

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84995**

This is to certify that: SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY, ID 83251-4507

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

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>  |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|----------------|
| 34-2356            | WR/DECREED          | 3/24/1960            | 3.200 cfs             | 560.0 af                | N/A               | 160.0              | GROUND WATER   |
| 34-393             | WR/DECREED          | 5/1/1900             | 4.000 cfs             | N/A                     | N/A               | 189.0              | WILLOW CREEK   |
| 34-452C            | WR/DECREED          | 6/1/1885             | 0.400 cfs             | 56.0 af                 | N/A               | 16.0               | BIG LOST RIVER |
| 34-7171            | WR/DECREED          | 3/9/1977             | 3.780 cfs             | 661.5 af                | N/A               | 189.0              | GROUND WATER   |
| 34-964             | WR/DECREED          | 6/1/1884             | 5.400 cfs             | N/A                     | N/A               | 189.0              | CLIFF 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>                                |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|----------------------------------------------|
| 34-633             | WR/DECREED          | 6/1/1896             | 2.980 cfs             | N/A                     |                   | 149.0              | SWAUGER SPRINGS,<br>CONGDON SPRINGS<br>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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 34-2356               | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 34-393                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-452C               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-7171               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-964                | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 34-2356               | 34-14832                         | 0.220 cfs            | 38.5 af                | 11.0              | 208.0              | 34-2356                            | 2.980 cfs             | 521.5 af                | N/A                         | 149.0                        |
| 34-393                | 34-393                           | 4.000 cfs            | N/A                    | 189.0             | 208.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-452C               | 34-452C                          | 0.400 cfs            | 56.0 af                | 16.0              | 208.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-7171               | 34-7171                          | 3.780 cfs            | 661.5 af               | 189.0             | 208.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-964                | 34-964                           | 5.400 cfs            | N/A                    | 189.0             | 208.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |

Transfer No. 84995

**Support Data  
In File # 34-2356**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 84995

|                 |           |     |     |       |     |     |     |     |
|-----------------|-----------|-----|-----|-------|-----|-----|-----|-----|
| COMBINED TOTALS | 1.320 cfs | N/A | N/A | 208.0 | 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 9<sup>th</sup> day of September, 2021.

*[Signature]*

Regional Manager



Transfer No. 84995

Support Data  
In File # 34-2356

# **WATER RIGHT NO. 34-2356**

## **As Modified by Transfer No. 84995**

In accordance with the approval of Transfer No. 84995, Water Right No. 34-2356 is now described as follows:

**Right Holder:** SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY, ID 83251-4507

**Priority Date:** 3/24/1960

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>  | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|------------------------|-------------------------|
| IRRIGATION            | 4/01        | to 10/31  | 2.980 cfs<br>2.980 cfs | 521.5 af<br>521.5 af    |

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

GROUND WATER      NWNW      Sec 4   Twp 06N Rge 25E   CUSTER 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 |        |
| 06N | 25E | 4   |    |    |    |    | 35.0 | 39.0 |    |    |      |    |    |      |    |    |    |    | 74.0   |
|     |     |     |    |    |    |    | L 3  | L 4  |    |    |      |    |    |      |    |    |    |    |        |
| 07N | 25E | 33  |    |    |    |    |      |      |    |    | 37.0 |    |    | 38.0 |    |    |    |    | 75.0   |

POU Total Acres: 149.0

### **CONDITIONS OF APPROVAL**

1. Rights 34-2356 and 34-633 when combined shall not exceed a total diversion rate of 2.98 cfs and the irrigation of 149 acres.
2. 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. 84995

**WATER RIGHT NO. 34-14832****As Modified by Transfer No. 84995**

In accordance with the approval of Transfer No. 84995, Water Right No. 34-14832 is now described as follows:

**Right Holder:** SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY, ID 83251-4507

**Priority Date:** 3/24/1960

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 4/01        | to 10/31  | 0.220 cfs             | 38.5 af                 |
|                       |             |           | 0.220 cfs             | 38.5 af                 |

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

GROUND WATER      L1 (NENE)      Sec 3    Twp 06N Rge 24E    CUSTER 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   |        |
| 06N | 24E | 2   |     |    |      |      |    | 0.6 | 23.0 |    |    |    |    |    |      |      |      |      | 23.6   |
|     |     |     |     |    |      |      |    | L 4 |      |    |    |    |    |    |      |      |      |      |        |
| 06N | 24E | 3   | 6.4 |    | 33.0 | 33.0 |    |     |      |    |    |    |    |    | 38.0 | 40.0 | 18.0 | 16.0 | 184.4  |
|     |     |     | L 1 |    |      |      |    |     |      |    |    |    |    |    |      |      |      |      |        |

Right Acre Limit: 11.0  
POU Total Acres: 208.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 11 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 11 acres within the 208 acre place of use authorized by this right in a single irrigation season. The specific 11 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 11 acres to be irrigated within the 208 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 34-452C, 34-393, 34-964, 34-7171, and 34-14832 when combined shall not exceed the irrigation of 208 acres.

