

IDAHO WATER COMPANY LLC

RECEIVED

AUG 21 2008

WATER RESOURCES
WESTERN REGION

August 21, 2008

Department of Water Resources Western Region
c/o Steve Lester
2735 Airport Way
Boise, ID 83705

RE: Transfer Application 73811

Dear Sir,

The following changes need to be made to the above transfer application due to its approval time; Water Rights 61-2188 and 61-7151 should be removed from the application. Part 2 of the Application concerning these rights should be removed. The proposed permissible place of use will stay the same for the remaining rights. Thank you for your prompt attention to this matter.

Sincerely,



Kevin Kohtz
Idaho Water Company LLC

Page _____ of _____
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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

AUG 21 2008

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

**WATER RESOURCES
WESTERN REGION**

Name of applicant Idaho Water Company Phone 208-825-5617

Post Office address 1135 Valley Road South Eden, Idaho 83325

A. PURPOSE OF TRANSFER

- Change point of diversion Add diversion point Change place of use
 Change nature of use Change period of use Other _____
- Describe the reason for the proposed changes Split water rights, & create a new permissible
Place of use. _____

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>61-2188</u>	<u>02/17/1966</u>	<u>3.11/692.8</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>61-7151</u>	<u>04/09/1973</u>	<u>1.33/466.3</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>61-7119</u>	<u>7/10/1972</u>	<u>1.55/310.9</u>	<u>Irrigation</u>	<u>03/15 to 11/15</u>
<u>61-7396</u>	<u>01/04/1980</u>	<u>0.65/189.8</u>	<u>Irrigation</u>	<u>03/15 to 11/15</u>
<u>61-2154</u>	<u>01/14/1963</u>	<u>1.61/320.4</u>	<u>Irrigation</u>	<u>03/15 to 11/15</u>
<u>61-10378</u>	<u>04/30/1974</u>	<u>0.24/-</u>	<u>Irrigation</u>	<u>03/15 to 11/15</u>
<u>61-7005</u>	<u>08/23/1967</u>	<u>1.55/379.7</u>	<u>Irrigation</u>	<u>03/01 to 10/15</u>
<u>61-2155</u>	<u>01/14/1963</u>	<u>1.74/365.4</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>

2. Total amount of water being transferred 8.67 cubic feet per second and/or 2168.8 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
								SEE ATTACHMENT

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	4E	14																	160
1S	4E	23	30	40	40	40	40	22	40	40	40	40	40	40	40	40	40	40	612
1S	4E	24						1	22					12	40	40	37		152

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 73811

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant Idaho Water Company Phone 208-825-5617

Post Office address 1135 Valley Road South Eden, Idaho 83325

RECEIVED

A. PURPOSE OF TRANSFER

1. Change point of diversion Add diversion point Change place of use
 Change nature of use Change period of use Other _____

JAN 12 2007

WATER RESOURCES
WESTERN REGION

2. Describe the reason for the proposed changes Split water rights, & create a new permissible
Place of use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>61-2188</u>	<u>02/17/1966</u>	<u>3.11/692.8</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>61-7151</u>	<u>04/09/1973</u>	<u>1.33/466.3</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>61-7119</u>	<u>7/10/1972</u>	<u>1.55/310.9</u>	<u>Irrigation</u>	<u>03/15 to 11/15</u>
<u>61-7396</u>	<u>01/04/1980</u>	<u>0.65/189.8</u>	<u>Irrigation</u>	<u>03/15 to 11/15</u>
<u>61-2154</u>	<u>01/14/1963</u>	<u>1.61/320.4</u>	<u>Irrigation</u>	<u>03/15 to 11/15</u>
<u>61-10378</u>	<u>04/30/1974</u>	<u>0.24/-</u>	<u>Irrigation</u>	<u>03/15 to 11/15</u>
<u>61-7005</u>	<u>08/23/1967</u>	<u>1.55/379.7</u>	<u>Irrigation</u>	<u>03/01 to 10/15</u>
<u>61-2155</u>	<u>01/14/1963</u>	<u>1.74/365.4</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>

