

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80834**

AMENDED

This is to certify that: LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA, MT 59808

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>
74-162	WR/DECREED	7/29/1909	1.020 cfs	N/A	N/A	142.0	CANYON CREEK
74-163	WR/DECREED	7/29/1909	1.020 cfs	N/A	N/A	90.0	CANYON CREEK
74-164	WR/DECREED	11/9/1909	3.200 cfs	228.0 af	N/A	75.0	CANYON CREEK
74-7064	WR/DECREED	3/1/1979	3.840 cfs	1149.0 af	N/A	383.0	GROUND WATER
74-7271	WR/DECREED	7/12/1989	2.640 cfs	N/A	N/A	258.1	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-162	NO	NO	YES	NO	NO	NO
74-163	NO	NO	YES	NO	NO	NO
74-164	NO	YES	YES	NO	NO	NO
74-7064	NO	YES	YES	NO	NO	NO
74-7271	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>
74-162	74-162	0.470 cfs	N/A	29.6	155.6	N/A	N/A	N/A	N/A	N/A
74-163	74-163	0.190 cfs	N/A	16.6	155.6	N/A	N/A	N/A	N/A	N/A
74-164	74-164	3.200 cfs	228.0 af	75.0	155.6	N/A	N/A	N/A	N/A	N/A
74-7064	74-7064	0.640 cfs	192.0 af	64.0	155.6	N/A	N/A	N/A	N/A	N/A
74-7271	74-7271	0.950 cfs	N/A	91.6	155.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.450 cfs	N/A	155.6	155.6		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80834

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 27th day of July, 2016.

Pamela S. Skaggs
PAMELA S. SKAGGS, Water Rights Supervisor



WATER RIGHT NO. 74-162

As Modified by Transfer No. 80834

In accordance with the approval of Transfer No. 80834, Water Right No. 74-162 is now described as follows:

Right Holder: LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA, MT 59808

Priority Date: 7/29/1909

Source: CANYON CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE
IRRIGATION

From 3/15 to **To** 11/15

Diversion Rate
0.470 cfs
0.470 cfs

LOCATION OF POINT(S) OF DIVERSION

CANYON CREEK NWSW Sec 24 Twp 16N Rge 26E LEMHI 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	
16N	26E	27			1.5	22.0								5.0	40.0	16.0	27.0	39.8	151.3
16N	26E	34	4.3																4.3

Right Acre Limit: 29.6
POU Total Acres: 155.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 29.6 acres within the authorized place of use in a single irrigation season.
2. Rights 74-162 and 74-7064 when combined shall not exceed the irrigation of 64.0 acres.
3. Rights 74-162, 74-163, 74-164, 74-7064 and 74-7271 when combined shall not exceed the irrigation of 155.6 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.
5. Use of water under this right will 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. 74W.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 80834

WATER RIGHT NO. 74-162
As Modified by Transfer No. 80834

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 74-163

As Modified by Transfer No. 80834

In accordance with the approval of Transfer No. 80834, Water Right No. 74-163 is now described as follows:

Right Holder: LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA, MT 59808

Priority Date: 7/29/1909

Source: CANYON CREEK

Tributary: LEMHI RIVER

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 11/15

Diversion Rate

0.190 cfs

0.190 cfs

LOCATION OF POINT(S) OF DIVERSION

CANYON CREEK

NWSW

Sec 24 Twp 16N Rge 26E LEMHI 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	
16N	26E	27			1.5	22.0								5.0	40.0	16.0	27.0	39.8	151.3
16N	26E	34	4.3																4.3

Right Acre Limit: 16.6

POU Total Acres: 155.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.6 acres within the authorized place of use in a single irrigation season.
2. Rights 74-163, 74-164, and 74-7271 when combined shall not exceed the irrigation of 91.6 acres.
3. Rights 74-162, 74-163, 74-164, 74-7064 and 74-7271 when combined shall not exceed the irrigation of 155.6 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.
5. Use of water under this right will 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. 74W.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 80834

