

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79136**

This is to certify that: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

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>
73-12221	WR/DECREED	1/20/1910	0.240 cfs	N/A	12.1	97.7	PAHSIMEROI RIVER
73-12222	WR/DECREED	10/4/1909	0.050 cfs	N/A	2.7	97.7	SPRING
73-12223	WR/DECREED	11/28/1904	0.160 cfs	N/A	8.1	97.7	SPRING
73-12224	WR/DECREED	5/1/1906	0.160 cfs	N/A	8.1	97.7	PAHSIMEROI RIVER
73-12225	WR/DECREED	3/8/1908	0.130 cfs	N/A	6.7	97.7	PAHSIMEROI RIVER
73-12226	WR/DECREED	4/28/1913	0.160 cfs	N/A	8.1	97.7	PAHSIMEROI RIVER
73-12227	WR/DECREED	6/20/1908	0.220 cfs	N/A	10.8	97.7	PATTERSON CREEK
73-12228	WR/DECREED	5/1/1906	0.270 cfs	N/A	13.5	97.7	PATTERSON CREEK, UNNAMED STREAM
73-12229	WR/DECREED	11/30/1907	0.030 cfs	N/A	1.3	97.7	PATTERSON CREEK
73-12230	WR/DECREED	4/25/1904	0.380 cfs	N/A	18.9	97.7	PATTERSON CREEK
73-12231	WR/DECREED	3/21/1905	0.220 cfs	N/A	10.8	97.7	PAHSIMEROI RIVER, PATTERSON CREEK
73-12232	WR/DECREED	12/25/1904	0.300 cfs	N/A	14.3	97.7	SULPHUR 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>
73-12221	NO	NO	YES	YES	NO	NO
73-12222	NO	NO	YES	NO	NO	NO
73-12223	NO	NO	YES	NO	NO	NO
73-12224	NO	NO	YES	YES	NO	NO
73-12225	NO	NO	YES	YES	NO	NO
73-12226	NO	NO	YES	YES	NO	NO
73-12227	NO	NO	YES	NO	NO	NO
73-12228	NO	NO	YES	NO	NO	NO
73-12229	NO	NO	YES	NO	NO	NO
73-12230	NO	NO	YES	NO	NO	NO
73-12231	NO	NO	YES	YES	NO	NO
73-12232	NO	NO	YES	YES	NO	NO

Transfer No. 79136

SUPPORT DATA
IN FILE # 73-12221

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79136

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>
73-12221	73-12221	0.240 cfs	N/A	12.1	97.7	N/A	N/A	N/A	N/A	N/A
73-12222	73-12222	0.050 cfs	N/A	2.7	97.7	N/A	N/A	N/A	N/A	N/A
73-12223	73-12223	0.160 cfs	N/A	8.1	97.7	N/A	N/A	N/A	N/A	N/A
73-12224	73-12224	0.160 cfs	N/A	8.1	97.7	N/A	N/A	N/A	N/A	N/A
73-12225	73-12225	0.130 cfs	N/A	6.7	97.7	N/A	N/A	N/A	N/A	N/A
73-12226	73-12226	0.160 cfs	N/A	8.1	97.7	N/A	N/A	N/A	N/A	N/A
73-12227	73-12227	0.220 cfs	N/A	10.8	97.7	N/A	N/A	N/A	N/A	N/A
73-12228	73-12228	0.270 cfs	N/A	13.5	97.7	N/A	N/A	N/A	N/A	N/A
73-12229	73-12229	0.030 cfs	N/A	1.3	97.7	N/A	N/A	N/A	N/A	N/A
73-12230	73-12230	0.380 cfs	N/A	18.9	97.7	N/A	N/A	N/A	N/A	N/A
73-12231	73-12231	0.220 cfs	N/A	10.8	97.7	N/A	N/A	N/A	N/A	N/A
73-12232	73-12232	0.300 cfs	N/A	14.3	97.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.320 cfs	N/A	97.7	97.7		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 16th day of February, 2015.

