

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80039**

This is to certify that: **BOOTJACK LIMITED PARTNERSHIP**
PO BOX 856
SHOSHONE, ID 83352

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>
37-10146	WR/DECREED	1/1/1950	0.040 cfs	N/A	N/A	N/A	GROUND WATER
37-20396	WR/DECREED	3/16/1982	0.080 cfs	25.8 af	N/A	N/A	GROUND WATER
37-8361	WR/LICENSE	6/16/1988	0.030 cfs	0.5 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

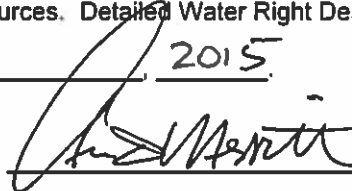
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-10146	NO	NO	YES	YES	NO	NO
37-20396	NO	NO	YES	YES	NO	NO
37-8361	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-10146	37-10146	0.040 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-20396	37-20396	0.080 cfs	25.8 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-8361	37-8361	0.030 cfs	0.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.150 cfs	40.9 af	0.0	0.0		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 5th day of November, 2015.


Southern Region Manager

SUPPORT DATA

IN FILE # 37-8361

Transfer No. 80039

WATER RIGHT NO. 37-8361
As Modified by Transfer No. 80039

In accordance with the approval of Transfer No. 80039, Water Right No. 37-8361 is now described as follows:

Right Holder: BOOTJACK LIMITED PARTNERSHIP
 PO BOX 856
 SHOSHONE, ID 83352

Priority Date: 6/16/1988

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1/01	to 12/31	0.030 cfs	0.5 af
			0.030 cfs	0.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENE	Sec 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	NENENE	Sec 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	SESWSE	Sec 2 Twp 05S Rge 17E LINCOLN County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	2																X	
05S	17E	11	X																
																			0

CONDITIONS OF APPROVAL

1. This right is for the use of trust water, and it is subject to review 20 years after its initial permit approval date of July 10, 1992, to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
2. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right or shall provide mitigation sufficient to offset the injury caused to the minimum stream flow water rights by the use of water pursuant to this right.
3. Rights 37-8361, 37-10146, and 37-20396 when combined shall not exceed a total diversion rate of 0.15 cfs and a total annual maximum diversion volume of 40.9 af.
4. 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. 130.

WATER RIGHT NO. 37-8361
As Modified by Transfer No. 80039

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 80039, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right does not grant any right-of-way or easement across the land of another.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.

WATER RIGHT NO. 37-10146**As Modified by Transfer No. 80039**

In accordance with the approval of Transfer No. 80039, Water Right No. 37-10146 is now described as follows:

Right Holder: BOOTJACK LIMITED PARTNERSHIP
PO BOX 856
SHOSHONE, ID 83352

Priority Date: 1/1/1950

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	1/01	to 12/31	0.040 cfs	14.6 af
STOCKWATER	1/01	to 12/31	0.040 cfs	14.6 af
			0.040 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENENE	Sec 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	NENENE	Sec 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	SESWSE	Sec 2 Twp 05S Rge 17E LINCOLN County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	11	X																

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	
05S	17E	2																X	
05S	17E	11	X																

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. Rights 37-8361, 37-10146, and 37-20396 when combined shall not exceed a total diversion rate of 0.15 cfs and a total annual maximum diversion volume of 40.9 af.
3. 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. 130.

Transfer No. 80039

WATER RIGHT NO. 37-10146

As Modified by Transfer No. 80039

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 80039, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. This right does not grant any right-of-way or easement across the land of another.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 37-20396**As Modified by Transfer No. 80039**

In accordance with the approval of Transfer No. 80039, Water Right No. 37-20396 is now described as follows:

Right Holder: BOOTJACK LIMITED PARTNERSHIP
PO BOX 856
SHOSHONE, ID 83352

Priority Date: 3/16/1982

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
STOCKWATER

From

01/01
01/01

to

To

12/31
12/31

Diversion Rate

0.080 cfs
0.080 cfs
0.080 cfs

Diversion Volume

25.8 af
25.8 af
25.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENENE Sec 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER NENENE Sec 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER SESWSE Sec 2 Twp 05S Rge 17E LINCOLN County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	2																x	
05S	17E	11	X																

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	
05S	17E	2																x	
05S	17E	11	X																

CONDITIONS OF APPROVAL

1. Rights 37-8361, 37-10146, and 37-20396 when combined shall not exceed a total diversion rate of 0.15 cfs and a total annual maximum diversion volume of 40.9 af.
2. 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. 130.

