

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85356**

This is to certify that: HANS HAYDEN AND
TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212-5045
AND
MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212

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>
29-10893	WR/DECREED	12/31/1927	1.600 cfs	N/A	80.0	166.0	CLIFTON CREEK
29-13215	WR/DECREED	10/1/1903	0.800 cfs	N/A	40.0	120.3	RATTLESNAKE CREEK
29-13522	WR/DECREED	4/1/1960	1.000 cfs	N/A	50.0	120.3	RATTLESNAKE CREEK
29-2144	WR/DECREED	7/3/1912	0.980 cfs	N/A	49.0	166.0	CLIFTON CREEK
29-2509	WR/DECREED	8/2/1965	0.930 cfs	268.0 af	N/A	67.0	GROUND WATER
29-480	WR/DECREED	10/1/1903	0.600 cfs	N/A	30.0	120.3	RATTLESNAKE CREEK
29-7272	WR/DECREED	7/2/1975	0.620 cfs	301.3 af	N/A	92.0	GROUND WATER
29-7948	WR/DECREED	5/16/1990	0.740 cfs	148.0 af	37.0	150.0	CLIFTON CREEK
29-7949	WR/LICENSE	5/16/1990	2.320 cfs	N/A	161.0	278.4	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>
29-10893	NO	NO	YES	NO	NO	NO
29-13215	NO	NO	YES	NO	NO	NO
29-13522	NO	NO	YES	NO	NO	NO
29-2144	NO	NO	YES	NO	NO	NO
29-2509	NO	NO	YES	NO	NO	NO
29-480	NO	NO	YES	NO	NO	NO
29-7272	NO	NO	YES	NO	NO	NO
29-7948	NO	NO	YES	NO	NO	NO
29-7949	NO	NO	YES	NO	NO	NO

Transfer No. 85356

**Support Data
In File # 29-480**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85356**

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>
29-10893	29-10893	1.600 cfs	N/A	80.0	278.4	N/A	N/A	N/A	N/A	N/A
29-13215	29-13215	0.800 cfs	N/A	40.0	278.4	N/A	N/A	N/A	N/A	N/A
29-13522	29-13522	1.000 cfs	N/A	50.0	278.4	N/A	N/A	N/A	N/A	N/A
29-2144	29-2144	0.980 cfs	N/A	49.0	278.4	N/A	N/A	N/A	N/A	N/A
29-2509	29-2509	0.930 cfs	268.0 af	67.0	278.4	N/A	N/A	N/A	N/A	N/A
29-480	29-480	0.600 cfs	N/A	30.0	278.4	N/A	N/A	N/A	N/A	N/A
29-7272	29-7272	0.620 cfs	301.3 af	92.0	278.4	N/A	N/A	N/A	N/A	N/A
29-7948	29-7948	0.740 cfs	148.0 af	37.0	278.4	N/A	N/A	N/A	N/A	N/A
29-7949	29-7949	2.320 cfs	N/A	161.0	278.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.040 cfs	1110.0 af	278.4	278.4		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 13th day of December, 2021.



Regional Manager

Transfer No. 85356

**Support Data
In File # 29-480**

WATER RIGHT NO. 29-7272**As Modified by Transfer No. 85356**

In accordance with the approval of Transfer No. 85356, Water Right No. 29-7272 is now described as follows:

Right Holder: HANS HAYDEN AND
 TWAIN HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045

Priority Date: 7/2/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	0.620 cfs	301.3 af
			0.620 cfs	301.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 16 Twp 09S Rge 34E	POWER County	(R)
GROUND WATER	NESWSE	Sec 3 Twp 09S Rge 34E	POWER County	
GROUND WATER	NESWSE	Sec 3 Twp 09S Rge 34E	POWER County	(I)
GROUND WATER	NESW	Sec 8 Twp 09S Rge 34E	POWER County	(R)

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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 92.0

POU Total Acres: 278.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 92.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-7272 and 29-2509 when combined shall not exceed a total annual maximum diversion volume of 408 af at the field headgate.
3. Rights 29-480, 29-2509, 29-13522, 29-7272, and 29-13215 when combined shall not exceed a total diversion rate of 2.4 cfs and the irrigation of 120.3 acres.
4. Rights 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 acres.

