

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85341**

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENTATTN FRED PRICE1387 S VINNELL
BOISE, ID 83709

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>
47-2413	WR/DECREED	12/20/1965	0.320 cfs	196.0 af	N/A	N/A	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>
47-2413	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>
47-2413	47-2413	0.320 cfs	196.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.320 cfs	196.0 af	N/A	N/A		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 29th day of September, 2021.



Southern Region Manager

Transfer No. 85341

WATER RIGHT NO. 47-2413**As Modified by Transfer No. 85341**

In accordance with the approval of Transfer No. 85341, Water Right No. 47-2413 is now described as follows:

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNIE
 BOISE, ID 83709-1657

Priority Date: 12/20/1965

Source: GROUND WATER

BENEFICIAL USE

STOCKWATER

From

1/01

to

To

12/31

Diversion Rate

0.320 cfs

0.320 cfs

Diversion Volume

196.0 af

196.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWNWSW

Sec 10 Twp 12S Rge 15E TWIN FALLS County

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	
11S	14E	12															X		
11S	14E	13												X					
11S	14E	14							X										
11S	14E	15														X			
11S	14E	21														X			
11S	14E	22														X			
11S	14E	23						X		X									
11S	14E	24			X														
11S	14E	25																X	
11S	14E	26				X													
11S	14E	27									X							X	
11S	14E	29				X			X										
11S	14E	33								X								X	
11S	14E	35														X			
11S	14E	36														X			
11S	15E	1											X						
11S	15E	2			X									X					
11S	15E	4																X	
11S	15E	7											X						
													L 4						
11S	15E	8		X								X		X					
11S	15E	9														X			
11S	15E	10							X				X						
11S	15E	11								X									
11S	15E	12			X						X								
11S	15E	13							X							X			
11S	15E	14								X							X		
11S	15E	15											X				X		
11S	15E	17		X														X	
11S	15E	18							X			X							
									L 2			L 3							
11S	15E	19								X									
11S	15E	20					X							X					

Transfer No. 85341

WATER RIGHT NO. 47-2413
As Modified by Transfer No. 85341

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	
11S	15E	21							X								X		
11S	15E	22			X														
11S	15E	23												X					
11S	15E	24					X							X					
11S	15E	25			X														
11S	15E	26											X						
11S	15E	27			X														
11S	15E	28										X							
11S	15E	29														X			
11S	15E	30	X																
11S	15E	31								X									
11S	15E	32								X									
11S	15E	33														X			
11S	15E	34			X														
11S	15E	35								X									
11S	15E	36						X		X									
11S	16E	19							X					X					
11S	16E	30							L 2					X					
11S	16E	31			X								L 4						
12S	14E	1													X				
12S	14E	2								X									
12S	14E	3				X													
12S	14E	10			X														
12S	14E	11								X					X				
12S	14E	12								X									
12S	14E	13	X																
12S	15E	1			X														
12S	15E	2			X														
12S	15E	3														X			
12S	15E	4	X									X							
12S	15E	5	L 1																
12S	15E	6								X									
12S	15E	7											X						
12S	15E	8				X			X				L 4						
12S	15E	9								X									
12S	15E	10			X											X			
12S	15E	11				X													
12S	15E	12	X																
12S	15E	17		X				X											
12S	15E	18		X			X												
12S	16E	6											X						
12S	16E	7	X										L 7						
12S	16E	17												X					

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 85341

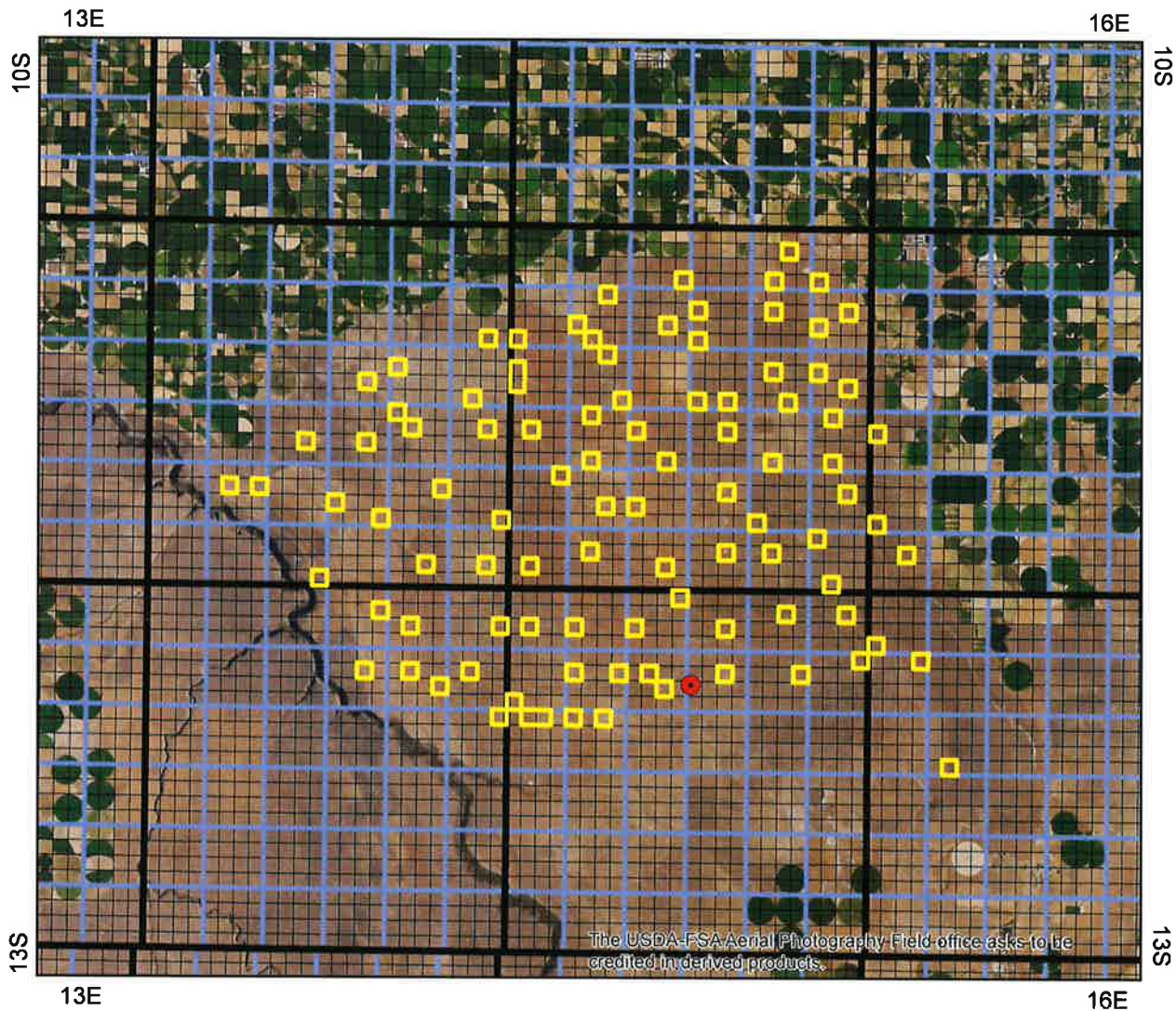
WATER RIGHT NO. 47-2413
As Modified by Transfer No. 85341

CONDITIONS OF APPROVAL

2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.

