

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84396**

This is to certify that: **SUNNY BAR RANCH LLLP**  
4950 N 2300 W  
HOWE, ID 83244-8722

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>
33-2085	WR/DECREED	7/8/1958	2.190 cfs	N/A	205.0	1011.0	GROUND WATER
33-2123	WR/DECREED	11/16/1965	3.960 cfs	N/A	197.9	1011.0	GROUND WATER
33-7006A	WR/DECREED	8/18/1966	4.210 cfs	N/A	286.0	1011.0	GROUND WATER
33-7057C	WR/DECREED	7/20/1977	5.350 cfs	N/A	435.5	1011.0	GROUND WATER

**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>
33-66	WR/DECREED	6/1/1908	2.000 cfs	N/A		281.0	ROCKY RUN CREEK
33-117	WR/DECREED	4/8/1941	4.000 cfs	N/A	278.0	281.0	UNCLE IKE CREEK
33-2024	WR/DECREED	8/17/1915	0.800 cfs	N/A		281.0	FALLERT SPRINGS
33-2128	WR/DECREED	8/18/1966	0.800 cfs	167.0 af	38.0	281.0	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>
33-2085	NO	NO	NO	YES	NO	NO
33-2123	NO	NO	NO	YES	NO	NO
33-7006A	NO	NO	NO	YES	NO	NO
33-7057C	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>
33-2085	33-2085	2.190 cfs	718.0 af	205.0	1011.0	N/A	N/A	N/A	N/A	N/A
33-2123	33-2123	3.960 cfs	693.0 af	197.9	1011.0	N/A	N/A	N/A	N/A	N/A
33-7006A	33-7006A	4.210 cfs	1001.0 af	286.0	1011.0	N/A	N/A	N/A	N/A	N/A
33-7057C	33-7057C	5.350 cfs	1524.0 af	435.5	1011.0	N/A	N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>		<b>15.710 cfs</b>	<b>3539.0 af</b>	<b>1011.0</b>	<b>1011.0</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Transfer No. 84396

**Support Data  
In File # 33-2085**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 84396

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 20<sup>th</sup> day of November, 2020.



Regional Manager



Transfer No. 84396

Support Data  
In File # 33-2085

**WATER RIGHT NO. 33-2085****As Modified by Transfer No. 84396**

In accordance with the approval of Transfer No. 84396, Water Right No. 33-2085 is now described as follows:

**Right Holder:** SUNNY BAR RANCH LLLP  
4950 N 2300 W  
HOWE, ID 83244-8722

**Priority Date:** 7/8/1958

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/15

**To**

to 10/31

**Diversion Rate**

2.190 cfs

2.190 cfs

**Diversion Volume**

718.0 af

718.0 af

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

GROUND WATER	NWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	SWNWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	SWSWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	NWNWNE	Sec 30 Twp 08N Rge 28E	BUTTE 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	
08N	28E	19											39.0	39.0			39.0	39.0	156.0
													L 4						
08N	28E	20											39.0	36.0			37.0		112.0
08N	28E	29		36.0			27.0	34.0	38.0	37.0		37.0	39.0						248.0
08N	28E	30	40.0	34.0	33.0	40.0	34.0	32.0	31.0	33.0					40.0	34.0	33.0	33.0	417.0
								L 1	L 2										
08N	28E	32						39.0	39.0										78.0

Right Acre Limit: 205.0

POU Total Acres: 1011.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2085, 33-2123, 33-7006A and 33-7057C when combined shall not exceed a total diversion rate of 11.75 cfs.
3. Rights 33-66, 33-117, 33-2024, 33-2085, 33-2123, 31-2128, 33-7006A and 33-7057C when combined shall not exceed the irrigation of 1,011 acres.

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**WATER RIGHT NO. 33-2085**

**As Modified by Transfer No. 84396**

**CONDITIONS OF APPROVAL**

4. Diversion of water from the additional well(s) authorized under Transfer 84396 located in NWNW, Sec. 29, T08N, R28E shall not exceed a maximum diversion rate of 2.19 cfs.
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. 33.
6. Prior to the diversion and use of water under Transfer approval 84396, 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.
7. 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.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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. 33-7057C****As Modified by Transfer No. 84396**

In accordance with the approval of Transfer No. 84396, Water Right No. 33-7057C is now described as follows:

**Right Holder:** SUNNY BAR RANCH LLLP  
4950 N 2300 W  
HOWE, ID 83244-8722

**Priority Date:** 7/20/1977

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/01

**To**

to 11/01

**Diversion Rate**

5.350 cfs

5.350 cfs

**Diversion Volume**

1524.0 af

1524.0 af

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

GROUND WATER	NWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	SWNWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	SWSWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	NWNWNE	Sec 30 Twp 08N Rge 28E	BUTTE 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	
08N	28E	19											39.0	39.0			39.0	39.0	156.0
													L 4						
08N	28E	20											39.0	36.0			37.0		112.0
08N	28E	29		36.0			27.0	34.0	38.0	37.0		37.0	39.0						248.0
08N	28E	30	40.0	34.0	33.0	40.0	34.0	32.0	31.0	33.0					40.0	34.0	33.0	33.0	417.0
								L 1	L 2										
08N	28E	32						39.0	39.0										78.0

Right Acre Limit: 435.5

POU Total Acres: 1011.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 435.5 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2085, 33-2123, 33-7006A and 33-7057C when combined shall not exceed a total diversion rate of 11.75 cfs.
3. Rights 33-66, 33-117, 33-2024, 33-2085, 33-2123, 31-2128, 33-7006A and 33-7057C when combined shall not exceed the irrigation of 1,011 acres.

Transfer No. 84396

**WATER RIGHT NO. 33-7057C**  
**As Modified by Transfer No. 84396**

**CONDITIONS OF APPROVAL**

4. Diversion of water from the additional well(s) authorized under Transfer 84396 located in NWNW, Sec. 29, T08N, R28E shall not exceed a maximum diversion rate of 2.19 cfs.
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. 33.
6. Prior to the diversion and use of water under Transfer approval 84396, 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.
7. 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.
8. 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.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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. 33-2123****As Modified by Transfer No. 84396**

In accordance with the approval of Transfer No. 84396, Water Right No. 33-2123 is now described as follows:

**Right Holder:** SUNNY BAR RANCH LLLP  
4950 N 2300 W  
HOWE, ID 83244-8722

**Priority Date:** 11/16/1965

**Source:** GROUND WATER

<b>BENEFICIAL USE</b>	<b>From</b>	<b>To</b>	<b>Diversion Rate</b>	<b>Diversion Volume</b>
IRRIGATION	4/01	to 11/01	3.960 cfs	693.0 af
			3.960 cfs	693.0 af

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

GROUND WATER	NWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	SWNWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	SWSWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	NWNWNE	Sec 30 Twp 08N Rge 28E	BUTTE 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	
08N	28E	19											39.0	39.0			39.0	39.0	156.0
													L 4						
08N	28E	20											39.0	36.0			37.0		112.0
08N	28E	29		36.0			27.0	34.0	38.0	37.0		37.0	39.0						248.0
08N	28E	30	40.0	34.0	33.0	40.0	34.0	32.0	31.0	33.0					40.0	34.0	33.0	33.0	417.0
								L 1	L 2										
08N	28E	32						39.0	39.0										78.0

Right Acre Limit: 197.9

POU Total Acres: 1011.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 197.9 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2123 and 33-7006A when combined shall not exceed a total diversion rate of 4.21 cfs.
3. Rights 33-2085, 33-2123, 33-7006A and 33-7057C when combined shall not exceed a total diversion rate of 11.75 cfs.
4. Rights 33-66, 33-117, 33-2024, 33-2085, 33-2123, 31-2128, 33-7006A and 33-7057C when combined shall not exceed the irrigation of 1,011 acres.

Transfer No. 84396

**WATER RIGHT NO. 33-2123**

**As Modified by Transfer No. 84396**

**CONDITIONS OF APPROVAL**

5. Diversion of water from the additional well(s) authorized under Transfer 84396 located in NWNW, Sec. 29, T08N, R28E shall not exceed a maximum diversion rate of 2.19 cfs.
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. 33.
7. Prior to the diversion and use of water under Transfer approval 84396, 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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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. 33-7006A****As Modified by Transfer No. 84396**

In accordance with the approval of Transfer No. 84396, Water Right No. 33-7006A is now described as follows:

**Right Holder:** SUNNY BAR RANCH LLLP  
4950 N 2300 W  
HOWE, ID 83244-8722

**Priority Date:** 8/18/1966

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	4.210 cfs	1001.0 af
			4.210 cfs	1001.0 af

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

GROUND WATER	NWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	SWNWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	SWSWNW	Sec 29 Twp 08N Rge 28E	BUTTE County
GROUND WATER	NWNWNE	Sec 30 Twp 08N Rge 28E	BUTTE 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	
08N	28E	19											39.0	39.0			39.0	39.0	156.0
													L 4						
08N	28E	20											39.0	36.0			37.0		112.0
08N	28E	29		36.0			27.0	34.0	38.0	37.0		37.0	39.0						248.0
08N	28E	30	40.0	34.0	33.0	40.0	34.0	32.0	31.0	33.0					40.0	34.0	33.0	33.0	417.0
								L 1	L 2										
08N	28E	32						39.0	39.0										78.0

Right Acre Limit: 286.0  
POU Total Acres: 1011.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 286 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2123 and 33-7006A when combined shall not exceed a total diversion rate of 4.21 cfs.
3. Rights 33-2085, 33-2123, 33-7006A and 33-7057C when combined shall not exceed a total diversion rate of 11.75 cfs.
4. Rights 33-66, 33-117, 33-2024, 33-2085, 33-2123, 31-2128, 33-7006A and 33-7057C when combined shall not exceed the irrigation of 1,011 acres.

Transfer No. 84396

**WATER RIGHT NO. 33-7006A**

**As Modified by Transfer No. 84396**

**CONDITIONS OF APPROVAL**

5. Diversion of water from the additional well(s) authorized under Transfer 84396 located in NWNW, Sec. 29, T08N, R28E shall not exceed a maximum diversion rate of 2.19 cfs.
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. 33.
7. Prior to the diversion and use of water under Transfer approval 84396, 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/11/2000.
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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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. 33-66**  
**As Modified by Transfer No. 84396**

In accordance with the approval of Transfer No. 84396, Water Right No. 33-66 is now described as follows:

**Right Holder:** SUNNY BAR RANCH LLLP  
 4950 N 2300 W  
 HOWE, ID 83244-8722

**Priority Date:** 6/1/1908

**Source:** ROCKY RUN CREEK      **Tributary:** SINKS

<b><u>BENEFICIAL USE</u></b> IRRIGATION	<b><u>From</u></b> 4/01	<b><u>To</u></b> to 11/01	<b><u>Diversion Rate</u></b> 2.000 cfs 2.000 cfs
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**LOCATION OF POINT(S) OF DIVERSION**

ROCKY RUN CREEK      NESWNE      Sec 16 Twp 08N Rge 28E BUTTE 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	
08N	28E	29					21.0	28.0	39.0	37.0		39.0	39.0						203.0
08N	28E	32						39.0	39.0										78.0

POU Total Acres: 281.0

**CONDITIONS OF APPROVAL**

1. Rights 33-66, 33-117, 33-2024 and 33-2128 when combined shall not exceed a total diversion rate of 5.62 cfs and the irrigation of 281 acres.
2. Rights 33-66, 33-117, 33-2024, 33-2085, 33-2123, 31-2128, 33-7006A and 33-7057C when combined shall not exceed the irrigation of 1,011 acres.
3. Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.
4. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
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.

**WATER RIGHT NO. 33-117**  
**As Modified by Transfer No. 84396**

In accordance with the approval of Transfer No. 84396, Water Right No. 33-117 is now described as follows:

**Right Holder:** SUNNY BAR RANCH LLLP  
 4950 N 2300 W  
 HOWE, ID 83244-8722

**Priority Date:** 4/8/1941

**Source:** UNCLE IKE CREEK      **Tributary:** BIG SPRING CREEK

<b><u>BENEFICIAL USE</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Diversion Rate</u></b>
IRRIGATION	4/01	to 11/01	4.000 cfs 4.000 cfs

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

UNCLE IKE CREEK      SWNWSW      Sec 24 Twp 08N Rge 28E BUTTE 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	
08N	28E	29					21.0	28.0	39.0	37.0		39.0	39.0						203.0
08N	28E	32						39.0	39.0										78.0

Right Acre Limit: 278.0

POU Total Acres: 281.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 278 acres within the authorized place of use in a single irrigation season.
2. Rights 33-117 and 33-2128 when combined shall not exceed a total diversion rate of 4.00 cfs and the irrigation of 278 acres.
3. Rights 33-66, 33-117, 33-2024 and 33-2128 when combined shall not exceed a total diversion rate of 5.62 cfs and the irrigation of 281 acres.
4. Rights 33-66, 33-117, 33-2024, 33-2085, 33-2123, 31-2128, 33-7006A and 33-7057C when combined shall not exceed the irrigation of 1,011 acres.
5. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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**WATER RIGHT NO. 33-2024****As Modified by Transfer No. 84396**