Transfer No. 85356

WATER RIGHT NO. 29-7272
As Modified by Transfer No. 85356

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. 29O.
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 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Point of injection into Clifton Creek. Point of redirection from Clifton Creek and Rattlesnake Creek.
9. This ground water right is entitled to the protections of paragraph x.c. of water right 29-12052.
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. 29-2144

As Modified by Transfer No. 85356

In accordance with the approval of Transfer No. 85356, Water Right No. 29-2144 is now described as follows:

Right Holder: HANS HAYDEN AND
TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212-5045

Priority Date: 7/3/1912

Source: CLIFTON CREEK

Tributary: BANNOCK CREEK

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.980 cfs
0.980 cfs

LOCATION OF POINT(S) OF DIVERSION

CLIFTON CREEK NWNW Sec 16 Twp 09S Rge 34E POWER 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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 49.0
POU Total Acres: 278.4

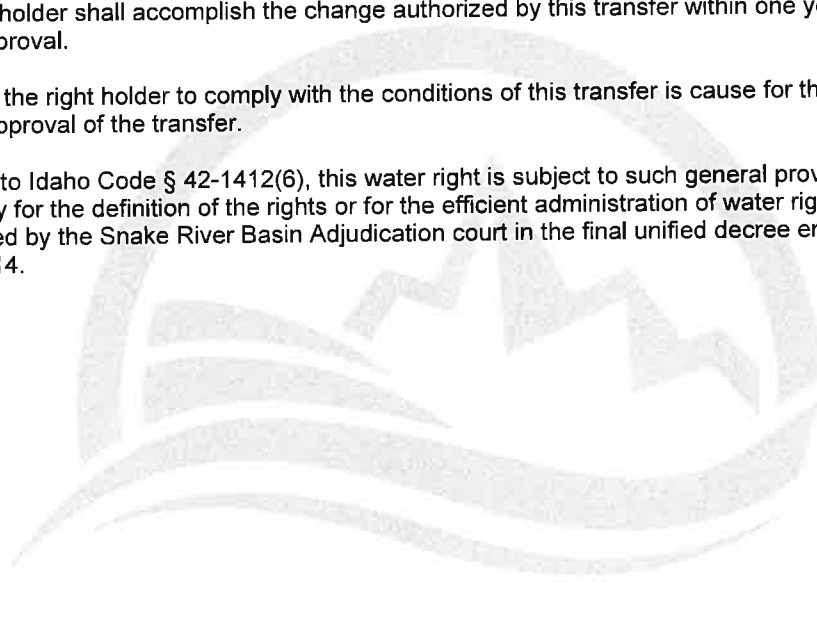
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 49.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2144, 29-7948, and 29-10893 when combined shall not exceed a total irrigation of 166.0 acres.
3. Rights 29-480, 29-2144, 29-2590, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 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. 290.

Transfer No. 85356

WATER RIGHT NO. 29-2144
As Modified by Transfer No. 85356

CONDITIONS OF APPROVAL

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
 7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 9. 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. 29-480**As Modified by Transfer No. 85356**

In accordance with the approval of Transfer No. 85356, Water Right No. 29-480 is now described as follows:

Right Holder: HANS HAYDEN AND
 TWAIN HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045

Priority Date: 10/1/1903

Source: RATTLESNAKE CREEK

Tributary: BANNOCK CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.600 cfs

0.600 cfs

LOCATION OF POINT(S) OF DIVERSION

RATTLESNAKE CREEK
 RATTLESNAKE CREEK

SWSWSE
 NESW

Sec 8 Twp 09S Rge 34E POWER County
 Sec 8 Twp 09S Rge 34E POWER 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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 30.0

POU Total Acres: 278.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-480, 29-13215, 29-13522, 29-2509, and 29-7272 when combined shall not exceed a total diversion rate of 2.40 cfs and the irrigation of 120.3 acres.
3. Rights 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 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. 290.