State of Idaho
Department of Water Resources
Attachment to Transfer # 85341
47-2413

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 1.75 3.5 7 Miles



RECEIVED

SEP 15 2021

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85341

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

SEP 20 2021
DEPT OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) United States Department of the Interior: Bureau of Land ManagementCheck whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 20 2021

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) United States Department of the Interior: Bureau of Land Management Phone (208) 373-3831
Mailing address 1387 S. Vinnell Way; Boise, ID. 83709 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

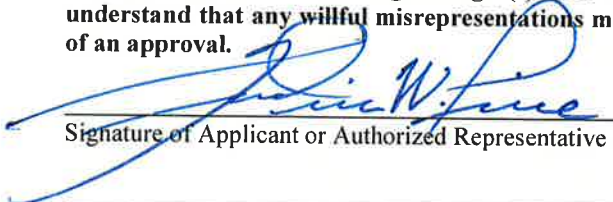
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Fredric W. Price Phone (208) 373-3831
Mailing address 1387 S. Vinnell Way; Boise, ID. 83709 Email fwprice@blm.gov

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Fredric W. Price, Water Rights Specialist
Print Name and Title if applicable

9/14/2021
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Transfer is being filed to move troughs due to pipeline extension, 3 troughs will be moved and 1 new trough added.
47-02413 (License 32651), current POU locations described under approved Transfer No. 83140. Stockwater use is
for 1,400 cattle. A Cooperative Range Improvement Agreement is attached which describes the POU changes.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

I.		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part		47-02413	0.32cfs/196af	Stockwater	01/01 to 12/31	Groundwater
☒	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.32 cfs and/or 196 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.32 cubic feet per second and/or 196 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	15E	20					S							S					ADD
11S	15E	31									S								ADD
11S	15E	33														S			ADD
11S	15E	20														S			Delete
11S	15E	31								S									Delete
11S	15E	33								S									Delete
Changes listed above.																			Total Acres (for irrigation use)

For full POU description see Supplemental Pages.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	14E	12															S		
11S	14E	13												S					
11S	14E	14							S										
11S	14E	15														S			
11S	14E	21														S			
11S	14E	22														S			
11S	14E	23						S		S									
11S	14E	24			S														
11S	14E	25																S	
11S	14E	26				S													
11S	14E	27									S							S	
11S	14E	29				S				S									
11S	14E	33																S	

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

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Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	14E	35														S			
11S	14E	36														S			
11S	15E	1											S						
11S	15E	2			S									S					
11S	15E	4																S	
11S	15E	7											S, L4						
11S	15E	8		S								S		S					
11S	15E	9														S			
11S	15E	10							S				S						
11S	15E	11								S									
11S	15E	12			S							S							
11S	15E	13							S							S			

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

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TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	15E	14								S							S		
11S	15E	15											S				S		
11S	15E	17		S														S	
11S	15E	18							S,L2				S,L3						
11S	15E	19								S									
11S	15E	20					S							S					
11S	15E	21							S								S		
11S	15E	22			S														
11S	15E	23												S					
11S	15E	24					S							S					
11S	15E	25			S														
11S	15E	26											S						
11S	15E	27			S														

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
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Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	15E	28										S							
11S	15E	29														S			
11S	15E	30	S																
11S	15E	31									S								
11S	15E	32								S									
11S	15E	33														S			
11S	15E	34			S														
11S	15E	35								S									
11S	15E	36						S						S					
11S	16E	19							S,L2										
11S	15E	30											S,L4						
11S	16E	31			S														

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

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Point of Diversion/Place of Use Supplement

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☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	14E	1													S				
12S	14E	2									S								
12S	14E	3				S													
12S	14E	10			S														
12S	14E	11							S						S				
12S	14E	12							S										
12S	14E	13	S																
12S	15E	1			S														
12S	15E	2			S														
12S	15E	3														S			
12S	15E	4	S,L1								S								
12S	15E	5									S								

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 8

85341

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 85341

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	15E	6									S								
12S	15E	7											S,L4						
12S	15E	8				S			S										
12S	15E	9								S						S			
12S	15E	10			S														
12S	15E	11				S													
12S	15E	12	S																
12S	15E	17		S				S											
12S	15E	18		S			S												
12S	16E	6											S,L7						
12S	16E	7	S																
12S	16E	17												S					

