

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 86072**

This is to certify that: **LARRY QUIST**
2272 N 2900 W
ARCO, ID 83213-8798

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>
34-10680	WR/DECREED	10/2/1885	3.200 cfs	N/A	N/A	495.0	BIG LOST RIVER
34-12421	WR/DECREED	5/30/1987	2.150 cfs	N/A	N/A	495.0	GROUND WATER
34-13414	WR/DECREED	3/16/1923	2.000 cfs	N/A	N/A	495.0	FERRIS SLOUGH
34-7149	WR/DECREED	6/14/1976	7.000 cfs	N/A	N/A	350.0	BIG LOST RIVER
34-7181	WR/DECREED	4/19/1977	7.070 cfs	N/A	400.0	495.0	GROUND WATER
34-7225	WR/DECREED	1/4/1979	2.180 cfs	N/A	N/A	109.0	BIG LOST 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>
34-10680	NO	NO	YES	NO	NO	NO
34-12421	NO	NO	YES	NO	NO	NO
34-13414	NO	NO	YES	NO	NO	NO
34-7149	NO	NO	YES	NO	NO	NO
34-7181	NO	NO	YES	NO	NO	NO
34-7225	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
34-10680	34-10680	3.200 cfs	N/A	160.0	160.0	N/A	N/A	N/A	N/A	N/A
34-12421	34-12421	2.150 cfs	N/A	95.0	495.0	N/A	N/A	N/A	N/A	N/A
34-13414	34-13414	2.000 cfs	N/A	160.0	160.0	N/A	N/A	N/A	N/A	N/A
34-7149	34-7149	7.000 cfs	N/A	350.0	495.0	N/A	N/A	N/A	N/A	N/A
34-7181	34-7181	7.070 cfs	N/A	400.0	495.0	N/A	N/A	N/A	N/A	N/A
34-7225	34-7225	2.180 cfs	N/A	109.0	495.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		12.980 cfs	N/A	495.0	495.0		N/A	N/A	N/A	N/A

**Support Data
In File # 34-7149**

Transfer No. 86072

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86072

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 29th day of April, 2022.



Regional Manager



Transfer No. 86072

Support Data
In File # 34-7149

WATER RIGHT NO. 34-13414
As Modified by Transfer No. 86072

In accordance with the approval of Transfer No. 86072, Water Right No. 34-13414 is now described as follows:

Right Holder: LARRY QUIST
 2272 N 2900 W
 ARCO, ID 83213-8798

Priority Date: 3/16/1923

Source: FERRIS SLOUGH

Tributary: BIG LOST RIVER

BENEFICIAL USE

IRRIGATION

From

5/01

To

to 10/15

Diversion Rate

2.000 cfs

2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

FERRIS SLOUGH NENWSE Sec 7 Twp 03N Rge 27E BUTTE 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	
03N	27E	17					40.0	40.0	40.0	40.0									160.0

Right Acre Limit: 160.0

POU Total Acres: 160.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 34-10680 and 34-13414 when combined shall not exceed a total diversion rate of 3.20 cfs, a total annual maximum diversion volume of 800 af, and the irrigation of 160 acres.
3. Rights 34-7149, 34-7181, 34-7225, 34-10680, 34-12421 and 34-13414 when combined shall not exceed the irrigation of 495 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. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 86072

WATER RIGHT NO. 34-13414
As Modified by Transfer No. 86072

CONDITIONS OF APPROVAL

6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
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. 34-7149
As Modified by Transfer No. 86072

In accordance with the approval of Transfer No. 86072, Water Right No. 34-7149 is now described as follows:

Right Holder: LARRY QUIST
 2272 N 2900 W
 ARCO, ID 83213-8798

Priority Date: 6/14/1976

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

7.000 cfs

7.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER

NWNESW

Sec 17 Twp 03N Rge 27E BUTTE 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	
03N	27E	8															20.0	20.0	40.0
03N	27E	9							12.0			38.0	40.0						90.0
03N	27E	17					40.0	40.0	40.0	40.0	26.0			19.0	40.0	40.0	40.0	40.0	365.0