2. Total amount of water being transferred 8.67 cubic feet per second and/or 2168.8 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
								SEE ATTACHMENT

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	4E	14																	160
1S	4E	23	30	40	40	40	40	22	40	40	40	40	40	40	40	40	40	40	612
1S	4E	24						1	22		12	40	40	37					152

*1st Amendment
- superseded -*

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NE	SW	14	01S	14E	ELMORE	WELL
		NW	SW	14	01S	14E	ELMORE	WELL
		SW	SW	14	01S	14E	ELMORE	WELL
		SE	SW	14	01S	14E	ELMORE	WELL
		NE	NE	23	01S	14E	ELMORE	WELL
		NW	NE	23	01S	14E	ELMORE	WELL
		SW	NE	23	01S	14E	ELMORE	WELL
		SE	NE	23	01S	14E	ELMORE	WELL
		NE	NW	23	01S	14E	ELMORE	WELL
		NW	NW	23	01S	14E	ELMORE	WELL
		SW	NW	23	01S	14E	ELMORE	WELL
		SE	NW	23	01S	14E	ELMORE	WELL
		NE	SW	23	01S	14E	ELMORE	WELL
		NW	SW	23	01S	14E	ELMORE	WELL
		SW	SW	23	01S	14E	ELMORE	WELL
		SE	SW	23	01S	14E	ELMORE	WELL
		NE	SE	23	01S	14E	ELMORE	WELL
		NW	SE	23	01S	14E	ELMORE	WELL
		SW	SE	23	01S	14E	ELMORE	WELL
		SE	SE	23	01S	14E	ELMORE	WELL
		NW	NW	24	01S	14E	ELMORE	WELL
		SW	NW	24	01S	14E	ELMORE	WELL
		NE	SW	24	01S	14E	ELMORE	WELL
		NW	SW	24	01S	14E	ELMORE	WELL
		SW	SW	24	01S	14E	ELMORE	WELL
		SE	SW	24	01S	14E	ELMORE	WELL

PART 1

6. General Information:

a. Description of diversion system New wells & interconnected distribution piping with sprinkler systems.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
Portions of the currently irrigated land will be dried up:
272 Ac. within original PPU of 61-2188, 7151 will no longer be irrigated.
369 ac. within original PPU of 61-2154, 2155, 7005, 7119, 7396, 10378 will no longer be irrigated.

d. Remarks:
See attached split worksheet for split portions & associated combined limits.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 61-2188 Decreed to Jay B Brown
in case of Snake River Basin Adjudication vs. _____
dated 10/26/2000 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

- Tax notice Warranty Deed Other Purchase agreement

3. Source of water Ground Water tributary to _____

4. Date of priority 02/17/1966

5. Water is used for the following purpose:

Amount 3.28/731 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.28 cubic feet per second and/or 731 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NE	24	04s	05e	Elmore	Existing Well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04s	05e	24	40	40	40	40													320

Total acres 320

9. Describe any other water rights used for the same purpose as described above This right combined with right 61-7151 is limited to total of 3.28 cfs, and 320 acres.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 3.11/692.8 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NE	24	04S	05E	ELMORE	Existing Well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
04s	05e	24	40	40	40	40									40	40	40	25	305	

Total acres 305

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 0.17/38.2 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NE	24	04S	05E	Elmore	Existing well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
04s	05e	24	40	40	40	40									40	40	40	40	320	

