

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84815**

This is to certify that: **BRIGHAM COOK**  
4733 E COUNTY LINE RD  
RIRIE, ID 83443-5000

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>   |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|-----------------|
| 23-11H             | WR/DECREED          | 8/15/1893            | 1.170 cfs             | N/A                     | N/A               | 37.7               | SNAKE RIVER     |
| 23-11J             | WR/DECREED          | 8/15/1893            | 3.540 cfs             | N/A                     | 119.5             | 2599.0             | PALISADES CREEK |

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

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>   |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|-----------------|
| 23-50D             | WR/DECREED          | 6/1/1900             | 4.500 cfs             | N/A                     | 160.0             | 2453.1             | PALISADES CREEK |
| 23-50E             | WR/DECREED          | 6/1/1900             | 26.400 cfs            | N/A                     |                   | 2453.1             | PALISADES CREEK |
| 23-104             | WR/DECREED          | 1/22/1916            | 97.800 cfs            | N/A                     |                   | 2453.1             | PALISADES CREEK |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 23-11H                | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 23-11J                | YES          | YES        | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 23-11H                 | 23-11494                         | 0.820 cfs            | N/A                    | 26.4              | 456.0              | 23-11H                             | 0.350 cfs             | N/A                     | N/A                         | 11.3                         |
| 23-11J                 | 23-11513                         | 2.850 cfs            | N/A                    | 119.5             | 456.0              | 23-11J                             | 0.690 cfs             | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>3.670 cfs</b>     | <b>N/A</b>             | <b>145.9</b>      | <b>456.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

**Support Data  
In File # 23-11H**

Transfer No. 84815

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 84815

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 12<sup>th</sup> day of November, 2021.

  
Regional Manager



Transfer No. 84815

Support Data  
In File # 23-11H

## WATER RIGHT NO. 23-11H

### As Modified by Transfer No. 84815

In accordance with the approval of Transfer No. 84815, Water Right No. 23-11H is now described as follows:

**Right Holder:** SNAKE RIVER ESTATES LLC  
PO BOX 111  
IRWIN, ID 83428-0111

**Priority Date:** 8/15/1893

**Source:** SNAKE RIVER                      **Tributary:** COLUMBIA RIVER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 04/15              | to 10/31         | 0.350 cfs<br>0.350 cfs       |

#### **LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER                      L3 (SESWSW)                      Sec 21 Twp 01N Rge 44E BONNEVILLE County

#### **PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |     |      |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|------|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW   | SE | NE | NW | SW | SE |        |
| 01N | 44E | 21  |    |    |    |    |    |    |    |    |    | 0.2 | 11.1 |    |    |    |    |    | 11.3   |
|     |     |     |    |    |    |    |    |    |    |    |    | L 3 |      |    |    |    |    |    |        |

POU Total Acres:                      11.3

#### **CONDITIONS OF APPROVAL**

1. Use of this right is combined with water from The Palisade Irrigation Co.
2. The following rights are diverted through point of diversion described above: 1-10554, 1-10555, 23-11F, 23-11G, 23-11H, 23-11419 and 23-11420.
3. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
4. Use of water under this right will 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. 1.
5. A measuring device (not totalizing) must be provided at the point where Palisades Creek discharges into Snake River and at the Palisades Canal diversion. The rate of flow diverted under this right shall at no time exceed the rate of flow of Palisades Creek where it discharges into Snake River, nor shall it exceed the rate of flow available at the Palisades Canal diversion located at T01N R44E S26 SWSWSE.

