

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83622**

This is to certify that: **EAGLE VALLEY RANCH LLC**
446 BOHANNON CREEK RD
SALMON, ID 83467-5045

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>
74-15740	WR/DECREED	4/1/1961	0.710 cfs	N/A	36.0	214.5	BOHANNON CREEK, EAST FORK BOHANNON CREEK, WIMPEY CREEK
74-15891	WR/DECREED	3/9/1912	1.600 cfs	N/A	N/A	268.4	BOHANNON CREEK
74-173	WR/DECREED	4/19/1910	2.900 cfs	N/A	104.2	214.5	BOHANNON CREEK
74-179C	WR/DECREED	6/1/1897	1.020 cfs	N/A	N/A	268.4	BOHANNON CREEK
74-215	WR/DECREED	5/2/1919	2.800 cfs	N/A	88.3	214.5	BOHANNON CREEK, EAST FORK BOHANNON CREEK, WIMPEY CREEK
74-2348	WR/DECREED	2/12/1962	2.260 cfs	N/A	113.2	214.5	BOHANNON CREEK, EAST FORK BOHANNON CREEK, WEST FORK WIMPEY 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>
74-15740	NO	NO	NO	YES	NO	NO
74-15891	NO	NO	NO	YES	NO	NO
74-173	NO	NO	NO	YES	NO	NO
74-179C	NO	NO	NO	YES	NO	NO
74-215	NO	NO	NO	YES	NO	NO
74-2348	NO	NO	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>
74-15740	74-15740	0.710 cfs	N/A	36.0	214.5	N/A	N/A	N/A	N/A	N/A
74-15891	74-15891	1.600 cfs	N/A	N/A	268.4	N/A	N/A	N/A	N/A	N/A
74-173	74-173	2.900 cfs	N/A	104.2	214.5	N/A	N/A	N/A	N/A	N/A
74-179C	74-179C	1.020 cfs	N/A	N/A	268.4	N/A	N/A	N/A	N/A	N/A
74-215	74-215	2.800 cfs	N/A	88.3	214.5	N/A	N/A	N/A	N/A	N/A
74-2348	74-2348	2.260 cfs	N/A	113.2	214.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.290 cfs	N/A	482.9	482.9		N/A	N/A	N/A	N/A

Transfer No. 83622

SUPPORT DATA

74-173

IN FILE #

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83622

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 22nd day of DECEMBER, 2020.


Water Rights Section Manager



WATER RIGHT NO. 74-173
As Modified by Transfer No. 83622

In accordance with the approval of Transfer No. 83622, Water Right No. 74-173 is now described as follows:

Right Holder: EAGLE VALLEY RANCH LLC
 446 BOHANNON CREEK RD
 SALMON, ID 83467-5045

Priority Date: 4/19/1910

Source: BOHANNON CREEK **Tributary:** LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	2.900 cfs 2.900 cfs

LOCATION OF POINT(S) OF DIVERSION

BOHANNON CREEK	SESE	Sec 15 Twp 21N Rge 23E LEMHI County
BOHANNON CREEK	NESW	Sec 22 Twp 21N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	28		21.7	2.6		17.6	8.4	28.5	35.7	12.7	37.6	18.9						183.7
21N	23E	29	3.9			1.2									16.4			9.3	30.8

Right Acre Limit: 104.2
 POU Total Acres: 214.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 104.2 acres within the authorized place of use in a single irrigation season.
2. Rights 74-173 and 74-215 when combined shall not exceed the irrigation of 183.5 acres.
3. Rights 74-173, 74-778, 74-779 and 74-2348 when combined shall not exceed the irrigation of 113.2 acres.
4. Rights 74-173, 74-215, 74-745, 74-778, 74-779, 74-2348, and 74-15740 when combined shall not exceed the irrigation of 214.5 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. 74C.

WATER RIGHT NO. 74-173
As Modified by Transfer No. 83622

CONDITIONS OF APPROVAL

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 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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. 74-179C**As Modified by Transfer No. 83622**

In accordance with the approval of Transfer No. 83622, Water Right No. 74-179C is now described as follows:

Right Holder: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467-5045

Priority Date: 6/1/1897

Source: BOHANNON CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
1.020 cfs
1.020 cfs

LOCATION OF POINT(S) OF DIVERSION

BOHANNON CREEK
BOHANNON CREEK

SESE
SENE

Sec 15 Twp 21N Rge 23E LEMHI County
Sec 28 Twp 21N Rge 23E LEMHI 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	
21N	23E	20															24.7	27.5	52.2
21N	23E	21									1.0	2.0	25.0	36.0	20.0	10.0	37.0	14.0	145.0
21N	23E	28						6.3											6.3
21N	23E	29	19.2	36.0		9.7													64.9

POU Total Acres: 268.4

CONDITIONS OF APPROVAL

1. 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.
2. Rights 74-179C, 74-15520, 74-15521, and 74-15891 when combined shall not exceed the irrigation of 268.4 acres.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83622

WATER RIGHT NO. 74-179C
As Modified by Transfer No. 83622

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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. 74C.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 74-15891
As Modified by Transfer No. 83622

In accordance with the approval of Transfer No. 83622, Water Right No. 74-15891 is now described as follows:

Right Holder: EAGLE VALLEY RANCH LLC
 446 BOHANNON CREEK RD
 SALMON, ID 83467-5045

Priority Date: 3/9/1912

Source: BOHANNON CREEK **Tributary:** LEMHI RIVER

BENEFICIAL USE **From** **To** **Diversion Rate**
 IRRIGATION 03/15 to 11/15 1.600 cfs
 1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

BOHANNON CREEK SESE Sec 15 Twp 21N Rge 23E LEMHI County
 BOHANNON CREEK SENE Sec 28 Twp 21N Rge 23E LEMHI 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	
21N	23E	20															24.7	27.5	52.2
21N	23E	21									1.0	2.0	25.0	36.0	20.0	10.0	37.0	14.0	145.0
21N	23E	28						6.3											6.3
21N	23E	29	19.2	36.0		9.7													64.9

POU Total Acres: 268.4

CONDITIONS OF APPROVAL

1. 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.
2. Rights 74-179C, 74-15520, 74-15521, and 74-15891 when combined shall not exceed the irrigation of 268.4 acres.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83622

WATER RIGHT NO. 74-15891
As Modified by Transfer No. 83622

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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. 74C.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 74-215
As Modified by Transfer No. 83622

In accordance with the approval of Transfer No. 83622, Water Right No. 74-215 is now described as follows:

Right Holder: EAGLE VALLEY RANCH LLC
 446 BOHANNON CREEK RD
 SALMON, ID 83467-5045

Priority Date: 5/2/1919

Source:	BOHANNON CREEK	Tributary:	LEMHI RIVER
Source:	WIMPEY CREEK	Tributary:	LEMHI RIVER
Source:	EAST FORK BOHANNON CREEK	Tributary:	BOHANNON CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	2.800 cfs 2.800 cfs

LOCATION OF POINT(S) OF DIVERSION

BOHANNON CREEK	SWNE	Sec 12 Twp 21N Rge 23E	LEMHI County	(I)
BOHANNON CREEK	SESE	Sec 15 Twp 21N Rge 23E	LEMHI County	(R)
BOHANNON CREEK	NESW	Sec 22 Twp 21N Rge 23E	LEMHI County	(R)
WIMPEY CREEK	SENW	Sec 5 Twp 21N Rge 24E	LEMHI County	
EAST FORK BOHANNON CREEK	SESW	Sec 6 Twp 21N Rge 24E	LEMHI County	(I)
WIMPEY CREEK	NWSE	Sec 7 Twp 21N Rge 24E	LEMHI County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	28		21.7	2.6		17.6	8.4	28.5	35.7	12.7	37.6	18.9						183.7
21N	23E	29	3.9			1.2									16.4			9.3	30.8

Right Acre Limit: 88.3
 POU Total Acres: 214.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 88.3 acres within the authorized place of use in a single irrigation season.
2. Rights 74-173 and 74-215 when combined shall not exceed the irrigation of 183.5 acres.
3. Rights 74-173, 74-215, 74-745, 74-778, 74-779, 74-2348 and 74-15740 when combined shall not exceed the irrigation of 214.5 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74C.

Transfer No. 83622

WATER RIGHT NO. 74-215
As Modified by Transfer No. 83622

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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. 74-2348**As Modified by Transfer No. 83622**

In accordance with the approval of Transfer No. 83622, Water Right No. 74-2348 is now described as follows:

Right Holder: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467-5045

Priority Date: 2/12/1962

Source: EAST FORK BOHANNON CREEK	Tributary: BOHANNON CREEK
Source: BOHANNON CREEK	Tributary: LEMHI RIVER
Source: WEST FORK WIMPEY CREEK	Tributary: WIMPEY CREEK

BENEFICIAL USE	From	To	Diversion Rate
IRRIGATION	03/15	to 11/15	2.260 cfs 2.260 cfs

LOCATION OF POINT(S) OF DIVERSION

EAST FORK BOHANNON CREEK	SWNE	Sec 12 Twp 21N Rge 23E	LEMHI County	(I)
BOHANNON CREEK	SESE	Sec 15 Twp 21N Rge 23E	LEMHI County	(R)
BOHANNON CREEK	NESW	Sec 22 Twp 21N Rge 23E	LEMHI County	(R)
WEST FORK WIMPEY CREEK	NWSE	Sec 7 Twp 21N Rge 24E	LEMHI 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	
21N	23E	28		21.7	2.6		17.6	8.4	28.5	35.7	12.7	37.6	18.9						183.7
21N	23E	29	3.9			1.2									16.4			9.3	30.8

Right Acre Limit: 113.2

POU Total Acres: 214.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 113.2 acres within the authorized place of use in a single irrigation season.
2. Rights 74-173, 74-778, 74-779 and 74-2348 when combined shall not exceed the irrigation of 113.2 acres.
3. Rights 74-173, 74-215, 74-745, 74-778, 74-779, 74-2348 and 74-15740 when combined shall not exceed the irrigation of 214.5 acres.

Transfer No. 83622

WATER RIGHT NO. 74-2348

As Modified by Transfer No. 83622

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. 74C.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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. 74-15740
As Modified by Transfer No. 83622

In accordance with the approval of Transfer No. 83622, Water Right No. 74-15740 is now described as follows:

Right Holder: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467-5045

Priority Date: 4/1/1961

Source: BOHANNON CREEK	Tributary: LEMHI RIVER
Source: WIMPEY CREEK	Tributary: LEMHI RIVER
Source: EAST FORK BOHANNON CREEK	Tributary: BOHANNON CREEK

BENEFICIAL USE	From	To	Diversion Rate
IRRIGATION	03/15	to 11/15	0.710 cfs 0.710 cfs

LOCATION OF POINT(S) OF DIVERSION

BOHANNON CREEK	SWNE	Sec 12 Twp 21N Rge 23E	LEMHI County	(I)
BOHANNON CREEK	SESE	Sec 15 Twp 21N Rge 23E	LEMHI County	(R)
BOHANNON CREEK	NESW	Sec 22 Twp 21N Rge 23E	LEMHI County	(R)
WIMPEY CREEK	SESW	Sec 5 Twp 21N Rge 24E	LEMHI County	
EAST FORK BOHANNON CREEK	SESW	Sec 6 Twp 21N Rge 24E	LEMHI County	(I)
WIMPEY CREEK	NWSE	Sec 7 Twp 21N Rge 24E	LEMHI 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	
21N	23E	28		21.7	2.6		17.6	8.4	28.5	35.7	12.7	37.6	18.9						183.7
21N	23E	29	3.9			1.2									16.4			9.3	30.8

Right Acre Limit: 36.0
POU Total Acres: 214.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 36.0 acres within the authorized place of use in a single irrigation season.
2. Rights 74-173, 74-215, 74-745, 74-778, 74-779, 74-2348 and 74-15740 when combined shall not exceed the irrigation of 214.5 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74C.

Transfer No. 83622

WATER RIGHT NO. 74-15740
As Modified by Transfer No. 83622

CONDITIONS OF APPROVAL

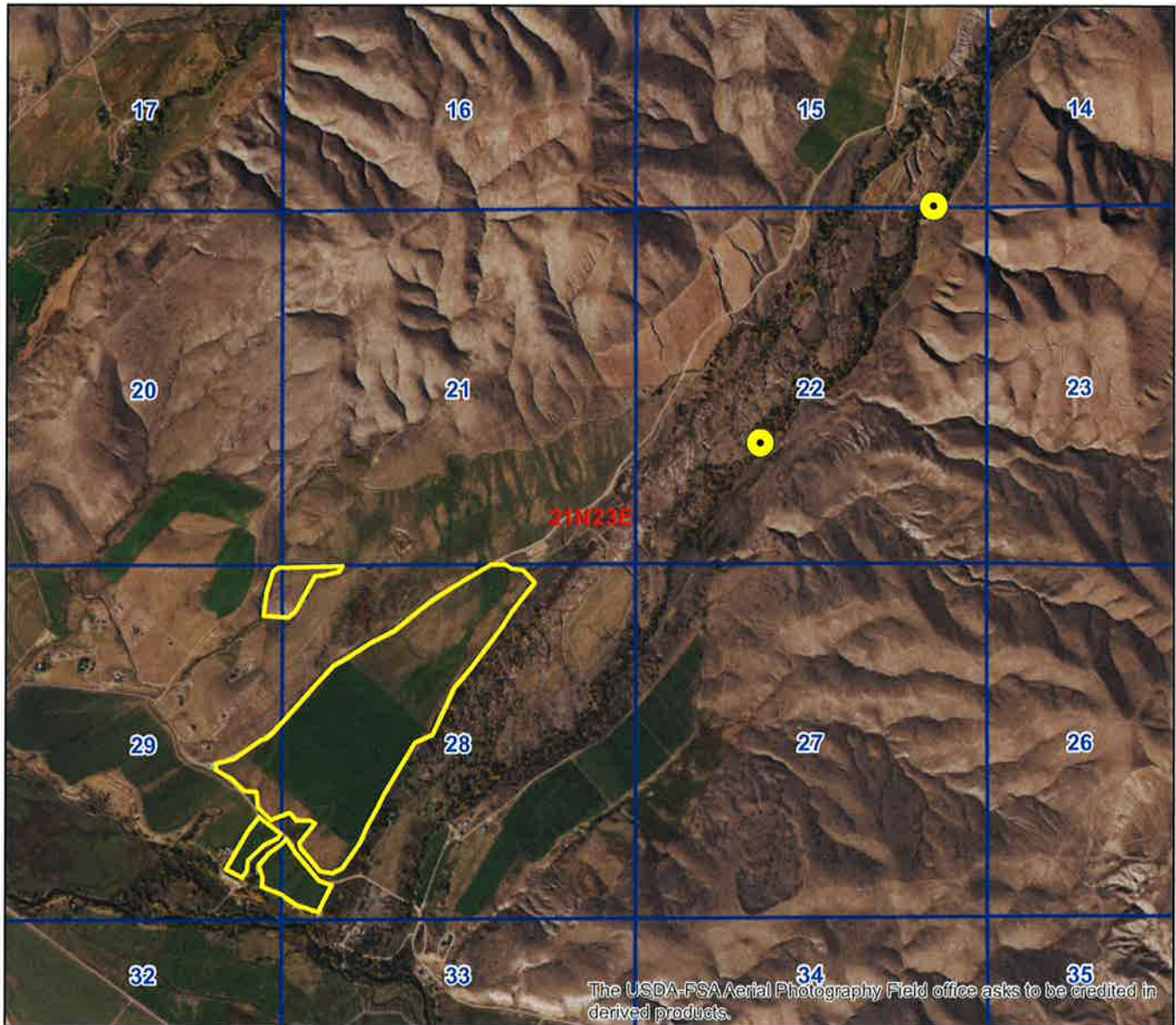
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 83622

Water Right(s): 74-173

This map depicts the IRRIGATION 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.



