

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83770**

This is to certify that: DOUGLAS GUTHRIE AND
SHAUNA GUTHRIE
7310 W PORTNEUF RD
POCATELLO, ID 83204

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>
29-11732	WR/DECREED	6/19/1902	2.310 cfs	N/A	N/A	112.0	PORTNEUF RIVER
29-2462D	WR/DECREED	7/2/1962	0.070 cfs	N/A	N/A	3.7	PORTNEUF RIVER

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>
29-12265	WR/DECREED	5/26/1884	1.200 cfs	N/A	60.0	108.0	MARSH 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>
29-11732	YES	YES	YES	NO	NO	NO
29-2462D	NO	YES	YES	NO	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>
29-11732	29-14312	0.080 cfs	N/A	N/A	4.0	29-11732	2.230 cfs	N/A	N/A	108.0
29-2462D	29-2462D	0.070 cfs	N/A	3.7	4.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.150 cfs	N/A	4.0	4.0		N/A	N/A	N/A	N/A

Support Data
In File # 29-11732

Transfer No. 83770

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83770

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 14th day of January, 2020.



Regional Manager



WATER RIGHT NO. 29-2462D
As Modified by Transfer No. 83770

In accordance with the approval of Transfer No. 83770, Water Right No. 29-2462D is now described as follows:

Right Holder: DOUGLAS GUTHRIE
 SHAUNA GUTHRIE
 7310 W PORTNEUF RD
 POCA TELLO, ID 83204

JAMES GUTHRIE
 CAROL GUTHRIE
 PO BOX 12
 INKOM, ID 83245

Priority Date: 7/2/1962

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From
 04/01

To
 to 10/31

Diversion Rate
 0.070 cfs
 0.070 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER SWNE Sec 21 Twp 07S Rge 35E BANNOCK 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	
07S	35E	21			0.3											3.7			4.0

Right Acre Limit: 3.7

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.7 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2462D and 29-14312 when combined shall not exceed the irrigation of 4 acres.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
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. 29D.

Transfer No. 83770

WATER RIGHT NO. 29-2462D
As Modified by Transfer No. 83770

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 29-11732**As Modified by Transfer No. 83770**

In accordance with the approval of Transfer No. 83770, Water Right No. 29-11732 is now described as follows:

Right Holder: CAROL GUTHRIE And
JAMES K GUTHRIE
PO BOX 12
INKOM, ID 83245

Priority Date: 6/19/1902

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

04/01
01/01

to 10/31
to 12/31

To**Diversion Rate**

2.160 cfs
0.070 cfs
2.230 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER
PORTNEUF RIVER

SWNW
NWNWSE

Sec 27 Twp 07S Rge 36E BANNOCK County
Sec 27 Twp 07S Rge 36E BANNOCK 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	
07S	36E	27			1.0			1.5	12.5	15.0	31.5	1.5		10.0		11.0	12.0		96.0
07S	36E	28	9.0			2.0													11.0
07S	36E	34		1.0															1.0

POU Total Acres: 108.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	27			X			X	X	X	X	X		X		X	X		
07S	36E	28	X			X													
07S	36E	34		X															

CONDITIONS OF APPROVAL

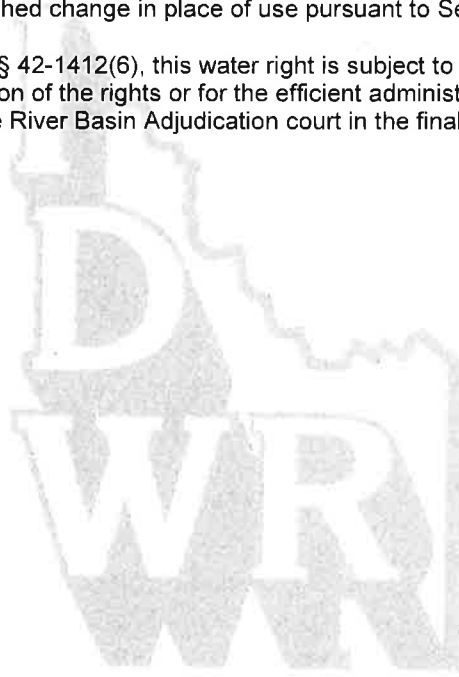
1. Rights 29-11732 and 29-12265 when combined shall not exceed a total diversion rate of 2.23 cfs and the irrigation of 108 acres.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Transfer No. 83770

WATER RIGHT NO. 29-11732
As Modified by Transfer No. 83770

CONDITIONS OF APPROVAL

3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. Stockwater, 300 cattle, 30 horses
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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.



WATER RIGHT NO. 29-14312

As Modified by Transfer No. 83770

In accordance with the approval of Transfer No. 83770, Water Right No. 29-14312 is now described as follows:

Right Holder: DOUGLAS GUTHRIE AND
SHAUNA GUTHRIE
7310 W PORTNEUF RD
POCATELLO, ID 83204

Priority Date: 6/19/1902

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
0.080 cfs
0.080 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER SWNE Sec 21 Twp 07S Rge 35E BANNOCK 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	
07S	35E	21			0.3												3.7		4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. Rights 29-14312 and 29-2462D when combined shall not exceed the irrigation of 4 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29D.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83770

WATER RIGHT NO. 29-14312
As Modified by Transfer No. 83770

CONDITIONS OF APPROVAL

7. 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. 29-12265
As Modified by Transfer No. 83770

In accordance with the approval of Transfer No. 83770, Water Right No. 29-12265 is now described as follows:

Right Holder: CAROL GUTHRIE OR
 JAMES K GUTHRIE
 PO BOX 12
 INKOM, ID 83245

Priority Date: 5/26/1884

Source: MARSH CREEK

Tributary: PORTNEUF RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 1.200 cfs
 1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK NESW Sec 27 Twp 07S Rge 36E BANNOCK 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	
07S	36E	27			1.0			1.5	12.5	15.0	31.5	1.5		10.0		11.0	12.0		96.0
07S	36E	28	9.0			2.0													11.0
07S	36E	34		1.0															1.0

Right Acre Limit: 60.0

POU Total Acres: 108.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. Rights 29-11732 and 29-12265 when combined shall not exceed a total diversion rate of 2.23 cfs and the irrigation of 108 acres.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. 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. 83770

Attachment to Transfer Approval 83770

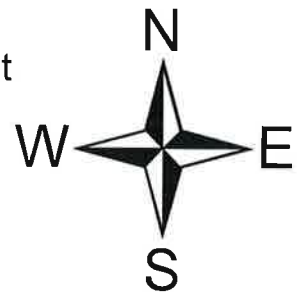
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 150 300 600 Feet



Date: 1/14/2020



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

January 14, 2020

DOUGLAS GUTHRIE
SHAUNA GUTHRIE
7310 W PORTNEUF RD
POCATELLO ID 83204

Re: Transfer No: 83770
Water Right No(s): 29-2462D , 29-11732, 29-12265

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

CC:

CAROL GUTHRIE
JAMES GUTHRIE
PO BOX 12
INKOM ID 83245

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 January 14, 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.: 83770

Water Right No(s): 29-2462D , 29-11732, 29-12265

**DOUGLAS GUTHRIE
SHAUNA GUTHRIE
7310 W PORTNEUF RD
POCATELLO ID 83204**

**CAROL GUTHRIE
JAMES GUTHRIE
PO BOX 12
INKOM ID 83245**

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

**Christina Henman
Administrative Assistant**