WATER RIGHT NO. 74-163

As Modified by Transfer No. 80834

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 74-164**As Modified by Transfer No. 80834**

In accordance with the approval of Transfer No. 80834, Water Right No. 74-164 is now described as follows:

Right Holder: LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA, MT 59808

Priority Date: 11/9/1909

Source: CANYON CREEK

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.160 cfs	225.0 af
STOCKWATER	05/01	to 09/01	0.040 cfs	3.0 af
			3.200 cfs	228.0 af

LOCATION OF POINT(S) OF DIVERSION

CANYON CREEK NWSW Sec 24 Twp 16N Rge 26E LEMHI 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	
16N	26E	27			1.5	22.0								5.0	40.0	16.0	27.0	39.8	151.3
16N	26E	34	4.3																4.3

Right Acre Limit: 75.0

POU Total Acres: 155.6

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	26E	27			X	X								X	X	X	X	X	
16N	27E	34	X																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 75.0 acres within the authorized place of use in a single irrigation season.
2. Rights 74-163, 74-164, and 74-7271 when combined shall not exceed the irrigation of 91.6 acres.
3. Rights 74-162, 74-163, 74-164, 74-7064 and 74-7271 when combined shall not exceed the irrigation of 155.6 acres.

Transfer No. 80834

WATER RIGHT NO. 74-164

As Modified by Transfer No. 80834

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
7. Use of water under this right will 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. 74W.
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. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. This right does not grant any right-of-way or easement across the land of another.
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. 74-7271

As Modified by Transfer No. 80834

In accordance with the approval of Transfer No. 80834, Water Right No. 74-7271 is now described as follows:

Right Holder: LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA, MT 59808

Priority Date: 7/12/1989

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.930 cfs

0.950 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWNE

Sec 26 Twp 16N Rge 26E LEMHI 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	
16N	26E	27			1.5	22.0								5.0	40.0	16.0	27.0	39.8	151.3
16N	26E	34	4.3																4.3

Right Acre Limit: 91.6

POU Total Acres: 155.6

CONDITIONS OF APPROVAL

1. Rights 74-163, 74-164, and 74-7271 when combined shall not exceed the irrigation of 91.6 acres.
2. Rights 74-162, 74-163, 74-164, 74-7064 and 74-7271 when combined shall not exceed the irrigation of 155.6 acres.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 320.6 af at the field headgate for the lands above.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Transfer No. 80834

WATER RIGHT NO. 74-7271
As Modified by Transfer No. 80834

CONDITIONS OF APPROVAL

6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right.
7. The following rights are diverted through point(s) of diversion described above: 74-7064, 74-7271, and 74-16053.
8. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
9. The right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
10. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
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. 74-7064**As Modified by Transfer No. 80834**

In accordance with the approval of Transfer No. 80834, Water Right No. 74-7064 is now described as follows:

Right Holder: LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA, MT 59808

Priority Date: 3/1/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	5/01	to 10/15	0.640 cfs	192.0 af
			0.640 cfs	192.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 26 Twp 16N Rge 26E LEMHI 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	
16N	26E	27			1.5	22.0								5.0	40.0	16.0	27.0	39.8	151.3
16N	26E	34	4.3																4.3

Right Acre Limit: 64.0

POU Total Acres: 155.6

CONDITIONS OF APPROVAL

1. Rights 74-162 and 74-7064 when combined shall not exceed the irrigation of 64.0 acres.
2. Rights 74-162, 74-163, 74-164, 74-7064 and 74-7271 when combined shall not exceed the irrigation of 155.6 acres.
3. 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.
4. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before May 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. The following rights are diverted through point(s) of diversion described above: 74-7064, 74-7271, and 74-16053.

