

**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	N/A	14.0	LITTLE SQUAW CREEK
65-3062	WR/DECREED	4/1/1893	0.110 cfs	N/A	N/A	6.0	LITTLE SQUAW CREEK
65-3063	WR/DECREED	6/1/1879	1.740 cfs	N/A	N/A	83.0	LITTLE SQUAW CREEK
65-3064	WR/DECREED	6/1/1879	0.180 cfs	N/A	N/A	9.0	LITTLE SQUAW CREEK
65-3065	WR/DECREED	6/1/1879	0.510 cfs	N/A	N/A	25.0	LITTLE SQUAW CREEK
65-3069	WR/DECREED	5/1/1896	0.100 cfs	N/A	N/A	5.0	LITTLE SQUAW CREEK
65-9538	WR/DECREED	6/1/1927	1.380 cfs	N/A	N/A	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	NO	NO	NO
65-3061	NO	NO	YES	NO	NO	NO
65-3062	NO	NO	YES	NO	NO	NO
65-3063	NO	NO	YES	NO	NO	NO
65-3064	NO	NO	YES	NO	NO	NO
65-3065	NO	NO	YES	NO	NO	NO
65-3069	NO	NO	YES	NO	NO	NO
65-9538	NO	NO	YES	NO	NO	NO
65-9539	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>
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

SUPPORT DATA

IN FILE # 65-2945

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	211.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.300 cfs	372.0 af	217.0	217.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 21st day of November, 2017.



Chief, Water Allocation Bureau

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

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
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	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

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
							L3												
09N	01E	2	7.0																7.0
			L1																
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.
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.

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

CONDITIONS OF APPROVAL

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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to diversion of water under this right, 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.
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.

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

<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		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

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

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.

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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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to diversion of water under this right, 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.
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 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.

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: 4/1/1893

Source: LITTLE SQUAW CREEK

Tributary: SQUAW CREEK

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

0.280 cfs

0.280 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE SQUAW CREEK SENE

Sec 36 Twp 10N Rge 01E 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: 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.
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.

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

CONDITIONS OF APPROVAL

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. Right no. 65-03062 is also diverted through point of diversion described above.
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.

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

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.110 cfs
0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE SQUAW CREEK SENE Sec 36 Twp 10N Rge 01E 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
							L3												
09N	01E	2	7.0																7.0
			L1																
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.
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.

Transfer No. 81190

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

CONDITIONS OF APPROVAL

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. Right no. 65-03061 is also diverted through point of diversion described above.
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.

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

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

1.740 cfs

1.740 cfs

LOCATION OF POINT(S) OF DIVERSION

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.
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.

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

CONDITIONS OF APPROVAL

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. 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).
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: 65-03064, 65-03065 & 65-09538.
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.

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

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

0.180 cfs

0.180 cfs

LOCATION OF POINT(S) OF DIVERSION

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.
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.

Transfer No. 81190

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

CONDITIONS OF APPROVAL

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 following rights are also diverted through point of diversion described above: 65-03063, 65-03065 & 65-09538.
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.

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

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

0.510 cfs

0.510 cfs

LOCATION OF POINT(S) OF DIVERSION

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.
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.

Transfer No. 81190

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

CONDITIONS OF APPROVAL

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. 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).
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: 65-03063, 65-03064 & 65-09538.
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.

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

to 11/01

Diversion Rate

0.100 cfs

0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE SQUAW CREEK SESW

Sec 36 Twp 10N Rge 01E 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.
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.

Transfer No. 81190

WATER RIGHT NO. 65-3069

As Modified by Transfer No. 81190

CONDITIONS OF APPROVAL

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.

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

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

1.380 cfs

1.380 cfs

LOCATION OF POINT(S) OF DIVERSION

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.
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.

Transfer No. 81190

WATER RIGHT NO. 65-9538

As Modified by Transfer No. 81190

CONDITIONS OF APPROVAL

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. 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).
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: 65-03063, 65-03064 & 65-03065.
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.

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

<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		231.0 af
				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	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

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

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.
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.

Transfer No. 81190

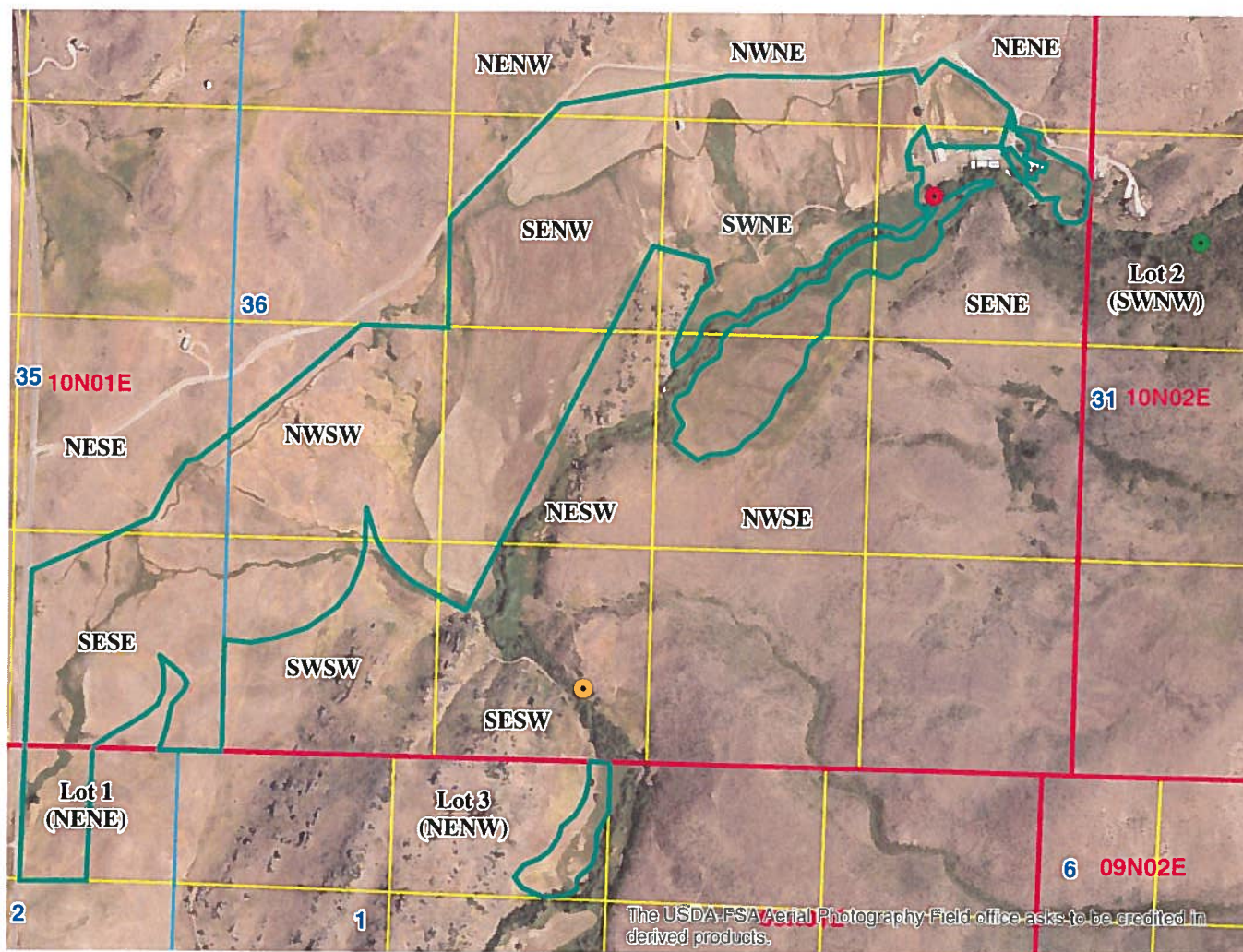
WATER RIGHT NO. 65-9539
As Modified by Transfer No. 81190

CONDITIONS OF APPROVAL

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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to diversion of water under this right, 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.
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 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)

A horizontal number line is shown with three tick marks. The first tick mark is labeled '0'. The second tick mark is labeled '0.275'. The third tick mark is labeled '0.55 Miles'.