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

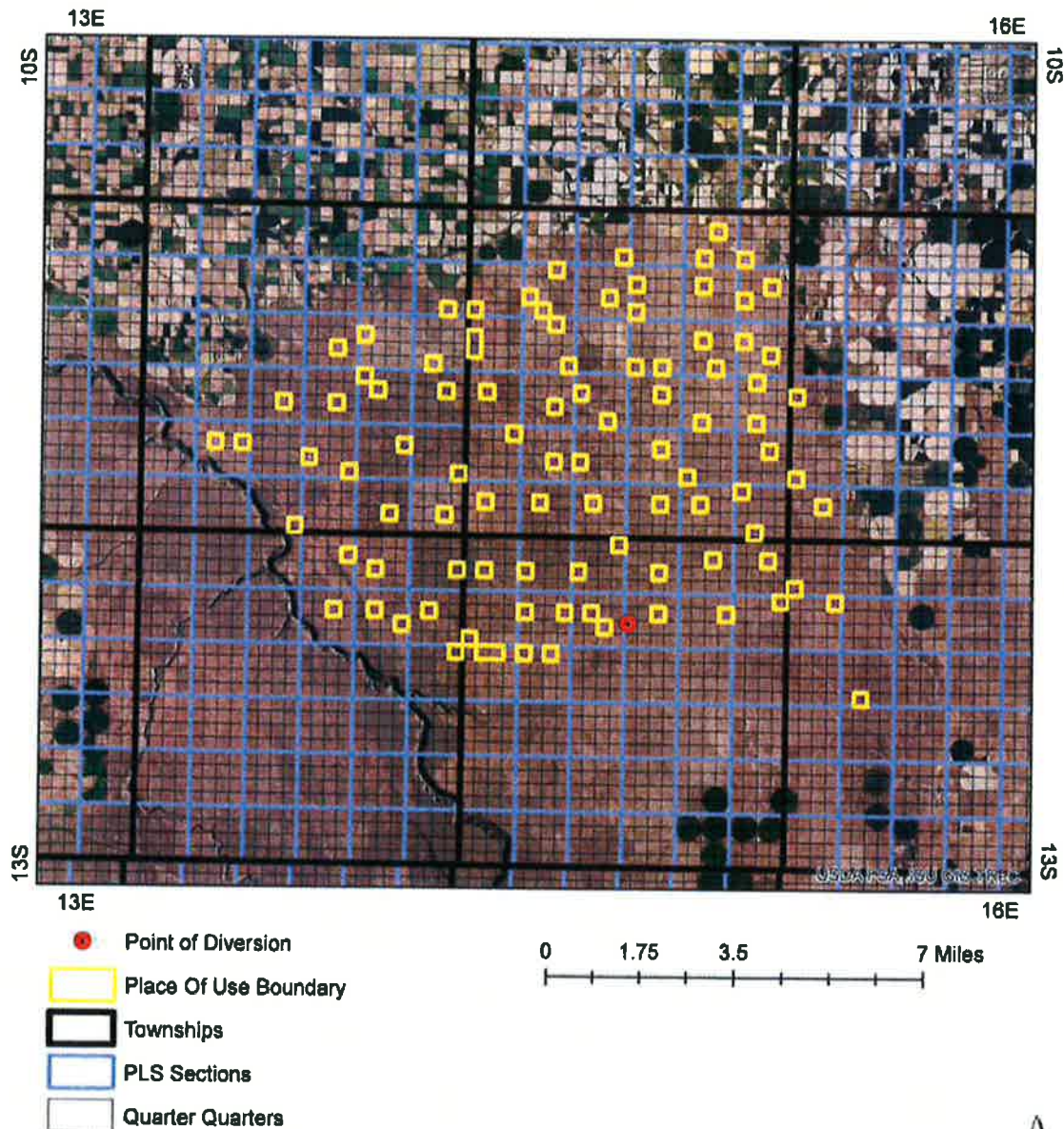
Page 9

85341

Attachment 2A: Before Transfer

State of Idaho
Department of Water Resources
Attachment to Transfer # 83140
47-2413

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



Attachment 2A: Before Transfer

Page 1 of 4

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT TRANSFER NO. 83140

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENTATTN FRED PRICE1387 S VINNELL
BOISE, ID 83709

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>
47-2413	WR/DECREED	12/20/1965	0.320 cfs	196.0 af	N/A	N/A	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>
47-2413	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>
47-2413	47-2413	0.320 cfs	196.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.320 cfs	196.0 af	N/A	N/A		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 26th day of July, 2019.


Southern Region Manager

Transfer No. 83140

85341

Attachment 2A: Before Transfer

Page 2 of 4

WATER RIGHT NO. 47-2413

As Modified by Transfer No. 83140

In accordance with the approval of Transfer No. 83140, Water Right No. 47-2413 is now described as follows:

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNIE
BOISE, ID 83709-1657

Priority Date: 12/20/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	1/01	to 12/31	0.320 cfs	196.0 af
			0.320 cfs	196.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWSW Sec 10 Twp 12S Rge 15E TWIN FALLS County

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	
11S	14E	12															X		0
11S	14E	13												X					
11S	14E	14							X										
11S	14E	15																	
11S	14E	21															X		
11S	14E	22															X		
11S	14E	23															X		
11S	14E	24			X			X		X									
11S	14E	25																	
11S	14E	26				X												X	
11S	14E	27									X							X	
11S	14E	29				X			X										
11S	14E	33																X	
11S	14E	35															X		
11S	14E	36															X		
11S	15E	1											X						
11S	15E	2			X								X						
11S	15E	4												X					
11S	15E	7											X					X	
11S	15E	8		X									L4						0
11S	15E	9									X			X					
11S	15E	10							X				X			X			
11S	15E	11								X									
11S	15E	12			X						X								
11S	15E	13							X										
11S	15E	14								X						X		X	
11S	15E	15									X						X		
11S	15E	17		X									X					X	
11S	15E	18							X			X							
11S	15E	19							L2			L3							0

Transfer No. 83140

85341

Attachment 2A: Before Transfer

Page 3 of 4

WATER RIGHT NO. 47-2413

As Modified by Transfer No. 83140

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	
11S	15E	20																	
11S	15E	21							X							X			
11S	15E	22			X												X		
11S	15E	23																	
11S	15E	24					X										X		
11S	15E	25			X														
11S	15E	26																	
11S	15E	27			X								X						
11S	15E	28																	
11S	15E	29										X							
11S	15E	30	X													X			
11S	15E	31								X									
11S	15E	32								X									
11S	15E	33								X									
11S	15E	34			X														
11S	15E	35								X									
11S	15E	36						X									X		
11S	16E	19							X										0
11S	16E	30							L 2										0
11S	16E	31			X								X						0
12S	14E	1																	
12S	14E	2								X						X			
12S	14E	3				X													
12S	14E	10			X														
12S	14E	11								X						X			
12S	14E	12								X									
12S	14E	13	X																
12S	15E	1			X														
12S	15E	2			X														
12S	15E	3																	
12S	15E	4	X													X			
12S	15E	5																	0
12S	15E	6								X									
12S	15E	7																	
12S	15E	8																	0
12S	15E	9				X			X										
12S	15E	10								X									
12S	15E	11				X													
12S	15E	12	X																
12S	15E	17			X				X										
12S	15E	18			X			X											
12S	16E	6																	
12S	16E	7	X																0
12S	16E	17																	

Transfer No. 83140

85341

Attachment 2A: Before Transfer

Page 4 of 4

WATER RIGHT NO. 47-2413

As Modified by Transfer No. 83140

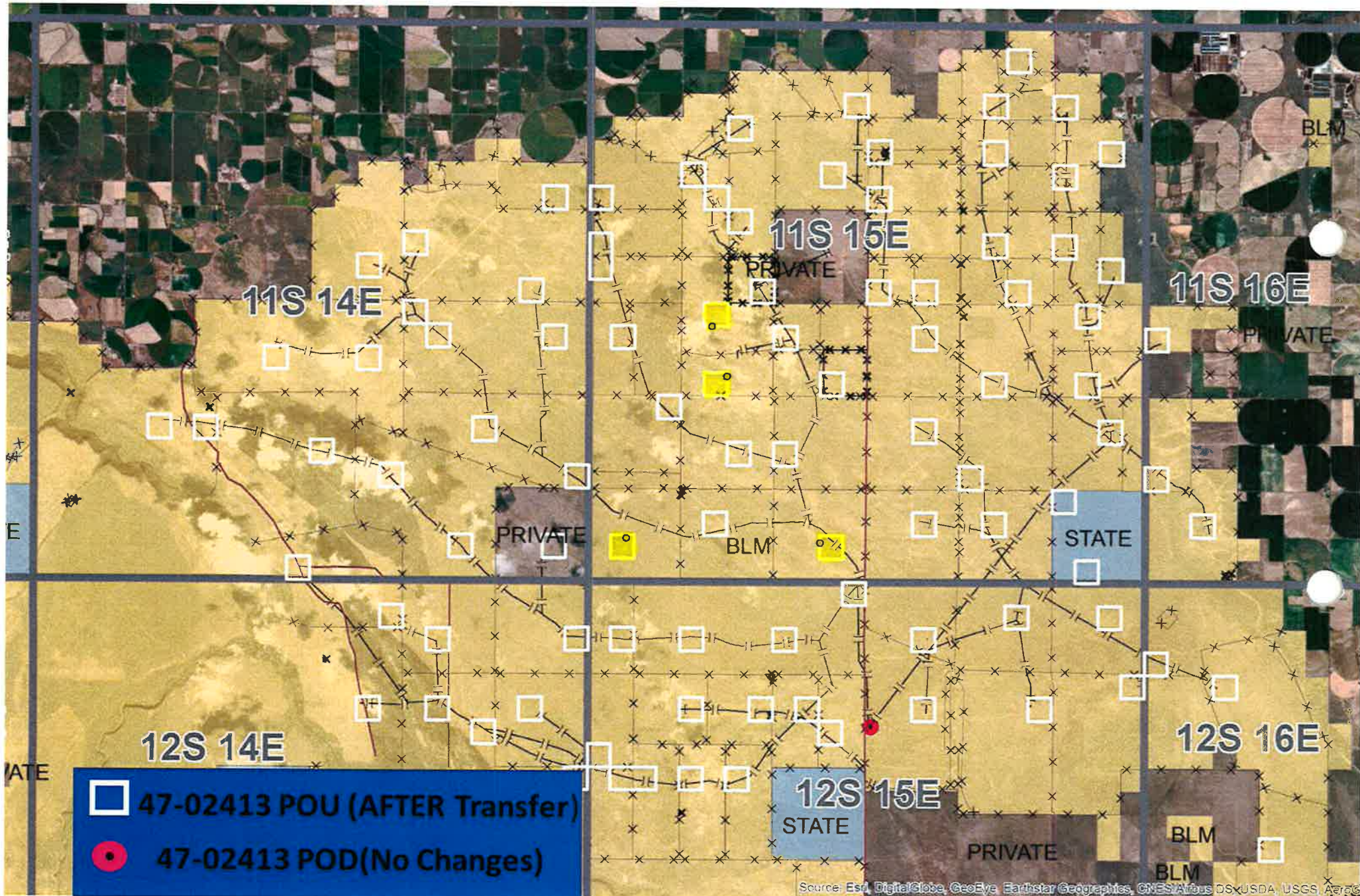
CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.