Transfer No.     84815

**WATER RIGHT NO. 23-11H**  
**As Modified by Transfer No. 84815**

**CONDITIONS OF APPROVAL**

6. 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. 23-11494****As Modified by Transfer No. 84815**

In accordance with the approval of Transfer No. 84815, Water Right No. 23-11494 is now described as follows:

**Right Holder:** SNAKE RIVER ESTATES LLC  
PO BOX 111  
IRWIN, ID 83428-0111

**Priority Date:** 8/15/1893

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

**BENEFICIAL USE**  
IRRIGATION

**From**  
04/15

**To**  
to 10/31

**Diversion Rate**  
0.820 cfs  
0.820 cfs

**LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER

NWSW

Sec 23 Twp 04N Rge 40E MADISON 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   |        |
| 04N | 40E | 13  |      |    |    |      |    | 40.0 | 40.0 |    | 40.0 | 40.0 | 40.0 | 40.0 |      | 33.0 | 32.0 |      | 305.0  |
| 04N | 40E | 14  | 38.0 |    |    | 38.0 |    |      |      |    |      |      |      |      | 38.0 |      |      | 37.0 | 151.0  |

Right Acre Limit: 26.4  
POU Total Acres: 456.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 26.4 acres within the authorized place of use in a single irrigation season.
2. Rights 23-11494 and 23-11513 are limited to the irrigation of a specific 145.9 acres within the 456-acre place of use authorized by the rights in a single irrigation season. The specific 145.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 145.9 acres to be irrigated within the 456-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Rights 23-11494 and 23-11513 when combined shall not exceed a total diversion rate of 2.92 cfs at the Snake River point of diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 84815

**WATER RIGHT NO. 23-11494**

**As Modified by Transfer No. 84815**

**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. 1.
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. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Palisades Creek in the SWSE, Section 26, T01N, R44E.
8. Diversion of water under this right is limited to the quantity of water available under this right at the original point of diversion on Palisades Creek or the quantity of water at the confluence of Palisades Creek and the Snake River, whichever is less.
9. Upon specific notice from the watermaster or the Department, the right holder shall install a measuring device on Palisades Creek near the confluence with the Snake River to measure the amount of water entering the Snake River from Palisades Creek.
10. Use of this right is combined with water from Palisades Water Users Association.
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. 23-11J**

**As Modified by Transfer No. 84815**

In accordance with the approval of Transfer No. 84815, Water Right No. 23-11J is now described as follows:

**Right Holder:** LYNN DIXON  
PO BOX 111  
IRWIN, ID 83428-0111

**Priority Date:** 8/15/1893

**Source:** PALISADES CREEK      **Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>  |
|-----------------------|-------------|-----------|------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.690 cfs<br>0.690 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

PALISADES CREEK      SWSWSE      Sec 26 Twp 01N Rge 44E      BONNEVILLE County

**CONDITIONS OF APPROVAL**

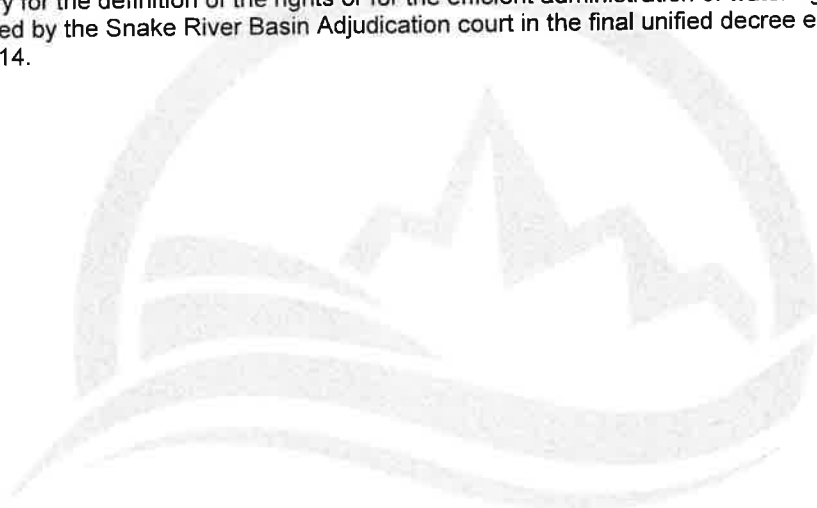
1. Rights 23-11J, 23-50D, 23-50E and 23-104 when combined shall not exceed the irrigation of 2453.1 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. This right is used to offset conveyance losses and shall not be used for any other purpose.
4. Use of water under this right will 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. 1.
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 is delivered through Palisades Canal (13033010).
7. Place of use is within the area served by The Palisade Irrigation Company.
8. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
9. The place of use does not include federal land.