- | | | | | | |
|---|--|---|--|---|---|
|  | POD for:
65-3063 (83/217 acres)
65-3064 (9/217 acres)
65-3065 (25/217 acres)
65-9538 (69/217 acres) |  | POD for:
65-3061 (14/217 acres)
65-3062 (6/217 acres) |  | POD for:
65-3069 (5/217 acres) |
|---|--|---|--|---|---|

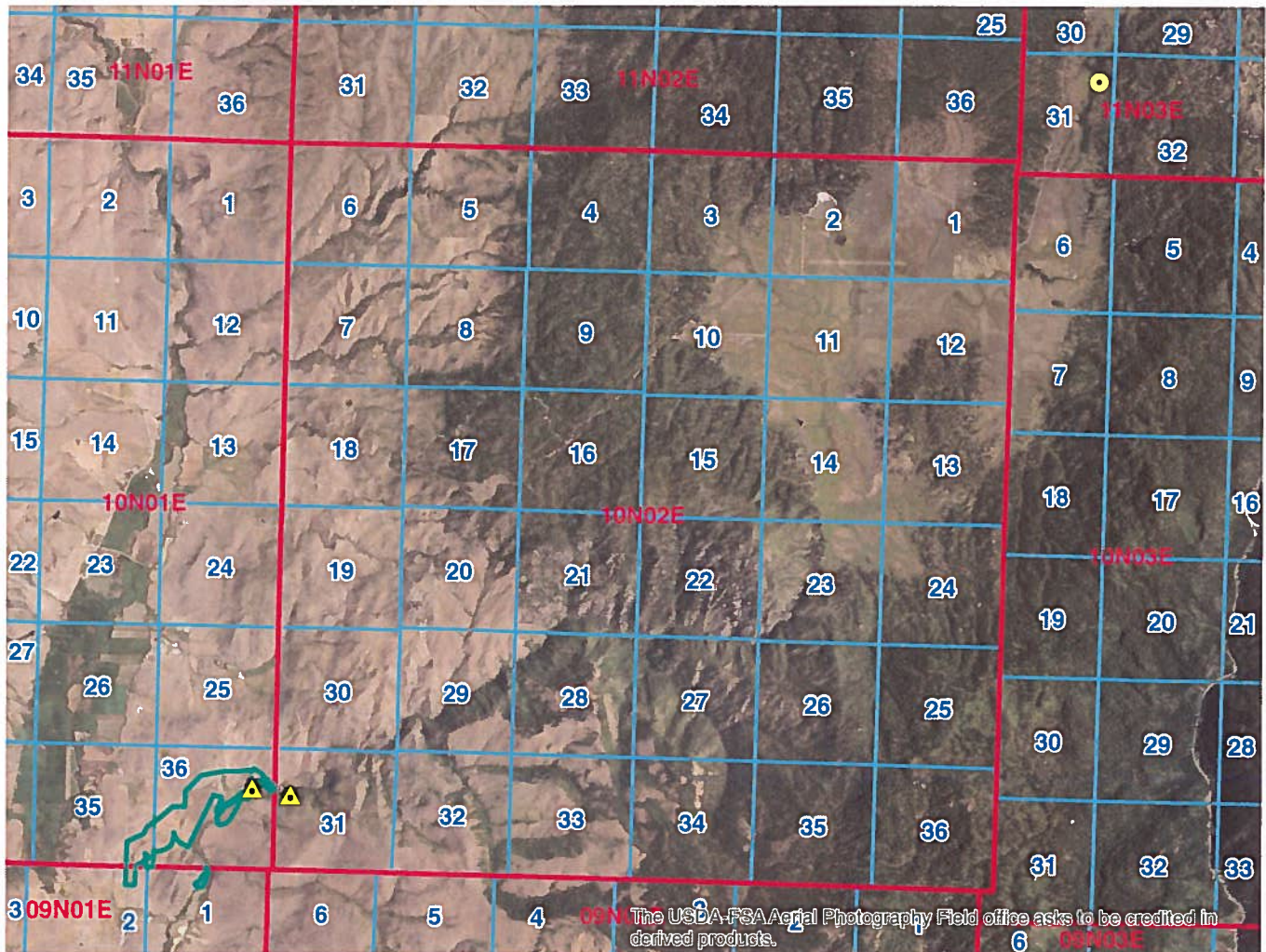
State of Idaho
Department of Water Resources

Attachment to Transfer No. 81190

Water Rights: 65-2945 & 65-9539

(Storage Water irrigation rights included in the transfer, PODs and Rediversion Points)

This map depicts the 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
- Permissible Place of Use Boundary (217 acres)

● POD for:
65-2945 (141/217)
65-9539 (211/217)