Transfer No. 84995

**WATER RIGHT NO. 34-14832**  
**As Modified by Transfer No. 84995**

**CONDITIONS OF APPROVAL**

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. Prior to the diversion and use of water under Transfer approval 84995, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-7171**  
**As Modified by Transfer No. 84995**

In accordance with the approval of Transfer No. 84995, Water Right No. 34-7171 is now described as follows:

**Right Holder:** SEEFRIED RANCH LLC  
 4399 W HOUSTON RD  
 MACKAY, ID 83251-4507

**Priority Date:** 3/9/1977

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 4/01               | to 11/01         | 3.780 cfs                    | 661.5 af                       |
|                              |                    |                  | 3.780 cfs                    | 661.5 af                       |

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

GROUND WATER      SENENE      Sec 3   Twp 06N Rge 24E   CUSTER 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   |        |
| 06N | 24E | 2   |     |    |      |      |    | 0.6 | 23.0 |    |    |    |    |    |      |      |      |      | 23.6   |
|     |     |     |     |    |      |      |    | L 4 |      |    |    |    |    |    |      |      |      |      |        |
| 06N | 24E | 3   | 6.4 |    | 33.0 | 33.0 |    |     |      |    |    |    |    |    | 38.0 | 40.0 | 18.0 | 16.0 | 184.4  |
|     |     |     | L 1 |    |      |      |    |     |      |    |    |    |    |    |      |      |      |      |        |

Right Acre Limit: 189.0

POU Total Acres: 208.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 189 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 189 acres within the 208 acre place of use authorized by this right in a single irrigation season. The specific 189 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 189 acres to be irrigated within the 208 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 34-393, 34-964, and 34-7171 when combined shall not exceed a total diversion rate of 5.40 cfs and the irrigation of 189 acres.

Transfer No. 84995

**WATER RIGHT NO. 34-7171**  
**As Modified by Transfer No. 84995**

**CONDITIONS OF APPROVAL**

4. Rights 34-452C, 34-393, 34-964, 34-7171, and 34-14832 when combined shall not exceed the irrigation of 208 acres.
5. The well at the point of diversion described above shall be constructed and maintained such that the unperforated casing and seal extends a minimum of 50 feet below land surface or to the first confining layer, whichever is encountered first. The right holder shall cease diversion from authorized point of diversion whenever the flow from Kent Spring is less than 1.20 cfs or the amount demanded under right 34-13655, whichever is less, until the right holder obtains an approved mitigation plan to mitigate the effect of pumping from the well on Kent Spring. The amount of water available to supply right 34-13655 shall be measured at the location where the flow from Kent Spring passes under the road (in the NWNW, Section 2, T06N, R24E).
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
7. Prior to the diversion and use of water under Transfer approval 84995, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-393****As Modified by Transfer No. 84995**

In accordance with the approval of Transfer No. 84995, Water Right No. 34-393 is now described as follows:

**Right Holder:** SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY, ID 83251-4507

**Priority Date:** 5/1/1900

**Source:** WILLOW CREEK

**Tributary:** BIG LOST RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

5/01

**To**

to 10/15

**Diversion Rate**

4.000 cfs

4.000 cfs

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

|              |           |                        |               |     |
|--------------|-----------|------------------------|---------------|-----|
| WILLOW CREEK | L2 (NWNE) | Sec 10 Twp 06N Rge 24E | CUSTER County |     |
| WILLOW CREEK | L8 (NENW) | Sec 10 Twp 06N Rge 24E | CUSTER County |     |
| WILLOW CREEK | NWNWSW    | Sec 2 Twp 06N Rge 24E  | CUSTER County |     |
| WILLOW CREEK | NWSWNE    | Sec 33 Twp 07N Rge 24E | CUSTER County | (R) |