In accordance with the approval of Transfer No. 84396, Water Right No. 33-2024 is now described as follows:

**Right Holder:** SUNNY BAR RANCH LLLP  
4950 N 2300 W  
HOWE, ID 83244-8722

**Priority Date:** 8/17/1915

**Source:** FALLERT SPRINGS

**Tributary:** SINKS

**BENEFICIAL USE**

IRRIGATION

**From**

4/15

**To**

to 10/31

**Diversion Rate**

0.800 cfs

0.800 cfs

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

FALLERT SPRINGS

SWNWSE

Sec 23 Twp 08N Rge 28E BUTTE 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	
08N	28E	29					21.0	28.0	39.0	37.0		39.0	39.0						203.0
08N	28E	32						39.0	39.0										78.0

POU Total Acres: 281.0

**CONDITIONS OF APPROVAL**

1. Rights 33-66, 33-117, 33-2024 and 33-2128 when combined shall not exceed a total diversion rate of 5.62 cfs and the irrigation of 281 acres.
2. Rights 33-66, 33-117, 33-2024, 33-2085, 33-2123, 31-2128, 33-7006A and 33-7057C when combined shall not exceed the irrigation of 1,011 acres.
3. Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.
4. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
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.

Transfer No. 84396

**WATER RIGHT NO. 33-2128****As Modified by Transfer No. 84396**

In accordance with the approval of Transfer No. 84396, Water Right No. 33-2128 is now described as follows:

**Right Holder:** SUNNY BAR RANCH LLLP  
4950 N 2300 W  
HOWE, ID 83244-8722

**Priority Date:** 8/18/1966

**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 7/15	0.800 cfs	167.0 af
			0.800 cfs	167.0 af

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

GROUND WATER	SWNWSW	Sec 24 Twp 08N Rge 28E BUTTE County	(R)
GROUND WATER	SESWNE	Sec 31 Twp 08N Rge 28E BUTTE County	
GROUND WATER	SWNWSE	Sec 31 Twp 08N Rge 28E BUTTE County	(I)

**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	
08N	29E	29					21.0	28.0	39.0	37.0		39.0	39.0						203.0
08N	29E	32						39.0	39.0										78.0

Right Acre Limit: 38.0

POU Total Acres: 281.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 38 acres within the authorized place of use in a single irrigation season.
2. Rights 33-117 and 33-2128 when combined shall not exceed a total diversion rate of 4.00 cfs and the irrigation of 278 acres.
3. Rights 33-66, 33-117, 33-2024 and 33-2128 when combined shall not exceed a total diversion rate of 5.62 cfs and the irrigation of 281 acres.
4. Rights 33-66, 33-117, 33-2024, 33-2085, 33-2123, 31-2128, 33-7006A and 33-7057C when combined shall not exceed the irrigation of 1,011 acres.
5. Water diverted under this right is exchanged by injecting water diverted under this right into Big Spring Creek at the point of injection described above, and diverting an equal amount from Uncle Ike Creek at the point of rediversion described above.

