

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79237

This is to certify that: C E MOLYNEUX
080 LAIDLAW PK RD
CAREY, ID 83320

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
37-2740	WR/DECREED	7/11/1966	4.060 cfs	1155.0 af	330.0	1156.0	GROUND WATER
37-737B	WR/DECREED	3/30/1883	0.700 cfs	N/A	N/A	70.0	FISH CREEK
37-780B	WR/DECREED	3/30/1883	0.800 cfs	N/A	N/A	70.0	FISH CREEK

Purpose of Transfer (Changes Proposed)

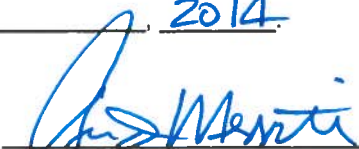
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-2740	NO	NO	YES	NO	NO	NO
37-737B	NO	NO	YES	NO	NO	NO
37-780B	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2740	37-2740	4.060 cfs	1155.0 af	330.0	1098.5	N/A	N/A	N/A	N/A	N/A
37-737B	37-737B	0.700 cfs	N/A	N/A	70.0	N/A	N/A	N/A	N/A	N/A
37-780B	37-780B	0.800 cfs	N/A	N/A	70.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.560 cfs	N/A	N/A	1098.5		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 15th day of September, 2014.


Southern Region Manager

SUPPORT DATA

IN FILE # 37-737B

Transfer No. 79237

WATER RIGHT NO. 37-737B**As Modified by Transfer No. 79237**

In accordance with the approval of Transfer No. 79237, Water Right No. 37-737B is now described as follows:

Right Holder: C E MOLYNEUX
080 LAIDLAW PK RD
CAREY, ID 83320

Priority Date: 3/30/1883

Source: FISH CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/15

Diversion Rate
0.500 cfs
0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

FISH CREEK SENESE Sec 33 Twp 01N Rge 22E BLAINE 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	
01S	22E	15									0.2	24.0	38.0	1.8					64.0
01S	22E	22						6											6
								L 4											

POU Total Acres: 70.0

CONDITIONS OF APPROVAL

1. The additional 0.20 cfs of the total diversion rate of this right shall be delivered to the Hot Springs Canal for conveyance use during the irrigation season pursuant to transfer no. 3922.
2. Irrigation use under rights 37-737B and 37-780B when combined shall not exceed a total diversion rate of 1.00 cfs, a total annual maximum diversion volume of 140.0 af at the field headgate, and the irrigation of 70.0 acres. The water right holder is entitled to this combined amount of water at a point where the water enters the irrigation place of use.
3. Any pro rata reduction of water right nos. 37-00737B and 37-00780B during periods of water shortage shall be calculated as if the water right holder is entitled to divert a combined flow rate of 1.5 cfs for irrigation. The watermaster will only reduce the combined irrigation flow rate below 1.0 cfs by an amount equal to the amount that a water right which authorized diversion of 1.5 cfs would be reduced to less than 1.0 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 79237

WATER RIGHT NO. 37-737B
As Modified by Transfer No. 79237

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than January 29, 2010.
6. 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. 37U.
7. 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).
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.

WATER RIGHT NO. 37-780B**As Modified by Transfer No. 79237**

In accordance with the approval of Transfer No. 79237, Water Right No. 37-780B is now described as follows:

Right Holder: C E MOLYNEUX
080 LAIDLAW PK RD
CAREY, ID 83320

Priority Date: 3/30/1883

Source: FISH CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/15

Diversion Rate
0.500 cfs
0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

FISH CREEK

SENESE

Sec 33 Twp 01N Rge 22E BLAINE 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	
01S	22E	15									0.2	24.0	38.0	1.8					64.0
01S	22E	22						6											6
								L 4											