Total acres 320

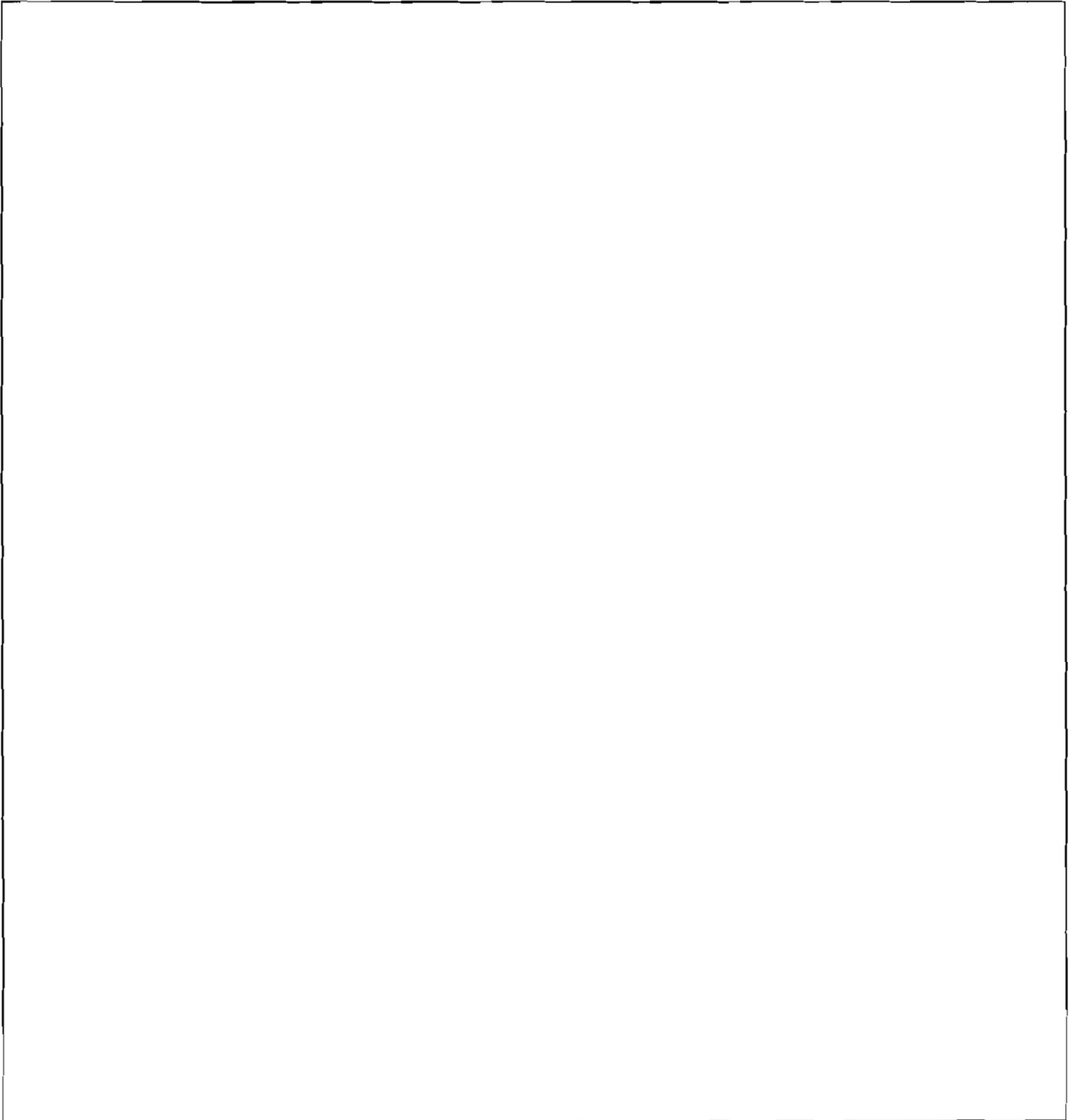
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

A. Draw a map or attach a **USGS map indicating the new**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equals 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

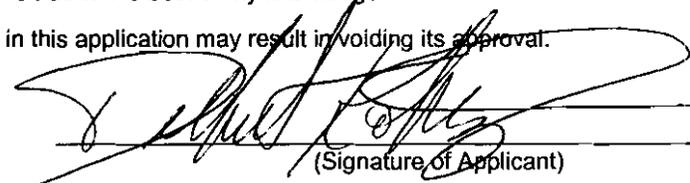
1. <u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:
No Change

3. Describe the effects on other water uses resulting from the proposed change:
369 Acres will no longer be irrigated at original PPU under 61-2188, 7151.
272 acres will no longer be irrigated at original PPU under 61-2154, 2155, 7005,
7119, 7396 and 10378.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.