Right Acre Limit: 350.0

POU Total Acres: 495.0

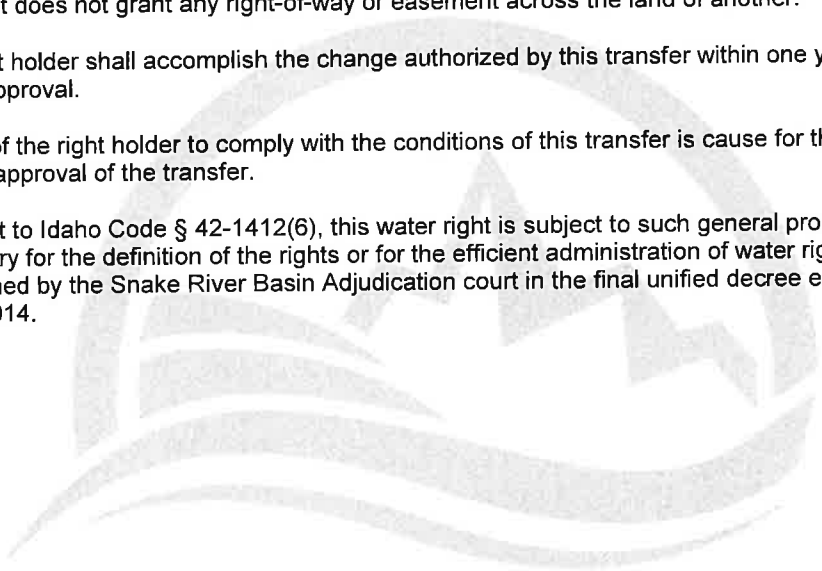
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 350 acres within the authorized place of use in a single irrigation season.
2. Rights 34-7149, 34-7181, 34-7225 and 34-12421 when combined shall not exceed a total diversion rate of 9.78 cfs and a total annual maximum diversion volume of 1,675 af at the field headgate.
3. Rights 34-7149 and 34-7225 when combined shall not exceed a total diversion rate of 9.11 cfs.
4. Rights 34-7149, 34-7181, 34-7225, 34-10680, 34-12421 and 34-13414 when combined shall not exceed the irrigation of 495 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. 34.

Transfer No. 86072

WATER RIGHT NO. 34-7149
As Modified by Transfer No. 86072

CONDITIONS OF APPROVAL

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
 7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
 8. This right does not grant any right-of-way or easement across the land of another.
 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.
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WATER RIGHT NO. 34-7225**As Modified by Transfer No. 86072**

In accordance with the approval of Transfer No. 86072, Water Right No. 34-7225 is now described as follows:

Right Holder: LARRY QUIST
2272 N 2900 W
ARCO, ID 83213-8798

Priority Date: 1/4/1979

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 11/01	2.180 cfs 2.180 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWNESW Sec 17 Twp 03N Rge 27E BUTTE 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	
03N	27E	8															20.0	20.0	40.0
03N	27E	9							12.0			38.0	40.0						90.0
03N	27E	17					40.0	40.0	40.0	40.0	26.0			19.0	40.0	40.0	40.0	40.0	365.0