**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   |        |
| 06N | 24E | 2   |     |    |      |      |    | 0.6 | 23.0 |    |    |    |    |    |      |      |      |      | 23.6   |
|     |     |     |     |    |      |      |    | L 4 |      |    |    |    |    |    |      |      |      |      |        |
| 06N | 24E | 3   | 6.4 |    | 33.0 | 33.0 |    |     |      |    |    |    |    |    | 38.0 | 40.0 | 18.0 | 16.0 | 184.4  |
|     |     |     | L 1 |    |      |      |    |     |      |    |    |    |    |    |      |      |      |      |        |

Right Acre Limit: 189.0

POU Total Acres: 208.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 189 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 189 acres within the 208 acre place of use authorized by this right in a single irrigation season. The specific 189 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 189 acres to be irrigated within the 208 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 34-393, 34-964, and 34-7171 when combined shall not exceed a total diversion rate of 5.40 cfs and the irrigation of 189 acres.

Transfer No. 84995

**WATER RIGHT NO. 34-393**  
**As Modified by Transfer No. 84995**

**CONDITIONS OF APPROVAL**

4. Rights 34-452C, 34-393, 34-964, 34-7171, and 34-14832 when combined shall not exceed the irrigation of 208 acres.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
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. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. Water diverted under this right may also be diverted onto uncultivated pasture in T06N, R24E, S03, SESE and S10, Lot 2 (NENE), Lot 3 (NWNE) and Lot 8 (NWNE); however, this additional use is not an appurtenance to the uncultivated pasture land.
9. Any application for transfer proposing to change the point of diversion, place of use, nature of use, or period of use of this right or any portion of this right shall include for consideration by IDWR the entire use of water on the uncultivated pasture land described in this right. Action taken by IDWR on any such transfer application may include modification or curtailment of all or any part of the use of water on the uncultivated pasture land.
10. 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.
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 Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-964****As Modified by Transfer No. 84995**

In accordance with the approval of Transfer No. 84995, Water Right No. 34-964 is now described as follows:

**Right Holder:** SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY, ID 83251-4507

**Priority Date:** 6/1/1884

**Source:** CLIFF CREEK

**Tributary:** BIG LOST RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

5/01

**To**

to 10/15

**Diversion Rate**

5.400 cfs

5.400 cfs

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

CLIFF CREEK  
CLIFF CREEK

NWSENE  
NWSWNE

Sec 3 Twp 06N Rge 24E CUSTER County  
Sec 33 Twp 07N Rge 24E CUSTER County (R)

**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   |        |
| 06N | 24E | 2   |     |    |      |      |    | 0.6 | 23.0 |    |    |    |    |    |      |      |      |      | 23.6   |
|     |     |     |     |    |      |      |    | L 4 |      |    |    |    |    |    |      |      |      |      |        |
| 06N | 24E | 3   | 6.4 |    | 33.0 | 33.0 |    |     |      |    |    |    |    |    | 38.0 | 40.0 | 18.0 | 16.0 | 184.4  |
|     |     |     | L 1 |    |      |      |    |     |      |    |    |    |    |    |      |      |      |      |        |

Right Acre Limit: 189.0

POU Total Acres: 208.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 189 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 189 acres within the 208 acre place of use authorized by this right in a single irrigation season. The specific 189 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 189 acres to be irrigated within the 208 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 34-393, 34-964, and 34-7171 when combined shall not exceed a total diversion rate of 5.40 cfs and the irrigation of 189 acres.

Transfer No. 84995

**WATER RIGHT NO. 34-964**  
**As Modified by Transfer No. 84995**

**CONDITIONS OF APPROVAL**

4. Rights 34-452C, 34-393, 34-964, 34-7171, and 34-14832 when combined shall not exceed the irrigation of 208 acres.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
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. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. Source is also known as White Knob Creek.
9. Water diverted under this right may also be diverted onto uncultivated pasture in T06N, R24E, S03, SESE and S10, Lot 2 (NENE), Lot 3 (NWNE) and Lot 8 (NWNE); however, this additional use is not an appurtenance to the uncultivated pasture land.
10. Any application for transfer proposing to change the point of diversion, place of use, nature of use, or period of use of this right or any portion of this right shall include for consideration by IDWR the entire use of water on the uncultivated pasture land described in this right. Action taken by IDWR on any such transfer application may include modification or curtailment of all or any part of the use of water on the uncultivated pasture land.
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-452C****As Modified by Transfer No. 84995**

