

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80793**

This is to certify that: **MEADOWLARK RANCH LLC**
9350 S 150 E STE 1000
SANDY, UT 84070

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>
13-885A	WR/DECREED	6/1/1879	0.600 cfs	N/A	N/A	N/A	COTTONWOOD CREEK
13-886A	WR/DECREED	6/1/1887	0.450 cfs	N/A	N/A	N/A	COTTONWOOD CREEK
13-887A	WR/DECREED	6/1/1895	0.420 cfs	N/A	N/A	N/A	COTTONWOOD CREEK
13-889C	WR/DECREED	1/1/1904	3.000 cfs	N/A	N/A	N/A	COTTONWOOD CREEK

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
13-884	WR/DECREED	6/1/1870	1.500 cfs	N/A		N/A	SPRINGS
13-888	WR/DECREED	6/1/1870	5.000 cfs	N/A		N/A	COTTONWOOD CREEK
13-889A	WR/DECREED	1/1/1904	4.000 cfs	N/A		N/A	COTTONWOOD 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>
13-885A	NO	YES	YES	YES	NO	YES
13-886A	NO	YES	YES	YES	NO	YES
13-887A	NO	YES	YES	YES	NO	YES
13-889C	NO	YES	YES	YES	NO	YES

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>
13-885A	13-885A	0.600 cfs	180.4 af	N/A	274.3	N/A	N/A	N/A	N/A	N/A
13-886A	13-886A	0.450 cfs	136.1 af	N/A	274.3	N/A	N/A	N/A	N/A	N/A
13-887A	13-887A	0.420 cfs	125.9 af	N/A	274.3	N/A	N/A	N/A	N/A	N/A
13-889C	13-889C	3.000 cfs	623.5 af	N/A	274.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.470 cfs	N/A	172.5	274.3		N/A	N/A	N/A	N/A

Transfer No. 80793

**Support Data
In File # 13-885A**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80793

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 May, 2020.



Regional Manager



Transfer No. 80793

Support Data
In File # 13-885A

WATER RIGHT NO. 13-885A
As Modified by Transfer No. 80793

In accordance with the approval of Transfer No. 80793, Water Right No. 13-885A is now described as follows:

Right Holder: MEADOWLARK RANCH LLC
9350 S 150 E STE 1000
SANDY, UT 84070

Priority Date: 6/1/1879

Source: COTTONWOOD CREEK **Tributary:** BEAR RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	04/20	to 09/30	0.530 cfs	
IRRIGATION STORAGE	04/20	to 09/30		172.4 af
IRRIGATION FROM STORAGE	04/20	to 09/30		172.4 af
MITIGATION	04/20	to 09/30	0.070 cfs	8.0 af
			0.600 cfs	180.4 af

LOCATION OF POINT(S) OF DIVERSION

COTTONWOOD CREEK	SWNE	Sec 33 Twp 12S Rge 39E	BANNOCK County	(I)
COTTONWOOD CREEK	SENE	Sec 33 Twp 12S Rge 39E	BANNOCK County	(R)
COTTONWOOD CREEK	SWSW	Sec 33 Twp 12S Rge 39E	BANNOCK County	(I)
COTTONWOOD CREEK	SESE	Sec 8 Twp 12S Rge 39E	BANNOCK County	
COTTONWOOD CREEK	NESW	Sec 13 Twp 13S Rge 38E	BANNOCK County	(R)

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13S	38E	13			8.0	25.0					0.2	20.0	6.0	10.0	0.1	33.0	34.0	2.0	23.0	161.3
13S	38E	24	19.0																	19.0
13S	39E	18								3.0		5.0	23.0	23.0	18.0					72.0
										L 2			L 3	L 4						
13S	39E	19							22.0											22.0
									L 1											

POU Total Acres: 274.3

PLACE OF USE: IRRIGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	39E	33													X					
13S	39E	4		X														X		
				L 2																

Transfer No. 80793

WATER RIGHT NO. 13-885A
As Modified by Transfer No. 80793

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	39E	33																		
13S	39E	4		X										X						
				L 2																

CONDITIONS OF APPROVAL

1. Rights 13-885A, 13-886A, 13-887A and 13-889C when combined shall not exceed the diversion of 604 acre-feet per year for irrigation storage, 19.5 af for mitigation or the irrigation of 172.5 acres.
2. Transfer 80793 authorizes the diversion and delivery of 0.38 cfs and 19.5 af of water for mitigation use for replacement of evaporation and seepage losses from the reservoir authorized by water rights 13-885A, 13-886A, 13-887A, 13-889C, 13-7127 and 13-7784. The 19.5 af diverted for mitigation use is separate from the 604 af authorized for irrigation storage under rights 13-885A, 13-886A, 13-887A and 13-889C.
3. Rights 13-885A, 13-886A, 13-887A and 13-889C are limited to the irrigation of a specific 172.5 acres within the 274.3 acre place of use authorized by the rights in a single irrigation season. The specific 172.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 172.5 acres to be irrigated within the 274.3 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 13M.
5. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the points of diversion, injection and rediversion.
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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
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.