Transfer No. 80834

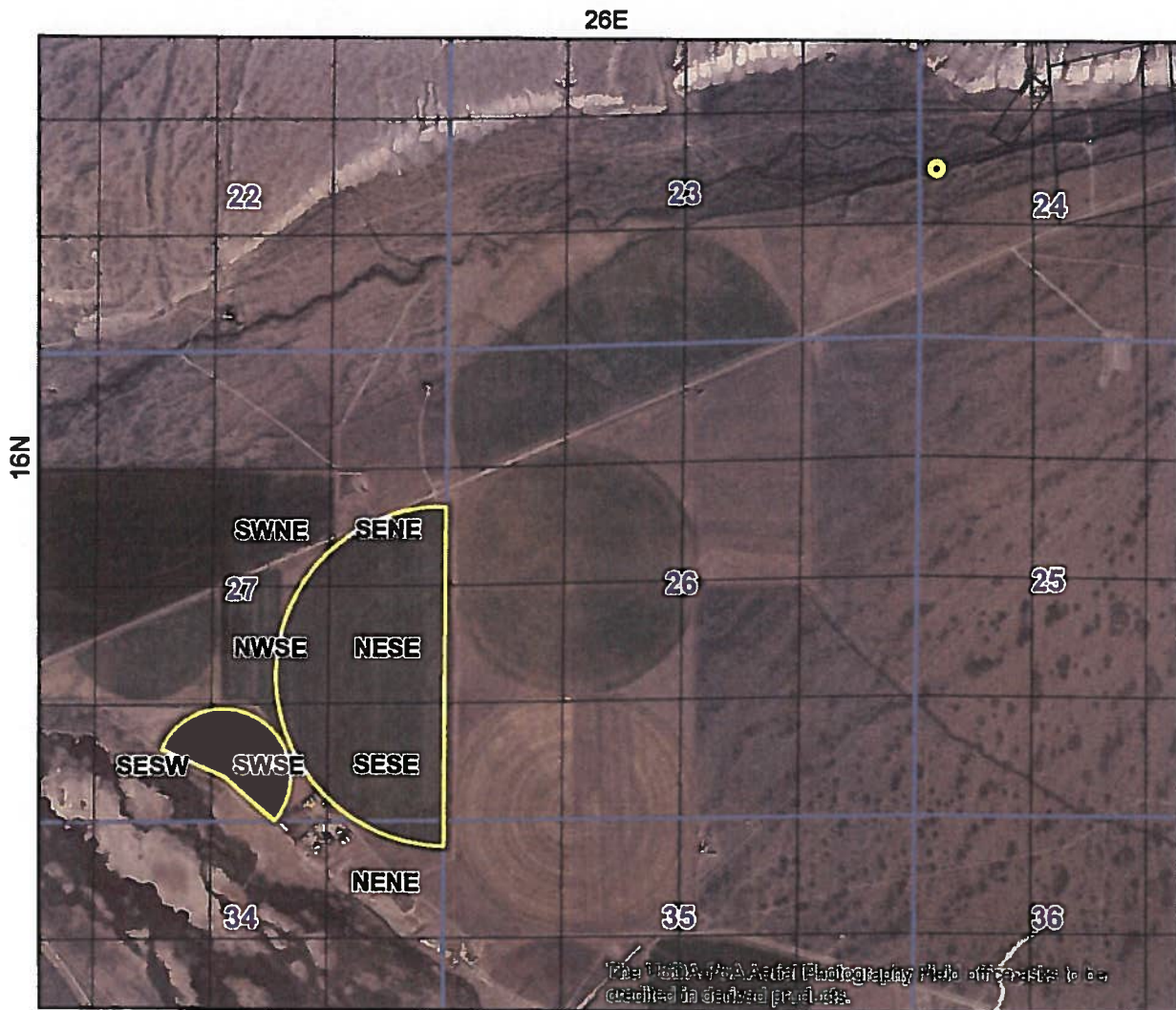
WATER RIGHT NO. 74-7064
As Modified by Transfer No. 80834

CONDITIONS OF APPROVAL

6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
7. The right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
8. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 80834
74-162, 74-163, and 74-164

