

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

|                                             |                        |
|---------------------------------------------|------------------------|
| <b>IN THE MATTER OF APPLICATION )</b>       | <b>ORDER GRANTING</b>  |
| <b>FOR TRANSFER NO. 81190 IN THE )</b>      | <b>PETITION FOR</b>    |
| <b><u>NAME OF M&amp;T RANCHES LLC</u> )</b> | <b>RECONSIDERATION</b> |

This matter having come before the Department of Water Resources ("Department") as a petition to reconsider the issuance of a preliminary order approving an application for transfer of water rights, the Department finds, concludes, and orders as follows:

**PROCEDURAL HISTORY**

Application for Transfer No. 81190 ("Application") in the name of the M & T Ranches LLC ("Ranch") was filed with the Department on September 6, 2016. The Application was protested on May 31<sup>st</sup>, 2017 by Allen Coburn and Carroll Carlock separately, and by Chris Macan on June 5<sup>th</sup>, 2017.

On August 25<sup>th</sup>, 2017, the Department received *Cooperative Agreement* ("Agreement"). The Agreement conditionally resolved protests filed by Coburn, Carlock, and Macan against the Application filed by the Ranch.

The Department approved the Application on November 21<sup>st</sup>, 2017 as Transfer Number 81190 ("Transfer").

On December 5<sup>th</sup>, 2017 the Department received *Petition for Reconsideration of Approval for Transfer No. 81190 in the Name of M&T Ranches, LLC* ("Petition"). The Petition asserts the Department failed to consider certain changes proposed in the Application by issuing an approval of the Transfer which did not add points of diversion to rights included in the Transfer. The Petition requests the Department vacate the preliminary order and reissue the Permit with the proposed changes to the water rights included in the Transfer.

**FINDINGS OF FACT**

1. Item A.1 of the transfer application is entitled "Purpose of Transfer". The Application checked the option for "Change place of use", but did not check the option for "Change point of diversion" or "Add diversion point(s)". This item of the application only requests a change in place of use.
2. Item A.2 of the Application asks for a narrative description of the purpose of the transfer. The applicant's response states the applicant "seeks a permissible place of use to more efficiently use the available water supply on the property." This statement does not include mention of an intent to change authorized points of diversion for any of the water rights.
3. Item B asks for a description of the water rights after the requested changes. Item B.3 on the application is completed and lists five points of diversion. Additionally, the option "No

changes to point(s) of diversion are proposed...) is not selected. This item of the application asks to change points of diversion under the water rights.

4. Item B.5(a) of the Application is a question that reads "Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future". The applicant's response states, "Existing diversions from Little Squaw Creek and existing reservoirs, no changes proposed but all natural flow rights can divert from any point of diversion in Gem County and all storage can be rediverted from any point of diversion in Gem County." This statement is interpreted by the Department as having been intended to describe the diversion system after the transfer and clarifies the description of the points of diversion listed in Item B.3.

5. Department staff evaluated the impact of the proposed changes to the points of diversion and rediversion and concluded the point of diversion changes should be approved.

6. Department staff contacted the watermaster for water district 65A, Eric Herr, by phone regarding the request to remove requirement for the measuring devices. Mr. Herr agreed that there is little need for such devices presently. Mr. Herr has not provided written comments in favor of, or against the proposal to not require measurement of these diversions.

### CONCLUSIONS OF LAW

1. The Petition was filed timely.

2. The Application included contradictory information regarding a request to add authorized points of diversion and rediversion to the water rights, but the Application considered in the light of the Petition clarifies that the Gem County points of diversion and rediversion were requested to be added to all rights included in the Transfer. That request should be approved.

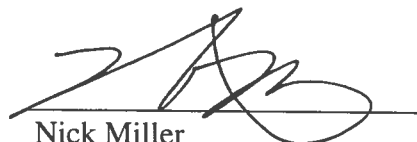
3. Conditions of approval should be updated to require the installation of measuring devices after specific notification by the Department.

### ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order approving Transfer No. 81190 is GRANTED pursuant to Idaho Code § 67-5243. The November 21, 2017 Preliminary Order Approving Transfer 81190 is WITHDRAWN.

IT IS FURTHER HEREBY ORDERED that Transfer 81190 is APPROVED as shown in the accompanying preliminary order approving the Application.