WATER RIGHT NO. 13-886A

As Modified by Transfer No. 80793

In accordance with the approval of Transfer No. 80793, Water Right No. 13-886A is now described as follows:

Right Holder: MEADOWLARK RANCH LLC
 9350 S 150 E STE 1000
 SANDY, UT 84070

Priority Date: 6/1/1887

Source: COTTONWOOD CREEK **Tributary:** BEAR RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	04/20	to 09/30	0.400 cfs	
IRRIGATION STORAGE	04/20	to 09/30		130.1 af
IRRIGATION FROM STORAGE	04/20	to 09/30		130.1 af
MITIGATION	04/20	to 09/30	0.050 cfs	6.0 af
			0.450 cfs	136.1 af

LOCATION OF POINT(S) OF DIVERSION

COTTONWOOD CREEK	SWNE	Sec 33 Twp 12S Rge 39E	BANNOCK County	(I)
COTTONWOOD CREEK	SENE	Sec 33 Twp 12S Rge 39E	BANNOCK County	(R)
COTTONWOOD CREEK	SWSW	Sec 33 Twp 12S Rge 39E	BANNOCK County	(I)
COTTONWOOD CREEK	SESE	Sec 8 Twp 12S Rge 39E	BANNOCK County	
COTTONWOOD CREEK	NESW	Sec 13 Twp 13S Rge 38E	BANNOCK County	(R)

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13S	38E	13			8.0	25.0					0.2	20.0	6.0	10.0	0.1	33.0	34.0	2.0	23.0	161.3
13S	38E	24	19.0																	19.0
13S	39E	18								3.0		5.0	23.0	23.0	18.0					72.0
										L 2			L 3	L 4						
13S	39E	19							22.0											22.0
									L 1											

POU Total Acres: 274.3

PLACE OF USE: IRRIGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	39E	33													X					
13S	39E	4		X													X			
				L 2																

Transfer No. 80793

WATER RIGHT NO. 13-886A
As Modified by Transfer No. 80793

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
12S	39E	33																				
13S	39E	4		X										X								
				L 2																		

CONDITIONS OF APPROVAL

1. Rights 13-885A, 13-886A, 13-887A and 13-889C when combined shall not exceed the diversion of 604 acre-feet per year for irrigation storage, 19.5 af for mitigation or the irrigation of 172.5 acres.
2. Transfer 80793 authorizes the diversion and delivery of 0.38 cfs and 19.5 af of water for mitigation use for replacement of evaporation and seepage losses from the reservoir authorized by water rights 13-885A, 13-886A, 13-887A, 13-889C, 13-7127 and 13-7784. The 19.5 af diverted for mitigation use is separate from the 604 af authorized for irrigation storage under rights 13-885A, 13-886A, 13-887A and 13-889C.
3. Rights 13-885A, 13-886A, 13-887A and 13-889C are limited to the irrigation of a specific 172.5 acres within the 274.3 acre place of use authorized by the rights in a single irrigation season. The specific 172.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 172.5 acres to be irrigated within the 274.3 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 13M.
5. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the points of diversion, injection and redirection.
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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
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.

WATER RIGHT NO. 13-887A
As Modified by Transfer No. 80793

In accordance with the approval of Transfer No. 80793, Water Right No. 13-887A is now described as follows:

Right Holder: MEADOWLARK RANCH LLC
 9350 S 150 E STE 1000
 SANDY, UT 84070

Priority Date: 6/1/1895

Source: COTTONWOOD CREEK **Tributary:** BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	04/20	to 09/30	0.370 cfs	
IRRIGATION STORAGE	04/20	to 09/30		120.4 af
IRRIGATION FROM STORAGE	04/20	to 09/30		120.4 af
MITIGATION	04/20	to 09/30	0.050 cfs	5.5 af
			0.420 cfs	125.9 af