(Signature of Applicant)

Subscribed and sworn to before me this 14th day of December, 19 2004.

LINDA C. SLODERBECK
NOTARY PUBLIC
STATE OF IDAHO

Linda C. Sloderbeck
(Notary Public)

My commission expires 4/7/2012

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for Approval Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

PART 3

B. CHANGES IN NATURE OF USE

1. <u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	to _____
_____	_____	_____	to _____

2. Quantity and quality of return flows and location of discharge:
No Change

3. Describe the effects on other water uses resulting from the proposed change:
369 Acres will no longer be irrigated at original PPU under 61-2188, 7151.
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7119, 7396 and 10378.

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[Handwritten Signature]

 (Signature of Applicant)

Subscribed and sworn to before me this 14th day of December, 19 2006.

LINDA C. SLODERBECK
 NOTARY PUBLIC
 STATE OF IDAHO

Linda C. Sloderbeck

 (Notary Public)

My commission expires 4/7/2012

FOR DEPARTMENT USE ONLY

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Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for Approval Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

EXISTING Water Rights

RIGHT #	61-7119	61-7396	61-2154	61-10378	61-7005	61-2155
SOURCE	GROUND WATER					
CURRENT DWNER	Bernard Brown					
PRIORITY DATE	7/10/1972	1/4/1980	1/14/1963	4/30/1974	8/23/1967	1/14/1963
BASIS	DECREED	DECREED	DECREED	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION
Diversion	5.24 CFS	2.20 CFS	5.44 CFS	0.80 CFS	5.24 CFS	5.86 CFS
Diversion LIMIT	5.44 CFS					
Diversion LIMIT	12.0 CFS					
Diversion LIMIT	12.88 CFS					
Diversion LIMIT	12.88 CFS					
Diversion LIMIT	18.74 CFS					
Acres	262 Acres	160 Acres	272 Acres	47 Acres	320 Acres	308 Acres
Acre LIMIT	799 Acres					
Acre LIMIT	936 Acres					
Acre LIMIT	1244 Acres					
POU Acres	1,459 Acres					
Volume	1,048.0 AFA	640.0 AFA	1,080.0 AFA		1,280.0 AFA	1,232.0 AFA
Volume LIMIT	1,276.0 AFA					
Volume LIMIT	3,196.0 AFA					
Volume LIMIT	3,744.0 AFA					
Volume LIMIT	4,976.0 AFA					

Split TO Shekinah Industries based on 369.0 Acres						
RIGHT #	61-719	61-786	61-2154	61-10378	61-7005	61-2155
SOURCE	GROUND WATER					
CURRENT OWNER	Idaho Water Co.					
PRIORITY DATE	7/10/1972	1/4/1980	1/14/1963	4/30/1974	8/23/1967	1/14/1963
BASIS	DECREED	DECREED	DECREED	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION
Diversion	1.55 CFS	0.65 CFS	1.61 CFS	0.24 CFS	1.55 CFS	1.74 CFS
Diversion LIMIT	3.40 CFS			1.61 CFS		
Diversion LIMIT				3.82 CFS		
Diversion LIMIT				5.85 CFS		
Diversion LIMIT				237 Acres		
Acres	78 Acres	47 Acres	81 Acres	14 Acres	95 Acres	91 Acres
Acre LIMIT	278 Acres			237 Acres		
Acre LIMIT				369 Acres		
POU Acres						
Volume	310.9 AFA	189.8 AFA	320.4 AFA	0.0 AFA	379.7 AFA	365.4 AFA
Volume LIMIT	378.5 AFA					
Volume LIMIT				948.0 AFA		
Volume LIMIT				1,110.6 AFA		
Volume LIMIT				1,478.0 AFA		

