

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78921

This is to certify that: MULE SHOE LLC
PO BOX 141
FAIRFIELD, ID 83327

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>
61-2007	WR/DECREED	2/29/1908	2.100 cfs	N/A	136.0	405.8	COLD SPRINGS CREEK
61-2052	WR/DECREED	12/19/1917	0.640 cfs	N/A	32.0	405.8	COLD SPRINGS CREEK
61-345	WR/DECREED	6/30/1879	0.500 cfs	N/A	N/A	405.8	COLD SPRINGS CREEK
61-347	WR/DECREED	5/1/1884	3.200 cfs	N/A	N/A	405.8	COLD SPRINGS CREEK

Purpose of Transfer (Changes Proposed)

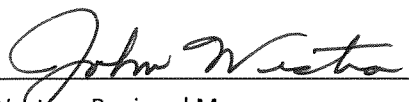
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-2007	NO	NO	YES	YES	NO	NO
61-2052	NO	NO	YES	YES	NO	NO
61-345	NO	NO	YES	YES	NO	NO
61-347	NO	NO	YES	YES	NO	NO

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>
61-2007	61-2007	2.100 cfs	N/A	136.0	469.8	N/A	N/A	N/A	N/A	N/A
61-2052	61-2052	0.640 cfs	N/A	32.0	469.8	N/A	N/A	N/A	N/A	N/A
61-345	61-345	0.500 cfs	N/A	40.0	469.8	N/A	N/A	N/A	N/A	N/A
61-347	61-347	3.200 cfs	N/A	160.0	469.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.440 cfs	N/A	368.0	469.8		N/A	N/A	N/A	N/A

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

Dated this 21st day of April, 2014.


Western Regional Manager

SUPPORT DATA

Transfer No. 78921

IN FILE # 61-345

WATER RIGHT NO. 61-2052**As Modified by Transfer No. 78921**

In accordance with the approval of Transfer No. 78921, Water Right No. 61-2052 is now described as follows:

Right Holder: MULE SHOE LLC
PO BOX 141
FAIRFIELD, ID 83327

Priority Date: 12/19/1917

Source: COLD SPRINGS CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

02/15

To

to 11/15

Diversion Rate

0.640 cfs

0.640 cfs

LOCATION OF POINT(S) OF DIVERSION

COLD SPRINGS CREEK	NESW	Sec 20 Twp 05S Rge 09E	ELMORE County
COLD SPRINGS CREEK	NESW	Sec 29 Twp 05S Rge 09E	ELMORE County
COLD SPRINGS CREEK	NENE	Sec 31 Twp 05S Rge 09E	ELMORE 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	
05S	09E	19													8.9			29.0	37.9
05S	09E	20										4.1	31.0						35.1
05S	09E	29					2.1	38.0	35.0	24.9	24.2	38.0	32.5						194.7
05S	09E	30	38.0			40.0									40.0			34.0	152.0
05S	09E	31	14.4			4.3													18.7
05S	09E	32						30.4	1.0										31.4

Right Acre Limit: 32.0

POU Total Acres: 469.8

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

Transfer No. 78921

WATER RIGHT NO. 61-2052
As Modified by Transfer No. 78921

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 32.0 acres within the authorized place of use in a single irrigation season.
5. Use of this right is combined with water from King Hill Irrigation District.
6. Rights 61-345, 61-347, 61-2007, and 61-2052 when combined shall not exceed the irrigation of 368.0 acres.
7. Rights 61-345, 61-347, 61-2007, and 61-2052 are combined with water from King Hill Irrigation District to irrigate the 469.8 acres described above.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 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. 61E Cold Springs Creek.
10. 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).
11. Diversion at the new point of diversion in the NE 1/4 of the NE 1/4 of Section 31 is limited to times when water is available and in priority at the points of diversion in the NE 1/4 of the SW 1/4 of Section 29 and the NE 1/4 of the SW 1/4 of Section 20, Township 5 South, Range 9 East.
12. Rights 61-345, 61-347, 61-2007, and 61-2052 are diverted through points of diversion described above.

WATER RIGHT NO. 61-345**As Modified by Transfer No. 78921**

In accordance with the approval of Transfer No. 78921, