

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84021**

This is to certify that: **PARKINSON FARMS**  
2253 N 3100 W  
ARCO, ID 83213-8729

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

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

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 34-10393           | WR/DECREED          | 5/1/1976             | 0.260 cfs             | N/A                     | 26.0              | 306.0              | GROUND WATER  |
| 34-2289            | WR/DECREED          | 5/13/1949            | 1.000 cfs             | N/A                     | 280.0             | 306.0              | GROUND WATER  |
| 34-2490            | WR/DECREED          | 10/25/1966           | 2.090 cfs             | N/A                     | 119.0             | 306.0              | GROUND WATER  |
| 34-2497            | WR/DECREED          | 9/27/1966            | 0.570 cfs             | N/A                     | 55.0              | 480.0              | GROUND WATER  |
| 34-2505            | WR/DECREED          | 3/3/1967             | 1.060 cfs             | N/A                     | 103.0             | 480.0              | GROUND WATER  |
| 34-2506            | WR/DECREED          | 3/2/1967             | 1.170 cfs             | N/A                     | 114.0             | 480.0              | GROUND WATER  |
| 34-4008            | WR/DECREED          | 4/1/1967             | 2.600 cfs             | N/A                     | 200.0             | 480.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 34-10393              | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 34-2289               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 34-2490               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 34-2497               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 34-2505               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 34-2506               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 34-4008               | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 34-10393               | 34-10393                         | 0.260 cfs            | N/A                    | 26.0              | 306.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-2289                | 34-2289                          | 1.000 cfs            | N/A                    | 280.0             | 306.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-2490                | 34-2490                          | 2.090 cfs            | N/A                    | 119.0             | 306.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-2497                | 34-2497                          | 0.570 cfs            | N/A                    | 55.0              | 480.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-2505                | 34-2505                          | 1.060 cfs            | N/A                    | 103.0             | 480.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-2506                | 34-2506                          | 1.170 cfs            | N/A                    | 114.0             | 480.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 34-4008                | 34-4008                          | 2.600 cfs            | N/A                    | 200.0             | 480.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>8.410 cfs</b>     | <b>2751.0 af</b>       | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Transfer No. 84021

**Support Data  
In File # 34-2289**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 84021

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 16<sup>th</sup> day of June, 2020.



Regional Manager



Transfer No. 84021

Support Data  
In File # 34-2289

# **WATER RIGHT NO. 34-2289**

## **As Modified by Transfer No. 84021**

In accordance with the approval of Transfer No. 84021, Water Right No. 34-2289 is now described as follows:

**Right Holder:** PARKINSON FARMS  
2253 N 3100 W  
ARCO, ID 83213-8729

**Priority Date:** 5/13/1949

**Source:** GROUND WATER

### **BENEFICIAL USE**

IRRIGATION

### **From**

4/01

### **To**

to 10/31

### **Diversion Rate**

1.000 cfs

1.000 cfs

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

GROUND WATER

NESE

Sec 14 Twp 03N Rge 26E BUTTE County

GROUND WATER

SESW

Sec 35 Twp 04N Rge 26E 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   |        |
| 03N | 26E | 14  |      |      |      |      |    |    |    |    |    |    |    |    | 36.5 | 37.5 | 40.0 | 39.0 | 153.0  |
| 03N | 26E | 23  | 39.0 | 40.0 | 37.5 | 36.5 |    |    |    |    |    |    |    |    |      |      |      |      | 153.0  |

Right Acre Limit: 280.0

POU Total Acres: 306.0

### **CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 280 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2289, 34-2490 and 34-10393 when combined shall not exceed a total diversion rate of 3.09 cfs.
3. Rights 34-635, 34-2289, 34-2490, 34-10393 and 34-13577 when combined shall not exceed the irrigation of 306 acres.
4. Rights 34-635, 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008, 34-7145, 34-7176, 34-10393, 34-12368 and 34-13577 when combined shall not exceed a total diversion rate of 21.62 cfs, a total annual maximum diversion volume of 3,784 af at the field headgate, and the irrigation of 885 acres.

Transfer No. 84021

**WATER RIGHT NO. 34-2289**  
**As Modified by Transfer No. 84021**

**CONDITIONS OF APPROVAL**

5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. Prior to the diversion and use of water under Transfer approval 84021, 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. Right No. 34-10393 is an enlargement of rights 34-2289 and 34-2490 pursuant to Idaho Code § 42-1426.
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.
9. Diversion of water under this right from the well located in Section 14, T03N, R26E shall be administered as separate from the Big Lost River and its tributaries.
10. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water across federal land.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-2490**  
**As Modified by Transfer No. 84021**

In accordance with the approval of Transfer No. 84021, Water Right No. 34-2490 is now described as follows:

**Right Holder:** PARKINSON FARMS  
2253 N 3100 W  
ARCO, ID 83213-8729

**Priority Date:** 10/25/1966

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 4/01 **To** 11/01

**Diversion Rate**  
2.090 cfs  
2.090 cfs

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

GROUND WATER NESE Sec 14 Twp 03N Rge 26E BUTTE County  
GROUND WATER SESW Sec 35 Twp 04N Rge 26E 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   |        |
| 03N | 26E | 14  |      |      |      |      |    |    |    |    |    |    |    |    | 36.5 | 37.5 | 40.0 | 39.0 | 153.0  |
| 03N | 26E | 23  | 39.0 | 40.0 | 37.5 | 36.5 |    |    |    |    |    |    |    |    |      |      |      |      | 153.0  |

Right Acre Limit: 119.0  
POU Total Acres: 306.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 119 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2289, 34-2490 and 34-10393 when combined shall not exceed a total diversion rate of 3.09 cfs.
3. Rights 34-635, 34-2289, 34-2490, 34-10393 and 34-13577 when combined shall not exceed the irrigation of 306 acres.
4. Rights 34-635, 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008, 34-7145, 34-7176, 34-10393, 34-12368 and 34-13577 when combined shall not exceed a total diversion rate of 21.62 cfs, a total annual maximum diversion volume of 3,784 af at the field headgate, and the irrigation of 885 acres.

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**WATER RIGHT NO. 34-2490**  
**As Modified by Transfer No. 84021**

**CONDITIONS OF APPROVAL**

5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. Prior to the diversion and use of water under Transfer approval 84021, 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. Right No. 34-10393 is an enlargement of rights 34-2289 and 34-2490 pursuant to Idaho Code § 42-1426.
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.
9. Diversion of water under this right from the well located in Section 14, T03N, R26E shall be administered as separate from the Big Lost River and its tributaries.
10. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water across federal land.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-2497****As Modified by Transfer No. 84021**

In accordance with the approval of Transfer No. 84021, Water Right No. 34-2497 is now described as follows:

**Right Holder:** PARKINSON FARMS  
2253 N 3100 W  
ARCO, ID 83213-8729

**Priority Date:** 9/27/1966

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/01

**To**

to 10/31

**Diversion Rate**

0.570 cfs

0.570 cfs

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

|              |      |                         |              |
|--------------|------|-------------------------|--------------|
| GROUND WATER | NESE | Sec 11, Twp 03N Rge 26E | BUTTE County |
| GROUND WATER | NESE | Sec 11 Twp 03N Rge 26E  | BUTTE County |
| GROUND WATER | NESW | Sec 11 Twp 03N Rge 26E  | BUTTE County |
| GROUND WATER | SESW | Sec 35 Twp 04N Rge 26E  | 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   |        |
| 03N | 26E | 10  |     |    |      |      |    |    |     |      |      |      |      |      | 20.0 |      |      | 37.0 | 57.0   |
| 03N | 26E | 11  | 7.0 |    | 34.0 | 37.0 |    |    | 7.0 | 21.0 | 40.0 | 40.0 | 40.0 | 40.0 | 38.0 | 40.0 | 40.0 | 39.0 | 423.0  |

Right Acre Limit: 55.0

POU Total Acres: 480.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 55 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2497, 34-2505, 34-2506 and 34-4008 when combined shall not exceed a total diversion rate of 5.32 cfs and the irrigation of 472 acres.
3. Rights 34-635, 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008, 34-7145, 34-7176, 34-10393, 34-12368 and 34-13577 when combined shall not exceed a total diversion rate of 21.62 cfs, a total annual maximum diversion volume of 3,784 af at the field headgate, and the irrigation of 885 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. 34.

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**WATER RIGHT NO. 34-2497**  
**As Modified by Transfer No. 84021**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion and use of water under Transfer approval 84021, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 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 diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water across federal land.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-2505**  
**As Modified by Transfer No. 84021**

In accordance with the approval of Transfer No. 84021, Water Right No. 34-2505 is now described as follows:

**Right Holder:** PARKINSON FARMS  
 2253 N 3100 W  
 ARCO, ID 83213-8729

**Priority Date:** 3/3/1967

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/01

**To**

to 10/31

**Diversion Rate**

1.060 cfs

1.060 cfs

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

|              |      |                        |              |
|--------------|------|------------------------|--------------|
| GROUND WATER | NESE | Sec 11 Twp 03N Rge 26E | BUTTE County |
| GROUND WATER | NESE | Sec 11 Twp 03N Rge 26E | BUTTE County |
| GROUND WATER | NESW | Sec 11 Twp 03N Rge 26E | BUTTE County |
| GROUND WATER | SESW | Sec 35 Twp 04N Rge 26E | 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   |        |
| 03N | 26E | 10  |     |    |      |      |    |    |     |      |      |      |      |      | 20.0 |      |      | 37.0 | 57.0   |
| 03N | 26E | 11  | 7.0 |    | 34.0 | 37.0 |    |    | 7.0 | 21.0 | 40.0 | 40.0 | 40.0 | 40.0 | 38.0 | 40.0 | 40.0 | 39.0 | 423.0  |

Right Acre Limit: 103.0

POU Total Acres: 480.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 103 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2497, 34-2505, 34-2506 and 34-4008 when combined shall not exceed a total diversion rate of 5.32 cfs and the irrigation of 472 acres.
3. Rights 34-635, 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008, 34-7145, 34-7176, 34-10393, 34-12368 and 34-13577 when combined shall not exceed a total diversion rate of 21.62 cfs, a total annual maximum diversion volume of 3,784 af at the field headgate, and the irrigation of 885 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. 34.

Transfer No. 84021

**WATER RIGHT NO. 34-2505**  
**As Modified by Transfer No. 84021**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion and use of water under Transfer approval 84021, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 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 diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water accross federal land.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-2506****As Modified by Transfer No. 84021**

In accordance with the approval of Transfer No. 84021, Water Right No. 34-2506 is now described as follows:

**Right Holder:** PARKINSON FARMS  
2253 N 3100 W  
ARCO, ID 83213-8729

**Priority Date:** 3/2/1967

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/01

**To**

to 10/31

**Diversion Rate**

1.170 cfs

1.170 cfs

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

|              |      |                                     |
|--------------|------|-------------------------------------|
| GROUND WATER | NESE | Sec 11 Twp 03N Rge 26E BUTTE County |
| GROUND WATER | NESE | Sec 11 Twp 03N Rge 26E BUTTE County |
| GROUND WATER | NESW | Sec 11 Twp 03N Rge 26E BUTTE County |
| GROUND WATER | SESW | Sec 35 Twp 04N Rge 26E 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   |        |
| 03N | 26E | 10  |     |    |      |      |    |    |     |      |      |      |      |      | 20.0 |      |      | 37.0 | 57.0   |
| 03N | 26E | 11  | 7.0 |    | 34.0 | 37.0 |    |    | 7.0 | 21.0 | 40.0 | 40.0 | 40.0 | 40.0 | 38.0 | 40.0 | 40.0 | 39.0 | 423.0  |

Right Acre Limit: 114.0

POU Total Acres: 480.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 114 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2497, 34-2505, 34-2506 and 34-4008 when combined shall not exceed a total diversion rate of 5.32 cfs and the irrigation of 472 acres.
3. Rights 34-635, 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008, 34-7145, 34-7176, 34-10393, 34-12368 and 34-13577 when combined shall not exceed a total diversion rate of 21.62 cfs, a total annual maximum diversion volume of 3,784 af at the field headgate, and the irrigation of 885 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. 34.

Transfer No. 84021

**WATER RIGHT NO. 34-2506**

**As Modified by Transfer No. 84021**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion and use of water under Transfer approval 84021, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 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 diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water across federal land.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-4008**  
**As Modified by Transfer No. 84021**

In accordance with the approval of Transfer No. 84021, Water Right No. 34-4008 is now described as follows:

**Right Holder:** PARKINSON FARMS  
 2253 N 3100 W  
 ARCO, ID 83213-8729

**Priority Date:** 4/1/1967

**Source:** GROUND WATER

**BENEFICIAL USE**  
 IRRIGATION

**From** 4/01 **To** 10/31

**Diversion Rate**  
 2.600 cfs  
 2.600 cfs

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

|              |      |                        |              |
|--------------|------|------------------------|--------------|
| GROUND WATER | NESE | Sec 11 Twp 03N Rge 26E | BUTTE County |
| GROUND WATER | NESE | Sec 11 Twp 03N Rge 26E | BUTTE County |
| GROUND WATER | NESW | Sec 11 Twp 03N Rge 26E | BUTTE County |
| GROUND WATER | SESW | Sec 35 Twp 04N Rge 26E | 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   |        |
| 03N | 26E | 10  |     |    |      |      |    |    |     |      |      |      |      |      | 20.0 |      |      | 37.0 | 57.0   |
| 03N | 26E | 11  | 7.0 |    | 34.0 | 37.0 |    |    | 7.0 | 21.0 | 40.0 | 40.0 | 40.0 | 40.0 | 38.0 | 40.0 | 40.0 | 39.0 | 423.0  |

Right Acre Limit: 200.0

POU Total Acres: 480.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 200 acres within the authorized place of use in a single irrigation season.
2. Rights 34-2497, 34-2505, 34-2506 and 34-4008 when combined shall not exceed a total diversion rate of 5.32 cfs and the irrigation of 472 acres.
3. Rights 34-635, 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008, 34-7145, 34-7176, 34-10393, 34-12368 and 34-13577 when combined shall not exceed a total diversion rate of 21.62 cfs, a total annual maximum diversion volume of 3,784 af at the field headgate, and the irrigation of 885 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. 34.

Transfer No. 84021

**WATER RIGHT NO. 34-4008**  
**As Modified by Transfer No. 84021**

**CONDITIONS OF APPROVAL**

5. Prior to the diversion and use of water under Transfer approval 84021, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 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 diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water across federal land.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 34-10393****As Modified by Transfer No. 84021**

In accordance with the approval of Transfer No. 84021, Water Right No. 34-10393 is now described as follows:

**Right Holder:** PARKINSON FARMS  
2253 N 3100 W  
ARCO, ID 83213-8729

**Priority Date:** 5/1/1976

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/01

**To**

to 10/31

**Diversion Rate**

0.260 cfs

0.260 cfs

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

GROUND WATER

NESE

Sec 14 Twp 03N Rge 26E BUTTE County

GROUND WATER

SESW

Sec 35 Twp 04N Rge 26E 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   |        |
| 03N | 26E | 14  |      |      |      |      |    |    |    |    |    |    |    |    | 36.5 | 37.5 | 40.0 | 39.0 | 153.0  |
| 03N | 26E | 23  | 39.0 | 40.0 | 37.5 | 36.5 |    |    |    |    |    |    |    |    |      |      |      |      | 153.0  |

Right Acre Limit: 26.0

POU Total Acres: 306.0

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 26 acres within the place of use described for this right.
2. Rights 34-2289, 34-2490 and 34-10393 when combined shall not exceed a total diversion rate of 3.09 cfs.
3. Rights 34-635, 34-2289, 34-2490, 34-10393 and 34-13577 when combined shall not exceed the irrigation of 306 acres.
4. Rights 34-635, 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008, 34-7145, 34-7176, 34-10393, 34-12368 and 34-13577 when combined shall not exceed a total diversion rate of 21.62 cfs, a total annual maximum diversion volume of 3,784 af at the field headgate, and the irrigation of 885 acres.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.

Transfer No. 84021

**WATER RIGHT NO. 34-10393**  
**As Modified by Transfer No. 84021**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 84021, 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. This right is based upon an enlargement of rights 34-2289 and 34-2490 pursuant to Idaho Code § 42-1426.
8. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
9. 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.
10. Diversion of water under this right from the well located in Section 14, T03N, R26E shall be administered as separate from the Big Lost River and its tributaries.
11. Prior to diversion and use of water on or across federal land under this approval, the right holder shall obtain authorization necessary to access the point of diversion or place of use or to convey water across federal land.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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

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

June 16, 2020

PARKINSON FARMS  
2253 N 3100 W  
ARCO ID 83213-8729

Re: Transfer No: 84021

Water Right No(s): 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008, 34-10393

### 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 read 'CA' followed by a stylized 'H'.

Christina Henman

Administrative Assistant

Enclosure

## **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.

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 16, 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.: 84021**

**Water Right No(s): 34-2289, 34-2490, 34-2497, 34-2505, 34-2506, 34-4008,  
34-10393**

**PARKINSON FARMS  
2253 N 3100 W  
ARCO ID 83213-8729**

A handwritten signature in black ink, appearing to read 'CH' followed by a stylized flourish, positioned above a horizontal line.

**Christina Henman  
Administrative Assistant**