

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75759**

This is to certify that: STATE OF IDAHO
MILITARY DIVISION
ATTN MAJ E P GUSSENHOVEN
4040 GUARD ST BLDG 600
BOISE ID 83705-5004
(208)422-5474

has requested a change to the water rights listed below. This change in water rights is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|---------------|
| 61-10124 | WR/Decreed | 03/01/1954 | 0.18 cfs | 87.47 af | GROUND WATER |
| 61-7246B | WR/Decreed | 12/16/1975 | 0.30 cfs | 67.5 af | GROUND WATER |

Purpose of Transfer (Changes Proposed)

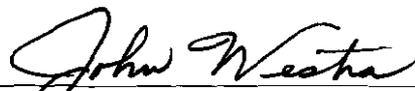
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 61-10124 | NO | NO | YES | YES | NO | NO |
| 61-7246B | NO | YES | YES | YES | NO | NO |

Summary of Water Rights After the Approved Change

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 61-10124 | 61-10124 | 0.18 cfs | 87.5 af | N/A | | | N/A | N/A | | N/A |
| 61-7246B | 61-7246B | 0.30 cfs | 67.5 af | N/A | | | N/A | N/A | | N/A |
| COMBINED TOTALS | | 0.48 cfs | 155 af | N/A | | | N/A | N/A | N/A | N/A |

Detailed Water Right Descriptions attached

Dated this 21st day of September, 2009



John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 61-7246B

WATER RIGHT NO. 61-7246B
As Modified by Transfer No. 75759

In accordance with the approval of Transfer No. 75759, Water Right No. 61-7246B is now described as follows.

Right Holder: STATE OF IDAHO
 MILITARY DIVISION
 ATTN MAJ E P GUSSENHOVEN
 4040 GUARD ST BLDG 600
 BOISE ID 83705-5004

Priority Date: December 16, 1975

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| FIRE PROTECTION | 01/01 | to 12/31 | 0.30 CFS | |
| INDUSTRIAL | 01/01 | to 12/31 | 0.30 CFS | 67.5 AF |
| DOMESTIC | 01/01 | to 12/31 | 0.30 CFS | 67.5 AF |

LOCATION OF POINTS OF DIVERSION:

GROUND WATER NWNE Sec. 35, Twp 01S, Rge 03E, ADA County
 GROUND WATER NENW Sec. 35, Twp 01S, Rge 03E, ADA County
 GROUND WATER L2 (NENWNE) Sec. 02, Twp 02S, Rge 03E, ADA County

PLACE OF USE: FIRE PROTECTION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | |
| 01S 03E 35 | X | X | X | X | X | X | X | X | | | | | | | | | |
| 02S 03E 2 | | X | | | | | | | | | | | | | | | |
| | | L2 | | | | | | | | | | | | | | | |

PLACE OF USE: INDUSTRIAL

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | |
| 01S 03E 35 | X | X | X | X | X | X | X | X | | | | | | | | | |
| 02S 03E 2 | | X | | | | | | | | | | | | | | | |
| | | L2 | | | | | | | | | | | | | | | |

PLACE OF USE: DOMESTIC

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | |
| 01S 03E 35 | X | X | X | X | X | X | X | X | | | | | | | | | |
| 02S 03E 2 | | X | | | | | | | | | | | | | | | |
| | | L2 | | | | | | | | | | | | | | | |

WATER RIGHT NO. 61-7246B
As Modified by Transfer No. 75759

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Industrial and domestic uses are at maintenance and training facility and an ammunition supply facility.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of September, 20 09



John Westra, Western Regional Manager

**WATER RIGHT NO. 61-10124
As Modified by Transfer No. 75759**

In accordance with the approval of Transfer No. 75759, Water Right No. 61-10124 is now described as follows.

Right Holder: STATE OF IDAHO
MILITARY DIVISION
ATTN LTC DAVID DAHLE
4040 GUARD ST BLDG 600
BOISE ID 83705-5004

Priority Date: March 01, 1954

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| DOMESTIC | 03/01 | 11/01 | 0.18 CFS | 87.5 AF |
| | | | 0.18 CFS | 87.5 AF |

LOCATION OF POINTS OF DIVERSION:

| | | |
|--------------|--------|---------------------------------------|
| GROUND WATER | NWNE | Sec. 35, Twp 01S, Rge 03E, ADA County |
| GROUND WATER | NENW | Sec. 35, Twp 01S, Rge 03E, ADA County |
| GROUND WATER | NWSENE | Sec. 30, Twp 01S, Rge 04E, ADA County |

PLACE OF USE: DOMESTIC

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | |
| 01S | 03E | 35 | X | X | X | X | X | X | X | X | | | | | | | | | |
| 01S | 04E | 30 | | | | | X | | | | | | | | | | | | |

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Domestic use is for National Guard Units performing annual training at range locations.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The following right is also diverted through the point of diversion located within the NWSENE, S30, T01S, R04E: 61-4074
5. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

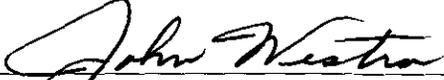
**WATER RIGHT NO. 61-10124
As Modified by Transfer No. 75759**

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of September, 20 09



John Westra, Western Regional Manager