

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83668**

This is to certify that: MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON, ID 83450

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>
31-371	WR/DECREED	9/10/1928	23.000 cfs	8439.8 af	N/A	24261.3	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>
31-371	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>
31-371	31-371	23.000 cfs	8439.8 af	N/A	24261.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		23.000 cfs	8439.8 af	N/A	24261.3		N/A	N/A	N/A	N/A

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 12th day of December, 2019.



Regional Manager

WATER RIGHT NO. 31-371**As Modified by Transfer No. 83668**

In accordance with the approval of Transfer No. 83668, Water Right No. 31-371 is now described as follows:

Right Holder: MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON, ID 83450

Priority Date: 9/10/1928

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	05/01	to 11/01	23.000 cfs	8439.8 af
			23.000 cfs	8439.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSWSW	Sec 10 Twp 06N Rge 34E	JEFFERSON County
GROUND WATER	SWNESE	Sec 15 Twp 06N Rge 34E	JEFFERSON County
GROUND WATER	SWNESE	Sec 2 Twp 06N Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec 11 Twp 06N Rge 35E	JEFFERSON County
GROUND WATER	NWNW	Sec 11 Twp 06N Rge 35E	JEFFERSON County
GROUND WATER	SENWSE	Sec 13 Twp 07N Rge 34E	JEFFERSON County
GROUND WATER	NESWSE	Sec 13 Twp 07N Rge 34E	JEFFERSON County
GROUND WATER	SENESE	Sec 23 Twp 07N Rge 34E	JEFFERSON County
GROUND WATER	NESENE	Sec 23 Twp 07N Rge 34E	JEFFERSON County
GROUND WATER	SWNESE	Sec 24 Twp 07N Rge 34E	JEFFERSON County
GROUND WATER	NENWNE	Sec 24 Twp 07N Rge 34E	JEFFERSON County
GROUND WATER	SWNWNW	Sec 24 Twp 07N Rge 34E	JEFFERSON County
GROUND WATER	SWSWSW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec 13 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SWSESW	Sec 18 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	L1 (NENWNW)	Sec 19 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	L1 (NWNWNW)	Sec 19 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSENV	Sec 19 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	L2 (NESWNW)	Sec 19 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SENESE	Sec 22 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SWNWSW	Sec 23 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec 23 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SENWSE	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NESESW	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SESESW	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec 25 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NESESE	Sec 26 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	NWNWNE	Sec 27 Twp 07N Rge 35E	JEFFERSON County
GROUND WATER	SENWNE	Sec 27 Twp 07N Rge 35E	JEFFERSON County

Transfer No. 83668

WATER RIGHT NO. 31-371
As Modified by Transfer No. 83668

GROUND WATER

SENWNW

Sec 36 Twp 07N Rge 35E JEFFERSON County

CONDITIONS OF APPROVAL

1. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432, (groundwater), 31-2276, (wastewater), 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363, (Owlsey Division Surface Water), 31-134, 31-135, 31-143, 31-144, 31-190, 31-192, (Jackett Division Surface Water), 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962 (Holley Division Surface Water) when combined shall not exceed the irrigation of 24,261.3 acres in a single irrigation season.
2. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total diversion rate of 503.21 cfs from May 1 through Nov 1 and a total combined diversion rate of 643.21 cfs from March 1 through April 30 when authorized by an early pumping plan approved by the Watermaster.
3. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total annual maximum diversion volume of 174,269.3 acre-feet at the field headgate.
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. 110.
5. Prior to the diversion and use of water under Transfer approval 83668, 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
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 lands above.
9. Place of use is within the boundary of Mud Lake Water Users, Inc.