Dated this 26<sup>th</sup> day of December 2017



Nick Miller  
Manager, IDWR Western Region

# AMENDED

Page 1 of 22

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

### TRANSFER OF WATER RIGHT TRANSFER NO. 81190

This is to certify that: M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

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>      |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|--------------------|
| 65-10473           | WR/DECREED          | 4/1/1970             | N/A                   | 70.0 af                 | N/A               | 166.0              | LITTLE SQUAW CREEK |
| 65-2945            | WR/DECREED          | 12/26/1950           | N/A                   | 71.0 af                 | N/A               | 141.0              | LITTLE SQUAW CREEK |
| 65-3061            | WR/DECREED          | 4/1/1893             | 0.280 cfs             | N/A                     | 14.0              | 14.0               | LITTLE SQUAW CREEK |
| 65-3062            | WR/DECREED          | 4/1/1893             | 0.110 cfs             | N/A                     | 6.0               | 6.0                | LITTLE SQUAW CREEK |
| 65-3063            | WR/DECREED          | 6/1/1879             | 1.740 cfs             | N/A                     | 83.0              | 83.0               | LITTLE SQUAW CREEK |
| 65-3064            | WR/DECREED          | 6/1/1879             | 0.180 cfs             | N/A                     | 9.0               | 9.0                | LITTLE SQUAW CREEK |
| 65-3065            | WR/DECREED          | 6/1/1879             | 0.510 cfs             | N/A                     | 25.0              | 25.0               | LITTLE SQUAW CREEK |
| 65-3069            | WR/DECREED          | 5/1/1896             | 0.100 cfs             | N/A                     | 5.0               | 5.0                | LITTLE SQUAW CREEK |
| 65-9538            | WR/DECREED          | 6/1/1927             | 1.380 cfs             | N/A                     | 69.0              | 69.0               | LITTLE SQUAW CREEK |
| 65-9539            | WR/DECREED          | 11/1/1953            | N/A                   | 231.0 af                | N/A               | 211.0              | LITTLE SQUAW 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 65-10473              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 65-2945               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 65-3061               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 65-3062               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 65-3063               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 65-3064               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 65-3065               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 65-3069               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 65-9538               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 65-9539               | NO           | NO         | YES        | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 65-10473              | 65-10473                         | 0.000 cfs            | 70.0 af                | N/A               | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 65-2945               | 65-2945                          | 0.000 cfs            | 71.0 af                | N/A               | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 65-3061               | 65-3061                          | 0.280 cfs            | N/A                    | 14.0              | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 65-3062               | 65-3062                          | 0.110 cfs            | N/A                    | 6.0               | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 65-3063               | 65-3063                          | 1.740 cfs            | N/A                    | 83.0              | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |

Transfer No. 81190

# AMENDED

Page 2 of 22

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

### TRANSFER OF WATER RIGHT TRANSFER NO. 81190

#### 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 65-3064                | 65-3064                          | 0.180 cfs            | N/A                    | 9.0               | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 65-3065                | 65-3065                          | 0.510 cfs            | N/A                    | 25.0              | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 65-3069                | 65-3069                          | 0.100 cfs            | N/A                    | 5.0               | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 65-9538                | 65-9538                          | 1.380 cfs            | N/A                    | 69.0              | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 65-9539                | 65-9539                          | 0.000 cfs            | 231.0 af               | N/A               | 217.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>4.300 cfs</b>     | <b>372.0 af</b>        | <b>217.0</b>      | <b>217.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 26<sup>th</sup> day of December, 2017.

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

Transfer No. 81190

**AMENDED****WATER RIGHT NO. 65-2945****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-2945 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 12/26/1950

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

| <u>BENEFICIAL USE</u>   | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-------------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION FROM STORAGE | 4/01        | to 11/01  |                       | 71.0 af                 |
|                         |             |           |                       | 71.0 af                 |

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

|                    |           |                        |               |     |
|--------------------|-----------|------------------------|---------------|-----|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County    | (R) |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County    | (R) |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM County    | (R) |
| LITTLE SQUAW CREEK | NENE      | Sec 31 Twp 11N Rge 03E | VALLEY County |     |

**PLACE OF USE: IRRIGATION FROM STORAGE**

|     |     |     | NE  |     |      |      | NW  |    |    |      | SW   |      |      |     | SE  |      |    |      | Totals |
|-----|-----|-----|-----|-----|------|------|-----|----|----|------|------|------|------|-----|-----|------|----|------|--------|
| Twp | Rng | Sec | NE  | NW  | SW   | SE   | NE  | NW | SW | SE   | NE   | NW   | SW   | SE  | NE  | NW   | SW | SE   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. Use of this right with right no. 65-22401 is limited to a total combined annual diversion volume of 71.0 af.
3. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.

Transfer No. 81190

**AMENDED**  
**WATER RIGHT NO. 65-2945**  
**As Modified by Transfer No. 81190**

**CONDITIONS OF APPROVAL**

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
6. 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. 65A.
7. After specific notification by the Department, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
8. 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.
9. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
10. The following rights are also diverted through point of diversion described above: 65-09539. The storage facility is known as Holbrook Reservoir. Water is delivered through and rediverted from Little Squaw Creek.
11. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-10473****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-10473 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 4/1/1970

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| IRRIGATION FROM STORAGE      | 4/01               | to 11/01         |                              | 70.0 af                        |
|                              |                    |                  |                              | 70.0 af                        |

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

|                    |           |                        |               |     |
|--------------------|-----------|------------------------|---------------|-----|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County    | (R) |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County    | (R) |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM County    | (R) |
| LITTLE SQUAW CREEK | SWSE      | Sec 31 Twp 11N Rge 03E | VALLEY County |     |

**PLACE OF USE: IRRIGATION FROM STORAGE**

|     |     |     | NE  |     |      |      | NW  |    |    |      | SW   |      |      |     | SE  |      |    |      | Totals |
|-----|-----|-----|-----|-----|------|------|-----|----|----|------|------|------|------|-----|-----|------|----|------|--------|
| Twp | Rng | Sec | NE  | NW  | SW   | SE   | NE  | NW | SW | SE   | NE   | NW   | SW   | SE  | NE  | NW   | SW | SE   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. Use of this right with right no. 65-22406 is limited to a total combined annual diversion volume of 70.0 af.
3. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.

Transfer No. 81190

## AMENDED

### WATER RIGHT NO. 65-10473

#### As Modified by Transfer No. 81190

#### CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
6. 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. 65A.
7. After specific notification by the Department, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
8. 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.
9. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
10. Water is delivered through and diverted from Little Squaw Creek.
11. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-3061****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-3061 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 4/2/1893

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 4/01               | to 11/01         | 0.280 cfs<br>0.280 cfs       |

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

|                    |           |                        |            |
|--------------------|-----------|------------------------|------------|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM 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   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

Right Acre Limit: 14.0  
POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. This right is limited to the irrigation of 14 acres within the authorized place of use in a single irrigation season.
3. Rights 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, and 65-9538 when combined shall not exceed the irrigation of 211 acres.

## AMENDED

### WATER RIGHT NO. 65-3061

#### As Modified by Transfer No. 81190

#### CONDITIONS OF APPROVAL

4. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.
5. Use of this right with right no. 65-22404 is limited to a total combined diversion rate of 0.28 cfs.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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. 65A.
8. 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.
9. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
10. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-3062****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-3062 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 4/1/1893

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 4/01               | to 11/01         | 0.110 cfs<br>0.110 cfs       |

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

|                    |           |                        |            |
|--------------------|-----------|------------------------|------------|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM 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   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

Right Acre Limit: 6.0

POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. This right is limited to the irrigation of 6.0 acres within the authorized place of use in a single irrigation season.
3. Rights 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, and 65-9538 when combined shall not exceed the irrigation of 211 acres.

Transfer No. 81190

## AMENDED

### WATER RIGHT NO. 65-3062

#### As Modified by Transfer No. 81190

#### CONDITIONS OF APPROVAL

4. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.
5. Use of this right with right no. 65-22405 is limited to a total combined diversion rate of 0.11 cfs.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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. 65A.
8. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
9. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-3063****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-3063 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 6/1/1879

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 4/01               | to 11/01         | 1.740 cfs<br>1.740 cfs       |

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

|                    |           |                        |            |
|--------------------|-----------|------------------------|------------|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM 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   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

Right Acre Limit: 83.0

POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. This right is limited to the irrigation of 83.0 acres within the authorized place of use in a single irrigation season.
3. Rights 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, and 65-9538 when combined shall not exceed the irrigation of 211 acres.