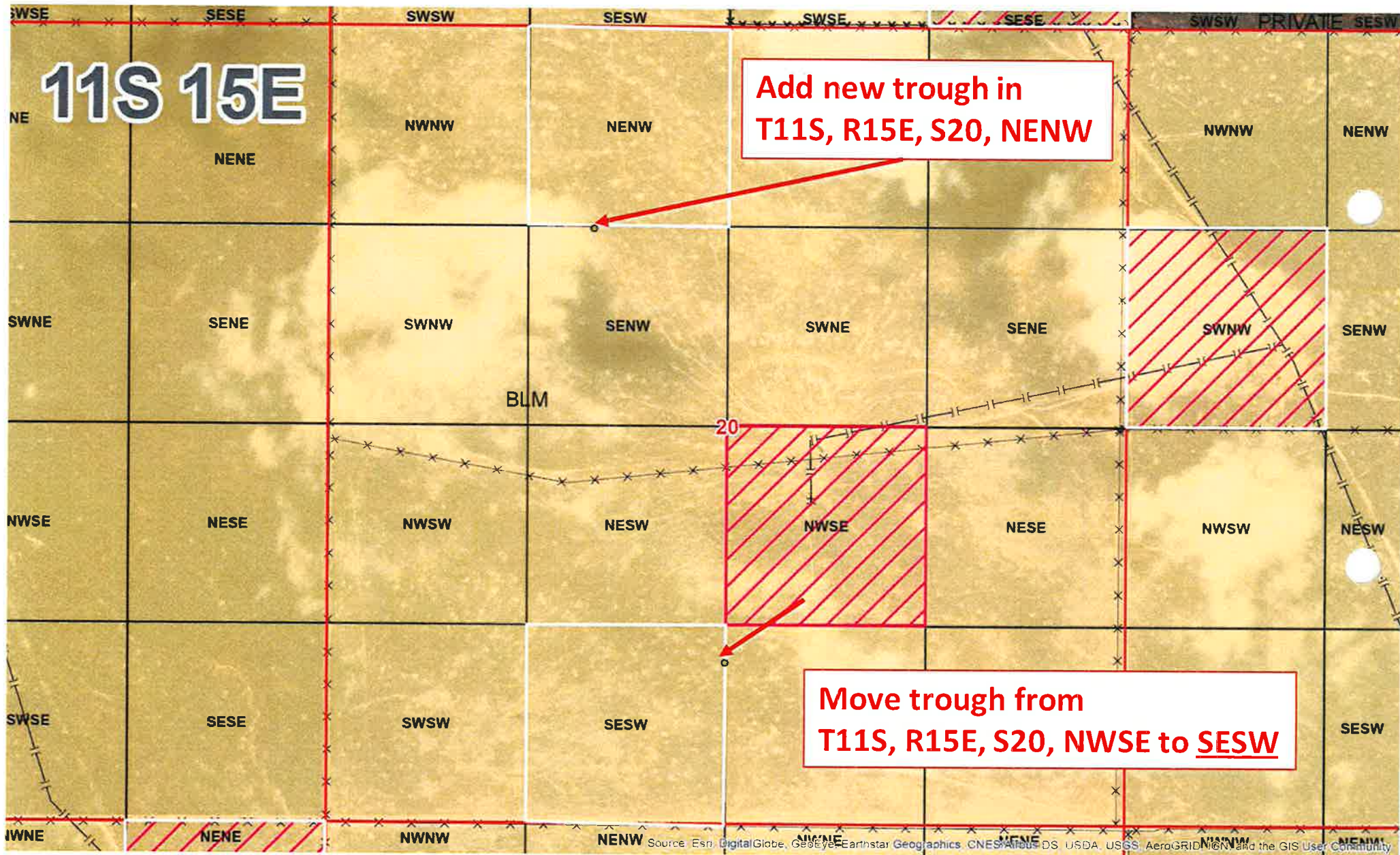
Transfer No. 83140

85341

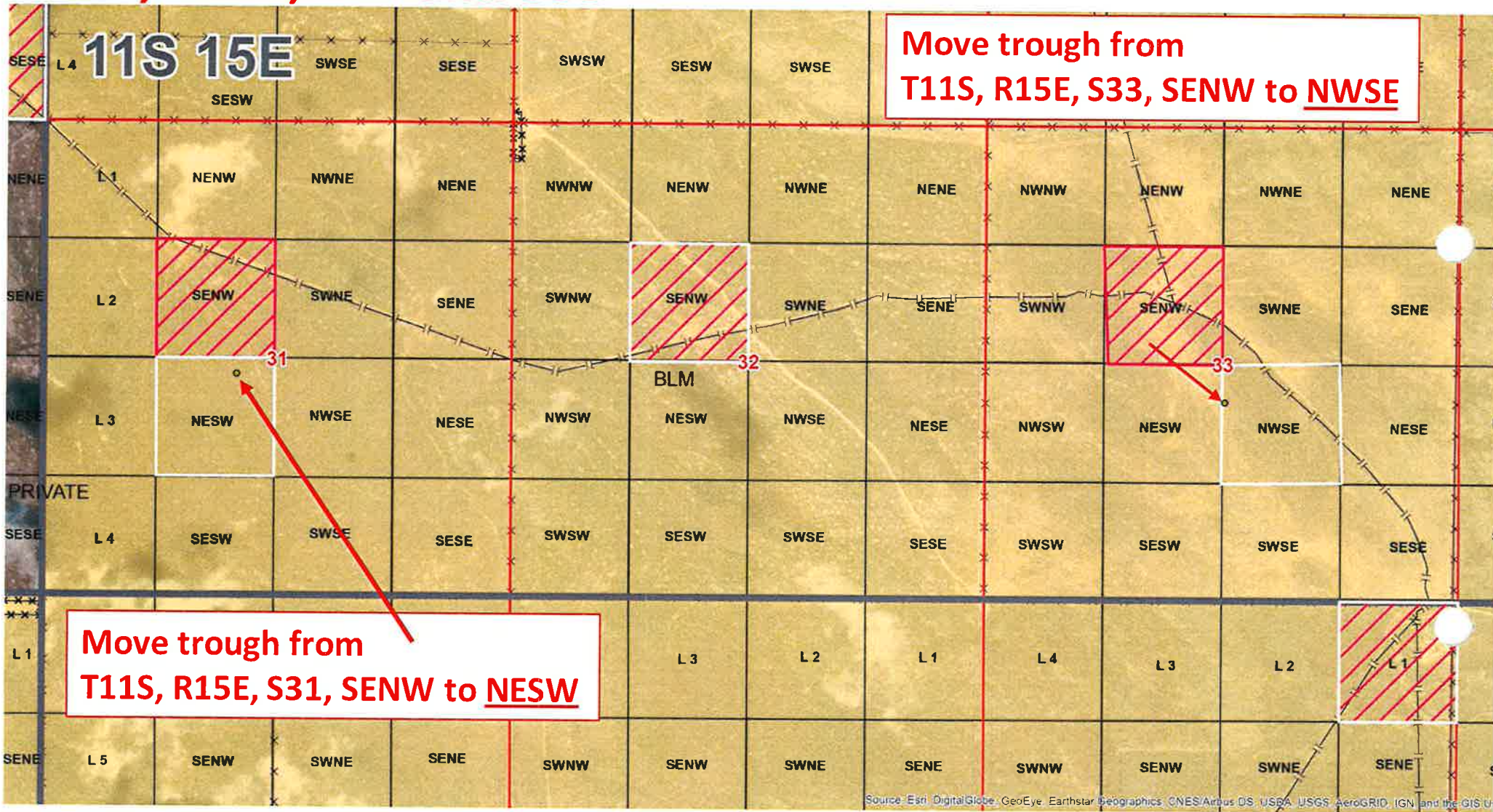
Attachment 7A: After Transfer



Attachment 7A: After Transfer T11S, R15E, S20



Attachment 7A: After Transfer T11S, R15E, S31 and S33



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COOPERATIVE RANGE IMPROVEMENT AGREEMENT

FORM APPROVED
OMB NO. 1004-0019
Expires: March 31, 2023

FOR BUREAU OF LAND MANAGEMENT USE ONLY

State..... ID

Office..... IDT02000

Project Number(s) 320614

INSTRUCTIONS - Cooperator(s) to receive original, and one copy each to the District/Field Office case or lease file and District/Field Office project file.

Project Name(s)
Berger Pipeline and Replacements

I, (We) Noh Sheep Company of Kimberly, ID
of
of
and of

hereinafter called cooperator(s) and the United States of America, by the Bureau of Land Management, hereinafter called the BLM, for and in consideration of the mutual benefits hereunder, and in accordance with the Taylor Grazing Act (43 U.S.C. 315, 315a-r), as amended, the National Soil Conservation Act (16 U.S.C. 590a(3)), as amended, the Federal Land Policy and Management Act (43 U.S.C. 1701, et seq.), and the Public Rangelands Improvement Act (43 U.S.C. 1904) do enter into this cooperative agreement for the construction and/or maintenance of range improvements, installation of conservation works or establishment of conservation practices, hereinafter referred to collectively as improvements, for the benefit of the public lands and of the cooperator(s).

2. The improvement(s) known as the Berger Well and Pipeline (trough relocation-3 and 1 addition in Noh Allotment) Section 31 NESW (moved),
Sec. 33 NWSE (moved), S. 20 SESW (moved)

☒ will be ☐ is (are) located upon: 1/4, Sec(s). 20 SENW (new) T. 11 S. R. 15 E.
Meridian, County of Twin Falls, State of Idaho

3. IT IS MUTUALLY AGREED:

- (a) The parties hereto will furnish labor, materials, and equipment as required, the total cost or value not to exceed the amount listed below for each of the parties respectively for the initial construction and/or installation of the improvements indicated in paragraph 2.

NAME(S) OF COOPERATOR(S)	ITEMS	TOTAL COST OR VALUE
Noh Sheep Company	Maintenance on pipeline extension and trough relocations	\$
BUREAU OF LAND MANAGEMENT		
	AGGREGATE COST	\$ 0.00

(b) Upon notice from the BLM, cooperator(s) will promptly supply labor, materials, and equipment as specified in paragraph 3 (a) as required. Contributed materials in excess of the amount required must be returned to the contributor. Equipment contributed must be returned promptly following completion of the work. Work will be conducted under the supervision and direction of the BLM and must be pursued with diligence until completed.

4. (a) The cooperator(s) will be liable, jointly and severally, for the repair and maintenance of the improvements following completion, in good and serviceable condition. The cooperator(s), without further notice from the BLM must do the necessary work promptly. If work is not performed as necessary, the BLM will notify the cooperator(s) and specify a period within which to complete the work as required.