Transfer No. 80039

WATER RIGHT NO. 37-20396
As Modified by Transfer No. 80039

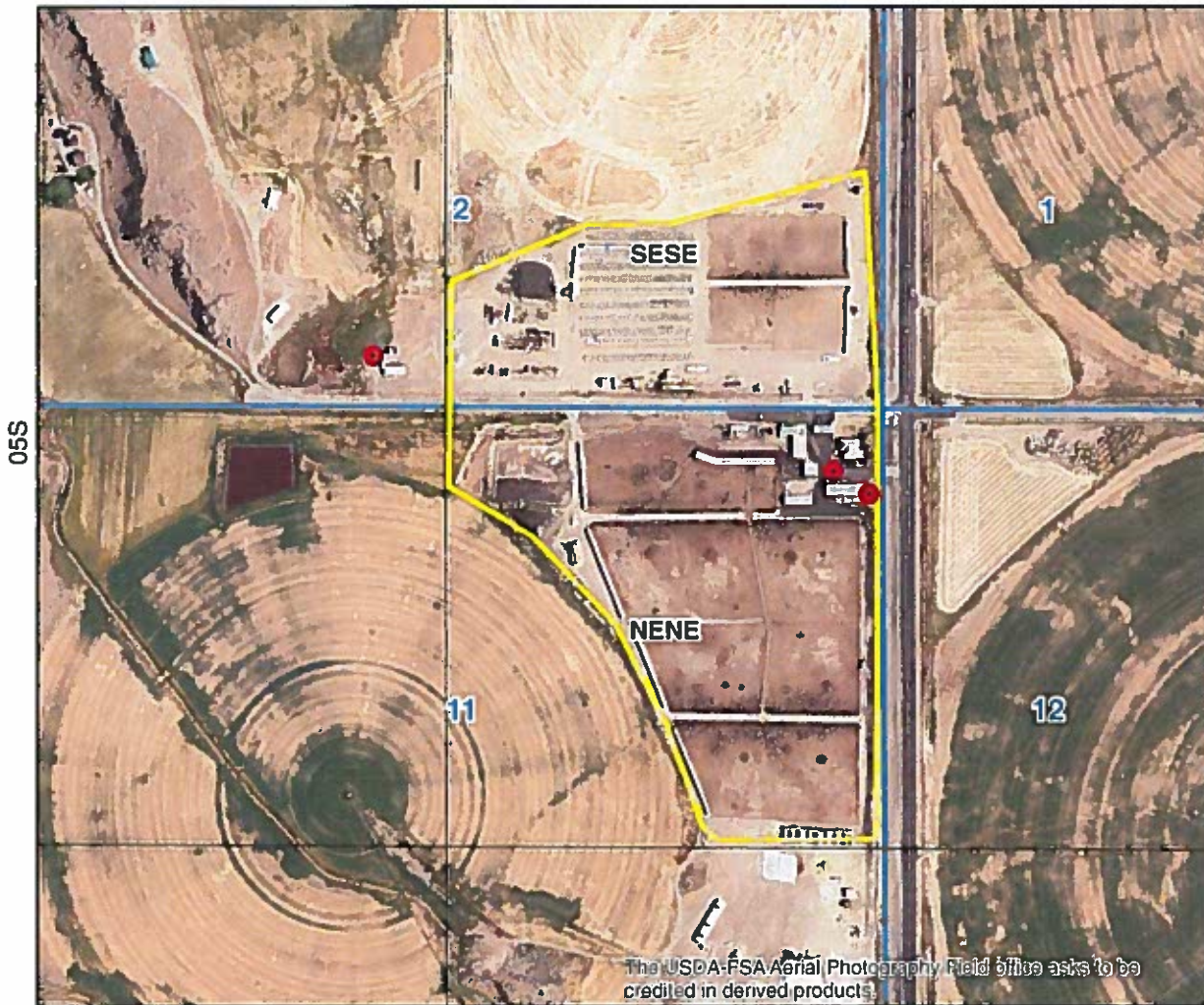
CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under Transfer approval 80039, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. This right does not grant any right-of-way or easement across the land of another.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 80039
Rights: 37-10146 & 37-20396

This map depicts the STOCKWATER 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.