## AMENDED

### WATER RIGHT NO. 65-3063

#### As Modified by Transfer No. 81190

#### CONDITIONS OF APPROVAL

4. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.
5. Use of this right with right no. 65-22398 is limited to a total combined diversion rate of 1.74 cfs.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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. 65A.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. 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.
10. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
11. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-3064****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-3064 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 6/1/1879

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>  |
|-----------------------|-------------|-----------|------------------------|
| IRRIGATION            | 4/01        | to 11/01  | 0.180 cfs<br>0.180 cfs |

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

|                    |           |                        |            |
|--------------------|-----------|------------------------|------------|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM 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   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

Right Acre Limit: 9.0

POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. This right is limited to the irrigation of 9.0 acres within the authorized place of use in a single irrigation season.
3. Rights 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, and 65-9538 when combined shall not exceed the irrigation of 211 acres.

Transfer No. 81190

## AMENDED

### WATER RIGHT NO. 65-3064

#### As Modified by Transfer No. 81190

#### CONDITIONS OF APPROVAL

4. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.
5. Use of this right with right no. 65-22408 is limited to a total combined diversion rate of 0.18 cfs.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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. 65A.
8. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
9. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-3065****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-3065 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 6/1/1879

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
|------------------------------|--------------------|------------------|------------------------------|
| IRRIGATION                   | 4/01               | to 11/01         | 0.510 cfs<br>0.510 cfs       |

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

|                    |           |                        |            |
|--------------------|-----------|------------------------|------------|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM 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   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

Right Acre Limit: 25.0

POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. This right is limited to the irrigation of 25 acres within the authorized place of use in a single irrigation season.
3. Rights 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, and 65-9538 when combined shall not exceed the irrigation of 211 acres.

Transfer No. 81190

**AMENDED**  
**WATER RIGHT NO. 65-3065**  
**As Modified by Transfer No. 81190**

**CONDITIONS OF APPROVAL**

4. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.
5. Use of this right with right no. 65-22395 is limited to a total combined diversion rate of 0.51 cfs.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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.65A.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. 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.
10. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
11. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-3069****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-3069 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 5/1/1896

**Source:** LITTLE SQUAW CREEK

**Tributary:** SQUAW CREEK

**BENEFICIAL USE**  
IRRIGATION

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

**Diversion Rate**  
0.100 cfs  
0.100 cfs

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

|                    |           |                        |            |
|--------------------|-----------|------------------------|------------|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM 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   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

**Right Acre Limit:** 5.0  
**POU Total Acres:** 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. This right is limited to the irrigation of 5.0 acres within the authorized place of use in a single irrigation season.
3. Rights 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, and 65-9538 when combined shall not exceed the irrigation of 211 acres.

## AMENDED

### WATER RIGHT NO. 65-3069

#### As Modified by Transfer No. 81190

#### CONDITIONS OF APPROVAL

4. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.
5. Use of this right with right no. 65-22410 is limited to a total combined diversion rate of 0.10 cfs.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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. 65A.
8. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
9. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-9538****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-9538 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 6/1/1927

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 04/01              | to 11/01         | 1.380 cfs<br>1.380 cfs       |

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

|                    |           |                        |            |
|--------------------|-----------|------------------------|------------|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM 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   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

Right Acre Limit: 69.0

POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. This right is limited to the irrigation of 69.0 acres within the authorized place of use in a single irrigation season.
3. Rights 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, and 65-9538 when combined shall not exceed the irrigation of 211 acres.

Transfer No. 81190

## AMENDED

### WATER RIGHT NO. 65-9538

#### As Modified by Transfer No. 81190

#### CONDITIONS OF APPROVAL

4. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.
5. Use of this right with right no. 65-22407 is limited to a total combined diversion rate of 1.38 cfs.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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. 65A.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. 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.
10. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
11. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, 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.