Legend

-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections

0 0.25 0.5 1 Miles

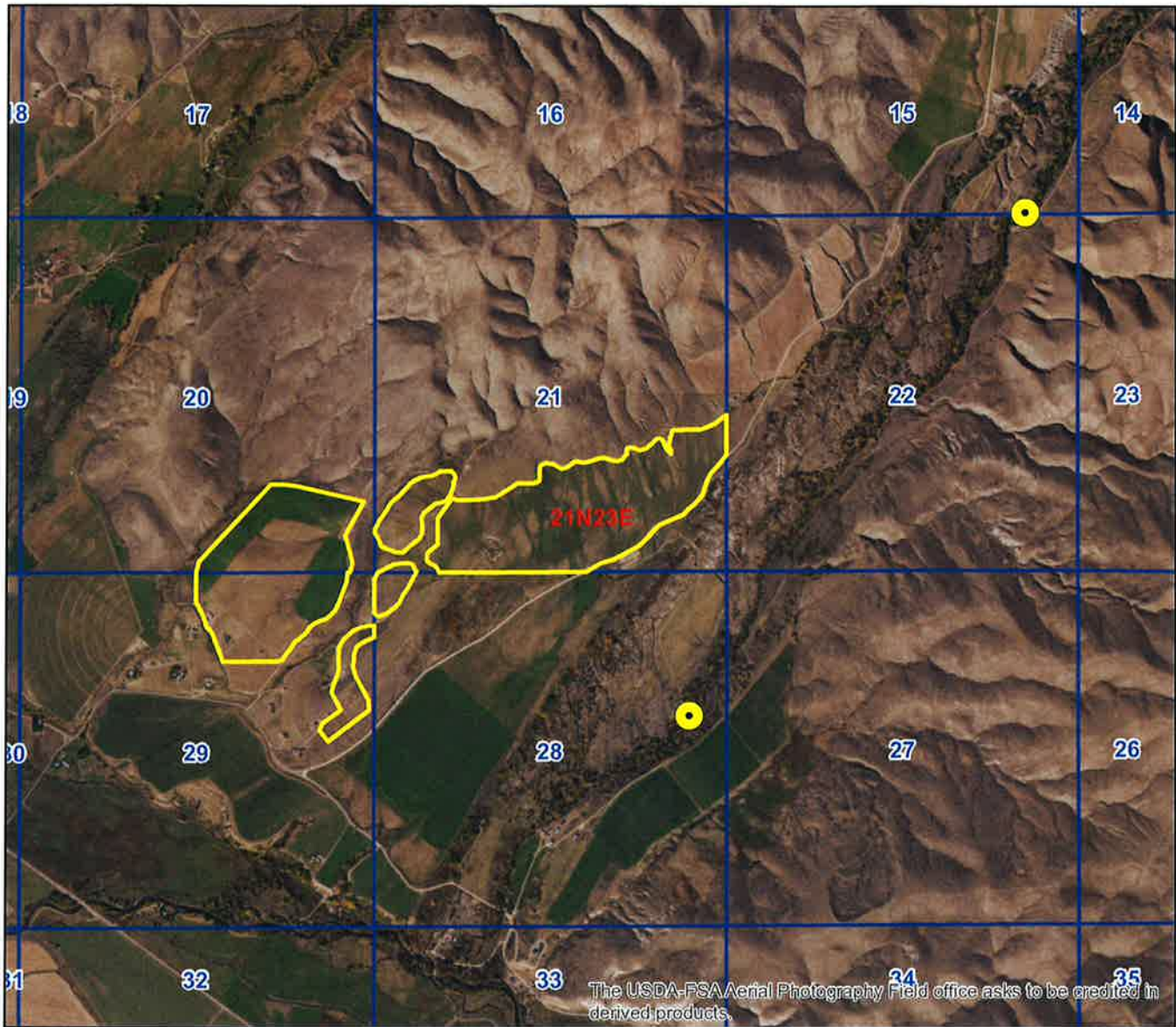


State of Idaho
Department of Water Resources

Attachment to Transfer No. 83622

Water Right(s): 74-179C & 74-15891

This map depicts the IRRIGATION 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.