Camela S. Skeggs
for Chief, Water Allocation Bureau

Transfer No. 79136

WATER RIGHT NO. 73-12222**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12222 is now described as follows:

Right Holder: CIRCLE PI LLC
PO BOX 2295
MAY, ID 83253

Priority Date: 10/4/1909

Source: SPRING

Tributary: PATTERSON CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.050 cfs

0.050 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING	SWNW	Sec 1	Twp 14N Rge 21E	LEMHI County	(R)
SPRING	SESW	Sec 1	Twp 14N Rge 21E	LEMHI County	(R)
SPRING	NENE	Sec 7	Twp 14N Rge 22E	LEMHI County	
SPRING	SENW	Sec 7	Twp 14N Rge 22E	LEMHI County	(I)

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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 2.7

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.7 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.

Transfer No. 79136

WATER RIGHT NO. 73-12222

As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.
6. Place of use does not include federal public lands.
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. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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. 73-12231**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12231 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 3/21/1905

Source: PAHSIMEROI RIVER
Source: PATTERSON CREEK

Tributary: SALMON RIVER
Tributary: PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.220 cfs 0.220 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER	SWNW	Sec 1	Twp 14N Rge 21E	CUSTER County	
PATTERSON CREEK	SWNW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PAHSIMEROI RIVER	SESW	Sec 1	Twp 14N Rge 21E	CUSTER County	
PATTERSON CREEK	SESW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	NENE	Sec 7	Twp 14N Rge 22E	LEMHI County	
PATTERSON CREEK	SENW	Sec 7	Twp 14N Rge 22E	LEMHI County	(I)

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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 10.8

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.8 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.

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WATER RIGHT NO. 73-12231

As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.
6. Place of use does not include federal public lands.
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. Patterson Creek is also known as Little Spring Creek, Spring Creek or O Neal Creek.
9. This right does not grant any right-of-way or easement across the land of another.
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 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. 73-12232**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12232 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 12/25/1904

Source: SULPHUR CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.300 cfs

0.300 cfs

LOCATION OF POINT(S) OF DIVERSION

SULPHUR CREEK
SULPHUR CREEK

SWNW
SESW

Sec 1 Twp 14N Rge 21E CUSTER County
Sec 1 Twp 14N Rge 21E CUSTER 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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2				L 3	L 4										
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 14.3

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.3 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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WATER RIGHT NO. 73-12232
As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

5. Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Sulphur Creek at the original point of diversion and to the amount of water that actually reaches the Pahsimeroi River.
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. Place of use does not include federal public lands.
8. 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.
9. This right does not grant any right-of-way or easement across the land of another. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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 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. 73-12221**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12221 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 1/20/1910

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.240 cfs

0.240 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER SWNW
PAHSIMEROI RIVER SESW

Sec 1 Twp 14N Rge 21E CUSTER County
Sec 1 Twp 14N Rge 21E CUSTER 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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2				L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 12.1

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.1 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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WATER RIGHT NO. 73-12221

As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

5. 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.
6. Place of use does not include federal public lands.
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. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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. 73-12223**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12223 is now described as follows:

Right Holder: CIRCLE PI LLC
PO BOX 2295
MAY, ID 83253

Priority Date: 11/28/1904

Source: SPRING

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.160 cfs

0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING	SWNW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
SPRING	SESW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
SPRING	SWNE	Sec 7	Twp 14N Rge 22E	CUSTER County	
SPRING	SENW	Sec 7	Twp 14N Rge 22E	CUSTER County	(I)

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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 8.1

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.1 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.