(b) In the event the cooperator(s) default in the repair and maintenance of the improvements the BLM may do or cause such work to be done for and on behalf of the cooperator (s); and the necessary cost and expense thereof will become a charge and obligation upon and must be paid by the cooperator(s). It is further understood in case of default that any grazing permit or lease may be canceled and may not be renewed or extended or any transfer of grazing preference may not be approved unless and until all charges and costs owed by the cooperator(s) are paid; and provided that the BLM may pursue such other remedies, legal or administrative, as may be authorized.

(c) Repair and maintenance, as herein required, will mean normal upkeep and maintenance necessary to preserve, protect, and prolong the useful life of the improvements, but will not include major repairs where the damage is due to floods, earthquakes, or other acts of God, or fire not the result of fault or negligence of the cooperator(s) as determined by the BLM.

5. IT IS FURTHER AGREED

(a) This agreement does not convey right, title, or interest in any lands or resources held by the United States.

(b) Title to permanent or nonstructural improvements authorized by this agreement is held by the United States of America. The actual amount of the cooperator's(s') funds, materials, and the value of the labor contributed to the construction of the range improvement(s) authorized by this agreement is listed in Section 3 of this agreement and documents their respective interest in the agreement.

(c) The improvements may be removed, in whole or in part, during the term of this agreement or any extension thereof, by mutual consent of the parties or by direction of the BLM; such removal must be made by the cooperator(s), or by the BLM at its option. During the course of salvaging material, the United States assumes no responsibility for the protection or preservation of said material. Upon removal of the improvements, any salvageable materials, after deducting an amount to compensate for the actual cost of removal, will be available for distribution to the parties then subject to this agreement in proportion to the actual amount of their respective contributions to the initial construction of the improvements. The parties must take possession and remove their portion of the salvaged materials within one hundred and eighty (180) days after first notification in writing that such material is available; upon failure to do so within the

time allowed, the materials will be deemed abandoned and title thereto will thereupon vest in the United States.

(d) In the event lands containing improvements described under (b) above are devoted to another public purpose which precludes grazing, including disposal, the cooperator(s) will be entitled to reasonable compensation for the adjusted value of the cooperator's(s') interest to the improvements.