Legend

-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections

0 0.25 0.5 1 Miles

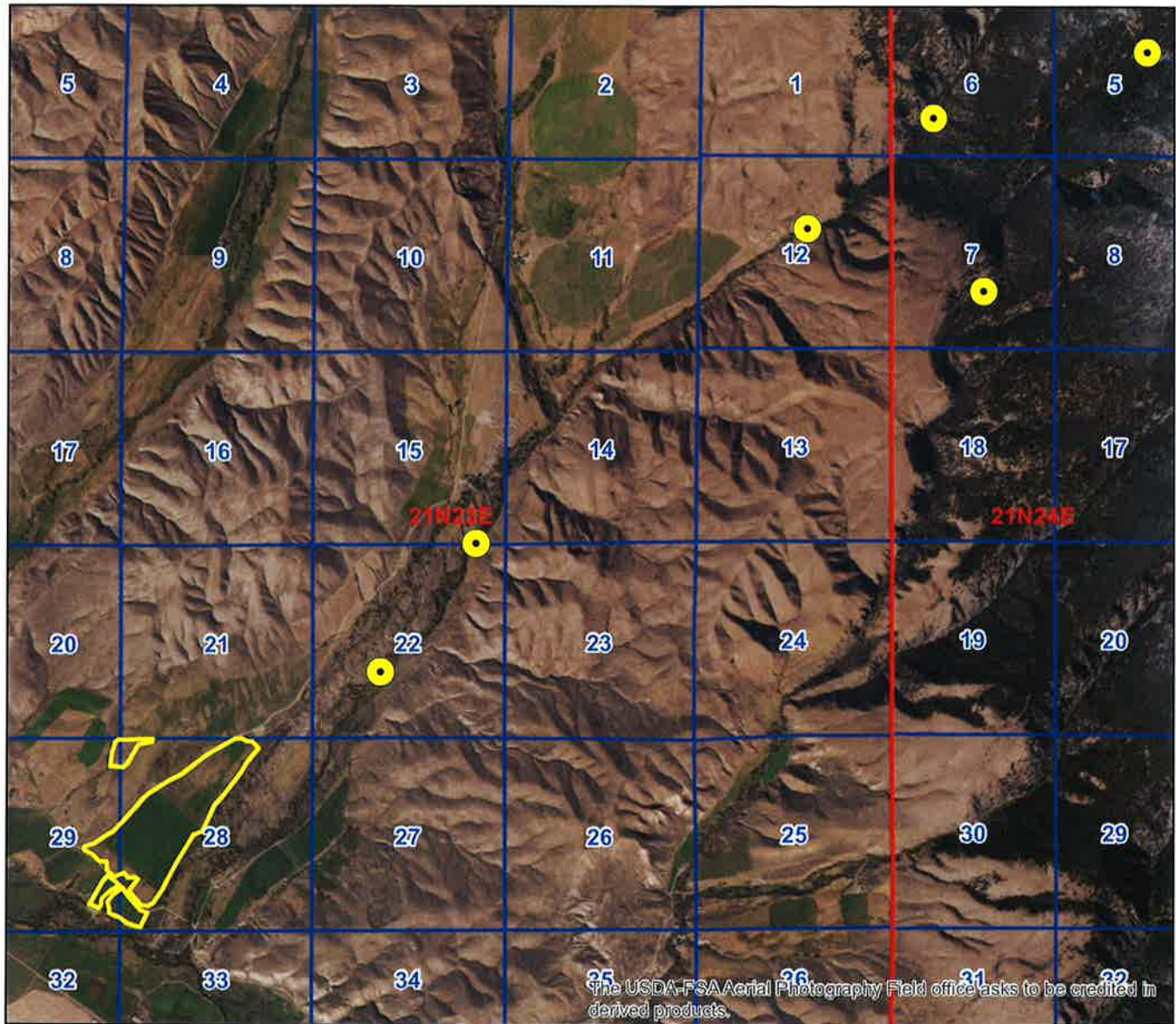


State of Idaho
Department of Water Resources

Attachment to Transfer No. 83622

Water Right(s): 74-215 & 74-15740

This map depicts the IRRIGATION 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.