In accordance with the approval of Transfer No. 84995, Water Right No. 34-452C is now described as follows:

**Right Holder:** SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY, ID 83251-4507

**Priority Date:** 6/1/1885

**Source:** BIG LOST RIVER

**Tributary:** SINKS

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 05/01       | to 10/15  | 0.400 cfs             | 56.0 af                 |
|                       |             |           | 0.400 cfs             | 56.0 af                 |

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

BIG LOST RIVER      NWSWNE      Sec 33 Twp 07N Rge 24E      CUSTER 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   |        |
| 06N | 24E | 2   |     |    |      |      |    | 0.6 | 23.0 |    |    |    |    |    |      |      |      |      | 23.6   |
|     |     |     |     |    |      |      |    | L 4 |      |    |    |    |    |    |      |      |      |      |        |
| 06N | 24E | 3   | 6.4 |    | 33.0 | 33.0 |    |     |      |    |    |    |    |    | 38.0 | 40.0 | 18.0 | 16.0 | 184.4  |
|     |     |     | L 1 |    |      |      |    |     |      |    |    |    |    |    |      |      |      |      |        |

Right Acre Limit: 16.0  
POU Total Acres: 208.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 16 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 16 acres within the 208 acre place of use authorized by this right in a single irrigation season. The specific 16 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 16 acres to be irrigated within the 208 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. Water is delivered through Darlington Ditch.
4. Rights 34-452C, 34-393, 34-964, 34-7171, and 34-14832 when combined shall not exceed the irrigation of 208 acres.

Transfer No. 84995

**WATER RIGHT NO. 34-452C**  
**As Modified by Transfer No. 84995**

**CONDITIONS OF APPROVAL**

5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-633****As Modified by Transfer No. 84995**

In accordance with the approval of Transfer No. 84995, Water Right No. 34-633 is now described as follows:

**Right Holder:** SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY, ID 83251-4507

**Priority Date:** 6/1/1896

**Source:** CONGDON SPRINGS CREEK  
**Source:** SWAUGER SPRINGS

**Tributary:** BIG LOST RIVER  
**Tributary:** BIG LOST RIVER

**BENEFICIAL USE**

IRRIGATION  
STOCKWATER

**From**

5/01  
1/01

to 10/15  
to 12/31

**Diversion Rate**

2.980 cfs  
1.000 cfs  
2.980 cfs

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

CONGDON SPRINGS CREEK SESWNW  
SWAUGER SPRINGS SESWNW

Sec 32 Twp 07N Rge 25E CUSTER County  
Sec 32 Twp 07N Rge 25E CUSTER 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 |        |
| 06N | 25E | 4   |    |    |    |    | 35.0 | 39.0 |    |    |      |    |    |      |    |    |    |    | 74.0   |
|     |     |     |    |    |    |    | L 3  | L 4  |    |    |      |    |    |      |    |    |    |    |        |
| 07N | 25E | 33  |    |    |    |    |      |      |    |    | 37.0 |    |    | 38.0 |    |    |    |    | 75.0   |

POU Total Acres: 149.0

**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 |        |
| 06N | 25E | 4   |    |    |    |    | X   | X   |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    |        |
| 07N | 25E | 33  |    |    |    |    |     |     |    |    | X  |    |    | X  |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Rights 34-2356 and 34-633 when combined shall not exceed a total diversion rate of 2.98 cfs and the irrigation of 149 acres.
2. Stockwater use is for 1000 range cattle.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Transfer No. 84995

**WATER RIGHT NO. 34-633**  
**As Modified by Transfer No. 84995**

**CONDITIONS OF APPROVAL**

4. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
5. 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.





IDAHO DEPARTMENT OF  
**WATER RESOURCES**

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

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

September 9, 2021

SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY ID 83251-4507

Re: Transfer No: 84995  
Water Right No(s): 34-393, 34-452C, 34-633, 34-964, 34-2356, 34-7171

**Transfer Approval Notice**

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is positioned above the printed name.

Christina Henman  
Administrative Assistant

Enclosure

## CERTIFICATE OF SERVICE

I hereby certify that on September 9, 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.: 84995**

**Water Right No(s): 34-393, 34-452C , 34-633, 34-964, 34-2356, 34-7171**

**SEEFRIED RANCH LLC  
4399 W HOUSTON RD  
MACKAY ID 83251-4507**



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**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.