LOCATION OF POINT(S) OF DIVERSION

COTTONWOOD CREEK	SWNE	Sec 33 Twp 12S Rge 39E	BANNOCK County	(I)
COTTONWOOD CREEK	SENE	Sec 33 Twp 12S Rge 39E	BANNOCK County	(R)
COTTONWOOD CREEK	SWSW	Sec 33 Twp 12S Rge 39E	BANNOCK County	(I)
COTTONWOOD CREEK	SESE	Sec 8 Twp 12S Rge 39E	BANNOCK County	
COTTONWOOD CREEK	NESW	Sec 13 Twp 13S Rge 38E	BANNOCK County	(R)

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13S	38E	13			8.0	25.0					0.2	20.0	6.0	10.0	0.1	33.0	34.0	2.0	23.0	161.3
13S	38E	24	19.0																	19.0
13S	39E	18							3.0		5.0	23.0	23.0	18.0						72.0
									L 2			L 3	L 4							
13S	39E	19						22.0												22.0
								L 1												

POU Total Acres: 274.3

PLACE OF USE: IRRIGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
12S	39E	33																			
13S	39E	4		X											X			X			
				L 2																	

WATER RIGHT NO. 13-887A
As Modified by Transfer No. 80793

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	39E	33																		
13S	39E	4		X														X		
				L 2																

CONDITIONS OF APPROVAL

1. Rights 13-885A, 13-886A, 13-887A and 13-889C when combined shall not exceed the diversion of 604 acre-feet per year for irrigation storage, 19.5 af for mitigation or the irrigation of 172.5 acres.
2. Transfer 80793 authorizes the diversion and delivery of 0.38 cfs and 19.5 af of water for mitigation use for replacement of evaporation and seepage losses from the reservoir authorized by water rights 13-885A, 13-886A, 13-887A, 13-889C, 13-7127 and 13-7784. The 19.5 af diverted for mitigation use is separate from the 604 af authorized for irrigation storage under rights 13-885A, 13-886A, 13-887A and 13-889C.
3. Rights 13-885A, 13-886A, 13-887A and 13-889C are limited to the irrigation of a specific 172.5 acres within the 274.3 acre place of use authorized by the rights in a single irrigation season. The specific 172.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 172.5 acres to be irrigated within the 274.3 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 13M.
5. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the points of diversion, injection and redirection.
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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
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.

WATER RIGHT NO. 13-889C

As Modified by Transfer No. 80793

In accordance with the approval of Transfer No. 80793, Water Right No. 13-889C is now described as follows:

Right Holder: MEADOWLARK RANCH LLC
 9350 S 150 E STE 1000
 SANDY, UT 84070

Priority Date: 1/1/1904

Source: COTTONWOOD CREEK **Tributary:** BEAR RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	04/20	to 09/30	2.790 cfs	
IRRIGATION STORAGE	04/20	to 09/30		604.0 af
IRRIGATION FROM STORAGE	04/20	to 09/30		604.0 af
MITIGATION	04/20	to 09/30	0.210 cfs	19.5 af
			3.000 cfs	623.5 af

LOCATION OF POINT(S) OF DIVERSION

COTTONWOOD CREEK SWNE Sec 33 Twp 12S Rge 39E BANNOCK County (I)
 COTTONWOOD CREEK SENW Sec 33 Twp 12S Rge 39E BANNOCK County (R)
 COTTONWOOD CREEK SWSW Sec 33 Twp 12S Rge 39E BANNOCK County (I)
 COTTONWOOD CREEK SESE Sec 8 Twp 12S Rge 39E BANNOCK County
 COTTONWOOD CREEK NESW Sec 13 Twp 13S Rge 38E BANNOCK County (R)

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13S	38E	13			8.0	25.0					0.2	20.0	6.0	10.0	0.1	33.0	34.0	2.0	23.0	161.3
13S	38E	24	19.0																	19.0
13S	39E	18							3.0		5.0	23.0	23.0	18.0						72.0
									L 2			L 3	L 4							
13S	39E	19						22.0												22.0
								L 1												

POU Total Acres: 274.3

PLACE OF USE: IRRIGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	39E	33													X					
13S	39E	4		X														X		
				L 2																

Transfer No. 80793

WATER RIGHT NO. 13-889C
As Modified by Transfer No. 80793

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12S	39E	33																		
13S	39E	4		X										X						
				L 2																

