

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85002**

This is to certify that: U.S. FISH AND WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND, OR 97232-4128

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>
31-11230	WR/DECREED	3/20/1962	11.060 cfs	87.4 af	N/A	N/A	GROUND WATER
31-11231	WR/DECREED	5/7/1962	15.700 cfs	2016.0 af	N/A	N/A	GROUND WATER
31-2350	WR/DECREED	10/20/1955	11.060 cfs	1936.0 af	N/A	N/A	GROUND WATER
31-2362	WR/DECREED	5/13/1957	10.600 cfs	2135.0 af	N/A	N/A	GROUND WATER
31-7301	WR/DECREED	6/2/1978	8.780 cfs	4310.0 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>
31-11230	NO	YES	NO	YES	NO	NO
31-11231	NO	YES	NO	YES	NO	NO
31-2350	NO	YES	NO	YES	NO	NO
31-2362	NO	YES	NO	YES	NO	NO
31-7301	NO	YES	NO	YES	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>
31-11230	31-11230	11.060 cfs	87.4 af	1904.0	N/A	N/A	N/A	N/A	N/A	N/A
31-11231	31-11231	15.700 cfs	2016.0 af	394.0	N/A	N/A	N/A	N/A	N/A	N/A
31-2350	31-2350	11.060 cfs	1936.0 af	553.0	N/A	N/A	N/A	N/A	N/A	N/A
31-2362	31-2362	10.600 cfs	2135.0 af	610.0	N/A	N/A	N/A	N/A	N/A	N/A
31-7301	31-7301	8.780 cfs	4310.0 af	5231.0	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		35.540 cfs	10484.4 af	5231.0	5231.0		N/A	N/A	N/A	N/A

**Support Data
In File # 31-2350**

Transfer No. 85002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85002

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 August, 2021.



Regional Manager



Transfer No. 85002

Support Data
In File # 31-2350

WATER RIGHT NO. 31-2350**As Modified by Transfer No. 85002**

In accordance with the approval of Transfer No. 85002, Water Right No. 31-2350 is now described as follows:

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH & WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND, OR 97232-4181

Priority Date: 10/20/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
WILDLIFE	04/01	to 10/31	11.060 cfs	1936.0 af
			11.060 cfs	1936.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWNW	Sec 20 Twp 07N Rge 36E	JEFFERSON County
GROUND WATER	SESW	Sec 29 Twp 07N Rge 36E	JEFFERSON County

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	35E	1													X	X	X	X	
															L 6			L 7	
07N	35E	12	X	X		X													
			L 1			L 2													
07N	35E	13	X																
			L 1																
07N	35E	24	X															X	
			L 1															L 4	
07N	35E	25				X									X				
						L 2									L 3				
07N	36E	6							X	X	X	X	X	X	X	X	X	X	
									L 5			L 6	L 7						
07N	36E	7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
									L 1	L 2			L 3	L 4					
07N	36E	8										X	X						
07N	36E	17					X	X	X	X		X	X						
07N	36E	18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
									L 1	L 2			L 3	L 4					
07N	36E	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
									L 1	L 2			L 3	L 4					
07N	36E	20							X	X			X						
07N	36E	29					X	X	X	X		X							
07N	36E	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
									L 1	L 2			L 3	L 4					

Transfer No. 85002

WATER RIGHT NO. 31-2350
As Modified by Transfer No. 85002

CONDITIONS OF APPROVAL

1. This right is limited to 553 acres within the authorized place of use in a single season.
2. Rights 31-2350 and 31-11230 when combined shall not exceed a total diversion rate of 11.06 cfs.
3. Rights 31-269, 31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2251, 31-2350, 31-2362, 31-2363, 31-7301, 31-11230, 31-11231 and 31-11232 when combined shall not exceed 5231 acres within the boundary of the Camas National Wildlife Refuge.
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. 110.
5. Prior to diversion and use of water under Transfer approval 85002, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 31-11230
As Modified by Transfer No. 85002

In accordance with the approval of Transfer No. 85002, Water Right No. 31-11230 is now described as follows:

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI FISH & WILDLIFE SERVICE
 DIVISION OF ENGINEERING
 911 N E 11TH AVE
 PORTLAND, OR 97232-4181