Transfer No. 85356

WATER RIGHT NO. 29-480

As Modified by Transfer No. 85356

CONDITIONS OF APPROVAL

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement and Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin. The parties agreed to "continue the historic water allocations pursuant to the Bannock Creek Decree [the decree in United States v. Daniels, (D. Idaho April 9, 1907, unpublished)]." Directors Report for the 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4 . "The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights decreed in the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA continue to receive their full legal entitlement." Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin, p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049 respectively (August 2, 1995). In times of shortage, this water right and other water rights decreed in United States v. Daniels, shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-466, 29-467, 29-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-7948**As Modified by Transfer No. 85356**

In accordance with the approval of Transfer No. 85356, Water Right No. 29-7948 is now described as follows:

Right Holder: MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212

Priority Date: 5/16/1990

Source: CLIFTON CREEK

Tributary: RATTLESNAKE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.740 cfs 0.740 cfs	148.0 af 148.0 af

LOCATION OF POINT(S) OF DIVERSION

CLIFTON CREEK NENWNW Sec 16 Twp 09S Rge 34E POWER 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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 37.0

POU Total Acres: 278.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 37.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2144, 29-7948, and 29-10893 when combined shall not exceed the irrigation of 166.0 acres.
3. Rights 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 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. 290.

Transfer No. 85356

WATER RIGHT NO. 29-7948
As Modified by Transfer No. 85356

CONDITIONS OF APPROVAL

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-10893**As Modified by Transfer No. 85356**

In accordance with the approval of Transfer No. 85356, Water Right No. 29-10893 is now described as follows:

Right Holder: HANS HAYDEN AND
 TWAIN HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045

Priority Date: 12/31/1927

Source: CLIFTON CREEK

Tributary: RATTLESNAKE CREEK

BENEFICIAL USE

IRRIGATION
 STOCKWATER

From

04/01 to 10/31
 01/01 to 12/31

To**Diversion Rate**

1.600 cfs
 0.020 cfs
 1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

CLIFTON CREEK NWNW Sec 16 Twp 09S Rge 34E POWER 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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 80.0
 POU Total Acres: 278.4

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	34E	8													X	X	X	X	
09S	34E	9											X	X					

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2144, 29-7948, and 29-10893 when combined shall not exceed the irrigation of 166.0 acres.

Transfer No. 85356

WATER RIGHT NO. 29-10893

As Modified by Transfer No. 85356

CONDITIONS OF APPROVAL

3. Rights 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 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. 290.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-13215**As Modified by Transfer No. 85356**

In accordance with the approval of Transfer No. 85356, Water Right No. 29-13215 is now described as follows:

Right Holder: HANS HAYDEN AND
TWIN HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212-5045

Priority Date: 10/1/1903

Source: RATTLESNAKE CREEK

Tributary: BANNOCK CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
0.800 cfs
0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

RATTLESNAKE CREEK NESW Sec 8 Twp 09S Rge 34E POWER 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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 40.0

POU Total Acres: 278.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-480, 29-13215, 29-13522, 29-2509, and 29-7272 when combined shall not exceed a total combined diversion rate of 2.40 cfs and the irrigation of 120.3 acres.
3. Rights 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 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. 290.

Transfer No. 85356

WATER RIGHT NO. 29-13215
As Modified by Transfer No. 85356

CONDITIONS OF APPROVAL

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement and Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin. The parties agreed to "continue the historic water allocations pursuant to the Bannock Creek Decree [the decree in United States v. Daniels, (D. Idaho April 9, 1907, unpublished)]." Directors Report for the 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4 . "The Tribes and the United States shall exercise this right in a manner that ensures persons with water rights decreed in the Bannock Creek Decree [United States v. Daniels (D. Idaho April 9, 1907)] and that are confirmed in the SRBA continue to receive their full legal entitlement." Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin, p. 19-20, 25-26, Right Nos. 29-12848 and 29-12049 respectively (August 2, 1995). In times of shortage, this water right and other water rights decreed in United States v. Daniels, shall receive their full legal entitlement despite the federal based natural flow water right nos. 29-466, 29-467, 29-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 29-2509**As Modified by Transfer No. 85356**

In accordance with the approval of Transfer No. 85356, Water Right No. 29-2509 is now described as follows:

Right Holder: HANS HAYDEN AND
TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212-5045

Priority Date: 8/2/1965

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	0.930 cfs	268.0 af
			0.930 cfs	268.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSWSE	Sec 8	Twp 09S Rge 34E	POWER County	(I)
GROUND WATER	NWNESW	Sec 8	Twp 09S Rge 34E	POWER County	(R)
GROUND WATER	NESESW	Sec 8	Twp 09S Rge 34E	POWER 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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 67.0

POU Total Acres: 278.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 67.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-480, 29-13215, 29-13522, 29-2509, and 29-7272 when combined shall not exceed a total diversion rate of 2.40 cfs and the irrigation of 120.3 acres.
3. Rights 29-2509 and 29-7272 when combined shall not exceed a total annual maximum diversion volume of 408 af at the field headgate.
4. Rights 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 acres.
5. Point of injection into and point of rediversion from Rattlesnake Creek.