Right Acre Limit: 109.0

POU Total Acres: 495.0

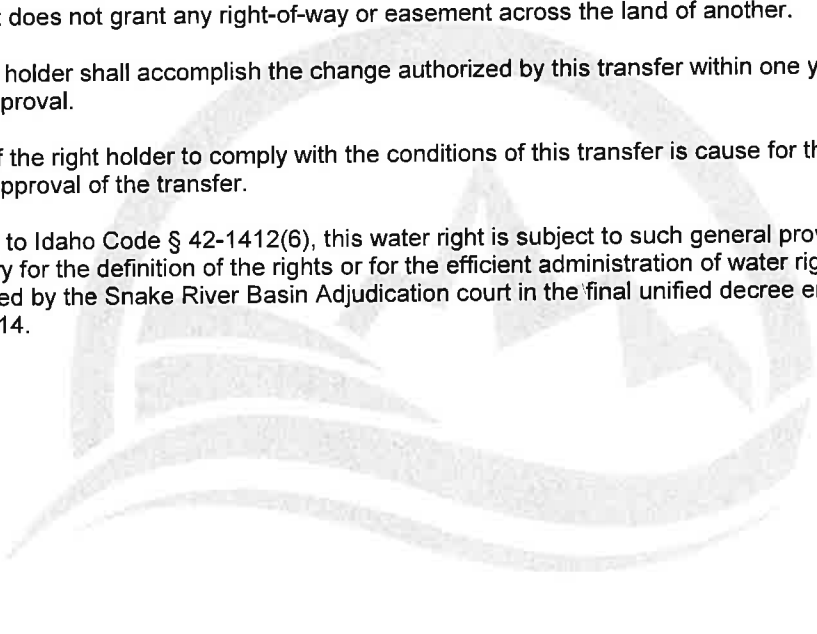
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 109 acres within the authorized place of use in a single irrigation season.
2. Rights 34-7149, 34-7181, 34-7225 and 34-12421 when combined shall not exceed a total diversion rate of 9.78 cfs and a total annual maximum diversion volume of 1,675 af at the field headgate.
3. Rights 34-7149 and 34-7225 when combined shall not exceed a total diversion rate of 9.11 cfs.
4. Rights 34-7149, 34-7181, 34-7225, 34-10680, 34-12421 and 34-13414 when combined shall not exceed the irrigation of 495 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. 34.

Transfer No. 86072

WATER RIGHT NO. 34-7225
As Modified by Transfer No. 86072

CONDITIONS OF APPROVAL

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
 7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
 8. This right does not grant any right-of-way or easement across the land of another.
 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.
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WATER RIGHT NO. 34-7181**As Modified by Transfer No. 86072**

In accordance with the approval of Transfer No. 86072, Water Right No. 34-7181 is now described as follows:

Right Holder: LARRY QUIST
2272 N 2900 W
ARCO, ID 83213-8798

Priority Date: 4/19/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/15	to 10/15	7.070 cfs 7.070 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWNW	Sec 26 Twp 04N Rge 26E	BUTTE County	(I)
GROUND WATER	NWNWNW	Sec 26 Twp 04N Rge 26E	BUTTE County	(R)
GROUND WATER	SESENW	Sec 3 Twp 04N Rge 26E	BUTTE 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	
03N	27E	8															20.0	20.0	40.0
03N	27E	9							12.0			38.0	40.0						90.0
03N	27E	17					40.0	40.0	40.0	40.0	26.0			19.0	40.0	40.0	40.0	40.0	365.0

Right Acre Limit: 400.0

POU Total Acres: 495.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 400 acres within the authorized place of use in a single irrigation season.
2. Rights 34-7075, 34-7181, 34-12421 and 34-14772 when combined shall not exceed a total diversion rate of 7.07 cfs.
3. Rights 34-7149, 34-7181, 34-7225 and 34-12421 when combined shall not exceed a total diversion rate of 9.78 cfs and a total annual maximum diversion volume of 1,675 af at the field headgate.
4. Rights 34-7149, 34-7181, 34-7225, 34-10680, 34-12421 and 34-13414 when combined shall not exceed the irrigation of 495 acres.

Transfer No. 86072

WATER RIGHT NO. 34-7181
As Modified by Transfer No. 86072

CONDITIONS OF APPROVAL

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. 34.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Right No. 34-12421 is an enlargement of this right pursuant to Idaho Code § 42-1426.
9. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than June 20, 2001.
10. Point of injection into and point of rediversion from Big Lost River.
11. This right does not grant any right-of-way or easement across the land of another.
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.
14. 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. 34-12421**As Modified by Transfer No. 86072**

In accordance with the approval of Transfer No. 86072, Water Right No. 34-12421 is now described as follows:

Right Holder: LARRY QUIST
2272 N 2900 W
ARCO, ID 83213-8798

Priority Date: 5/30/1987

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

2.560 cfs

2.150 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESENW

Sec 3 Twp 04N Rge 26E BUTTE 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	
03N	27E	8															20.0	20.0	40.0
03N	27E	9							12.0			38.0	40.0						90.0
03N	27E	17					40.0	40.0	40.0	40.0	26.0			19.0	40.0	40.0	40.0	40.0	365.0

Right Acre Limit: 95.0

POU Total Acres: 495.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 95 acres within the place of use described for this right.
2. Rights 34-7075, 34-7181, 34-12421 and 34-14772 when combined shall not exceed a total diversion rate of 7.07 cfs.
3. Rights 34-7149, 34-7181, 34-7225 and 34-12421 when combined shall not exceed a total diversion rate of 9.78 cfs and a total annual maximum diversion volume of 1,675 af at the field headgate.
4. Rights 34-7149, 34-7181, 34-7225, 34-10680, 34-12421 and 34-13414 when combined shall not exceed the irrigation of 495 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. 34.

Transfer No. 86072

WATER RIGHT NO. 34-12421
As Modified by Transfer No. 86072

CONDITIONS OF APPROVAL

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right is based upon an enlargement of Right No. 34-7181 pursuant to Idaho Code § 42-1426.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
10. Point of injection into and point of rediversion from Big Lost River.
11. This right does not grant any right-of-way or easement across the land of another.
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.
14. 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. 34-10680**As Modified by Transfer No. 86072**

In accordance with the approval of Transfer No. 86072, Water Right No. 34-10680 is now described as follows:

Right Holder: LARRY QUIST
2272 N 2900 W
ARCO, ID 83213-8798

Priority Date: 10/2/1885

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	5/01	to 10/15	3.200 cfs
STOCKWATER	1/01	to 12/31	0.020 cfs
			3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER	NENWSE	Sec 7	Twp 03N Rge 27E	BUTTE County	(R)
BIG LOST RIVER	NENWSE	Sec 7	Twp 03N Rge 27E	BUTTE County	(I)
BIG LOST RIVER	NWNWNW	Sec 26	Twp 04N Rge 26E	BUTTE County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	27E	17					40.0	40.0	40.0	40.0									160.0
Right Acre Limit:			160.0																
POU Total Acres:			160.0																

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	
03N	27E	17					X	X	X	X									

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 34-10680 and 34-13414 when combined shall not exceed a total diversion rate of 3.20 cfs, a total annual maximum diversion volume of 800 af, and the irrigation of 160 acres.
3. Rights 34-7149, 34-7181, 34-7225, 34-10680, 34-12421 and 34-13414 when combined shall not exceed the irrigation of 495 acres.