**AMENDED****WATER RIGHT NO. 65-9539****As Modified by Transfer No. 81190**

In accordance with the approval of Transfer No. 81190, Water Right No. 65-9539 is now described as follows:

**Right Holder:** M & T RANCHES LLC  
PO BOX 30  
OLA, ID 83657

**Priority Date:** 11/1/1953

**Source:** LITTLE SQUAW CREEK **Tributary:** SQUAW CREEK

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| IRRIGATION FROM STORAGE      | 4/01               | to 11/01         |                              | 231.0 af<br>231.0 af           |

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

|                    |           |                        |               |     |
|--------------------|-----------|------------------------|---------------|-----|
| LITTLE SQUAW CREEK | SENE      | Sec 36 Twp 10N Rge 01E | GEM County    | (R) |
| LITTLE SQUAW CREEK | SESW      | Sec 36 Twp 10N Rge 01E | GEM County    | (R) |
| LITTLE SQUAW CREEK | L2 (SWNW) | Sec 31 Twp 10N Rge 02E | GEM County    | (R) |
| LITTLE SQUAW CREEK | NENE      | Sec 31 Twp 11N Rge 03E | VALLEY County |     |

**PLACE OF USE: IRRIGATION FROM STORAGE**

|     |     |     | NE  |     |      |      | NW  |    |    |      | SW   |      |      |     | SE  |      |    |      | Totals |
|-----|-----|-----|-----|-----|------|------|-----|----|----|------|------|------|------|-----|-----|------|----|------|--------|
| Twp | Rng | Sec | NE  | NW  | SW   | SE   | NE  | NW | SW | SE   | NE   | NW   | SW   | SE  | NE  | NW   | SW | SE   |        |
| 09N | 01E | 1   |     |     |      |      | 4.0 |    |    |      |      |      |      |     |     |      |    |      | 4.0    |
|     |     |     |     |     |      |      | L 3 |    |    |      |      |      |      |     |     |      |    |      |        |
| 09N | 01E | 2   | 7.0 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      | 7.0    |
|     |     |     | L 1 |     |      |      |     |    |    |      |      |      |      |     |     |      |    |      |        |
| 10N | 01E | 35  |     |     |      |      |     |    |    |      |      |      |      |     | 5.0 |      |    | 32.0 | 37.0   |
| 10N | 01E | 36  | 5.0 | 7.0 | 33.0 | 12.0 | 1.0 |    |    | 32.0 | 20.0 | 33.0 | 13.0 | 2.0 |     | 11.0 |    |      | 169.0  |

POU Total Acres: 217.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
2. Use of this right with right no. 65-22411 is limited to a total combined annual diversion volume of 231 af.
3. Rights 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539, and 65-10473 when combined shall not exceed the irrigation of 217 acres.