Priority Date: 3/20/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
WILDLIFE	01/01	to 12/31	11.060 cfs	87.4 af
			11.060 cfs	87.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWNW	Sec 20 Twp 07N Rge 36E	JEFFERSON County
GROUND WATER	SESW	Sec 29 Twp 07N Rge 36E	JEFFERSON County

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	35E	1													X	X	X	X	
															L 6			L 7	
07N	35E	12	X	X		X													
			L 1			L 2													
07N	35E	13	X																
			L 1																
07N	35E	24	X															X	
			L 1															L 4	
07N	35E	25				X									X				
						L 2									L 3				
07N	36E	6							X	X	X	X	X	X	X	X	X	X	
									L 5			L 6	L 7						
07N	36E	7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
									L 1	L 2			L 3	L 4					
07N	36E	8										X	X						
07N	36E	17					X	X	X	X		X	X						
07N	36E	18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
									L 1	L 2			L 3	L 4					
07N	36E	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
									L 1	L 2			L 3	L 4					
07N	36E	20							X	X			X						
07N	36E	29					X	X	X	X		X							
07N	36E	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
									L 1	L 2			L 3	L 4					

Transfer No. 85002

WATER RIGHT NO. 31-11230
As Modified by Transfer No. 85002

CONDITIONS OF APPROVAL

1. This right is limited to 1904 acres within the authorized place of use in a single season.
2. Rights 31-2350 and 31-11230 when combined shall not exceed a total diversion rate of 11.06 cfs.
3. Rights 31-269, 31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2251, 31-2350, 31-2362, 31-2363, 31-7301, 31-11230, 31-11231 and 31-11232 when combined shall not exceed 5231 acres within the boundary of the Camas National Wildlife Refuge.
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. 110.
5. Prior to diversion and use of water under Transfer approval 85002, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 31-2362
As Modified by Transfer No. 85002

In accordance with the approval of Transfer No. 85002, Water Right No. 31-2362 is now described as follows:

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI FISH & WILDLIFE SERVICE
 DIVISION OF ENGINEERING
 911 N E 11TH AVE
 PORTLAND, OR 97232-4181

Priority Date: 5/13/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
WILDLIFE	04/01	to 10/31	10.600 cfs	2135.0 af
			10.600 cfs	2135.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWNW	Sec 20 Twp 07N Rge 36E	JEFFERSON County
GROUND WATER	SESW	Sec 29 Twp 07N Rge 36E	JEFFERSON County

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	35E	1									X			X	X	X	X		
															L 6				
07N	35E	12	X	X	X	X	X			X	X	X			X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	13	X	X	X	X				X				X	X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	24	X	X	X	X	X			X	X			X	X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	25	X																
			L 1																
07N	36E	7									X	X							
											L 3	L 4							
07N	36E	18						X	X		X	X							
								L 1	L 2		L 3	L 4							
07N	36E	19						X	X		X	X							
								L 1	L 2		L 3	L 4							
07N	36E	30						X											
								L 1											

CONDITIONS OF APPROVAL

1. This right is limited to 610 acres within the authorized place of use in a single season.

Transfer No. 85002

WATER RIGHT NO. 31-2362
As Modified by Transfer No. 85002

CONDITIONS OF APPROVAL

2. Rights 31-2362 and 31-11231 when combined shall not exceed a total diversion rate of 15.7 cfs.
3. Rights 31-269, 31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2251, 31-2350, 31-2362, 31-2363, 31-7301, 31-11230, 31-11231 and 31-11232 when combined shall not exceed 5231 acres within the boundary of the Camas National Wildlife Refuge.
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. 110.
5. Prior to diversion and use of water under Transfer approval 85002, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 31-11231
As Modified by Transfer No. 85002

In accordance with the approval of Transfer No. 85002, Water Right No. 31-11231 is now described as follows:

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI FISH & WILDLIFE SERVICE
 DIVISION OF ENGINEERING
 911 N E 11TH AVE
 PORTLAND, OR 97232-4181

Priority Date: 5/7/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
WILDLIFE	03/20	to 11/16	15.700 cfs	2016.0 af
			15.700 cfs	2016.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWNW	Sec 20 Twp 07N Rge 36E	JEFFERSON County
GROUND WATER	SESW	Sec 29 Twp 07N Rge 36E	JEFFERSON County