17E



0 0.05 0.1 0.2 Miles

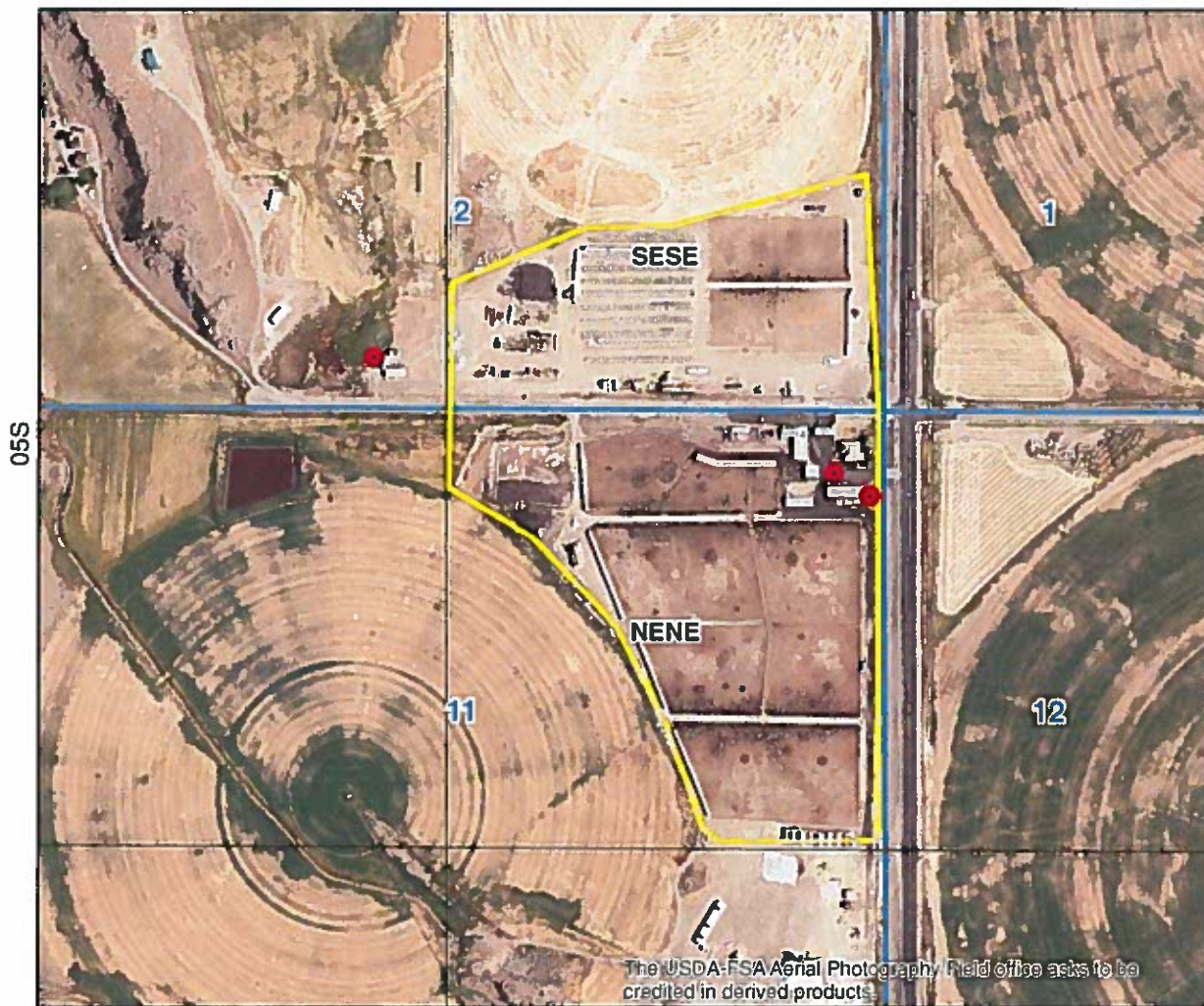
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



State of Idaho
Department of Water Resources
Attachment to Transfer No. 80039
Rights: 37-8361 & 37-20396

This map depicts the COMMERCIAL 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.