Transfer No. 86072

WATER RIGHT NO. 34-10680
As Modified by Transfer No. 86072

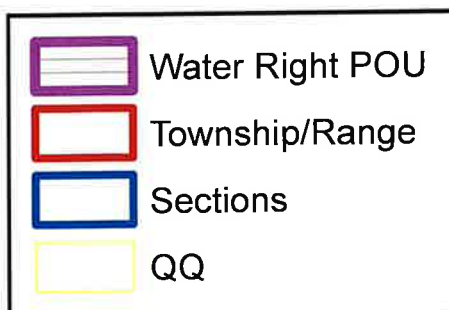
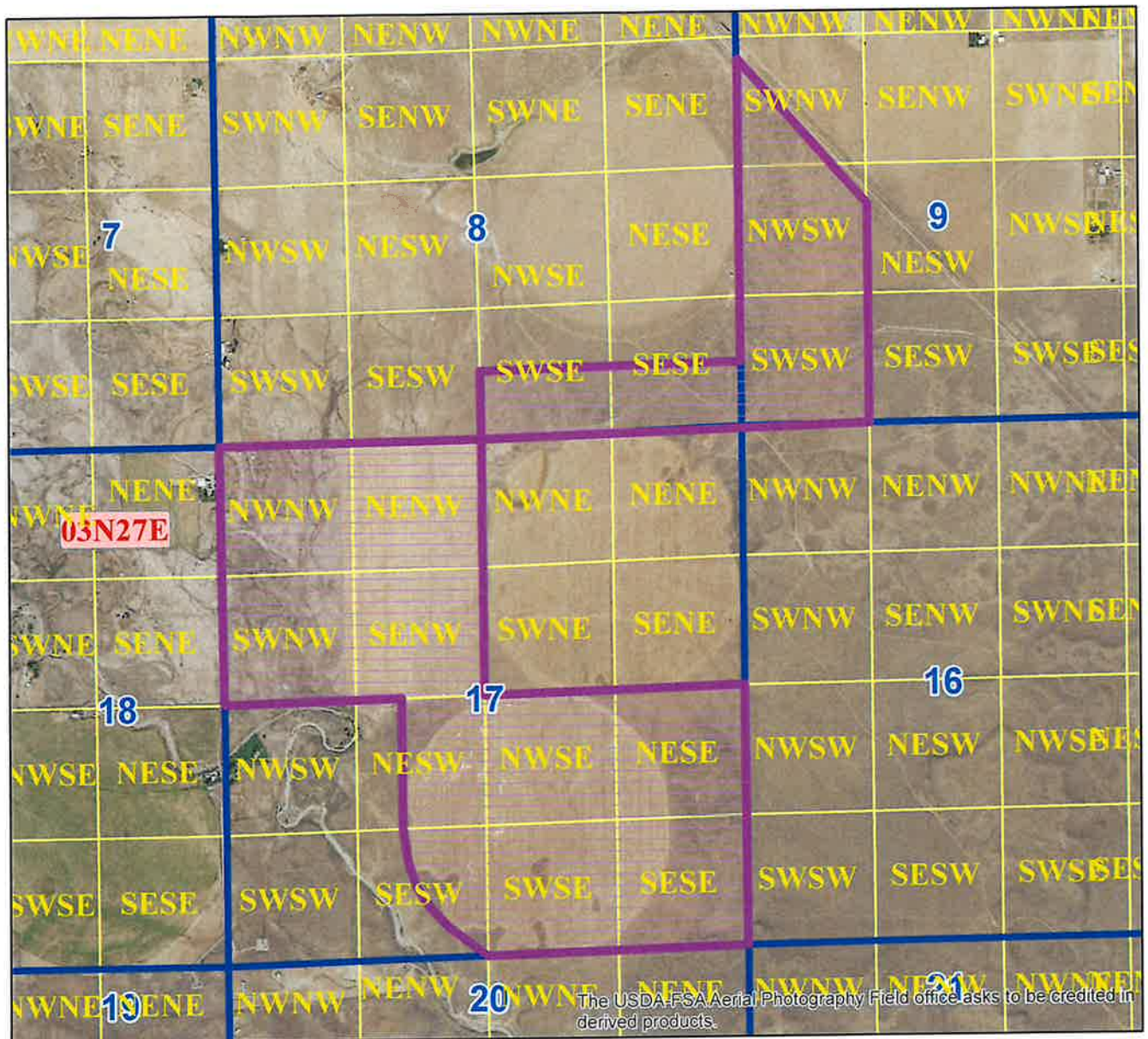
CONDITIONS OF APPROVAL

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. 34.
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. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Stockwater use is for 800 range cattle.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11. Water is delivered through Arco Canal. Point of injection and point of rediversion from Ferris Slough.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.