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	35E	1									X			X	X	X	X		
															L 6				
07N	35E	12	X	X	X	X	X			X	X	X			X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	13	X	X	X	X					X			X	X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	24	X	X	X	X	X			X	X			X	X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	25	X																
			L 1																
07N	36E	7										X	X						
												L 3	L 4						
07N	36E	18						X	X			X	X						
								L 1	L 2			L 3	L 4						
07N	36E	19						X	X			X	X						
								L 1	L 2			L 3	L 4						
07N	36E	30						X											
								L 1											

CONDITIONS OF APPROVAL

1. This right is limited to 394 acres within the authorized place of use in a single season.

Transfer No. 85002

WATER RIGHT NO. 31-11231
As Modified by Transfer No. 85002

CONDITIONS OF APPROVAL

2. Rights 31-2362 and 31-11231 when combined shall not exceed a total diversion rate of 15.7 cfs.
3. Rights 31-269, 31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2251, 31-2350, 31-2362, 31-2363, 31-7301, 31-11230, 31-11231 and 31-11232 when combined shall not exceed 5231 acres within the boundary of the Camas National Wildlife Refuge.
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. 110.
5. Prior to diversion and use of water under Transfer approval 85002, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 31-7301
As Modified by Transfer No. 85002

In accordance with the approval of Transfer No. 85002, Water Right No. 31-7301 is now described as follows:

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI FISH & WILDLIFE SERVICE
 DIVISION OF ENGINEERING
 911 N E 11TH AVE
 PORTLAND, OR 97232-4181

Priority Date: 6/2/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
WILDLIFE	03/01	to 11/01	8.780 cfs	4310.0 af
			8.780 cfs	4310.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWNW	Sec 20 Twp 07N Rge 36E	JEFFERSON County
GROUND WATER	SESW	Sec 29 Twp 07N Rge 36E	JEFFERSON County

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	35E	1									X			X	X	X	X	X	
															L 6			L 7	
07N	35E	12	X	X	X	X	X			X	X	X			X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	13	X	X	X	X				X				X	X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	24	X	X	X	X	X			X	X			X	X	X	X	X	
			L 1			L 2									L 3			L 4	
07N	35E	25	X			X									X				
			L 1			L 2									L 3				
07N	36E	5						X	X										
								L 4											
07N	36E	6	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
			L 1	L 2					L 5			L 6	L 7						
07N	36E	7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2			L 3	L 4						
07N	36E	8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07N	36E	9												X					
07N	36E	16						X	X		X	X	X	X		X	X		
07N	36E	17	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07N	36E	18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2			L 3	L 4						
07N	36E	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2			L 3	L 4						
07N	36E	20	X	X	X	X	X	X	X	X	X	X	X	X		X			
07N	36E	21					X	X	X	X									
07N	36E	29					X	X	X	X		X							
07N	36E	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2			L 3	L 4						