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



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

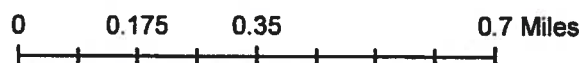
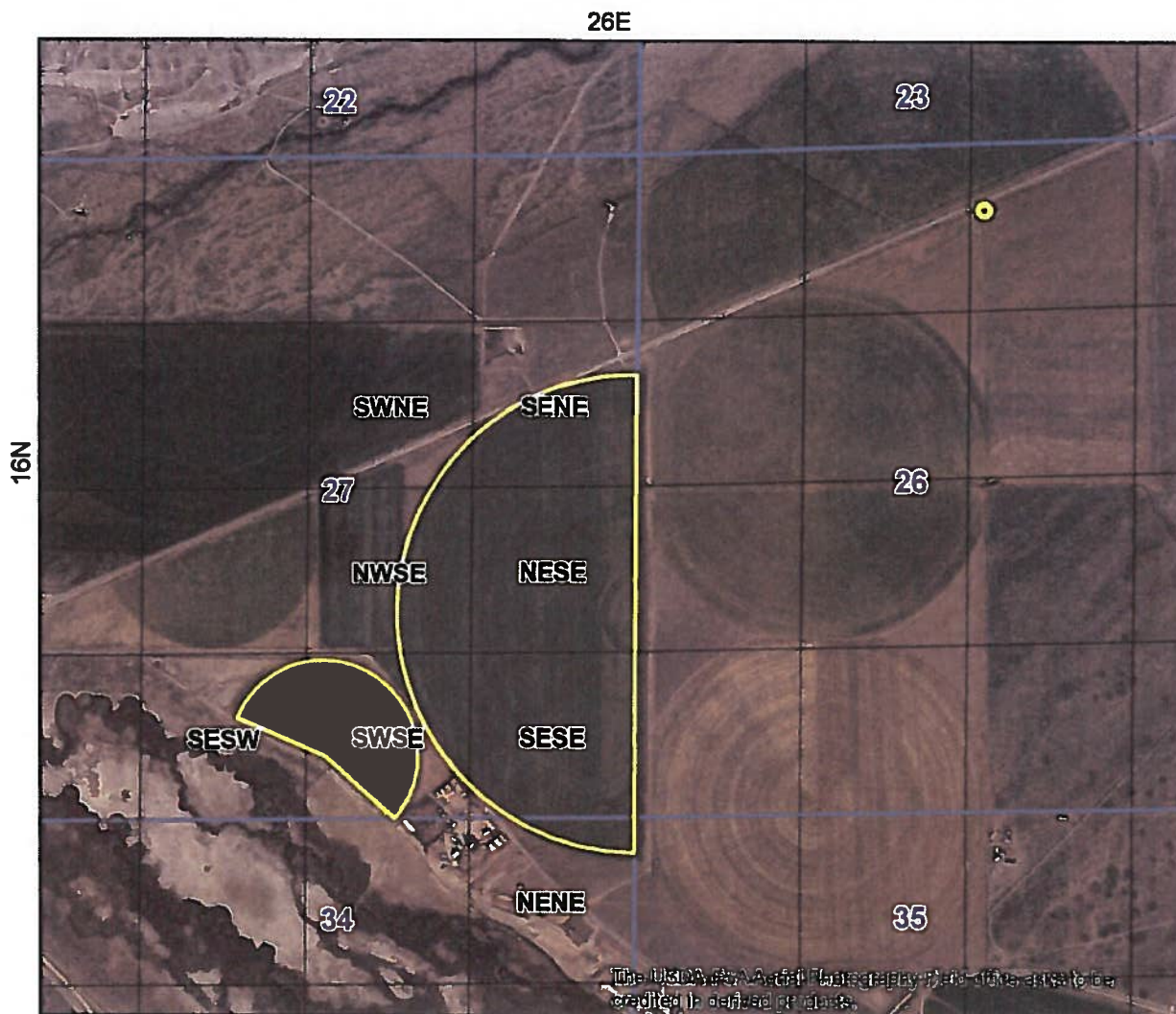
0 0.25 0.5 1 Miles

Map 1 of 2
This map depicts the water rights in Transfer No. 80834 that list Canyon Creek as the source.