▲ Rediversion Points for:
65-2945
65-9539

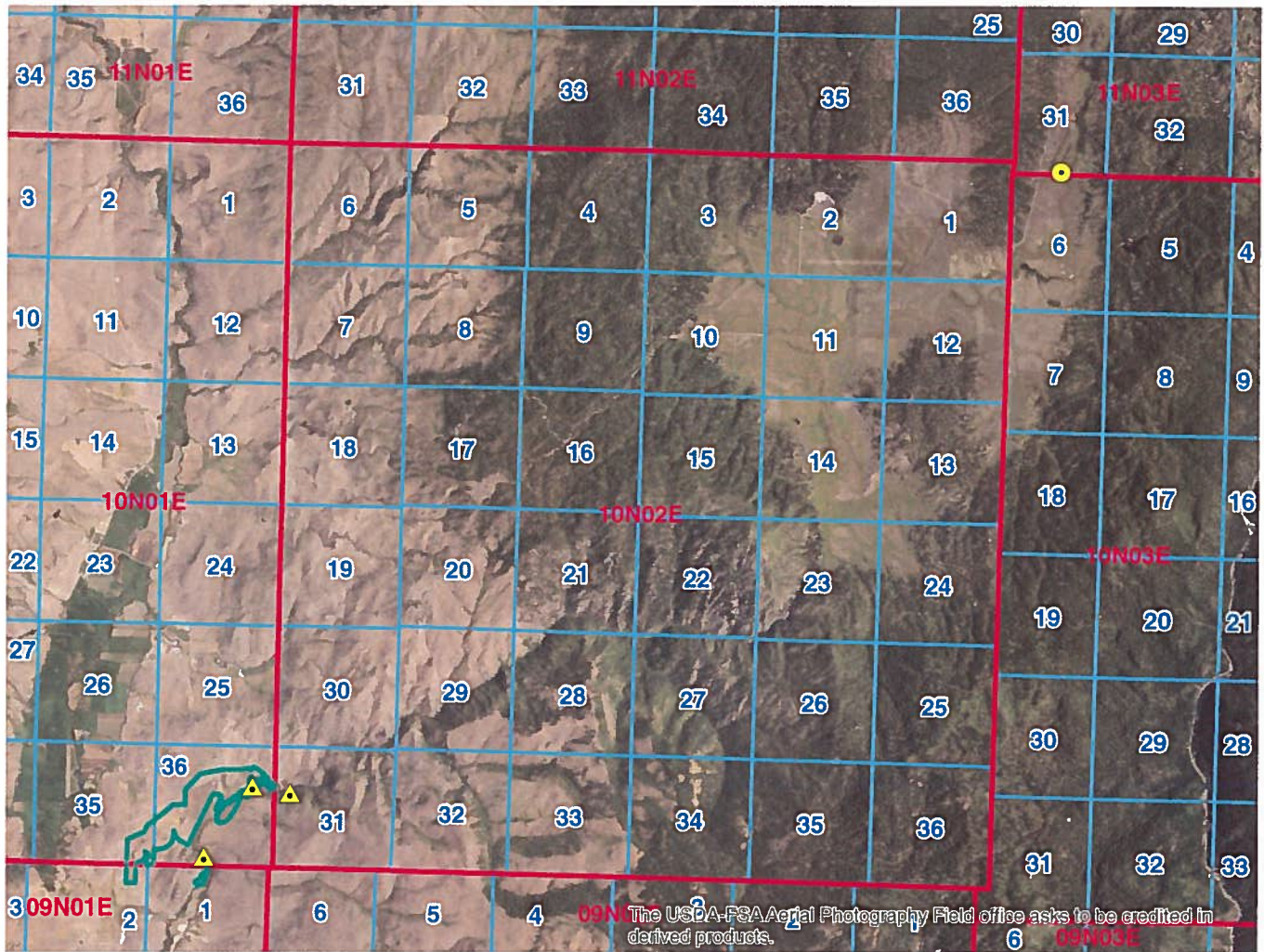
State of Idaho
Department of Water Resources

Attachment to Transfer No. 81190

Water Right: 65-10473

(166 acres irrigation from storage within a 217-acre permissible place of use, POD and Rediversion Points)

This map depicts the 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
- Permissible Place of Use Boundary (217 acres)
- POD
- ▲ Rediversion Points



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 21, 2017

M & T RANCHES LLC
PO BOX 30
OLA ID 83657

Re: Transfer No: 81190

Water Right No(s): 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065,
65-3069, 65-9538, 65-9539, 65-10473

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee.

Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Miller".

Nick Miller
Regional Manager

Enclosure

CC:

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

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 81190

**Water Right No(s): 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065,
65-3069, 65-9538, 65-9539, 65-10473**

**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**



**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.