

AMENDED

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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT TRANSFER NO. 82924

This is to certify that: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

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>
36-8335	WR/LICENSE	9/24/1987	11.900 cfs	646.0 af	N/A	N/A	BILLINGSLEY CREEK
36-8728	WR/LICENSE	9/24/1987	6.500 cfs	763.0 af	N/A	N/A	WEATHERBY SPRINGS
36-8729	WR/LICENSE	9/24/1987	24.000 cfs	748.0 af	N/A	N/A	RILEY CREEK
36-8730	WR/LICENSE	9/24/1987	20.000 cfs	763.0 af	N/A	N/A	BILLINGSLEY CREEK
36-8785	WR/LICENSE	10/29/1998	16.000 cfs	11600.0 af	N/A	N/A	RILEY 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>
36-8335	NO	NO	YES	NO	NO	NO
36-8728	NO	NO	YES	NO	NO	NO
36-8729	NO	NO	YES	NO	NO	NO
36-8730	NO	NO	YES	NO	NO	NO
36-8785	NO	NO	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>
36-8335	36-8335	11.900 cfs	646.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8728	36-8728	6.500 cfs	763.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8729	36-8729	24.000 cfs	748.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8730	36-8730	20.000 cfs	763.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8785	36-8785	16.000 cfs	11600.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		76.850 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-8335

Transfer No. 82924

AMENDED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82924

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 1ST day of April, 2019.



Southern Region Manager



AMENDED**WATER RIGHT NO. 36-8729****As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8729 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 9/24/1987

Source: RILEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	11/16	to 03/14	24.000 cfs	
DIVERSION TO STORAGE	03/15	to 11/15	22.450 cfs	
AESTHETIC STORAGE	01/01	to 12/31		748.0 af
RECREATION STORAGE	01/01	to 12/31		748.0 af
WILDLIFE STORAGE	01/01	to 12/31		748.0 af
			24.000 cfs	748.0 af

LOCATION OF POINT(S) OF DIVERSION

RILEY CREEK L6 (SESWNE) Sec 1 Twp 08S Rge 13E GOODING County

PLACE OF USE: AESTHETIC 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	
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4						L 5			0
07S	13E	33		X	X											X			
				L 1	L 4														
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35						X											

PLACE OF USE: RECREATION 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	
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4						L 5			0
07S	13E	33		X	X											X			
				L 1	L 4														
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35						X											

Transfer No. 82924

AMENDED**WATER RIGHT NO. 36-8729****As Modified by Transfer No. 82924****PLACE OF USE: WILDLIFE 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	
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4							L 5		0
07S	13E	33		X	X											X			
				L 1	L 4														
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
											L 3				L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35						X											

CONDITIONS OF APPROVAL

1. Rights 36-1, 36-2, 36-7741, and 36-8729 when combined shall not exceed a total diversion rate of 22.45 cfs from March 15 through November 15.
2. Rights 36-7741 and 36-8729 when combined shall not exceed a total diversion rate of 24.0 cfs from November 16 through March 14.
3. Rights 36-1, 36-2, 36-7741, 36-8729, and 36-8785 when combined shall not exceed a total diversion rate of 38.45 cfs and a total annual maximum diversion volume of 27,800 af.
4. Rights 36-8335, 36-8728, 36-8729 and 36-8730 when combined shall not exceed a total annual maximum storage volume of 871 af.
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. 36A.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
8. Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

AMENDED

WATER RIGHT NO. 36-8729

As Modified by Transfer No. 82924

CONDITIONS OF 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.



AMENDED**WATER RIGHT NO. 36-8728****As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8728 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 9/24/1987

Source: WEATHERBY SPRINGS **Tributary:** BILLINGSLEY CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to 12/31	6.500 cfs	
AESTHETIC STORAGE	01/01	to 12/31		763.0 af
RECREATION STORAGE	01/01	to 12/31		763.0 af
WILDLIFE STORAGE	01/01	to 12/31	6.500 cfs	763.0 af

LOCATION OF POINT(S) OF DIVERSION

WEATHERBY SPRINGS SENESW Sec 30 Twp 07S Rge 14E GOODING County

PLACE OF USE: AESTHETIC 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	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X				X						
									L 7				L 4						0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

PLACE OF USE: RECREATION 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	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X				X						
									L 7				L 4						0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

Transfer No. 82924

AMENDED**WATER RIGHT NO. 36-8728****As Modified by Transfer No. 82924****PLACE OF USE: WILDLIFE 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	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X				X						
									L 7				L 4						0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

CONDITIONS OF APPROVAL

1. Rights 36-16987, 36-00015, 36-07740 and 36-08728 when combined shall not exceed a total diversion rate of 6.5 cfs.
2. Rights 36-08729, 36-08730, 36-08335 and 36-08728 when combined shall not exceed a total annual maximum storage volume of 871 af.
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. 36A.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
6. Water is delivered through Bar S Ditch and Curren Ditch.
7. Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
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.