CONDITIONS OF APPROVAL

1. Rights 13-885A, 13-886A, 13-887A and 13-889C when combined shall not exceed the diversion of 604 acre-feet per year for irrigation storage, 19.5 af for mitigation or the irrigation of 172.5 acres.
2. Transfer 80793 authorizes the diversion and delivery of 0.38 cfs and 19.5 af of water for mitigation use for replacement of evaporation and seepage losses from the reservoir authorized by water rights 13-885A, 13-886A, 13-887A, 13-889C, 13-7127 and 13-7784. The 19.5 af diverted for mitigation use is separate from the 604 af authorized for irrigation storage under rights 13-885A, 13-886A, 13-887A and 13-889C.
3. Rights 13-885A, 13-886A, 13-887A and 13-889C are limited to the irrigation of a specific 172.5 acres within the 274.3 acre place of use authorized by the rights in a single irrigation season. The specific 172.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 172.5 acres to be irrigated within the 274.3 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 13M.
5. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the points of diversion, injection and rediversion.
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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
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.

WATER RIGHT NO. 13-884

As Modified by Transfer No. 80793

In accordance with the approval of Transfer No. 80793, Water Right No. 13-884 is now described as follows:

Right Holder: EDWIN BENNION

, ID

Priority Date: 6/1/1870

Source: SPRINGS

Tributary: COTTONWOOD CREEK

BENEFICIAL USE

IRRIGATION

From

4/20

to

To

9/30

Diversion Rate

1,500 cfs

1,500 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRINGS

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals				
			NE	NW	SW	SE																	
12S	41E	31												X	X	X	X						
12S	41E	36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

CONDITIONS OF APPROVAL

1. This right has been lost and forfeited through nonuse pursuant to Section 42-222, Idaho Code.

WATER RIGHT NO. 13-888

As Modified by Transfer No. 80793

In accordance with the approval of Transfer No. 80793, Water Right No. 13-888 is now described as follows:

Right Holder: LIONAL MERRIL
ALBERT WESTOVER

, ZZ

ARAM P ALLEN

SWANLAKE, ID

Priority Date: 6/1/1870

Source: COTTONWOOD CREEK

Tributary: BEAR RIVER

BENEFICIAL USE
IRRIGATION

From
04/20 to **To**
09/30

Diversion Rate
5.000 cfs
5.000 cfs

LOCATION OF POINT(S) OF DIVERSION

COTTONWOOD CREEK NWSW Sec 36 Twp 12S Rge 40E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE														
12S	41E	31																		
12S	41E	36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

CONDITIONS OF APPROVAL

1. This right has been lost and forfeited through nonuse pursuant to Section 42-222, Idaho Code.

WATER RIGHT NO. 13-889A
As Modified by Transfer No. 80793

In accordance with the approval of Transfer No. 80793, Water Right No. 13-889A is now described as follows:

Right Holder: EDWIN BENNION

, ID

Priority Date: 1/1/1904

Source: COTTONWOOD CREEK

Tributary: BEAR RIVER

BENEFICIAL USE

IRRIGATION

From

4/20

to

To

9/30

Diversion Rate

4.000 cfs

4.000 cfs

LOCATION OF POINT(S) OF DIVERSION

COTTONWOOD CREEK

PLACE OF USE: IRRIGATION

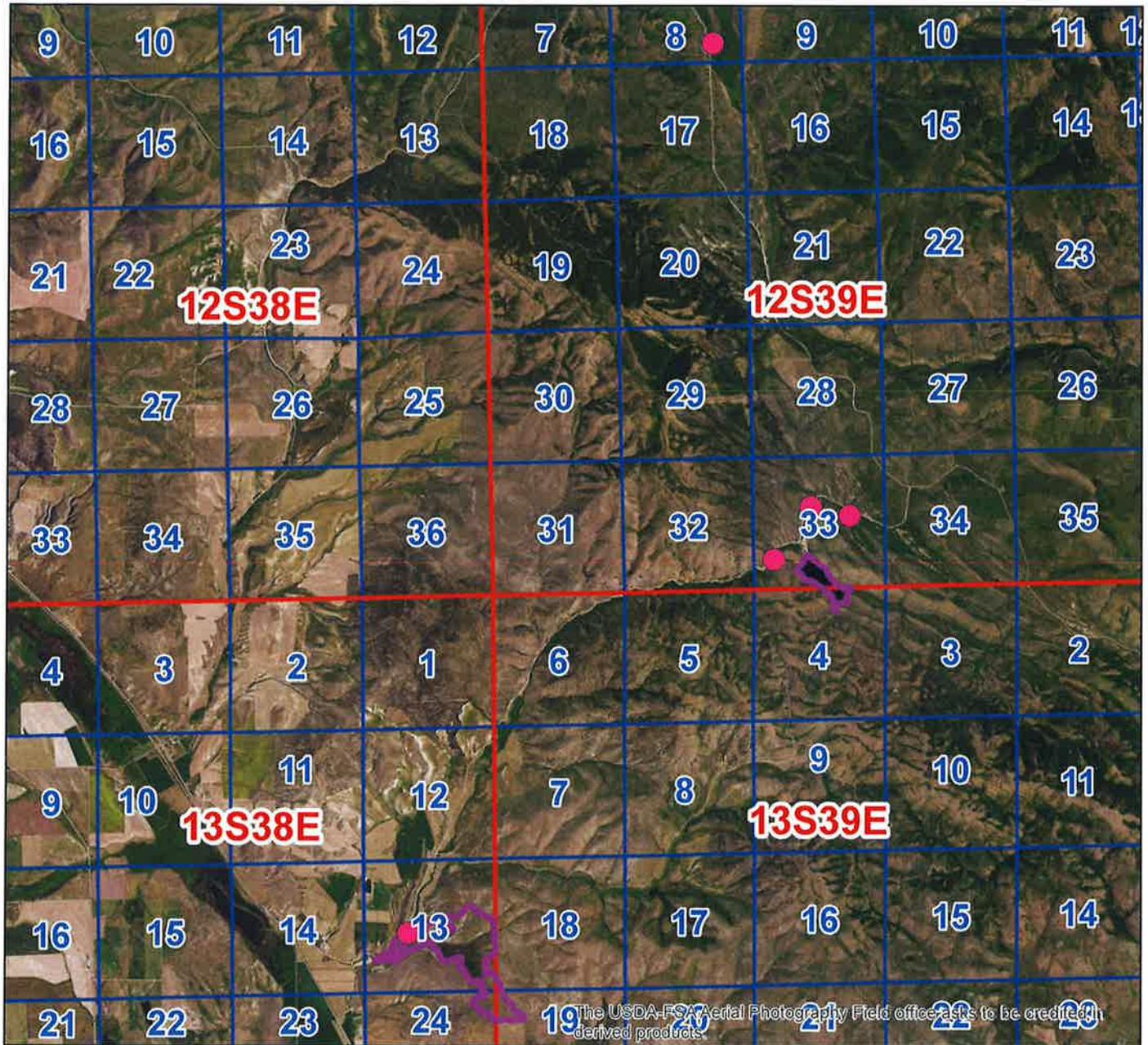
Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE														
12S	41E	31																		
12S	41E	36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

CONDITIONS OF APPROVAL

1. This right has been lost and forfeited through nonuse pursuant to Section 42-222, Idaho Code.

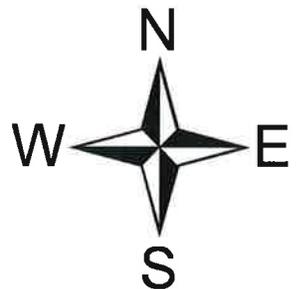
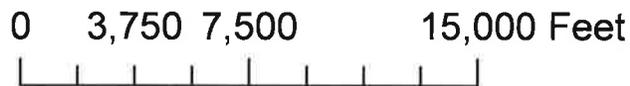
Attachment to Transfer Approval 80793