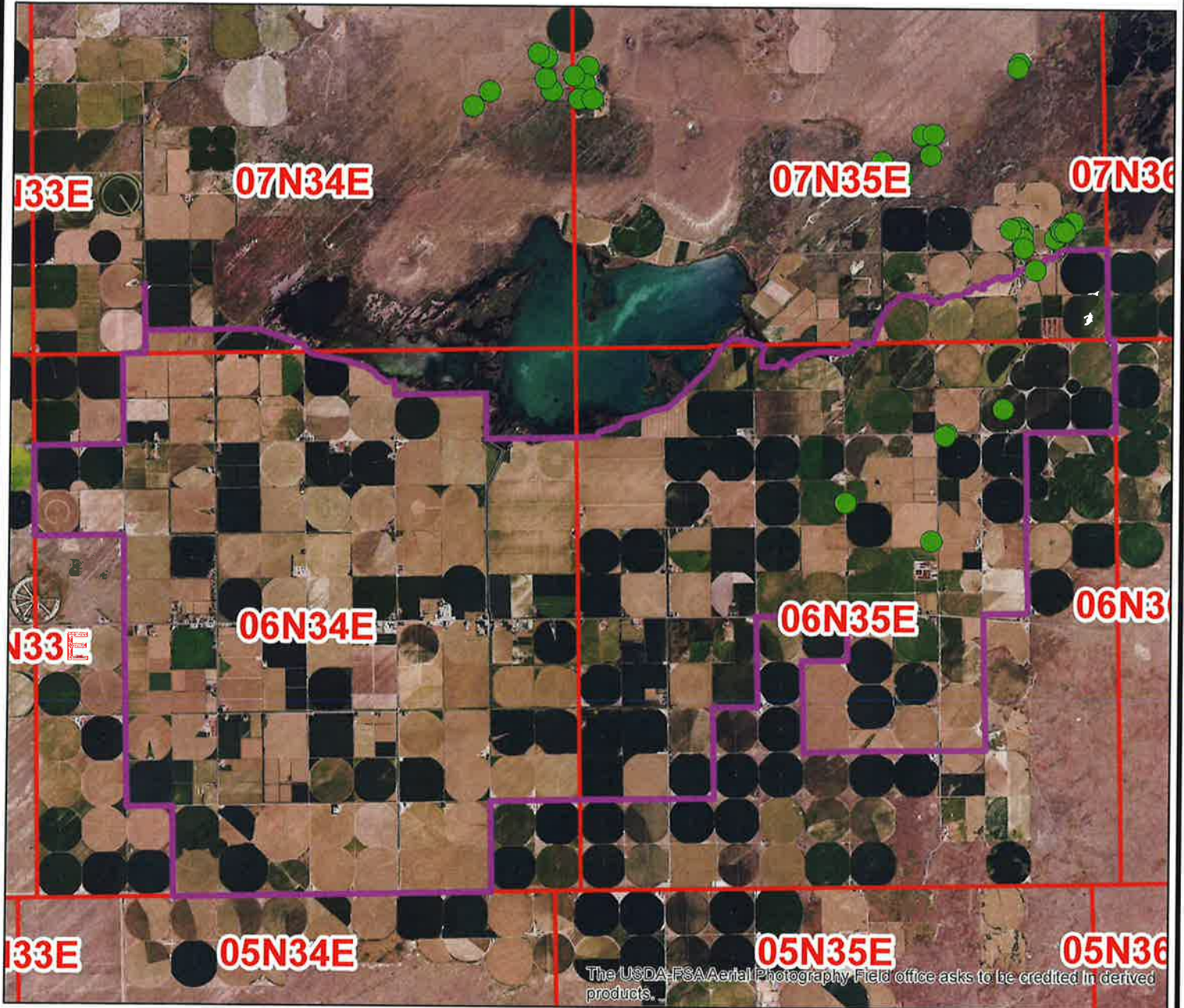
WATER RIGHT NO. 31-371
As Modified by Transfer No. 83668

CONDITIONS OF APPROVAL

10. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
11. The administration of this water right is also subject to the agreement of water right owners regarding Mud Lake water delivery dated April 17, 2001, which is on file in the records of the Clerk and Recorder of Jefferson County, Idaho. Instrument number 307626.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 83668

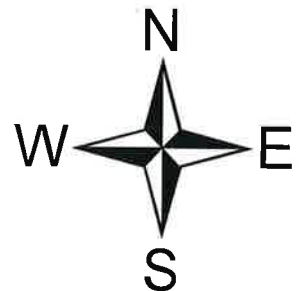
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



0 5,000 10,000 20,000 Feet

Legend

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



Date: 12/12/2019



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

December 12, 2019

MUD LAKE WATER USERS INC
PO BOX 68
TERRETON ID 83450

Re: Transfer No: 83668
Water Right No(s): 31-371

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:

ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS ID 83405-0130

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 December 12, 2019 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.: 83668
Water Right No(s): 31-371**

**MUD LAKE WATER USERS INC
PO BOX 68
TERRETON ID 83450**

**ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS ID 83405-0130**



**Christina Henman
Administrative Assistant**