6. Applications by the cooperators(s) to transfer the grazing preference and/or permitted grazing use embracing the lands upon which the improvements are constructed or in connection with which they are used, will evidence assignment of interest in this Cooperative Agreement to the transferee. [Before the transferee will be recognized as successor in interest hereunder, the transferee will be required by the BLM to accept an assignment of this agreement and agree to be bound by the provisions respecting the use and maintenance of the improvements.]

7. The cooperator's(s') use of the improvements will be in conformance with any special conditions, the grazing permit(s) or lease(s), and regulations of the Secretary of the Interior.

8. This agreement will not accord to cooperator(s) any preference, privilege, or consideration with respect to any grazing permit or lease not expressly provided herein or in the rules and regulations governing such grazing permit or lease.

9. Items 2, 3, and 4 (a) of this agreement may be modified or canceled by written agreement of the parties, which agreement will become a part hereof.

10. This agreement is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the nondiscrimination clauses. A copy of this order may be obtained from the BLM.

11. This agreement will remain in effect indefinitely from date of signature unless (1) otherwise designated under item 14. Special Conditions, or (2) terminated by mutual written consent of parties, or (3) terminated by the BLM after notice in writing because of the cooperator's(s') default or violation (4) terminated by the BLM after notice in writing because the improvements are not compatible with adopted land use plans, or (5) terminated renegotiated, or modified by the BLM following consultation with the parties involved, as a result of changes in the law, regulation, or national BLM policy.

12. Any water right acquired on or after August 21, 1995 to use water on public lands associated with this improvement will be held in the name of the United States, if permitted under State Law. Co-application or joint ownership by permittees or lessees of water rights for purposes of livestock water will be allowed where State Law permits the practice.

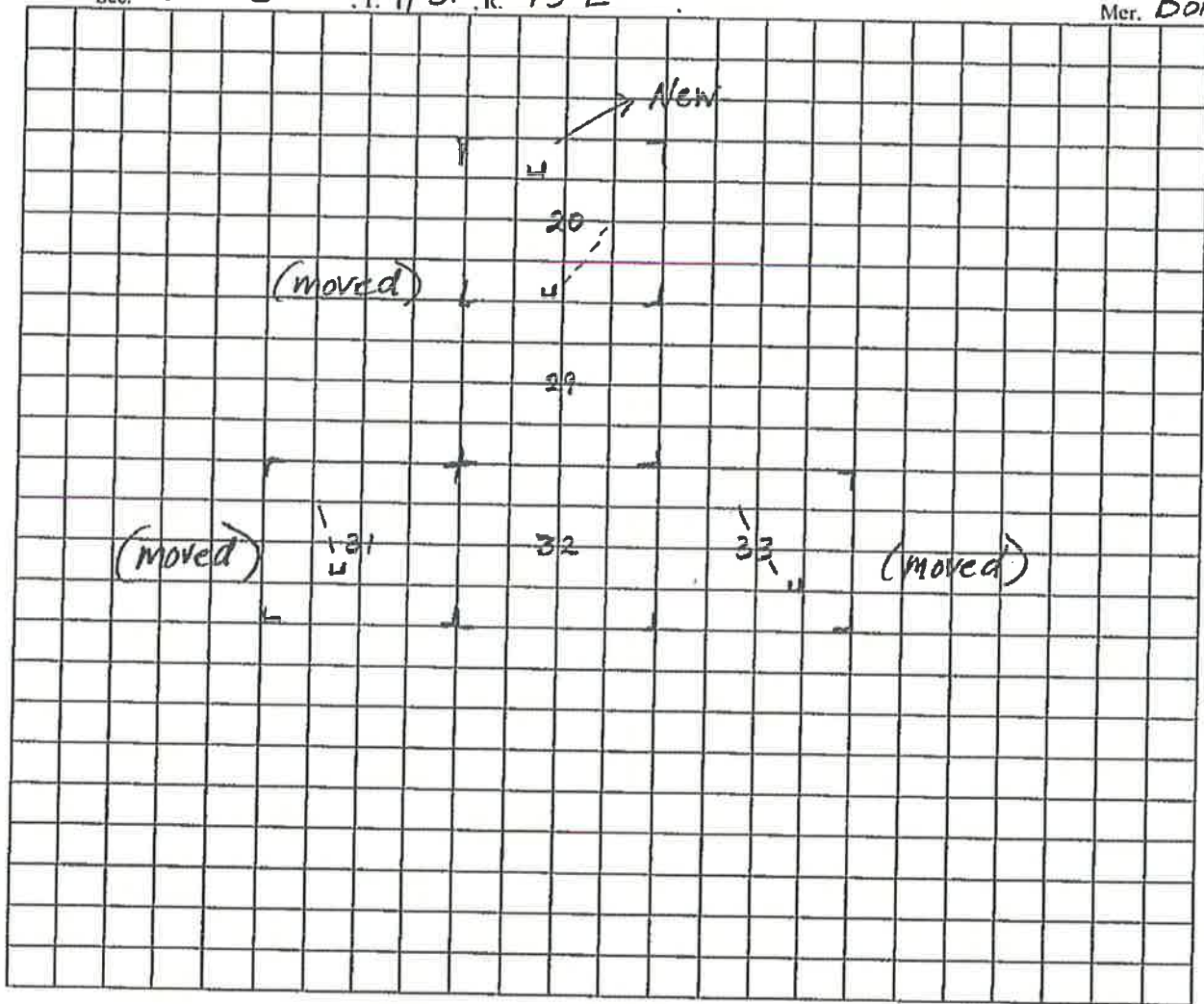
13. Any water developed, improved, or impounded under this cooperative agreement will be available for wildlife and free roaming wild horse and burro use and other authorized public use to the extent that such use is consistent with the multiple-use management objectives for the area.

LOCATION PLAT

Sec. Various

T. 11 S. R. 15 E

Mer. Boise



Scale 1 inches equals one mile

NOTICES

The Privacy Act and 43 CFR 2.48(d) require that you be furnished the following information in connection with the information requested by this form

AUTHORITY: 43 U.S.C. 315, 43 U.S.C. 1752, 43 U.S.C. 1904 and subpart 4120 permit collection of the information requested by this form

PRINCIPAL PURPOSE: The BLM will use the information you provide to develop a cooperative agreement for the construction, use, and maintenance of range improvements on its public lands. The information will be used to document specific participation of each cooperator on the range improvement(s) to be accomplished under the cooperative agreement.