Transfer No. 81190

## AMENDED

### WATER RIGHT NO. 65-9539

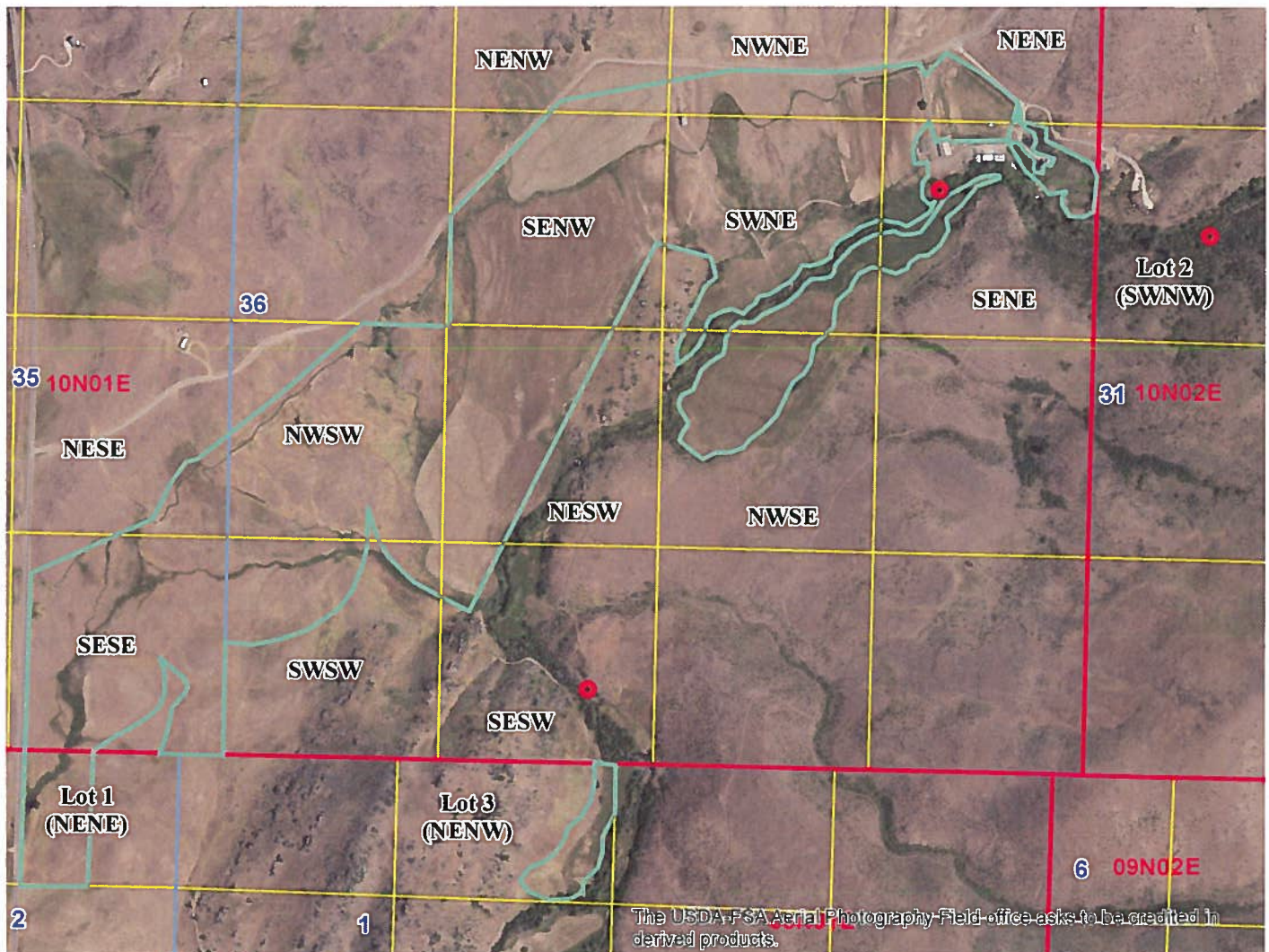
#### As Modified by Transfer No. 81190

#### CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
6. 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. 65A.
7. After specific notification by the Department, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
8. 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.
9. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.  
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
10. The following rights are also diverted from point of diversion described above: 65-02945. The storage facility is known as Holbrook Reservoir. Water is delivered through and rediverted from Little Squaw Creek.
11. The diversion and use of water described in Transfer 81190 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, 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 No. 81190

This map depicts the IRRIGATION and IRRIGATION FROM STORAGE permissible place of use boundary for these rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Township/Range
- Sections
- QQ
- Permissible Place of Use Boundary (217 acres)

0 0.275 0.55 Miles



● Points of diversion for natural flow rights and points of redirection for storage rights.  
Note: Points of diversion for storage (reservoirs) are not shown on this map and were not modified by this transfer.



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 26, 2017

M & T RANCHES LLC  
PO BOX 30  
OLA ID 83657

**Re: Order in the matter of Application for Transfer No. 81190**

Dear Interested Parties:

The accompanying order issued by the Department is an Order Granting Petition for Reconsideration.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller  
Western Regional Manager

# CERTIFICATE OF SERVICE

I hereby certify that on this 26<sup>th</sup> day of December, 2017, true and correct copies of the foregoing **ORDER GRANTING PETITION FOR RECONSIDERATION** were served by placing a copy of the same with postage prepaid, and properly addressed to the following:

**RE: 81190**

M & T RANCHES LLC  
PO BOX 30  
OLA ID 83657

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

CARROLL CARLOCK  
PO BOX 108  
SWEET ID 83670

ALLEN COBURN  
17800 SWEET OLA HWY  
OLA ID 83657

CHRIS MACAW  
1117 E PLAZA STE A  
EAGLE ID 83616

ERIC HERR  
WATERMASTER OF DISTRICT 65A  
8917 BUTTE RD  
SWEET ID 83670



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Rachel Neely  
Administrative Assistant

## **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.