State of Idaho
Department of Water Resources

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



-  **Point of Diversion**
 **Place Of Use Boundary**
 **Townships**
 **PLS Sections**

Map 2 of 2

This map depicts the water rights in Transfer No. 80834 that list ground water as a source.





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 28, 2016

LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA MT 59808

Re: Amended Transfer No: 80831
Water Right No(s): 74-14, 74-23, 74-24, 74-26, 74-7064, 74-7271

Amended Transfer No: 80833
Water Right No(s): 74-13, 74-15, 74-161, 74-162, 74-163, 74-23, 74-24, 74-26, 74-7064, 74-7271

Amended Transfer No: 80834
Water Right No(s): 74-162, 74-163, 74-164, 74-7064, 74-7271

Amended Transfer Approval Notice

Dear Water Right Holder:

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

The Amended Transfers of Water Right(s) are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 amended transfer approvals include 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)287-4800.

Sincerely,



Pamela S. Skaggs
Water Rights Supervisor

Enclosure(s)

c:

SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2016 I mailed true and correct copies, postage prepaid, of the foregoing AMENDED TRANSFER APPROVALS to the person(s) listed below:

Re: Amended Transfer No.: 80831

Water Right No(s): 74-14, 74-23, 74-24, 74-26, 74-7064, 74-7271

Amended Transfer No: 80833

Water Right No(s): 74-13, 74-15, 74-161, 74-162, 74-163, 74-23, 74-24, 74-26, 74-7064, 74-7271

Amended Transfer No: 80834

Water Right No(s): 74-162, 74-163, 74-164, 74-7064, 74-7271

**LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA MT 59808**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706**



**Darla Block
Technical Records Specialist**

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.

MEMORANDUM

Date: July 27, 2016
To: Transfer 80831
From: Pam Skaggs 
Re: Amended Transfer Approvals 80831, 80833 & 80834

In response to the original approval of Transfers 80831, 80833 and 80834 in the name of Leadore Land Partners LP, the representative contacted the Department to discuss details of the approvals and particularly one condition associated with six portions of the groundwater rights 74-7064 and 74-7261 (one portion of each right in each transfer).

Condition #196: The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.

They state that this condition was not needed because one of the water project requirements is to install measuring devices. To resolve their concerns they asked that this condition be dropped and the condition requiring installation of a measuring device in the future be changed to installation of a measuring device now. Discussion with the Bureau Chief, Jeff Peppersack, concurred that is an acceptable proposal if installation of measuring devices was confirmed with the Upper Salmon Basin Watershed office managing the project. Staff there confirmed that measuring devices will be installed according to Department requirements found on IDWR website as part of the project.

Amended Transfer Approvals were issued 07-27-2016 to address these two conditions on groundwater rights, 74-7064, 74-7271, 74-16047, 74-16048, 74-16053, and 74-16054.

From: Roxanne Brown [mailto:RBrown@spfwater.com]
Sent: Monday, July 25, 2016 2:25 PM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Subject: RE: Leadore Land Partners Transfer Nos. 80831, 80833, 80834

Pam – Many of the questions are duplicates for different transfers or rights, so this isn't as bad as it looks! A reply by email is probably fine for most of them. We may need to discuss 1.a.

Here are our specific questions/concerns:

1. Transfer 80831

- a. Page 16 (Water right 74-16047),
Condition 5: A Department-approved mag meter is being installed at each well as required by the project stakeholders. Applicant will petition to have this Condition removed; a Condition requiring a measuring device would be acceptable.
- b. Page 11 (Water Right 74-26, Place of Use: This may not matter because this is an unchanged portion of a water right that is subsequently changed by another transfer, but the areas in the SWSW and NENE are not correct (appear to be rounded down).