17E



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

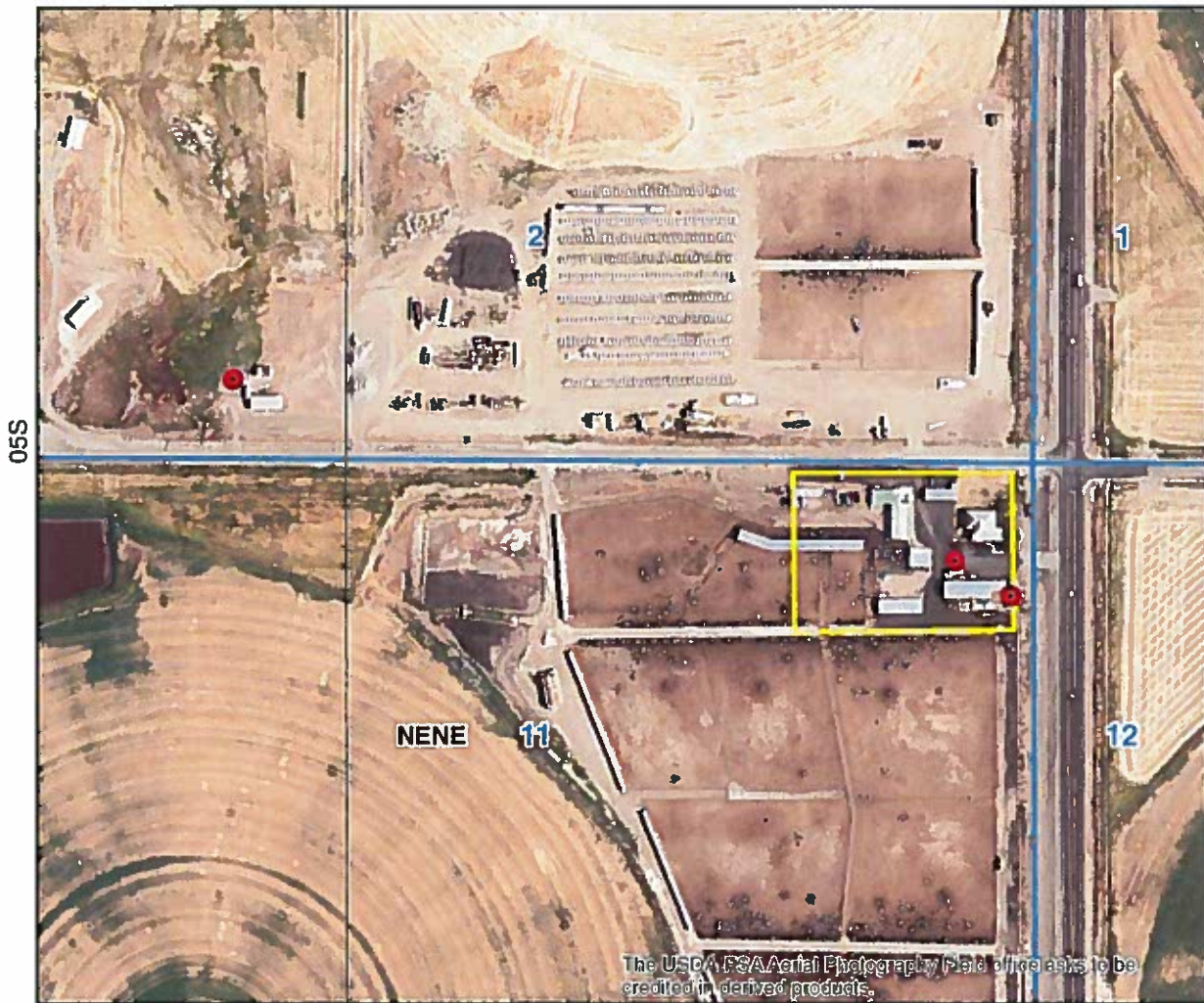
0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer No. 80039
Right: 37-10146

This map depicts the DOMESTIC 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.

17E



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

0 0.0425 0.085 0.17 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 6, 2015

BOOTJACK LIMITED PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352

Re: Transfer No: 80039
Water Right No(s): 37-8361, 37-10146, 37-20396

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)736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with the first name "Allen" written in a smaller, more compact script than the last name "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

IDAHO POWER CO
C/O BARKER RSHOLT & SIMPSON
ATTN JOHN K SIMPSON
1010 W JEFFERSON STE 102
BOISE ID 83702

NATHAN ERICKSON WATERMASTER
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80039

Water Right No(s): 37-8361, 37-10146, 37-20396

**BOOTJACK LIMITED PARTNERSHIP
PO BOX 856
SHOSHONE ID 83352**

**IDAHO POWER CO
C/O BARKER RSHOLT & SIMPSON
ATTN JOHN K SIMPSON
1010 W JEFFERSON STE 102
BOISE ID 83702**

**NATHAN ERICKSON WATERMASTER
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301**

Via hand-delivery

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
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.