POU Total Acres: 70.0

CONDITIONS OF APPROVAL

1. The additional 0.30 cfs of the total diversion rate of this right shall be delivered to the Hot Springs Canal for conveyance use during the irrigation season pursuant to transfer no. 3922.
2. Irrigation use under rights 37-737B and 37-780B when combined shall not exceed a total diversion rate of 1.00 cfs, a total annual maximum diversion volume of 140.0 af at the field headgate, and the irrigation of 70.0 acres. The water right holder is entitled to this combined amount of water at a point where the water enters the irrigation place of use.
3. Any pro rata reduction of water right nos. 37-00737B and 37-00780B during periods of water shortage shall be calculated as if the water right holder is entitled to divert a combined flow rate of 1.5 cfs for irrigation. The watermaster will only reduce the combined irrigation flow rate below 1.0 cfs by an amount equal to the amount that a water right which authorized diversion of 1.5 cfs would be reduced to less than 1.0 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 79237

WATER RIGHT NO. 37-780B

As Modified by Transfer No. 79237

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than January 29, 2010.
6. 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. 37U.
7. 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).
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.

WATER RIGHT NO. 37-2740**As Modified by Transfer No. 79237**

In accordance with the approval of Transfer No. 79237, Water Right No. 37-2740 is now described as follows:

Right Holder: P & C IRRIGATION ASSN INC
080 LAIDLAW PARK RD
CAREY, ID 83320

Priority Date: 7/11/1966

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 11/01

Diversion Rate
4.060 cfs
4.060 cfs

Diversion Volume
1155.0 af
1155.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NWNWSW
SENESEW

Sec 16 Twp 01S Rge 22E BLAINE County
Sec 4 Twp 01S Rge 22E BLAINE 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	
01N	22E	32												10.0	26.0	17.0	35.0	38.0	126.0
01N	22E	33									6.0	16.0	40.0	34.0			17.0	8.0	121.0
01S	22E	3										24.0	34.0						58.0
												L 4							
01S	22E	4									33.0	43.0	33.0	38.0	43.0	35.0	30.0	37.0	292.0
											L 3	L 4			L 1	L 2			
01S	22E	5													43.0	43.0	33.0	33.0	152.0
															L 1	L 2			
01S	22E	9															38.5	39.0	77.5
01S	22E	15									0.2	24.0	38.0	1.8					64.0
01S	22E	16									39.0	39.0	30.5	37.0					145.5
01S	22E	17													31.5			25.0	56.5
01S	22E	22							6.0										6.0
									L 4										

Right Acre Limit: 330.0

POU Total Acres: 1098.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 330.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 79237

WATER RIGHT NO. 37-2740

As Modified by Transfer No. 79237

CONDITIONS OF APPROVAL

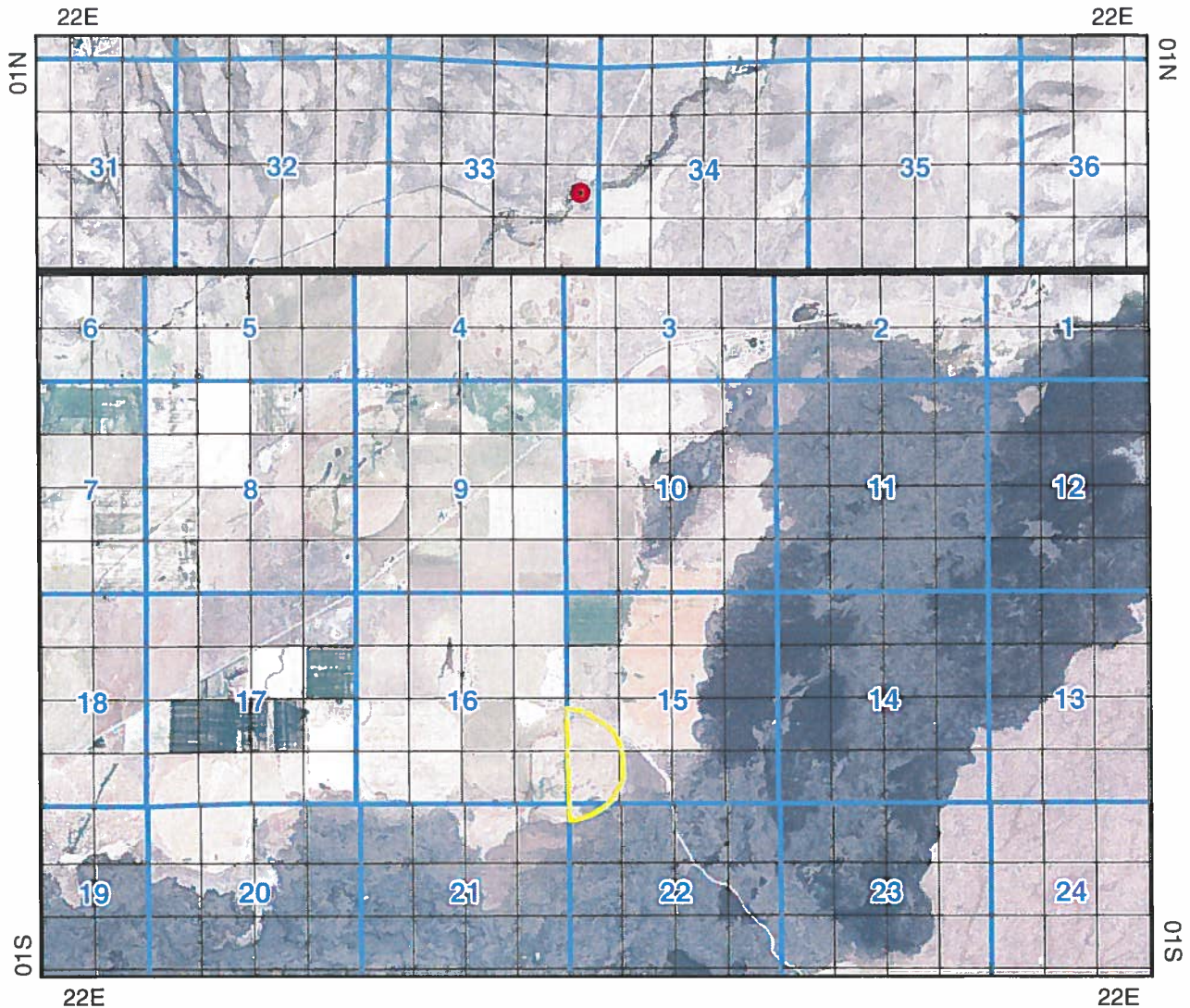
2. This right is limited to the irrigation of a specific 330 acres within the 1098.5 acres place of use authorized by this right in a single irrigation season. Upon notification of the watermaster or the department the specific 330 acres to be irrigated by the right holder shall be identified prior to use in any single irrigation season by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 330 acres to be irrigated within the 1098.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Use of this right is combined with water from Fish Creek Reservoir Company.
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. 130.
6. Prior to the diversion and use of water under Transfer approval 79237, 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.
7. 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.
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. 79237