Legend

-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections

0 0.5 1 2 Miles

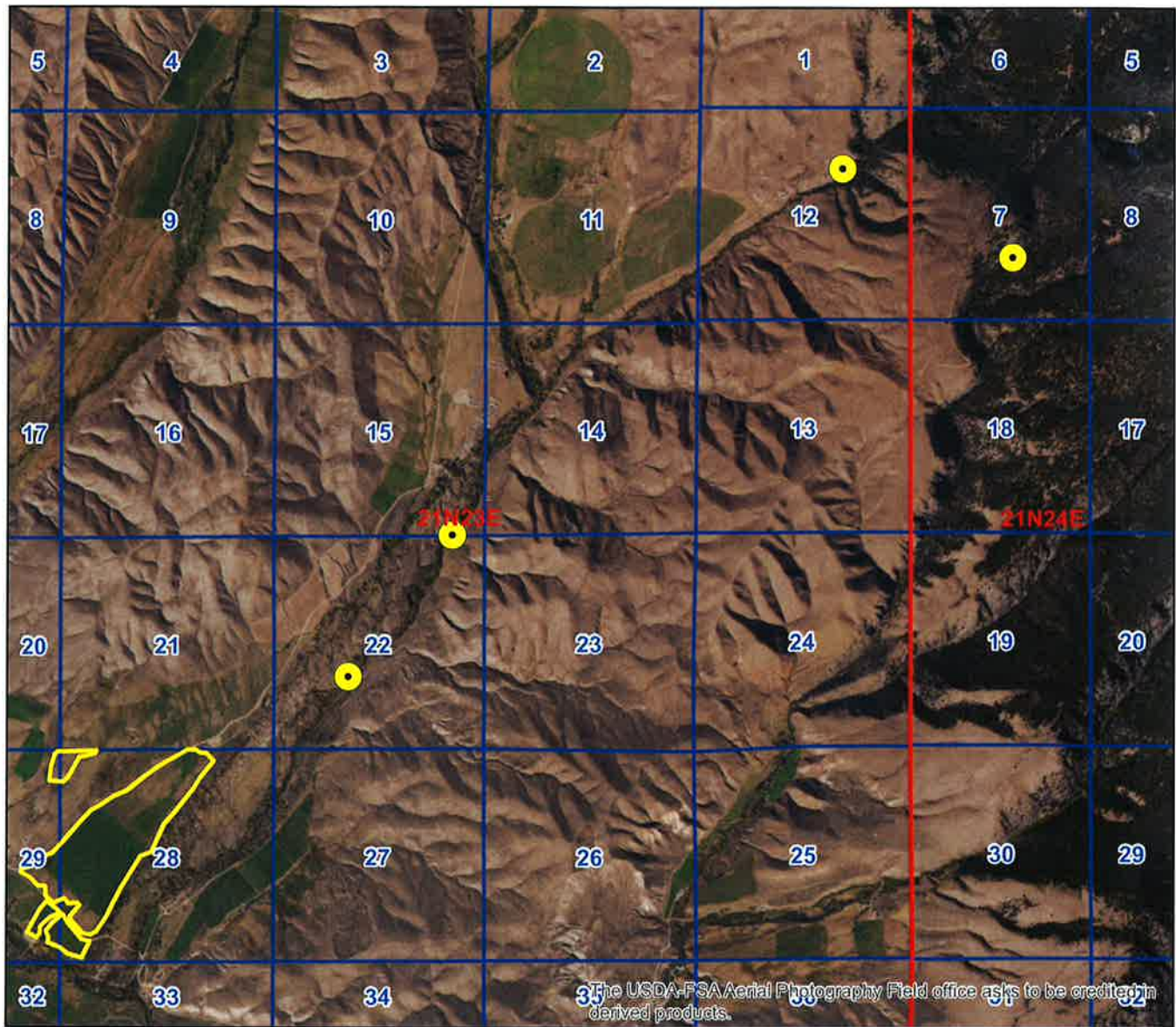


State of Idaho
Department of Water Resources

Attachment to Transfer No. 83622

Water Right(s): 74-2348

This map depicts the IRRIGATION 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.



Legend

-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections

0 0.5 1 2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 31, 2020

EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON ID 83467-5045

Re: Transfer No: 83622
Water Right Nos.: 74-173, 74-179C, 740215, 74-2348, 74-15740, & 74-15891
Transfer Approval Notice

Dear Water Right Holder:

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

The Transfer of Water Right is a PRELIMINARY ORDER issued by the Department pursuant to Idaho Code § 67-5243. 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 Idaho Code § 42-1701A(3). 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) 287-4800.

Sincerely,

A handwritten signature in black ink, reading "Angela M. Grimm". The signature is fluid and cursive, with the first name "Angela" being more prominent and the last name "Grimm" following in a similar style.

Angela Grimm

Water Rights Section Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person listed below:

Re: Transfer No.: 83622

Water Right Nos.: 74-173, 74-179C, 740215, 74-2348, 74-15740, & 74-15891

**EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON ID 83467-5045**

A handwritten signature in cursive script, reading "Debbi Judd", is written over a horizontal line.

**Debbi Judd
Technical Records Specialist**

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.