Attachment to Transfer Approval 86072

Place of Use for Water Rights 34-7149, 34-7181, 34-7225 and 34-12421

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



0 2,500 5,000 Feet

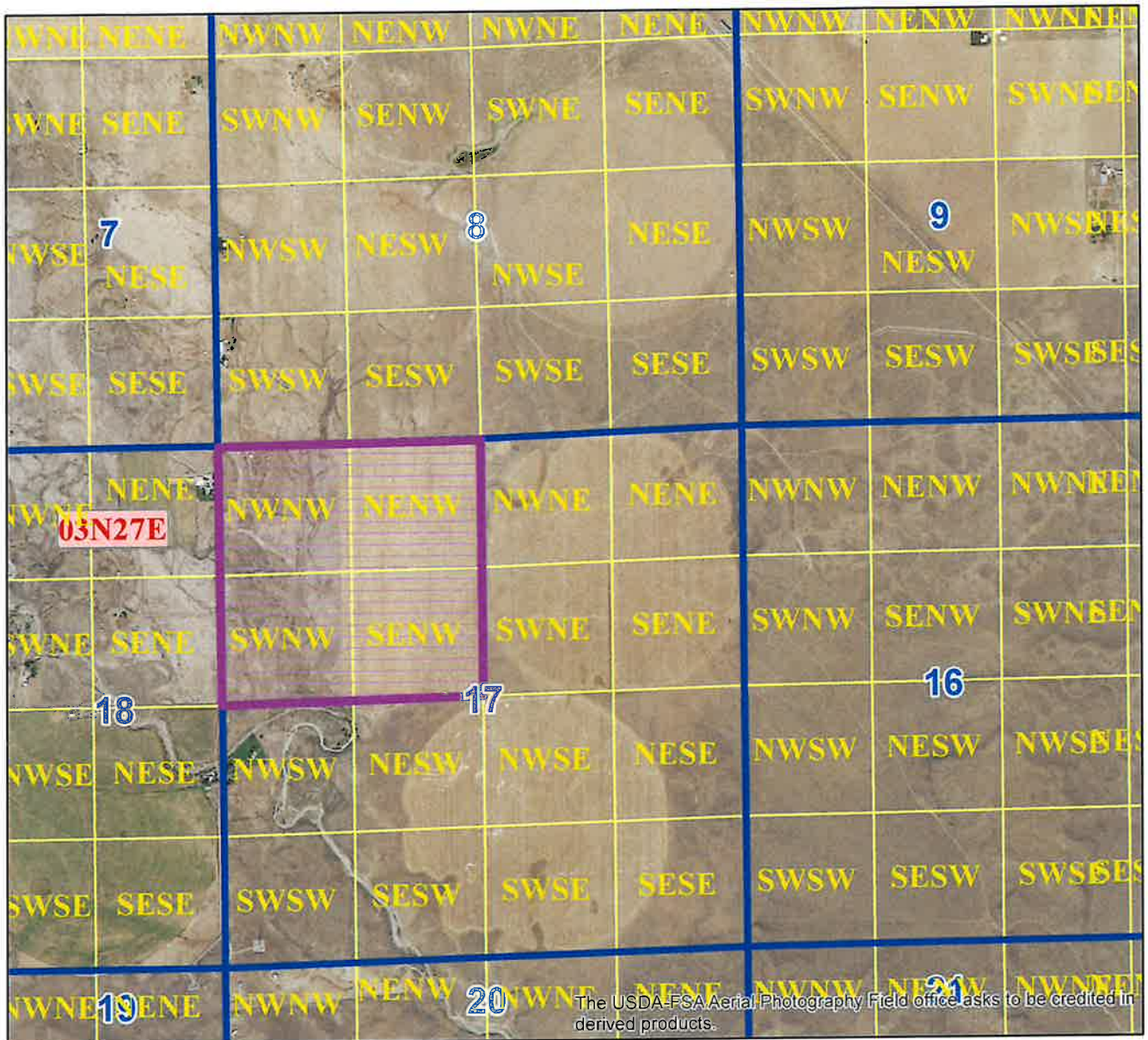


Date: 4/29/2022

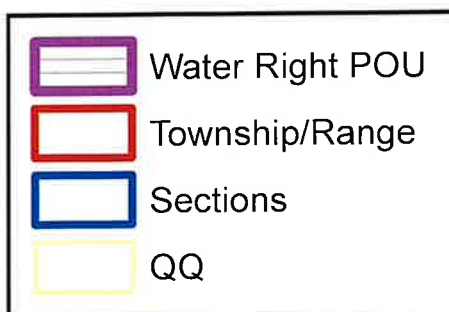
Attachment to Transfer Approval 86072

Place of Use for Water Rights 34-10680 and 34-13414

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



0 2,500 5,000 Feet



Date: 4/29/2022



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 29, 2022

LARRY QUIST
2272 N 2900 W
ARCO ID 83213-8798

Re: Transfer No: 86072
Water Right No(s): 34-7149, 34-7181, 34-7225, 34-10680, 34-12421, 34-13414

Transfer Approval Notice

Dear Water Right Holder:

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) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CH' followed by a stylized 'h'.

Christina Henman
Administrative Assistant

Enclosure

CC:

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2022 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.: 86072

Water Right No(s): 34-7149, 34-7181, 34-7225, 34-10680, 34-12421, 34-13414

**LARRY QUIST
2272 N 2900 W
ARCO ID 83213-8798**

**SUNSET FARM & RANCH
PO BOX 827
ARCO, ID 83213**

**ROBERT L. HARRIS
HOLDEN, KIDWELL, HAHN, & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405**



**Christina Henman
Administrative Assistant**

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.