ROUTINE USES: In accordance with the Bureau of Land Management's (BLM) System of Records Notice published in the Federal Register on December 29, 2010 [Bureau of Land Management's Range Management System—Interior, LLM-2, Notice To Amend an Existing System of Records, Privacy Act of 1974, as Amended], names and addresses provided by the applicant on this form will be publicly available in reports on the BLM public website

EFFECT OF NOT PROVIDING INFORMATION: Submission of the requested information is necessary to obtain or retain a benefit. Failure to submit all the requested information or to complete this form may result in delay or rejection and/or denial of your application

The Paperwork Reduction Act requires that you be furnished the following information in connection with the information requested by this form. BLM collects this information to authorize range improvements on public lands. Response to this request is required in order to obtain or retain a benefit. You do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a valid OMB Control Number

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average 2 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-0019), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Room 2134LM, Washington, D.C. 20240

14. Special Conditions

See Attachment 1

COOPERATOR(S)

THE UNITED STATES OF AMERICA

(Signature)

(Date)

State of

Idaho

(Signature)

(Date)

District/Field Office

Burley Field Office

(Signature)

(Date)

By

(Signature)

(Signature)

(Date)

(Title)

(Signature)

(Date)

(Date)

Title 18, U.S.C., Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 4)

(Form 4120-6, page 3)

**Cooperative Range Improvement Agreement ("CRIA")
Stipulations Establishing an Agency Relationship
04-30-2020**

Tier 1 CRIA STIPULATIONS (minus \$1 fee): Tier 1 situations (if have agency, then U.S. can file for a WR or a water transfer): v04-30-2020

Include the following conditions under Paragraph 14 (Special Conditions) of the Cooperative Range Improvement Agreement (CRIA) form:

Notwithstanding paragraph 12 above, the beneficial use of water by domestic livestock drinking from this range improvement shall be made pursuant to the cooperator/permittee/lessee/agent (hereinafter "Cooperator(s)"), and his/their predecessor's in interest, acting as an agent of the United States for the limited purposes of establishing and maintaining water rights used in connection with this range improvement and for no other purpose.

Any water uses or water rights established, used or otherwise acquired for beneficial purposes (including but not limited to stockwater, wildlife, etc) associated with this range improvement shall be by and for the United States, and no claim, application, or notice whatsoever thereto shall be made by the Cooperator(s). Whether it be a point of diversion (POD) or place of use (POU), the parties to this agreement stipulate and affirmatively agree that title to water uses and water rights shall be established and maintained solely in the name of the United States; said uses or rights shall inure and redound to the benefit of the United States, and attach to, and become appurtenant to federal public land.

Consideration for this Cooperative Agreement will be in the form of allowing use of the United States' improvement in exchange for the Cooperator(s) being liable, jointly and severally, for the operation, repair, and maintenance costs of the improvements following completion, in good and serviceable condition (see 4.(a.) above). Additional consideration includes but is not limited to the consideration for any and all applicable grazing permits or other agreements between the undersigned parties. The undersigned parties to this Cooperative Agreement agree that this serves as just and legally binding consideration for the exchange of the promises agreed to herein.

No right, title, interest, or economic expectation of use accrues to the Cooperator(s) due to the use of water made pursuant to this authorization. The Cooperator(s) shall not cause any water to be transferred off federal public land without prior written approval of the BLM authorized officer.

Cooperator(s) agrees that the United States shall be released and held harmless from loss, injury, damage and/or reduction in value of water rights or grazing should this authorization be suspended, modified, terminated according to its terms, or terminated by the Authorized Officer upon notice.

The Cooperator(s) assumes all liability for compliance with applicable state and federal rules governing the use of water and for violations or damages caused by the cooperator(s) in the pursuit of same. Failure of the cooperator(s) to remain in compliance with state and federal rules, regulations, or laws regarding the use of water or any stipulated condition within this agreement to the satisfaction of the Authorized Officer will be cause for termination of this authorization.

The Cooperator(s) consents to the Idaho Department of Water Resources (IDWR), or a court of law, vesting beneficial and legal title ownership of water rights (including permits, licenses, notices, claims, decrees, etc.) to the United States that are associated with this range improvement project. Use of this range improvement and water by the Cooperator(s) are subject to the terms of this agreement and final decisions issued by the Authorized Officer. The Cooperator(s) hereby consent to future modifications of the range improvement consistent with final decisions of the BLM Authorized Officer.

Use of water on federal public land, without authorization in writing from the BLM Authorized Officer, and from the Idaho Department of Water Resources (in the form of an approved water permit, license or decree), would constitute a violation of the terms of this agreement. It is a prohibited act to use water not in conformance with a valid water right (I.C. 42-351), or to install, use, maintain, modify and/or remove range improvements without written authorization from the Authorized Officer (43 CFR §4140.1(b)(2)).

Nothing in this agreement shall prevent the BLM from administering grazing, range improvements or water rights in accordance with applicable law, including, but not limited to, taking such administrative actions as modifying or terminating range improvements.

This agreement shall be binding upon any and all successors, assigns, principals, devisees, legatees, executors, administrators, officers, members, representatives, and all other parties claiming by, through or under them.

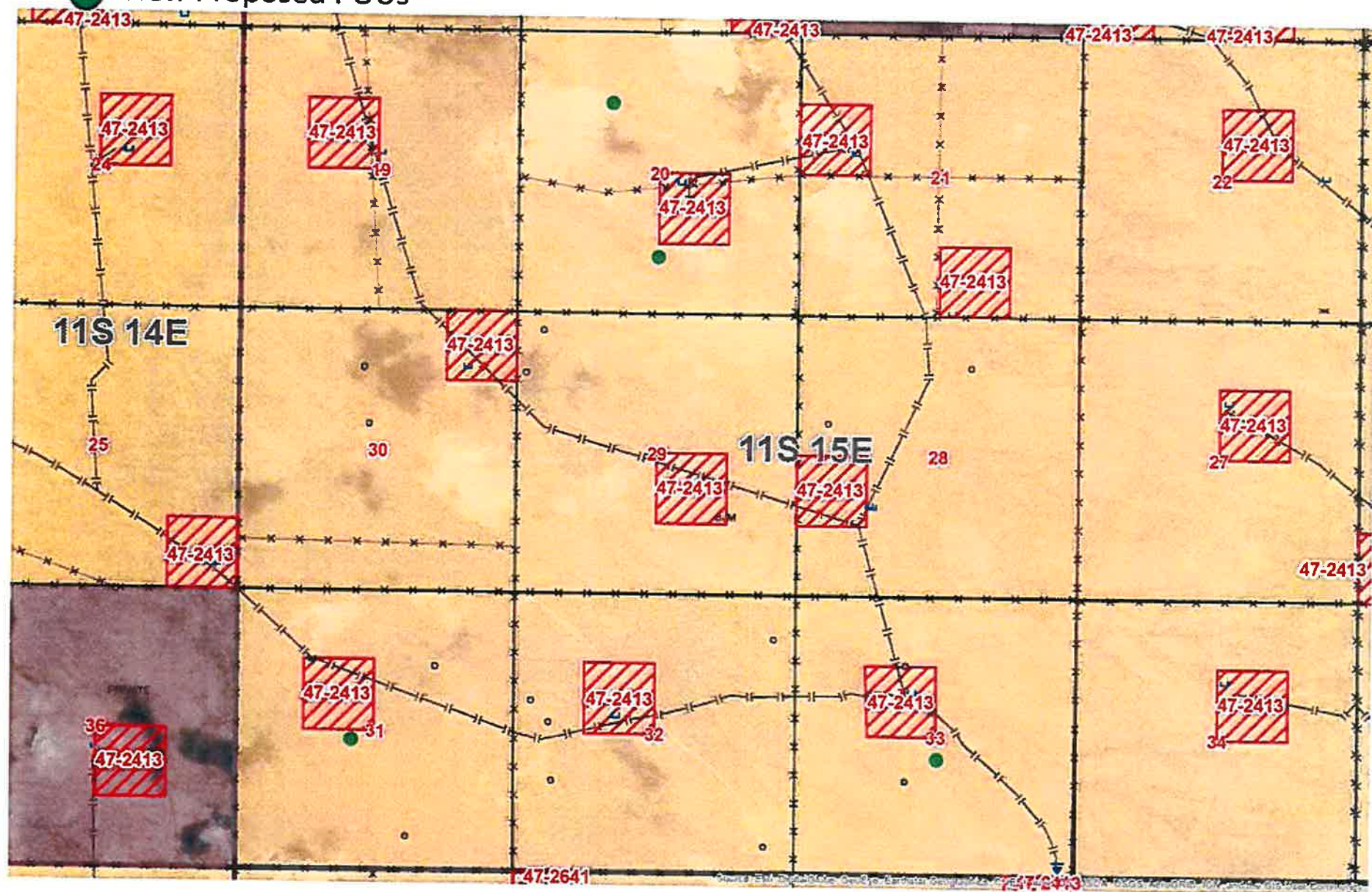
If any provision of this agreement is held unenforceable by a court of law with appropriate jurisdiction, then the Cooperator's agree that such provision(s) will be modified to reflect the Authorized Officer's intentions. All remaining provisions of this Contract shall remain in full force and effect.