Transfer No. 84396

**WATER RIGHT NO. 33-2128**  
**As Modified by Transfer No. 84396**

**CONDITIONS OF APPROVAL**

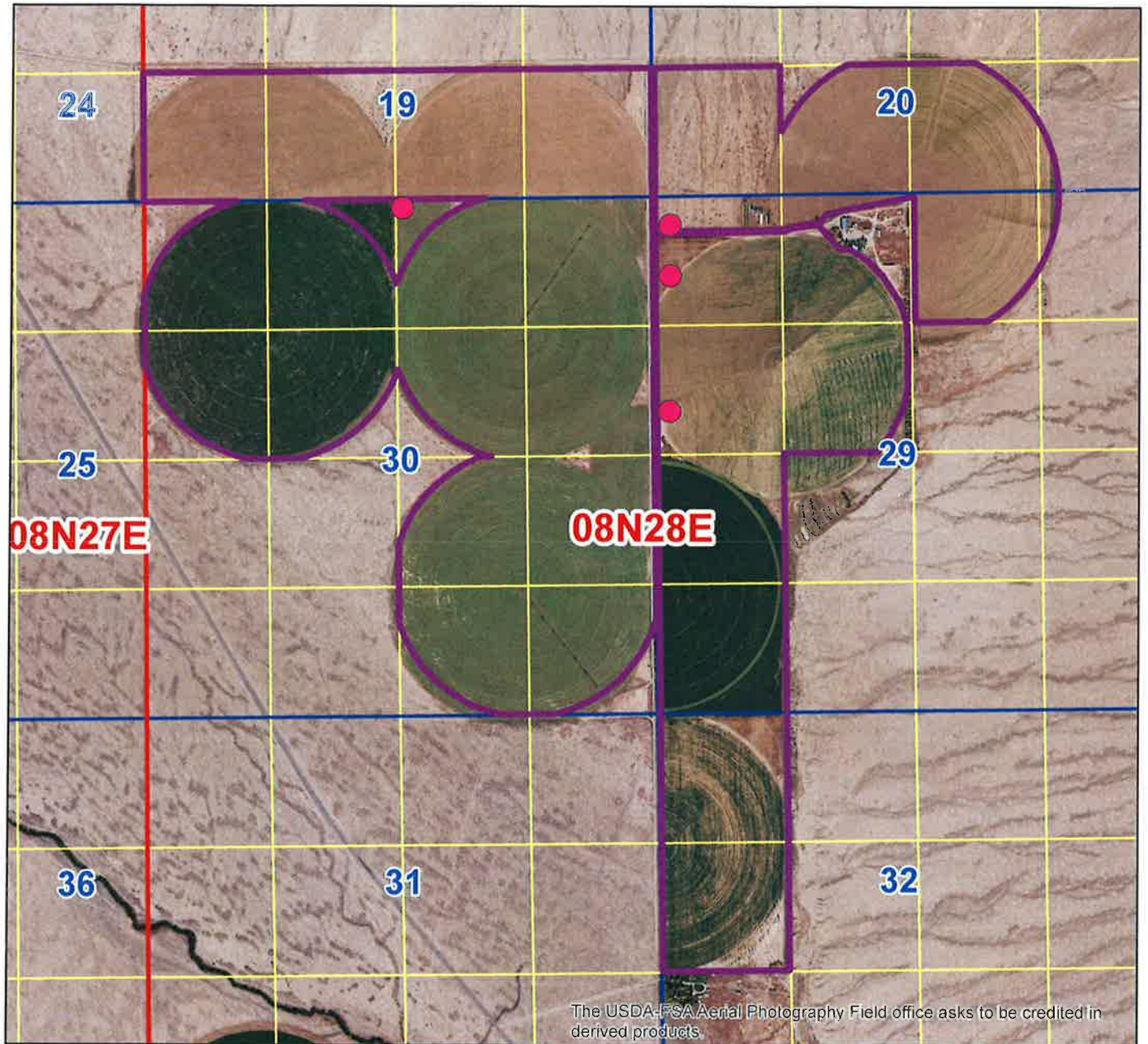
6. Exchange source is also known as Pass Creek.
7. Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.
8. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to 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.





# Attachment to Transfer Approval 84396

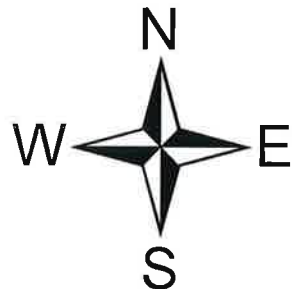
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

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

0 1,000 2,000 4,000 Feet



Date: 11/20/2020





**State of 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

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov)

**BRAD LITTLE**  
Governor

**GARY SPACKMAN**  
Director

November 20, 2020

SUNNY BAR RANCH LLLP  
4950 N 2300 W  
HOWE ID 83244-8722

Re: Transfer No: 84396

Water Right No(s): 33-66, 33-117, 33-2024, 33-2085, 33-2123, 33-2128, 33-7006A , 33-7057C

**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 black ink, appearing to be 'CH' followed by a stylized flourish.

Christina Henman  
Administrative Assistant

Enclosure

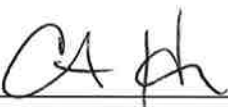
## **CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2020 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.: 84396**

**Water Right No(s): 33-66, 33-117, 33-2024, 33-2085, 33-2123, 33-2128, 33-7006A , 33-7057C**

**SUNNY BAR RANCH LLLP  
4950 N 2300 W  
HOWE ID 83244-8722**

A handwritten signature in black ink, appearing to read 'CH', is written over a horizontal line.

**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.