Transfer No. 85002

WATER RIGHT NO. 31-7301
As Modified by Transfer No. 85002

PLACE OF USE: WILDLIFE

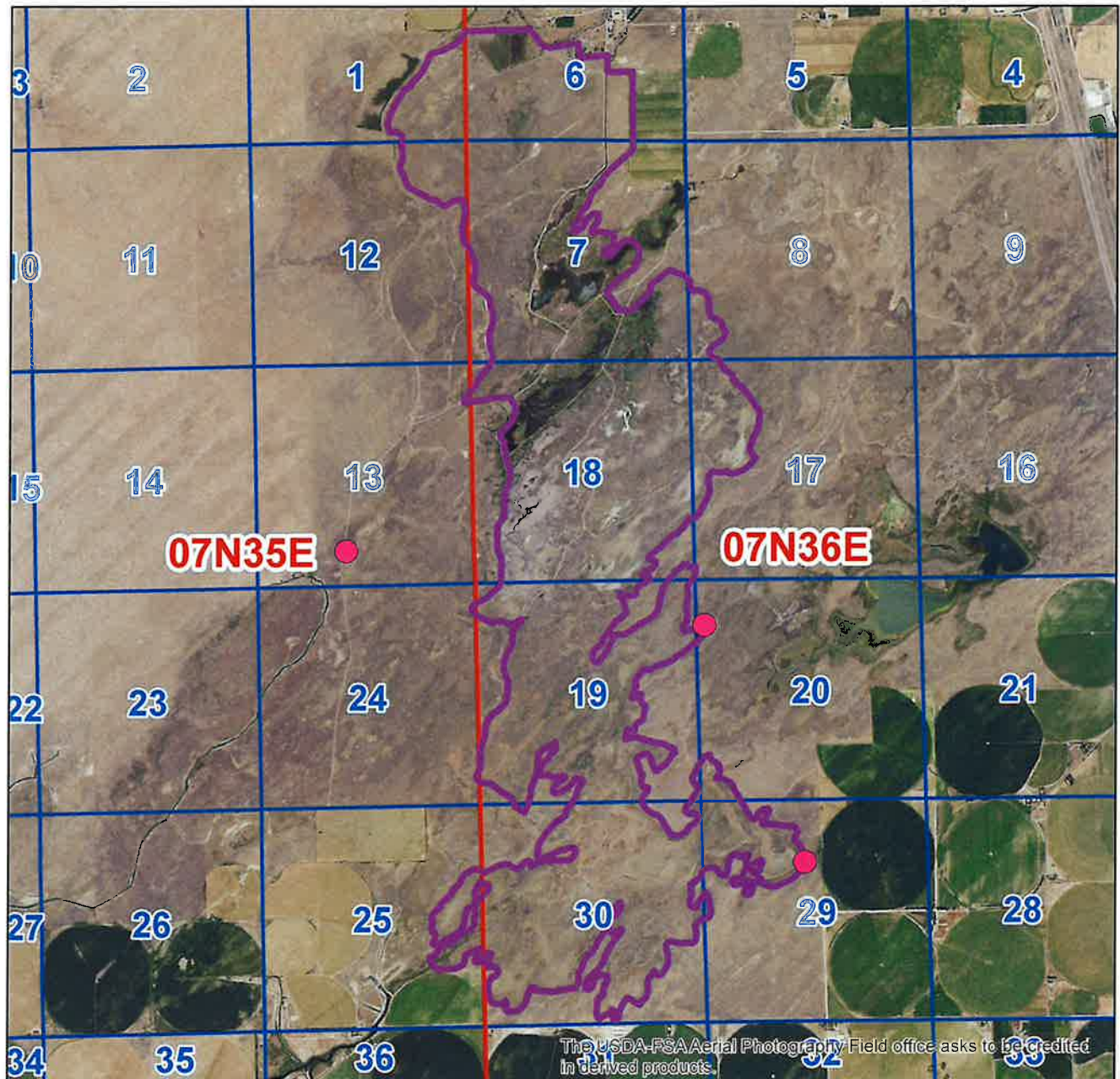
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	36E	32									X	X	X	X					

CONDITIONS OF APPROVAL

1. This right is limited to 5231 acres within the authorized place of use in a single season.
2. Rights 31-269, 31-270, 31-271, 31-272, 31-273, 31-274, 31-275, 31-276, 31-277, 31-278, 31-279, 31-280, 31-281, 31-282, 31-283, 31-284, 31-2251, 31-2350, 31-2362, 31-2363, 31-7301, 31-11230, 31-11231 and 31-11232 when combined shall not exceed 5231 acres within the boundary of the Camas National Wildlife Refuge.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
4. Prior to diversion and use of water under Transfer approval 85002, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 85002

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

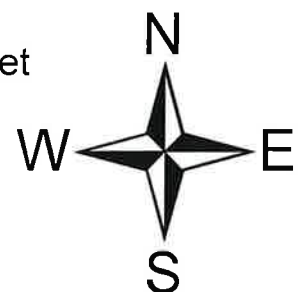


The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Legend

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

0 2,500 5,000 10,000 Feet



Date: 8/26/2021



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Gary Spackman

August 26, 2021

U.S. FISH AND WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4128

Re: Transfer No: 85002
Water Right No(s): 31-2350, 31-2362, 31-7301, 31-11230, 31-11231

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 below the word 'Sincerely,'.

Christina Henman
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 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.: 85002

Water Right No(s): 31-2350, 31-2362, 31-7301, 31-11230, 31-11231

**U.S. FISH AND WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4128**



**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.