2. Transfer 80834

- a. Page 3 (Water Right 74-162),
Right Acre Limit and Condition 1: I believe these values should read "65 acres", not "29.6". I may just misunderstand how the 29.6 acres was calculated.

3. Transfer 80833

- a. Page 3 and Page 6 (Water Right 74-13 and Water Right 74-16051),
Condition 2: How was the 77.2 acre limit calculated?
- b. Page 16 (Water Right 74-162), Condition 1: Same question as 2.a. above.
- c. Page 19 (Water Right 74-7271), Condition 2: How was the 320.6 acre limit calculated? I get 321.5 acres.
- d. Page 21 (Water Right 74-16053), Condition 2: Same question as 3.a.

Skaggs, Pam

From: Skaggs, Pam
Sent: Wednesday, July 27, 2016 10:55 AM
To: 'Roxanne Brown'
Subject: RE: Leadore Land Partners Transfer Nos. 80831, 80833, 80834
Attachments: 80831 Leadore Land Partners LP-Amended.pdf; 80833 Leadore Land Partners LP-Amended.pdf; 80834 Leadore Land Partners LP-Amended.pdf

Roxanne,

Attached are copies of the Amended Transfer approvals with modified conditions on the groundwater rights. The approvals will be distributed in the mail through normal processing steps.

Pam

From: Roxanne Brown [mailto:RBrown@spfwater.com]
Sent: Wednesday, July 27, 2016 8:06 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Subject: RE: Leadore Land Partners Transfer Nos. 80831, 80833, 80834

Thanks so much for the quick turn-around.

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Tuesday, July 26, 2016 4:22 PM
To: Roxanne Brown
Subject: RE: Leadore Land Partners Transfer Nos. 80831, 80833, 80834

Roxanne,

I have modified the conditions as we discussed on the 6 GW rights in the 3 transfers. I will proof the amended approvals tomorrow before signing.

Pam

From: Roxanne Brown [mailto:RBrown@spfwater.com]
Sent: Monday, July 25, 2016 8:48 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Subject: RE: Leadore Land Partners Transfer Nos. 80831, 80833, 80834

That sounds good. I'll try to organize the various questions in some logical fashion first! I'm sure we are looking at simple answers here...in the middle of a complicated set of transfers.

Thanks for your time.

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Monday, July 25, 2016 8:49 AM
To: Roxanne Brown
Subject: RE: Leadore Land Partners Transfer Nos. 80831, 80833, 80834

Roxanne,

If you have many questions, it would be useful for me to have the list up-front before a meeting in order to provide you with the answers you are seeking. Then we can schedule a phone conference to discuss.

Pam

From: Roxanne Brown [<mailto:RBrown@spfwater.com>]
Sent: Monday, July 25, 2016 8:39 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Subject: RE: Leadore Land Partners Transfer Nos. 80831, 80833, 80834

We have many questions...would a conference call work better?

From: Skaggs, Pam [<mailto:Pam.Skaggs@idwr.idaho.gov>]
Sent: Monday, July 25, 2016 8:31 AM
To: Roxanne Brown
Subject: RE: Leadore Land Partners Transfer Nos. 80831, 80833, 80834

Roxanne,

Please route any questions you may have to me. The agent who worked on this has moved positions, but I can still coordinate with him to resolve any questions you may have. The petition period remains the same 14 days, so we will respond to you as soon as possible.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

From: Roxanne Brown [<mailto:RBrown@spfwater.com>]
Sent: Friday, July 22, 2016 11:36 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Subject: Leadore Land Partners Transfer Nos. 80831, 80833, 80834

Pam –

As you know, these three transfers are complex! I have a few questions after my review and hate to file a petition to reconsider if I simply misunderstand valid changes to the applications. When would it be convenient to call (and who should I call) to go through our issues? I'd be happy to meet with IDWR at the State Office, if that would help.

Thanks,

Roxanne

Roxanne Brown | Sr. Water Right Specialist

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