Transfer No. 79136

WATER RIGHT NO. 73-12223
As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.
6. Place of use does not include federal public lands.
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. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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. 73-12224**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12224 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 5/1/1906

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.160 cfs

0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER SWNW
PAHSIMEROI RIVER SESW

Sec 1 Twp 14N Rge 21E CUSTER County
Sec 1 Twp 14N Rge 21E CUSTER 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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 8.1

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.1 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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WATER RIGHT NO. 73-12224
As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

5. 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.
6. Place of use does not include federal public lands.
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. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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. 73-12225**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12225 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 3/8/1908

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.130 cfs

0.130 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER SWNW
PAHSIMEROI RIVER SESW

Sec 1 Twp 14N Rge 21E CUSTER County
Sec 1 Twp 14N Rge 21E CUSTER 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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 6.7

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.7 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 79136

WATER RIGHT NO. 73-12225
As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

5. 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.
6. Place of use does not include federal public lands.
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. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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. 73-12226**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12226 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 4/28/1913

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.160 cfs

0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER SWNW
PAHSIMEROI RIVER SESW

Sec 1 Twp 14N Rge 21E CUSTER County
Sec 1 Twp 14N Rge 21E CUSTER 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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 8.1

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.1 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 79136

WATER RIGHT NO. 73-12226

As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

5. 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.
6. Place of use does not include federal public lands.
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. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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. 73-12227**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12227 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 6/20/1908

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.220 cfs

0.220 cfs

LOCATION OF POINT(S) OF DIVERSION

PATTERSON CREEK	SWNW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	SESW	Sec 1	Twp 14N Rge 22E	CUSTER County	(R)
PATTERSON CREEK	NENE	Sec 7	Twp 14N Rge 22E	LEMHI County	
PATTERSON CREEK	SENW	Sec 7	Twp 14N Rge 22E	LEMHI County	(I)

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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 10.8

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.8 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.

Transfer No. 79136

WATER RIGHT NO. 73-12227
As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.
6. Place of use does not include federal public lands.
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. Source is also known as Big Spring Creek or O'Neal Creek.
9. This right does not grant any right-of-way or easement across the land of another. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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 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. 73-12228**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12228 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 5/1/1906

Source: UNNAMED STREAM
Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER
Tributary: PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.270 cfs
			0.270 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	SWNW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	SWNW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	SESW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
UNNAMED STREAM	SESW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	NENE	Sec 7	Twp 14N Rge 22E	LEMHI County	
UNNAMED STREAM	SWNE	Sec 7	Twp 14N Rge 22E	LEMHI County	
PATTERSON CREEK	SENW	Sec 7	Twp 14N Rge 22E	LEMHI County	(I)
UNNAMED STREAM	SENW	Sec 7	Twp 14N Rge 22E	LEMHI County	(I)

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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 13.5

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13.5 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.

Transfer No. 79136

WATER RIGHT NO. 73-12228
As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

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. 73.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.
6. Place of use does not include federal public lands.
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. Patterson Creek is also known as Big Spring Creek or O'Neal Creek.
9. This right does not grant any right-of-way or easement across the land of another. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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 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. 73-12229**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12229 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 11/30/1907

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.030 cfs

0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

PATTERSON CREEK	SWNW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	SESW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	NENE	Sec 7	Twp 14N Rge 22E	LEMHI County	
PATTERSON CREEK	SENW	Sec 7	Twp 14N Rge 22E	LEMHI County	(I)

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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 1.3

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.3 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.

Transfer No. 79136

WATER RIGHT NO. 73-12229
As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.
6. Place of use does not include federal public lands.
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. Source is also known as Big Spring Creek or O'Neal Creek.
9. This right does not grant any right-of-way or easement across the land of another. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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 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. 73-12230**As Modified by Transfer No. 79136**

In accordance with the approval of Transfer No. 79136, Water Right No. 73-12230 is now described as follows:

Right Holder: CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

Priority Date: 4/25/1904

Source: PATTERSON CREEK

Tributary: PAHSIMEROI RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.380 cfs

0.380 cfs

LOCATION OF POINT(S) OF DIVERSION

PATTERSON CREEK	SWNW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	SESW	Sec 1	Twp 14N Rge 21E	CUSTER County	(R)
PATTERSON CREEK	NENE	Sec 7	Twp 14N Rge 22E	LEMHI County	
PATTERSON CREEK	SENW	Sec 7	Twp 14N Rge 22E	LEMHI County	(I)

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	
14N	21E	2		7.6	10.4	3.1	14.0	6.8											41.9
				L 2			L 3	L 4											
14N	21E	3	3.8	22.0			30.0												55.8
			L 1	L 2			L 3												

Right Acre Limit: 18.9

POU Total Acres: 97.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 18.9 acres within the authorized place of use in a single irrigation season.
2. Rights 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 and 73-12232 when combined shall not exceed the irrigation of 97.7 acres.
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. 73.