This authorization comprises the entire agreement and no promise, inducement, or representation other than herein set forth has been made, offered and agreed upon, and the terms of this authorization are contractual and not merely a recital.

Berger Pipeline Extension: Overview Map, Water Right 47-02413 (BLM)

Transfer Required to add new Places of Use (POUs)

● New Proposed POUs



Form 1221-2
(June 1969)



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office

Release 1-346

Date

September 22, 2011

MANUAL TRANSMITTAL SHEET

Subject: **1203 – DELEGATION OF AUTHORITY**

1. Explanation of Material Transmitted: This manual supplement updates delegations of authority and related procedures to the State Office, District Offices, and Field Offices and National Landscape Conservation System (NLCS) Managers (Mgr) and staff. It includes a new column for the NLCS Mgr.
2. Reports Required: None.
3. Material Superseded: The manual supplement release superseded by this release is listed under REMOVE below. This release also supersedes any Idaho Instruction Memorandum dated before this transmittal.
4. Filing Instructions: File as directed below.

REMOVE

1203 – All Pages (Release 1-343)

(Total: 61 Sheets)

INSERT

1203 (Release 1-346)

(Total: 91 Sheets)

Peter J. Ditton for

Steven A. Ellis
State Director

Distribution

Code /or Reg.	Activity	Authority Delegated To										
		SD	DSD	Br Chief	DM	FM	NLCS Mgr	AO/SSM	All Sup	SSPA	DFMO	MRF
6525	Approve cooperative management programs jointly with State wildlife agencies pursuant to the Sikes Act, as amended.	X			X	X	X					
6600 FISH, WILDLIFE, AND SPECIAL STATUS PLANT RESOURCES INVENTORY AND MONITORING												
6602	Approve wildlife inventory and monitoring plans.	X			X	X	X					
6620	Approve Habitat Management Plans.	X			X	X	X					
6800 WILDLIFE POPULATION MANAGEMENT												
6840	Conduct endangered species consultation per Section 7 of Endangered Species Act of 1973, as amended.	X			X	X	X					
7250 WATER RIGHTS												
7250	Settle water rights issues. 1) Special delegation to DSD for Resource Services and the Special Project Team (Water Rights). See Instruction Memorandum No. ID-2001-063, Subject: Water Rights Delegation of Authority.	X	1									
8000 RECREATION PROGRAMS												
8000	Authorize recreation use and specify terms and conditions of such use (exceptions are provided for in the regulations).	X			X	X	X					
8100 CULTURAL RESOURCE MANAGEMENT												
8110	Carry out matters of responsibility of BLM relating to determination of eligibility for nomination to the National Register under 36 CFR 63.	X			X	X	X					
8110	Carry out matters of responsibility of BLM relating to nomination to the National Register under 36 CFR 60.	X			X	X	X					

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250/1230 (933) P

July 27, 2001

EMS
Instruction Memorandum No. ID-2001-063
Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add a delegated authority to both the Deputy State Director for Resource Services and the Branch Chief for Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) water rights issues. The SRBA water rights team leader (Gary Madenford) and senior water rights specialist (Fred Price) will continue to have authority to represent the BLM regarding all water rights issues.

This delegation is effective immediately. The Idaho Delegation of Authority Supplement will be revised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by:
Martha G. Hahn

Authenticated by:
Susanna M. Henry
Staff Assistant (ID-933)

cc:
ISO Water Rights Team
Larry Brown, DOJ Attorney
Mel Matlock (950)
Bill Ferry, Field Solicitor - Boise



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 30, 2021

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
ATTN: FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709

Re: Transfer No: 85341
Water Right No(s): 47-2413

Transfer Approval Notice

Dear Water Right Holder(s):

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) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

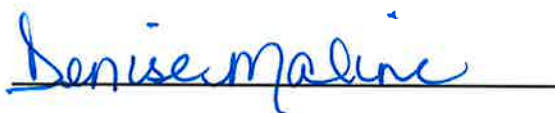
CERTIFICATE OF SERVICE

I hereby certify that on September 30, 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.: 85341

Water Right No(s): 47-2413

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
ATTN FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709



Denise Maline
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.

MEMORANDUM

Date: September 24, 2021
To: Transfer 85341
From: Bill Mills
Re: Legal Notice Not Required

This application is adding one trough and moving three troughs in a large trough system (currently 96 troughs) where the water right has always been diverted and used. As such, there will be no actual hydrologic change to the diversion system. Therefore, the transfer was processed, and can be approved without advertising.

Legal Notice Not Required
9/24/2021

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: September 24, 2021
To: Transfer 85341 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes adding one new trough and moving three troughs and updating the place of use (POUs) to reflect those changes to the stockwater trough system for ground water right, 47-2413 (0.32 cfs; 196.0 af; Stockwater). This stockwater system will consist of 97 separate trough locations after the transfer is approved. Point of diversion (POD) is located approximately 11.5 miles south and 11.6 miles west of the Five Points Intersection of Addison Ave; Blue Lakes Blvd and Shoshone St in Twin Falls. The places of use are generally located within approximately 4 to 13 miles south and 7.3 to 20.2 miles west of the Five Points Intersection of Addison Ave; Blue Lakes Blvd and Shoshone St in Twin Falls.

This application is only adding one trough to a large trough system (currently 96 troughs) where the water right has always been diverted and used. As such, there will be no actual hydrologic change to the diversion system. Therefore, the transfer was processed, and can be approved without advertising.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water right and property this right is historically appurtenant to. A Cooperative Range Improvement Agreement was provided with the application indicating cooperation with the Noh Sheep Company whose sheep utilize the trough system.
- **Water Right Validity:** Water right 47-2413 was decreed in the SRBA on 9/13/2000. Recent aerial and satellite imagery indicate the trough system is in use.
- **Injury to Other Water Rights:**
None anticipated.

- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

M E M O R A N D U M

Date: September 24, 2021

To: Transfer 85341 File

From: Bill Mills

Re: Fee Evaluation

Filing fees charged for transfer application #83140 are based on the current transfer fee schedule and are set at \$500.00 for the full 0.320 cfs being transferred in the application (Receipt No.C110927).