Transfer No. 85356

WATER RIGHT NO. 29-2509
As Modified by Transfer No. 85356

CONDITIONS OF APPROVAL

6. 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. 29O.
7. 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).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. This ground water right is entitled to the protections of paragraph x.c. of water right 29-12052.
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. 29-7949**As Modified by Transfer No. 85356**

In accordance with the approval of Transfer No. 85356, Water Right No. 29-7949 is now described as follows:

Right Holder: MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212

Priority Date: 5/16/1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	2.320 cfs 2.320 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 16 Twp 09S Rge 34E	POWER County	(I)
GROUND WATER	SESESE	Sec 8 Twp 09S Rge 34E	POWER County	
GROUND WATER	NWNESW	Sec 8 Twp 09S Rge 34E	POWER County	(R)
GROUND WATER	SENESE	Sec 8 Twp 09S Rge 34E	POWER County	(R)

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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 161.0

POU Total Acres: 278.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 161.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 290.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 85356

WATER RIGHT NO. 29-7949
As Modified by Transfer No. 85356

CONDITIONS OF APPROVAL

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. Water diverted under this right is injected into Clifton Creek within the NWNW, S16, T09S, R34E and is rediverted from Rattlesnake Creek at 2 points within the NESW, S8, T09S, R34E.
7. The right holder shall make full use of all appurtenant surface water rights in conjunction with ground water diverted under this right.
8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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.

WATER RIGHT NO. 29-13522**As Modified by Transfer No. 85356**

In accordance with the approval of Transfer No. 85356, Water Right No. 29-13522 is now described as follows:

Right Holder: HANS HAYDEN OR
 TWAIN HAYDEN
 3747 MID CRYSTAL RD
 ARBON, ID 83212-5045
 OR
 RUSSELL J HAYDEN
 1654 HILLTOP RD
 PO BOX 598
 SODA SPRINGS, ID 83276

Priority Date: 4/1/1960

Source: RATTLESNAKE CREEK **Tributary:** BANNOCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	1.000 cfs 1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

RATTLESNAKE CREEK	SWSWSE	Sec 8 Twp 09S Rge 34E POWER County
RATTLESNAKE CREEK	NESW	Sec 8 Twp 09S Rge 34E POWER 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	
09S	34E	8							3.4		19.0	36.0		39.0	30.0	12.0	16.0	36.0	191.4
09S	34E	9									13.0	22.0	33.0	19.0					87.0

Right Acre Limit: 50.0

POU Total Acres: 278.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-480, 29-13215, 29-13522, 29-2509, and 29-7272 when combined shall not exceed a total diversion rate of 2.40 cfs and the irrigation of 120.3 acres.
3. Rights 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, and 29-13522 when combined shall not exceed a total diversion rate of 8.04 cfs, a total annual maximum diversion volume of 1110.0 af at the field headgate, and the irrigation of 278.4 acres.