Rights: 37-737B and 37-780B

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
-  Quarter Quarters

0 0.5 1 2 Miles

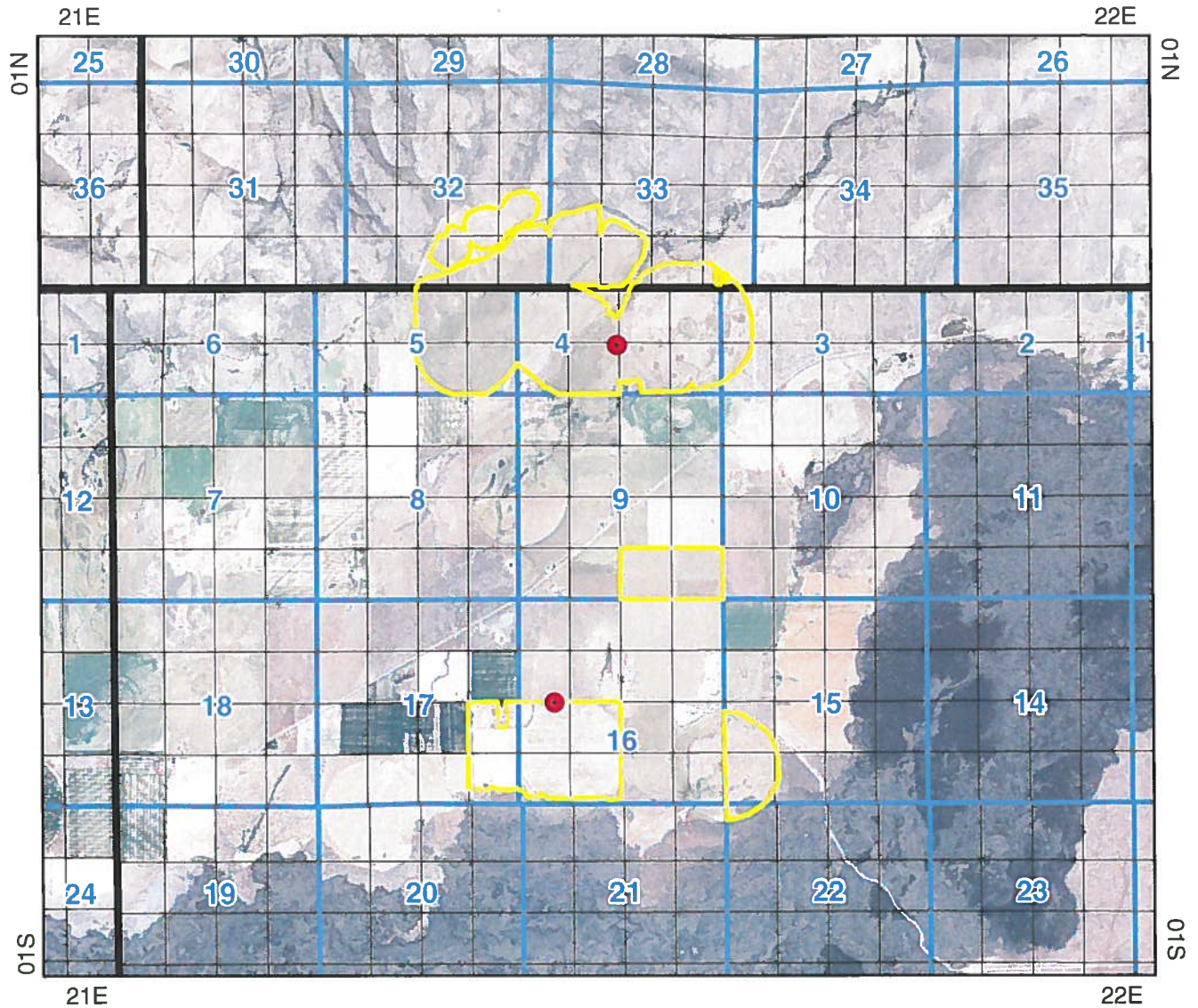


State of Idaho
Department of Water Resources

Attachment To Transfer No. 79237

Right: 37-2740

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
- Quarter Quarters

0 0.5 1 2 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

September 15, 2014

C E MOLYNEUX
080 LAIDLAW PK RD
CAREY ID 83320

Re: Transfer No: 79237
Water Right No(s): 37-737B , 37-780B , 37-2740

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 larger, more prominent script than the last name "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

TSK ENTERPRISES LLC
C/O GARY FUNDERBERG
255 BLUE LAKES BLVD PMB 617
TWIN FALLS ID 83301

PATRICK D BROWN
516 HANSEN ST E
PO BOX 125
TWIN FALLS ID 83303

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79237

Water Right No(s): 37-737B , 37-780B , 37-2740

**C E MOLYNEUX
080 LAIDLAW PK RD
CAREY ID 83320**

**TSK ENTERPRISES LLC
C/O GARY FUNDERBERG
255 BLUE LAKES BLVD PMB 617
TWIN FALLS ID 83301**

**PATRICK D BROWN
516 HANSEN ST E
PO BOX 125
TWIN FALLS ID 83303**

A handwritten signature in black ink, 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.



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

September 15, 2014

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

Hand-delivered

Re: **APPROVED Transfer No. 79237 (C E Molyneux)**

Dear Ms. Yenter:

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

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

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 15, 2014

LAWRENCE KIMBALL WATERMASTER
WATER DISTRICT # 37-U
35 LAIDLAW RD
CAREY, ID 83320

Re: **APPROVED** Transfer No. 79237 (C E Molyneux)

Dear Mr. Kimball:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure