lockable controlling works at the authorized point(s) of diversion, in accordance with Department specifications.
6. The right holder shall record the quantity of water diverted and annually report diversions of water as required by Idaho Code § 42-701.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.
12. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

WATER RIGHT NO. 63-10383**As Modified by Transfer No. 87042**

In accordance with the approval of Transfer No. 87042, Water Right No. 63-10383 is now described as follows:

Right Holder: BRISBIE LLC C/O GIVENS PURSLEY LLP
601 W BANNOCK ST
BOISE, ID 83702-5919

Priority Date: 9/23/1986

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	01/01	to 12/31	2.200 cfs	1593.0 af
IRRIGATION	03/15	to 11/15	2.560 cfs	602.3 af
			4.760 cfs	2195.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (SWSW)	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31 Twp 02N Rge 02E	ADA County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6	X	X	X	X	X			X						X	X		
			L 1	L 2			L 3												
01N	02E	7					X	X	X		X		X	X			X		
								L 1	L 2				L 4						
01N	02E	18	X	X		X	X	X	X	X	X	X	X	X					
								L 1	L 2				L 3	L 4					
02N	02E	31									X	X	X	X			X		
												L 3	L 4						

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6	35.0	40.0	40.0	40.0	40.0			40.0						6.0	6.0		247.0
			L 1	L 2			L 3												
01N	02E	7					40.0	40.0	40.0		40.0		36.0	32.0			32.0		260.0
								L 1	L 2				L 4						
01N	02E	18	32.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					432.0
								L 1	L 2				L 3	L 4					
02N	02E	31									40.0	40.0	40.0	40.0			40.0		200.0
												L 3	L 4						

Right Acre Limit: 128.1

Transfer No. 87042

WATER RIGHT NO. 63-10383
As Modified by Transfer No. 87042

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	
POU Total Acres:			1139.0																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 128.1 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 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. Rights 63-7531, 63-10383, 63-35356, and 63-35411 when combined shall not exceed a total diversion rate of 5.87 cfs.
4. Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
5. Prior to the diversion and use of water under Transfer approval 81871, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03/13/2000.
7. A single new point of diversion is authorized in either Lot 4 (SWSW) or SESW, S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
8. Use of water under this right shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
9. The place of industrial use authorized by this right includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial component of this right shall not be land applied unless the water is first used for the industrial purpose authorized under this right.
10. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 63-10383
As Modified by Transfer No. 87042

CONDITIONS OF APPROVAL

12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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. 63-7531**As Modified by Transfer No. 87042**

In accordance with the approval of Transfer No. 87042, Water Right No. 63-7531 is now described as follows:

Right Holder: SUSAN MONTIERTH
RAY MONTIERTH
825 HEARTLAND DR
NAMPA, ID 83686-8156

Priority Date: 12/10/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	2.110 cfs	360.0 af
			2.110 cfs	360.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (SWSW)	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31 Twp 02N Rge 02E	ADA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	7										X							
												L 3							

CONDITIONS OF APPROVAL

1. Rights 63-7531, 63-10383, 63-35356, and 63-35411 when combined shall not exceed a total diversion rate of 5.87 cfs.
2. Rights 63-7531, 63-35356, and 63-35411 when combined are not to exceed an annual volume of 744.6 af.
3. Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.

WATER RIGHT NO. 63-7531

As Modified by Transfer No. 87042

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 81871, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
5. A single new point of diversion is authorized in either Lot 4(SWSW), or SESW, S18, T01N, R02E, to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
6. Use of water under this right shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. The place of commercial use authorized by this right includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the commercial component of this right shall not be land applied unless the water is first used for the commercial purpose authorized under this right.
8. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
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 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. 63-35356**As Modified by Transfer No. 87042**

In accordance with the approval of Transfer No. 87042, Water Right No. 63-35356 is now described as follows:

Right Holder: CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE, ID 83707-0027

Priority Date: 12/10/1971

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	2.510 cfs	360.0 af
			2.510 cfs	360.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (SWSW)	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31 Twp 02N Rge 02E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6	35.0	40.0	40.0	40.0	40.0			40.0						6.0	6.0		247.0
			L 1	L 2			L 3												
01N	02E	7					40.0	40.0	40.0		40.0		36.0	32.0			32.0		260.0
							L 1	L 2					L 4						
01N	02E	18	32.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					432.0
							L 1	L 2				L 3	L 4						
02N	02E	31									40.0	40.0	40.0	40.0			40.0		200.0
											L 3	L 4							

Right Acre Limit: 135.8
POU Total Acres: 1139.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 135.8 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 4.5 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 87042

WATER RIGHT NO. 63-35356
As Modified by Transfer No. 87042

CONDITIONS OF APPROVAL

3. Rights 63-7531, 63-10383, 63-35356, and 63-35411 when combined shall not exceed a total diversion rate of 5.87 cfs.
4. Rights 63-7531, 63-35356, and 63-35411 when combined are not to exceed an annual volume of 744.6 af.
5. Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
6. Prior to the diversion and use of water under Transfer approval 81871, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 30, 2009.
8. A single new point of diversion is authorized in either Lot 4(SWSW), or SESW, S18, T01N, R02E, to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
9. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
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. 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. 63-35411**As Modified by Transfer No. 87042**

In accordance with the approval of Transfer No. 87042, Water Right No. 63-35411 is now described as follows:

Right Holder: SEELER WEST REAL ESTATE LLC
1 GENSTAR LN STE C
JOLIET, IL 60435-2675

Priority Date: 12/10/1971

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	1.090 cfs	360.0 af
DOMESTIC	01/01	to 12/31	0.200 cfs	11.2 af
STOCKWATER	01/01	to 12/31	0.200 cfs	13.4 af
			1.090 cfs	384.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (SWSW)	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31 Twp 02N Rge 02E	ADA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	7										X							
												L 3							

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	7										X							
												L 3							

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	7										X							
												L 3							

Transfer No. 87042

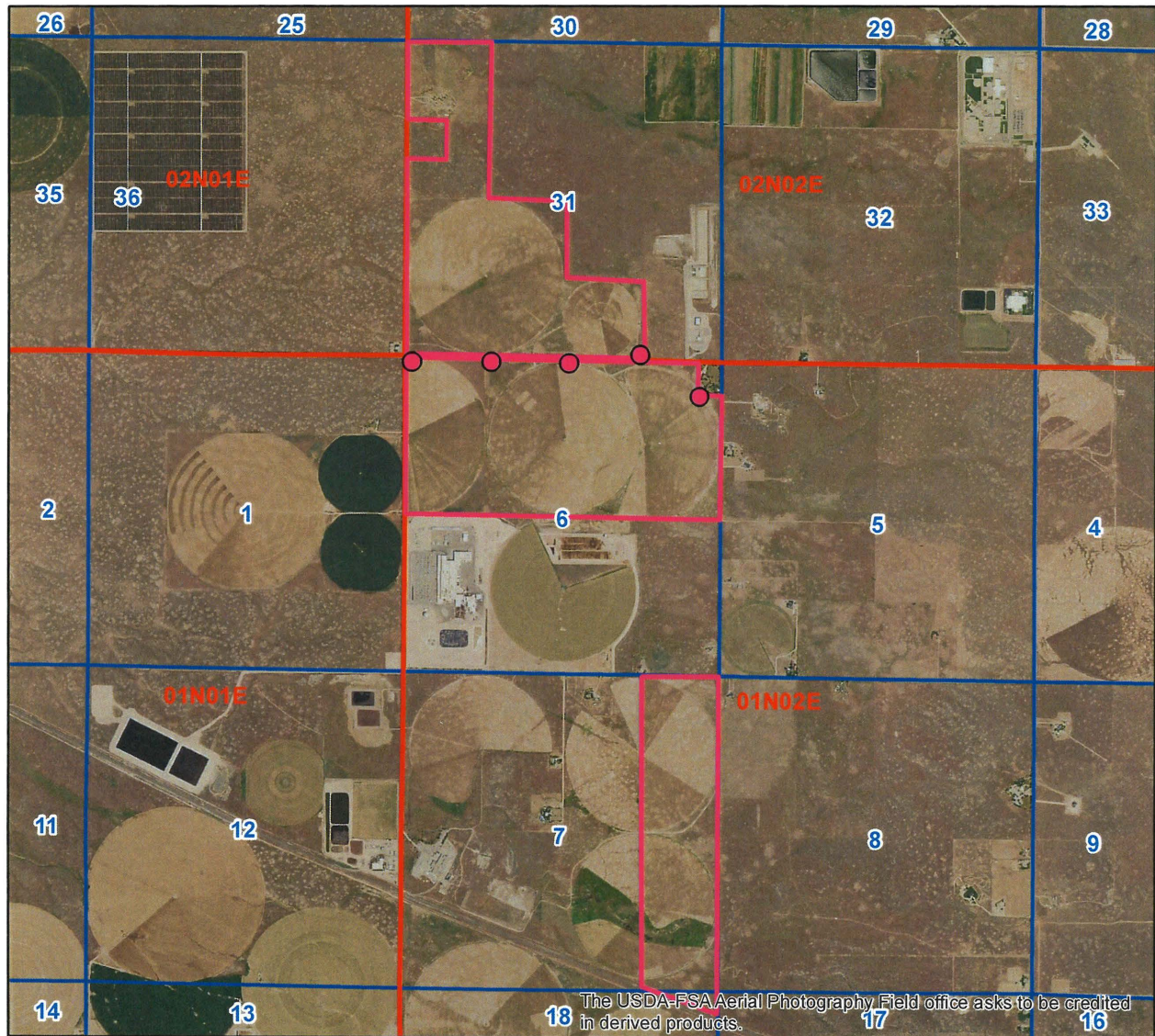
WATER RIGHT NO. 63-35411
As Modified by Transfer No. 87042

CONDITIONS OF APPROVAL

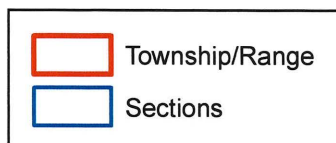
1. Rights 63-7531, 63-10383, 63-35356, and 63-35411 when combined shall not exceed a total diversion rate of 5.87 cfs.
2. Rights 63-7531, 63-35356, and 63-35411 when combined are not to exceed an annual volume of 744.6 af.
3. Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
4. Prior to the diversion and use of water under Transfer approval 81871, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
5. A single new point of diversion is authorized in either Lot 4(SWSW), or SESW, S18, T01N, R02E, to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
6. Use of water under this right shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. The place of commercial use authorized by this right includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the commercial component of this right shall not be land applied unless the water is first used for the commercial purpose authorized under this right.
8. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
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 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 No. 87042
Water Right(s): 63-11347, 63-3362, 63-34795, 63-35388

This map depicts the INUDSTRUAL 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 1,900 3,800 7,600 Feet





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

June 13, 2024

BRISBIE LLC
C/O MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
BOISE ID 83702-5919

Re: Transfer No: 87042

Water Right No(s): 63-3362, 63-7531, 63-10383, 63-11347, 63-34795, 63-35356,
63-35388, 63-35411

Transfer Approval Notice

Dear Water Right Holders and other Interested Parties:

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 our office at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Evans".

Lynne Evans
Administrative Assistant I

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 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: 87042

Water Right No(s): 63-3362, 63-7531, 63-10383, 63-11347, 63-34795, 63-35356,
63-35388, 63-35411

Water Right Nos. 63-3362, 63-10383, 63-11347, 63-34795, 63-35388:

BRISBIE LLC (Transfer Applicant)
C/O MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
BOISE ID 83702-5919

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

CITY OF BOISE (Protestant)
C/O DARRELL G. EARLY
150 N CAPITOL BLVD
BOISE ID 83702-5920

Water Right No. 63-7531:

SUSAN AND RAY MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686-8156

Water Right No. 63-35356:

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE ID 83707-0027

Water Right No. 63-35411:

SEELER WEST REAL ESTATE LLC
1 GENSTAR LN STE C
JOLIET IL 60435-2675


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 87042 File

FROM: Nick Miller

DATE: 06/06/2024

RE: Transfer 87042 review memorandum

Review & Evaluation of Sufficiency of Information

This transfer proposes changes to the points of diversion (POD), place of use (POU), and nature of use (NOU) for four water rights. The purpose is to change irrigation rights to industrial use for a data center that is under construction and utilize onsite wells. The subject water rights have a storied past and have been impacted by non-traditional ownership conveyances and transfer proceedings that were complicated by unusually interpreted combined limitations. Through this transfer, errors in the ownership changes to water rights 63-11347 and 63-7864 will be corrected. Additionally, four water rights are included in the transfer for purposes of updating conditions related to combined limitations with the transferred rights and, to the extent possible, adjust conditions to reflect ownership change splits.

A previous split for water right 63-35388 (split from 63-7864) was corrected prior to this approval. The correction splits 80 acres from 63-7864 instead of 40 acres and this transfer updates ownership of that 80-acre portion to Brisbee. This transfer also corrects an error from a previous split calculation for water right 63-11347. The correction changes 0.60 cfs to 0.61 cfs.

This application was protested by the City of Boise. The protesting party has withdrawn their protest based on both private agreements and inclusion of certain conditions on the faces of the transferred rights. The letter agreement outlines specific standard water right conditions to be added to each of the rights involved in the approval of the transfer, including standard condition 067. The transfer approval document includes these conditions as well as condition 020 that references the private agreement.

Authority to File:

The applicant is the owner of the water rights according to IDWR records and is the owner of the property at the proposed PODs per Ada County parcel data (updated 4/26/2023). Brisbie LLC owns the property that is listed as part of an ownership change notice of water right 63-7864 with the split portion being 63-35388 being retained by Brisbie LLC. Documentation showing the conveyance of a parcel in Lot 2, NWSWNW, Section 31, T02N, R02E, from Brisbie LLC to Idaho Power. This property has been excluded from the place of use in the transfer approval.

Water Right Validity:

Water right 63-3362 was decreed in 2008. Water right 63-11347 was licensed on 3/12/1999. Water right 63-34795 is the result of a split from water right 63-11347. Water right 63-35388 was the result of a split from water right 63-7864. Aerial imagery supports that sufficient irrigation has occurred under these water rights in recent years such that validity is not a concern.

Injury to Other Water Rights:

No injury is anticipated. The proposal was advertised and was protested by The City of Boise over concerns of injury to nearby rights held by the City. An agreement between the parties was reached and a stipulated withdrawal of protest submitted on October 30, 2023, that included a limitation on diversion rate from certain wells. There are no further concerns of injury to other rights.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer. The four water rights being transferred are changing the NOU from irrigation to industrial. To avoid enlargement, only the consumptive volume estimated for the irrigated acreage will carry forward to the transferred rights. Diversion rates of the transferred rights will remain unchanged. Three of the transferred rights included overall rate, volume, and acreage limitations with the associated rights. However, those combined limits have been removed for two reasons. First, the limits were merely additive and were not necessary to define the rights. Second, these limitations were modified through previous ownership changes and a previous transfer in a way that, along with changes to non-additive limitations among the associated rights, had become limitations that were more restrictive and no longer simply additive. Removing these combined limitations restores some of those unintended consequences. Lastly, removing these additive limits is necessary since the transferred rights now have lower annual volumes and no irrigated acreage.

It is worth noting that rights 63-7531 and 63-10383 and their children (rights resulting from ownership splits from these "parent rights") comprise the associated rights. This group of rights have limiting (not simply additive) combined rate limitations that have may not been reflected accurately through the ownership changes and transfer that have occurred since the rights were decreed/licensed. The resulting combined limitations appear to have resulted in a potential for enlargement of that group of rights. This topic should be revisited, but this transfer is not the appropriate venue to accomplish that.

Local Public interest:

No issues have been identified.

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**Conditions and Associated Rights:**

The four transferred water rights had substantial changes to the conditions due to the nature of use and the protest settlement agreement. These four rights are listed below and discussed, as are the associated rights.

As discussed in the "Enlargement of Use" section, four additional rights were included as associated rights because they share combined limitations with the transferred rights. In addition, conditions on the associated rights were adjusted in other ways to reflect changes to the rights necessarily resulting from the ownership changes that have occurred and for other reasons. The condition adjustments for each of the associated rights are also discussed below.

Transferred Rights:

63-3362, 63-11347 & 63-34795:

- Conditions X27, R65, and X61 were removed because the right was fully changed to industrial use and those conditions were irrigation-specific and no longer applicable.
- Condition X35 combined diversion rate limit of 8.88 cfs was removed because it was originally simply additive, but missing or inaccurate combined rate limits associated with 63-7531 and 63-10383 and their children resulted in this 8.88 cfs limit potentially limiting 63-11347 and 63-34795.
- Combined acre limit was removed because the right will no longer be for irrigation, and the limit was simply additive. Language regarding land application was retained with condition WD8. Prohibition against using LTG was retained via condition 073.
- Conditions specific to well locations no longer associated with this right were removed.
- Condition X06 added to explain the nature of the industrial use.
- Condition 205 added to explain that the changes redefine the elements of the right.
- Conditions 212, 067, 020, and a modified version of condition 186 was added per the stipulated agreement.
- Only on 63-3362, updated standard transfer condition T19 to reflect date of unified decree.

63-35388:

- Condition S39 removed as it was for extending the season of use for irrigation and the right was fully changed to industrial.
- Language regarding land application and LTG use was added via condition WD8 and 073.
- C18 updated to T19
- Condition X06 added to explain the industrial use.
- Condition 205 added to explain changes to the elements of the right.
- Conditions 212, 067, 020, and a modified version of condition 186 was added per the stipulated agreement.
- Standard transfer conditions T07 & T08 added.

Associated Rights:

63-7531 and 63-35411:

- Conditions R65 and X61 were removed as they were irrigation specific conditions and the right no longer has an irrigation component after splits.
- Condition X35 combined diversion rate limit of 8.88 cfs was removed because it was originally simply additive, but missing or inaccurate combined rate limits associated with 63-7531 and 63-10383 and their children resulted in this 8.88 cfs limit potentially limiting 63-11347 and 63-34795.
- Combined rate limitation of 5.87 cfs when used with 63-10383 and their children was retained. Although this limitation is likely erroneous given the number of ownership splits, and unstacking in transfer 81871, this limitation does not impact the transferred rights and should not be updated in this process. Similarly, a combined diversion rate limitation totaling 3.6 cfs for 63-7531 and its children should have been added at the time the right was split, but this should not be addressed within this transfer. Further, a combined volume limitation of 744.6 acre-feet for 63-7531 and most of its children reflects the original face volume total, but perhaps should have been reduced or modified when the right was split. Again, this was left in place as it does not impact the transferred rights.

- Combined acre limit condition was removed because the right and the transferred rights are no longer for irrigation, and the limit was simply additive. Language regarding land application and IDEQ requirements was retained but modified to reflect the “unstacking” of this right from its children and 63-10383 and its children.
- Updated standard transfer condition T19 to reflect date of unified decree.

63-35356:

- Condition X35 combined diversion rate limit of 8.88 cfs was removed because it was originally simply additive, but missing or inaccurate combined rate limits associated with 63-7531 and 63-10383 and their children resulted in this 8.88 cfs limit potentially limiting 63-11347 and 63-34795.
- Combined rate limitation of 5.87 cfs when used with 63-10383 and their children was retained. Although this limitation is likely erroneous given the number of ownership splits and unstacking in transfer 81871, this limitation does not impact the transferred rights and should not be updated in this process. Similarly, a combined diversion rate limitation totaling 3.6 cfs for 63-7531 and its children should have been added at the time the right was split, but this should not be made within this transfer either. Further, a combined volume limitation of 744.6 acre-feet for 63-7531 and most of its children reflects the original face volume total, but perhaps should have been reduced or modified when the right was split. Again, this was left in place as it does not impact the transferred rights.
- Combined acre limit condition was removed because most of the rights and the transferred rights are no longer for irrigation, and the limit was simply additive. Similarly, language regarding land application and IDEQ requirements was removed since this right no longer contains a commercial or industrial use
- Updated standard transfer condition T19 to reflect date of unified decree.

63-10383:

- Condition X35 combined diversion rate limit of 8.88 cfs was removed because it was originally simply additive, but missing or inaccurate combined rate limits associated with 63-7531 and 63-10383 and their children resulted in this 8.88 cfs limit potentially limiting 63-11347 and 63-34795.
- Combined acre limit condition was removed because many of the associated rights and the transferred rights are no longer for irrigation, and the limit was simply additive. Language regarding land application and IDEQ requirements was retained but modified to reflect the “unstacking” of this right from its children and 63-7531 and its children.
- Combined rate limitation of 5.87 cfs when used with 63-7531 was retained, but updated to include recent splits of both rights. Although this limitation is likely erroneous given the number of ownership splits and unstacking in transfer 81871 this limitation does not impact the transferred rights and should not be changed in this process. Similarly, a combined diversion rate limitation totaling 3.6 cfs for 63-7531 and its children that should have been added at the time the right was split, but was not, results in enlargement of 63-7531 and its children and diminishment of 63-10383 and its children, when considered with the 5.87 cfs limitation. Yet, this aspect cannot be addressed within this transfer either as it does not impact the transferred rights.