Transfer No. 84815

**WATER RIGHT NO. 23-11J**  
**As Modified by Transfer No. 84815**

**CONDITIONS OF APPROVAL**

10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



**WATER RIGHT NO. 23-11513****As Modified by Transfer No. 84815**

In accordance with the approval of Transfer No. 84815, Water Right No. 23-11513 is now described as follows:

**Right Holder:** LYNN DIXON  
PO BOX 111  
IRWIN, ID 83428-0111

**Priority Date:** 8/15/1893

**Source:** PALISADES CREEK **Tributary:** SNAKE RIVER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 04/15              | to 10/31         | 2.850 cfs<br>2.850 cfs       |

**LOCATION OF POINT(S) OF DIVERSION**

PALISADES CREEK NWSW Sec 23 Twp 04N Rge 40E MADISON 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   |        |
| 04N | 40E | 13  |      |    |    |      |    | 40.0 | 40.0 |    | 40.0 | 40.0 | 40.0 | 40.0 |      | 33.0 | 32.0 |      | 305.0  |
| 04N | 40E | 14  | 38.0 |    |    | 38.0 |    |      |      |    |      |      |      |      | 38.0 |      |      | 37.0 | 151.0  |

Right Acre Limit: 119.5

POU Total Acres: 456.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 119.5 acres within the authorized place of use in a single irrigation season.
2. Rights 23-11494 and 23-11513 are limited to the irrigation of a specific 145.9 acres within the 456-acre place of use authorized by the rights in a single irrigation season. The specific 145.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 145.9 acres to be irrigated within the 456-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Rights 23-11494 and 23-11513 when combined shall not exceed a total diversion rate of 2.92 cfs at the Snake River point of diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 84815

**WATER RIGHT NO. 23-11513**

**As Modified by Transfer No. 84815**

**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. 1.
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. Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Palisades Creek in the SWSE, Section 26, T01N, R44E.
8. Diversion of water under this right is limited to the quantity of water available under this right at the original point of diversion on Palisades Creek or the quantity of water at the confluence of Palisades Creek and the Snake River, whichever is less.
9. Upon specific notice from the watermaster or the Department, the right holder shall install a measuring device on Palisades Creek near the confluence with the Snake River to measure the amount of water entering the Snake River from Palisades Creek.
10. Use of this right is combined with water from Palisades Water Users Association.
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. 23-50D**

**As Modified by Transfer No. 84815**

In accordance with the approval of Transfer No. 84815, Water Right No. 23-50D is now described as follows:

**Right Holder:** THE PALISADE IRRIGATION CO INC  
PO BOX 37  
IRWIN, ID 83428-0037

**Priority Date:** 6/1/1900

**Source:** PALISADES CREEK      **Tributary:** SOUTH FORK SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>  |
|-----------------------|-------------|-----------|------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 4.500 cfs<br>4.500 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

PALISADES CREEK      SWSWSE      Sec 26 Twp 01N Rge 44E      BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. Rights 23-11J, 23-50D, 23-50E and 23-104 when combined shall not exceed the irrigation of 2453.1 acres.
3. Place of use is within the area served by The Palisade Irrigation Company.
4. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
5. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
6. Right Nos. 23-50E and 23-104 are also diverted through the point of diversion described above.
7. The place of use does not include federal land.
8. 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.

Transfer No. 84815

**WATER RIGHT NO. 23-50E**  
**As Modified by Transfer No. 84815**

In accordance with the approval of Transfer No. 84815, Water Right No. 23-50E is now described as follows:

**Right Holder:** THE PALISADE IRRIGATION CO INC  
PO BOX 37  
IRWIN, ID 83428-0037

**Priority Date:** 6/1/1900

**Source:** PALISADES CREEK

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/15 **To** 10/31

**Diversion Rate**  
26.400 cfs  
26.400 cfs

**LOCATION OF POINT(S) OF DIVERSION**

PALISADES CREEK SWSWSE Sec 26 Twp 01N Rge 44E BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. Rights 23-11J, 23-50D, 23-50E and 23-104 when combined shall not exceed the irrigation of 2453.1 acres.
2. Place of use is within the area served by The Palisade Irrigation Company.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. Right Nos. 23-50D and 23-104 are also diverted through the point of diversion described above.
5. The place of use does not include federal land.
6. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
7. 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. 23-104**