Transfer No. 79136

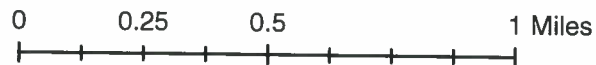
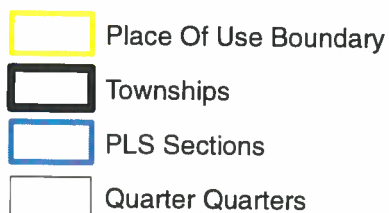
WATER RIGHT NO. 73-12230
As Modified by Transfer No. 79136

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.
6. Place of use does not include federal public lands.
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. Source is also known as Little Spring Creek, Spring Creek or O Neal Creek.
9. This right does not grant any right-of-way or easement across the land of another. Use of the P-12 Ditch and its headgate, diversion structure, or measurement section may require separate authorization under Idaho law.
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 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.

73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231 & 73-12232

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.





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

February 9, 2015

TED ONEAL WATERMASTER
WATER DISTRICT # 73
81 FUREY LN
MAY ID 83243

RE: **APPROVED Transfer No. 79136 (CIRCLE PI LLC)**

Dear Watermaster:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in blue ink that reads "Darla Block". The signature is fluid and cursive, with the first name "Darla" and the last name "Block" clearly distinguishable.

Darla Block
Technical Records Specialist

Enclosure



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

February 9, 2015

CIRCLE PI LLC
HC 62 BOX 2295
MAY ID 83253

Re: Transfer No: 79136
Water Right No(s): 73-12221, 73-12222, 73-12223, 73-12224, 73-12225,
73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231, 73-12232
Transfer Approval Notice

Dear Water Right Holder:

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)287-4951.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pamela Skaggs". The signature is fluid and cursive, with a large initial "P" and "S".

Pamela Skaggs

Water Rights Supervisor

Enclosure

CC:

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 February 9, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79136

**Water Right No(s): 73-12221, 73-12222, 73-12223, 73-12224, 73-12225,
73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231, 73-12232**

**CIRCLE PI LLC
HC 62 BOX 2295
MAY ID 83253**

**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.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Susan Callahan, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated 1/15 2015 and ending with the issue dated 1/22 2015

Susan Callahan

STATE OF IDAHO

COUNTY OF CUSTER

On this 26th day of Jan. in the year of 2015, before me, a Notary Public,

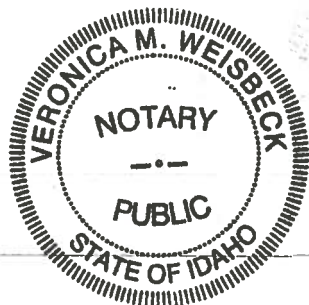
personally appeared Susan Callahan, known or identified to me to be the person whose name, subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Veronica M. Weisbeck

Notary Public for Idaho

Residing at Challis, Idaho

My commission expires: 1/9/21



NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 79136

CIRCLE PI-LLC, HC 62 BOX 2295, MAY, ID 83253; has filed Application No. 79136 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-12221, 73-12222, 73-12223, 73-12224, 73-12225, 73-12226, 73-12227, 73-12228, 73-12229, 73-12230, 73-12231, 73-12232; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to add a point of diversion/rediversion in the SWNE with the existing point of diversion in the SESW, Sec 1, T14N, R21E from the

Pahsimeroi River. The other points of diversion from Sulphur Creek, Patterson Creek, unnamed stream and springs remain the same. Minor adjustments to the irrigated acres within the currently described place of use are also proposed.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 2/2/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published: January 15 and 22, 2015

RECEIVED

FEB 06 2015

DEPARTMENT OF WATER RESOURCES

Jan 2-6-15