AMENDED**WATER RIGHT NO. 36-8730****As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8730 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 9/24/1987

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to 12/31	20.000 cfs	
AESTHETIC STORAGE	01/01	to 12/31		763.0 af
RECREATION STORAGE	01/01	to 12/31		763.0 af
WILDLIFE STORAGE	01/01	to 12/31	20.000 cfs	763.0 af

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NESWNE Sec 31 Twp 07S Rge 14E GOODING County

PLACE OF USE: AESTHETIC 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	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X			X							
									L 7			L 4							0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

PLACE OF USE: RECREATION 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	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X			X							
									L 7			L 4							0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

AMENDED**WATER RIGHT NO. 36-8730****As Modified by Transfer No. 82924****PLACE OF USE: WILDLIFE 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	
07S	13E	26											X	X					
07S	13E	27															X	X	
07S	13E	33				X									X	X			
07S	13E	34							X				X						
									L 7				L 4						0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

CONDITIONS OF APPROVAL

1. Rights 36-16988, 36-00018, 36-07742 and 36-08730 when combined shall not exceed a total diversion rate of 20 cfs.
2. Rights 36-08335, 36-08728, 36-08729 and 36-08730 when combined shall not exceed a total annual storage volume of 871 af.
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. 36A.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
6. This right is subject to the agreement dated 7/18/88 between right holder and protestants to the extent such agreement covers matters within the jurisdiction of IDWR.
7. Water is delivered through Curren Ditch.
8. Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
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.

AMENDED**WATER RIGHT NO. 36-8335****As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8335 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 9/24/1987

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to 12/31	11.900 cfs	
AESTHETIC STORAGE	01/01	to 12/31		646.0 af
RECREATION STORAGE	01/01	to 12/31		646.0 af
WILDLIFE STORAGE	01/01	to 12/31	11.900 cfs	646.0 af

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK SESENE Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: AESTHETIC 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	
07S	13E	28													X	X	X	X	
																L 5			0
07S	13E	28																X	
																		L 9	0
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4									0
07S	13E	33		X	X											X			
				L 1	L 4											L 5			0
07S	13E	34							X			X	X						
07S	13E	34							X			X	X						
									L 7			L 4	L 5						0

PLACE OF USE: RECREATION 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	
07S	13E	28													X	X	X	X	
																L 5			0
07S	13E	28																X	
																		L 9	0
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4									0
07S	13E	33		X	X											X			
				L 1	L 4											L 5			0
07S	13E	34							X			X	X						
07S	13E	34							X			X	X						
									L 7			L 4	L 5						0

Transfer No. 82924

AMENDED**WATER RIGHT NO. 36-8335****As Modified by Transfer No. 82924****PLACE OF USE: WILDLIFE 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	
07S	13E	28													X	X	X	X	0
																L 5			
07S	13E	28																X	0
																		L 9	
07S	13E	33	X	X	X	X	X			X					X	X		X	0
							L 1			L 4									0
07S	13E	33		X	X											X			0
				L 1	L 4											L 5			0
07S	13E	34							X			X	X						
07S	13E	34							X			X	X						0
									L 7			L 4	L 5						0

CONDITIONS OF APPROVAL

1. Rights 36-00003H, 36-07739 and 36-08335 when combined shall not exceed a total diversion rate of 11.90 cfs.
2. Rights 36-08728, 36-08729, 36-08730 and 36-08335 when combined shall not exceed a total annual maximum storage volume of 871 af.
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. 36A.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right does not grant any right-of-way or easement across the land of another.
6. Water is delivered through Buckeye Ditch.
7. Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
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.

Transfer No. 82924

AMENDED**WATER RIGHT NO. 36-8785****As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8785 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 10/29/1998

Source: RILEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
FISH PROPAGATION	01/01	to 12/31	16.000 cfs	11600.0 af
WILDLIFE	01/01	to 12/31	16.000 cfs	11600.0 af
RECREATION	01/01	to 12/31	16.000 cfs	11600.0 af
AESTHETIC	01/01	to 12/31	16.000 cfs	11600.0 af
			16.000 cfs	11600.0 af

LOCATION OF POINT(S) OF DIVERSION

RILEY CREEK L6 (SWNE) Sec 1 Twp 08S Rge 13E GOODING County

PLACE OF USE: AESTHETIC

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	13E	33		X	X		X								X	X			0
				L 1	L 4		L 1												
07S	13E	33	X	X	X	X				X						X		X	0
										L 4						L 5			
07S	13E	34							X		X	X							0
									L 7		L 4	L 5							
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			0
										L 3					L 1	L 2			
07S	13E	35						X											0

PLACE OF USE: FISH PROPAGATION

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	13E	34							X		X								0
									L 7		L 3								

PLACE OF USE: RECREATION

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	13E	33		X	X		X								X	X			0
				L 1	L 4		L 1												
07S	13E	33	X	X	X	X				X						X		X	0
										L 4						L 5			

Transfer No. 82924

AMENDED**WATER RIGHT NO. 36-8785****As Modified by Transfer No. 82924****PLACE OF USE: RECREATION**

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	13E	34							X			X	X						
									L 7				L 4	L 5					0
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35						X											

PLACE OF USE: WILDLIFE

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	13E	33		X	X		X								X	X			
				L 1	L 4		L 1												0
07S	13E	33	X	X	X	X				X						X		X	
										L 4						L 5			0
07S	13E	34							X			X	X						
									L 7			L 4	L 5						0
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35						X											

CONDITIONS OF APPROVAL

1. During the period from March 16 of each year to September 15 of the year, the right holder may only divert 8 cfs when the flow in Riley Creek immediately downstream of the Conyer Ditch (Le Moyne Diversion) is equal to or less than 45 cfs. When the flow in Riley Creek is greater than 45 cfs immediately downstream of the Conyer Ditch (Le Moyne Diversion), the right holder may divert 8 cfs and any amount in excess of 45 cfs up to a total of 16 cfs (subject to other conditions).
2. Rights 36-1, 36-2, 36-7741, 36-8729, and 36-8785 when combined shall not exceed a total diversion rate of 38.45 cfs and a total annual maximum diversion volume of 27,800 af.
3. Use of water under this right shall be non-consumptive.
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. 36A.
5. The right holder shall maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. Additionally, the right holder shall maintain a measuring device or rated section in Riley Creek to measure the flows of Riley Creek and insure the bypass below the Conyer Ditch (Le Moyne Diversion) as described in the conditions of this right.
6. Should the use of the water under this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.

AMENDED

WATER RIGHT NO. 36-8785

As Modified by Transfer No. 82924

CONDITIONS OF APPROVAL

7. This right does not authorize construction of new fish propagation facilities or expansion or enlargement of wildlife, recreation or aesthetic ponds or features not already authorized under existing rights held by the right holder. (See rights 36-7741 and 36-8729)
8. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
9. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
10. Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
11. The diversion and use of water described in water right 36-8785 may be subject to additional conditions and limitations agreed to by the Idaho Department of Fish and Game and the right holder under separate agreement dated July 26, 2004, to which the Department is not a party and which may be enforceable by a court of law.
12. This water right shall be junior and subordinate to other rights for the use of water, other than fish propagation, wildlife, recreation, aesthetic purposes, and hydropower in the State of Idaho that are initiated later in time than the priority date of this right and shall not give rise to any claim against any future rights for the use of water, other than fish propagation, wildlife, recreation, aesthetic uses, or hydropower within the State of Idaho initiated later in time than the priority of this right.
13. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
14. Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 1, 2019

BUCKEYE FARMS INC
PO BOX 269
HAGERMAN ID 83332-0269

Re: Transfer No: 82924
Water Right No(s): 36-8335, 36-8728, 36-8729, 36-8730, 36-8785

Amended Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

On March 18, 2019, IDWR mailed you a copy of approved water right transfer no. 82924. Pursuant to Rule 760 of the IDWR's Rules of Procedure, IDWR has modified the transfer approval. An amended transfer approval document is enclosed. The amended transfer approval removes the condition limiting the surface area of the ponds allowed by rights 36-8335, 36-8728, 36-8729, and 36-8730. Please be sure to thoroughly review the conditions of approval and remarks listed on the amended transfer approval document.

The amended transfer approval 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) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner", written over a light blue horizontal line.

Corey Skinner
Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Amended Approved Transfer) to the person(s) listed below:

Re: Transfer No: 82924

Water Right No(s): 36-8335, 36-8728, 36-8729, 36-8730, 36-8785

BUCKEYE FARMS INC (Current Owner)
PO BOX 269
HAGERMAN ID 83332-0269

JOHN K SIMPSON (Attorney)
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139

ERO RESOURCES CORP (Representative)
C/O DAVID SHAW
4001 E MAIN ST
EMMETT ID 83617

WATER DISTRICT 36A
FRANK ERWIN (Watermaster)
711 E AVE NORTH
HAGERMAN ID 83332



Allison Inouye
Water Resource Agent, Senior

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.