Transfer No. 85356

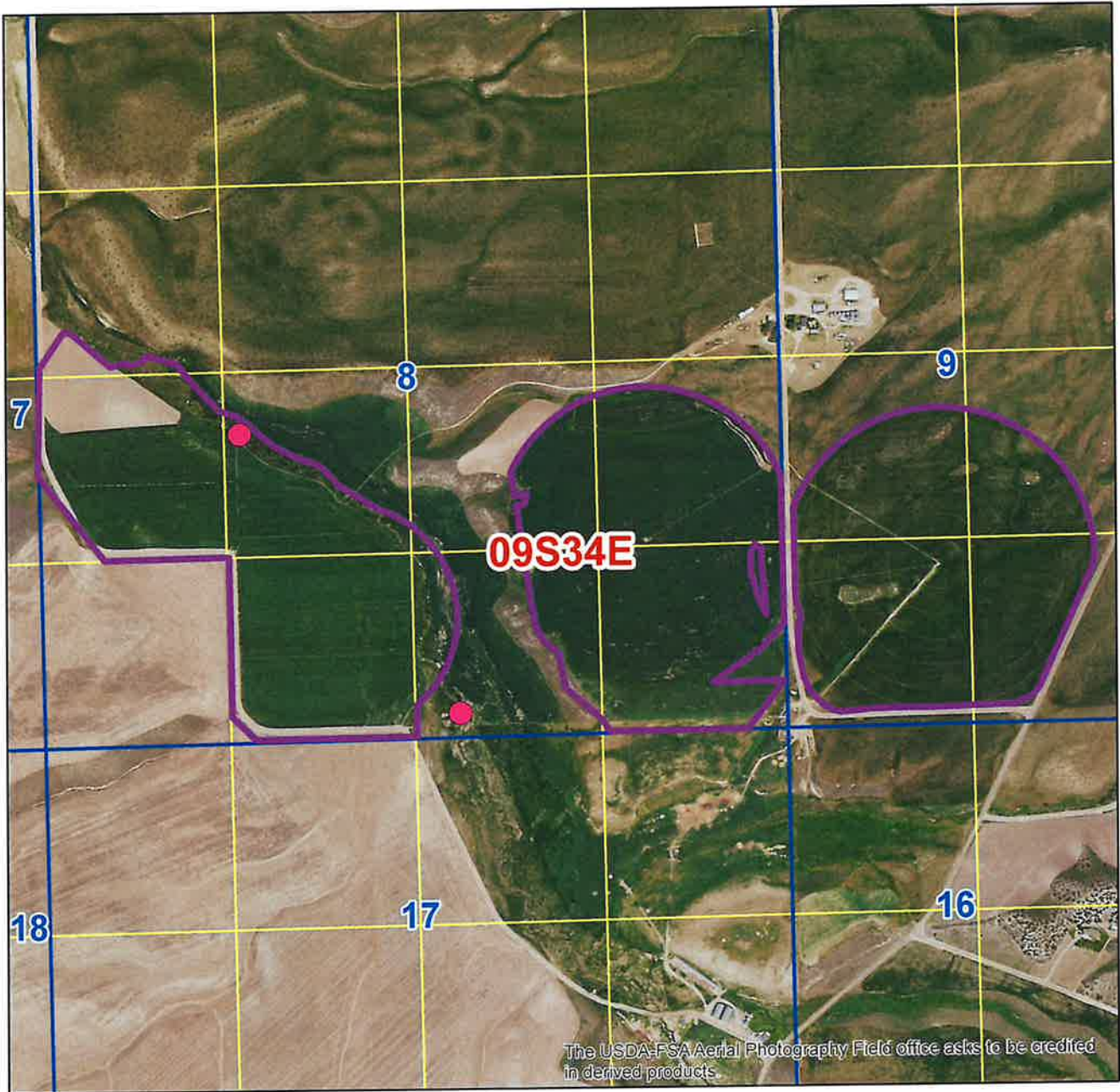
WATER RIGHT NO. 29-13522
As Modified by Transfer No. 85356

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. 29O.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 85356

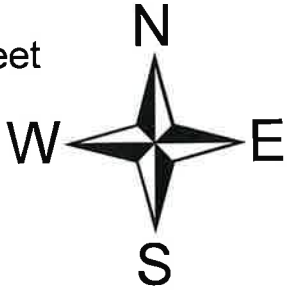
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- ▭ WR POU
- ▭ Township/Range
- ▭ Sections
- ▭ QQ

0 750 1,500 3,000 Feet



Date: 12/13/2021



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

December 13, 2021

MID CRYSTAL FARMS
HANS HAYDEN
TWIN HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212-5045

Re: Transfer No: 85356
Water Right No(s): 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949,
29-10893, 29-13215, 29-13522

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,



Christina Henman
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2021 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.: 85356

Water Right No(s): 29-480, 29-2144, 29-2509, 29-7272, 29-7948, 29-7949, 29-10893, 29-13215, 29-13522

**MID CRYSTAL FARMS
HANS HAYDEN
TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212-5045**



**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.