**As Modified by Transfer No. 84815**

In accordance with the approval of Transfer No. 84815, Water Right No. 23-104 is now described as follows:

**Right Holder:** THE PALISADE IRRIGATION CO INC  
PO BOX 37  
IRWIN, ID 83428-0037

**Priority Date:** 1/22/1916

**Source:** PALISADES CREEK      **Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>    |
|-----------------------|-------------|-----------|--------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 97.800 cfs<br>97.800 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

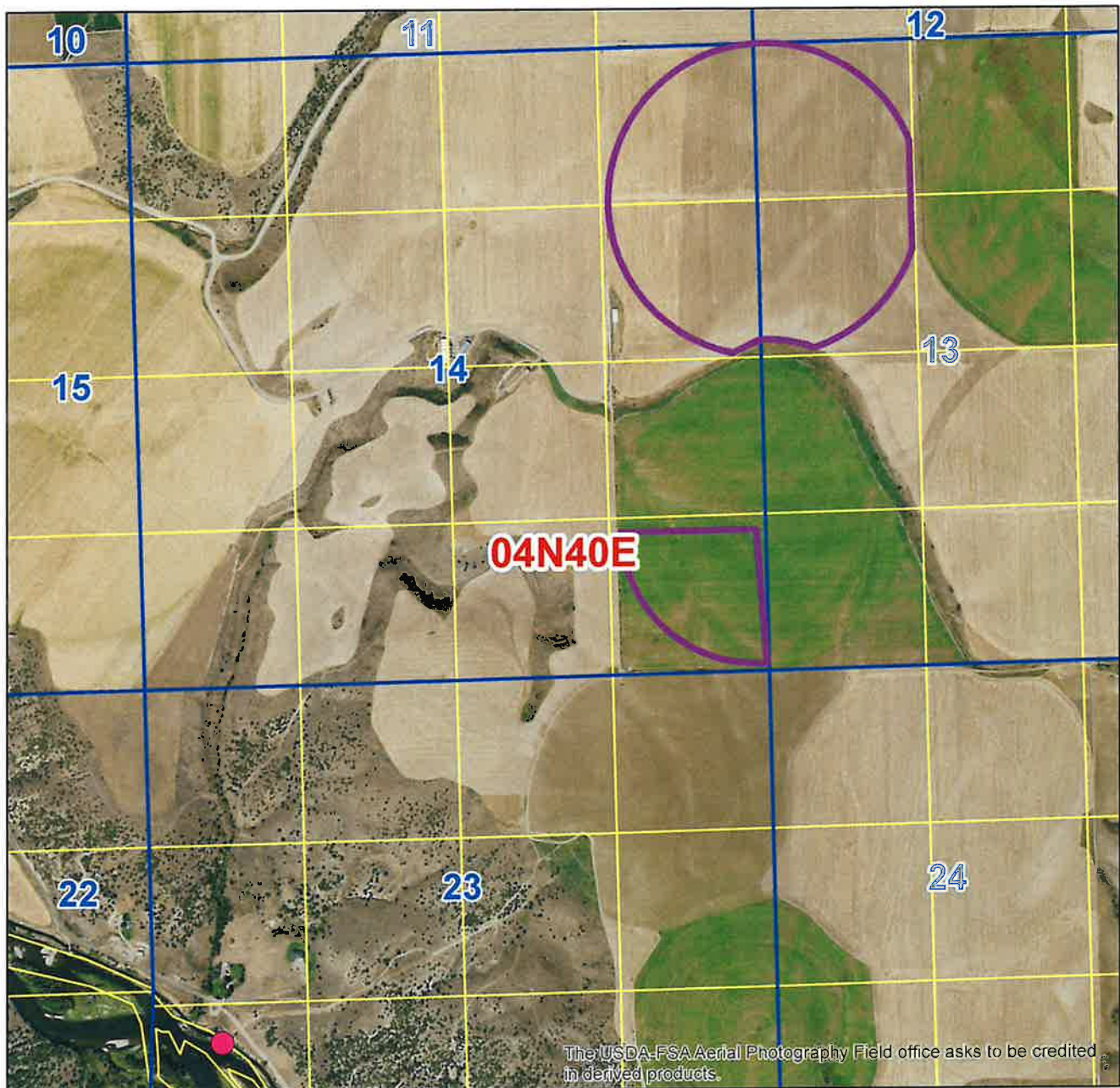
PALISADES CREEK      SWSWSE      Sec 26 Twp 01N Rge 44E      BONNEVILLE County

**CONDITIONS OF APPROVAL**

1. Rights 23-11J, 23-50D, 23-50E and 23-104 when combined shall not exceed the irrigation of 2453.1 acres.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. Place of use is within the area served by The Palisade Irrigation Company.
4. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
5. Right Nos. 23-50D and 23-50E are also diverted through the point of diversion described above.
6. The place of use does not include federal land.
7. 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 84815

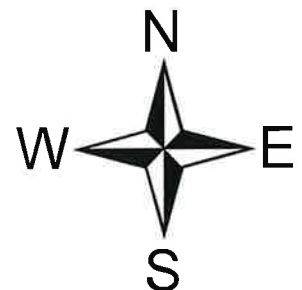
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

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

0 750 1,500 3,000 Feet



Date: 11/12/2021



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

November 12, 2021

BRIGHAM COOK  
4733 E COUNTY LINE RD  
RIRIE ID 83443-5000

Re: Transfer No: 84815  
Water Right No(s): 23-11H , 23-11J , 23-50D , 23-50E , 23-104

**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

CC:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC  
C/O KRISTIN MOORE  
482 CONSTITUTION WAY STE 303  
IDAHO FALLS ID 83402-3552

THE PALISADE IRRIGATION CO INC  
PO BOX 37  
IRWIN ID 83428-0037

SNAKE RIVER ESTATES LLC  
LYNN DIXON  
PO BOX 111  
IRWIN ID 83428-0111

A & B IRRIGATION DISTRICT  
BURLEY IRRIGATION DISTRICT  
MILNER IRRIGATION DISTRICT  
NORTH SIDE CANAL CO  
TWIN FALLS CANAL COMPANY  
BARKER ROSHOLT & SIMPSON LLP  
PO BOX 63  
TWIN FALLS ID 83303-0063

AMERICAN FALLS RESERVOIR DISTRICT 2  
MINIDOKA IRRIGATION DISTRICT  
FLETCHER LAW OFFICE  
PO BOX 248  
BURLEY ID 83318-0248

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 12, 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.: 84815  
Water Right No(s): 23-11H , 23-11J , 23-50D , 23-50E , 23-104**

**BRIGHAM COOK  
4733 E COUNTY LINE RD  
RIRIE ID 83443-5000**

**ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC  
C/O KRISTIN MOORE  
482 CONSTITUTION WAY STE 303  
IDAHO FALLS ID 83402-3552**

**THE PALISADE IRRIGATION CO INC  
PO BOX 37  
IRWIN ID 83428-0037**

**SNAKE RIVER ESTATES LLC  
LYNN DIXON  
PO BOX 111  
IRWIN ID 83428-0111**

**A & B IRRIGATION DISTRICT  
BURLEY IRRIGATION DISTRICT  
MILNER IRRIGATION DISTRICT  
NORTH SIDE CANAL CO  
TWIN FALLS CANAL COMPANY  
BARKER ROSHOLT & SIMPSON LLP  
PO BOX 63  
TWIN FALLS ID 83303-0063**

**AMERICAN FALLS RESERVOIR DISTRICT 2  
MINIDOKA IRRIGATION DISTRICT  
FLETCHER LAW OFFICE  
PO BOX 248  
BURLEY ID 83318-0248**



---

**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.