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

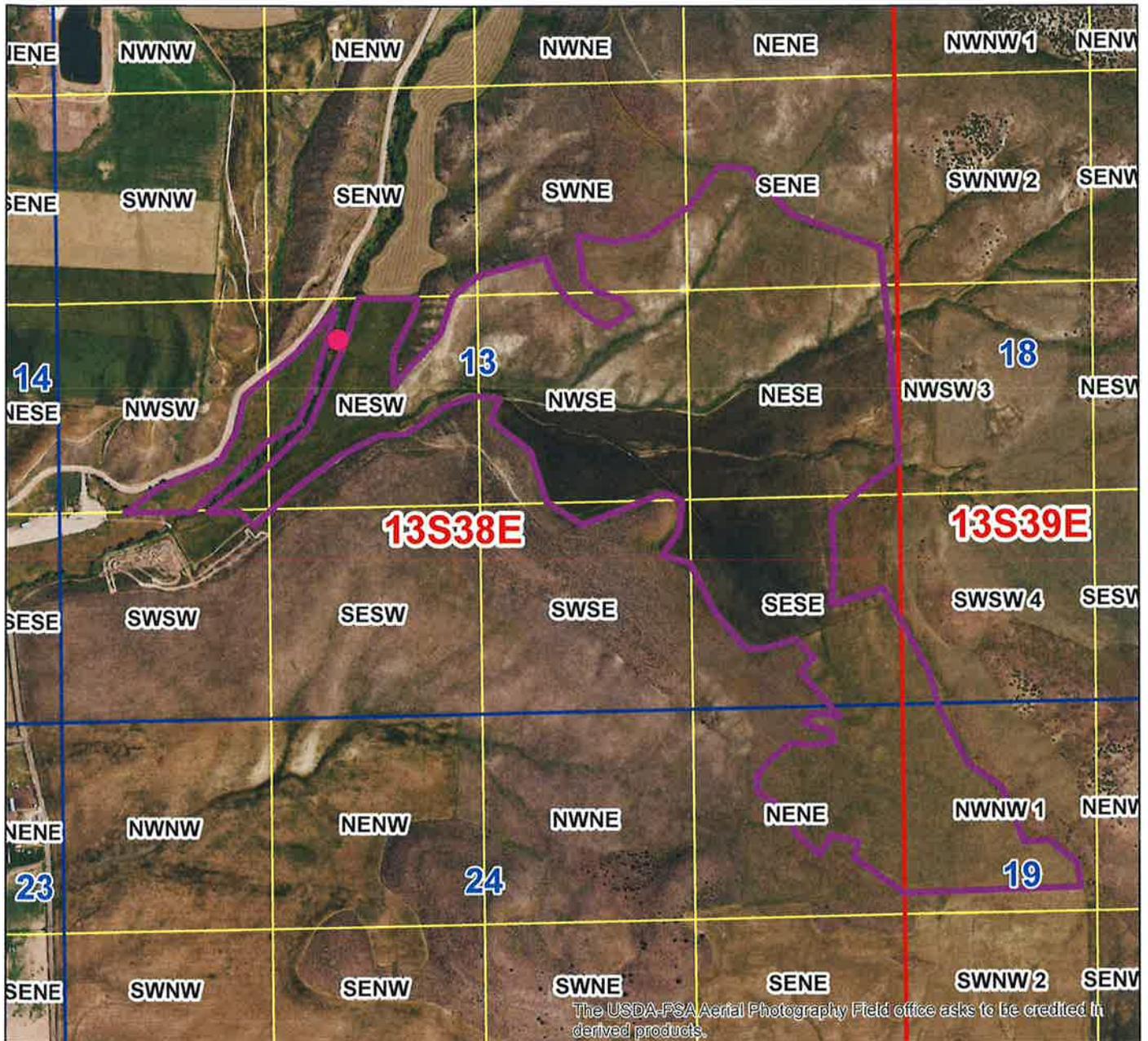
- Water Right POD
- ▭ Water Right POU
- ▭ Township/Range
- ▭ Sections



Date: 5/22/2020

Attachment to Transfer Approval 80793

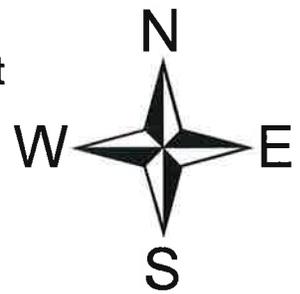
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



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

Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ



Date: 5/22/2020



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 • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 22, 2020

MEADOWLARK RANCH LLC
9350 S 150 E STE 1000
SANDY UT 84070

Re: Transfer No: 80793

Water Right No(s): 13-884, 13-885A, 13-886A, 13-887A, 13-888, 13-889A, 13-889C

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.

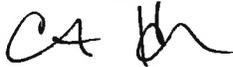
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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,



Christina Henman
Administrative Assistant

Enclosure

CC:

TRAVIS L THOMPSON
BARKER ROSHOLT & SIMPSON LLP
163 2ND AVE W
PO BOX 63
TWIN FALLS ID 83303-0063

ROCKY MOUNTAIN ENVIRONMENTAL
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552

UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
ATTN FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709

B JOAN OLIVER
272 E 750 N
BOUNTIFUL UT 84010

CLEVELAND IRRIGATION CO
13585 N CLEVELAND RD
PRESTON ID 83263

TJ BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

CRAIG L MC GREGOR
6883 E 13800 N
THATCHER ID 83283-5833

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 May 22, 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.: 80793

Water Right No(s): 13-884, 13-885A , 13-886A , 13-887A , 13-888, 13-889A , 13-889C

**MEADOWLARK RANCH LLC
9350 S 150 E STE 1000
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**Christina Henman
Administrative Assistant**