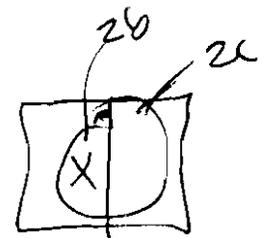
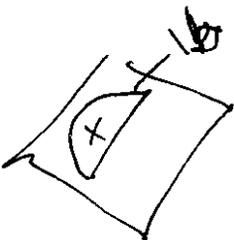
Remaining Water Rights Limited to 875.0 Acres						
RIGHT #	61-719	61-786	61-2154	61-10378	61-7005	61-2155
SOURCE	GROUND WATER					
CURRENT OWNER	Bernard Brown					
PRIORITY DATE	7/10/1972	1/4/1980	1/14/1963	4/30/1974	8/23/1967	1/14/1963
BASIS	DECREED	DECREED	DECREED	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION
Diversion	3.69 CFS	1.55 CFS	3.83 CFS	0.56 CFS	3.69 CFS	4.12 CFS
Diversion LIMIT	5.70 CFS			3.83 CFS		
Diversion LIMIT				9.06 CFS		
Diversion LIMIT				13.18 CFS		
Diversion LIMIT				562 Acres		
Acres	184 Acres	113 Acres	191 Acres	33 Acres	225 Acres	217 Acres
Acre LIMIT	658 Acres			562 Acres		
Acre LIMIT				875 Acres		
POU Acres						
Volume	737.1 AFA	450.2 AFA	759.6 AFA	0.0 AFA	900.3 AFA	866.6 AFA
Volume LIMIT	897.5 AFA					
Volume LIMIT				2,248.0 AFA		
Volume LIMIT				2,833.4 AFA		
Volume LIMIT				3,800.0 AFA		

Jay Brown Water Right Sale to Idaho Water Co. Sale to Shekinah Industries, Inc.

EXISTING Water Rights		
RIGHT #	61-2188	61-7151
SOURCE	GROUND WATER	GROUND WATER
CURRENT OWNER	Jay B. Brown	Jay B. Brown
PRIORITY DATE	2/17/1966	4/9/1973
BASIS	DECREED	DECREED
USE	IRRIGATION	IRRIGATION
Diversion	3.28 CFS	1.40 CFS
Diversion Limit	3.28 CFS	
Acres	164 Acres	123 Acres
Acre Limit	287 Acres	
POU Acres	320 Acres	
Volume	731.0 AFA	492.0 AFA

Split TO Shekinah Industries		
based on 272.0 Acres		
RIGHT #	61-2188A	61-7151A
SOURCE	GROUND WATER	GROUND WATER
CURRENT OWNER	Idaho Water Co.	Idaho Water Co.
PRIORITY DATE	2/17/1966	4/9/1973
BASIS	DECREED	DECREED
USE	IRRIGATION	IRRIGATION
Diversion	3.11 CFS	1.33 CFS
Diversion Limit	3.11 CFS	
Acres	155.4 Acres	116.6 Acres
Acre Limit	272.0 Acres	
Volume	692.8 AFA	466.3 AFA

Remaining Water Rights		
RIGHT #	61-2188B	61-7151B
SOURCE	GROUND WATER	GROUND WATER
CURRENT OWNER	Jay B. Brown	Jay B. Brown
PRIORITY DATE	2/17/1966	4/9/1973
BASIS	DECREED	DECREED
USE	IRRIGATION	IRRIGATION
Authorized	0.17 CFS	0.07 CFS
Combined Diversion	0.17 CFS	
Acres	8.6 Acres	6.4 Acres
Acre Limit	15 Acres	
POU Acres	320 Acres	
Volume Limit	38.2 AFA	25.7 AFA



To Agent in Charge of transfers.

These are the changes you requested
for the Mike Prestons transfer.

Thanks

Del Kohz

Idaho Water Co. LLC

RECEIVED

JAN 12 2007

WATER RESOURCES
WESTERN REGION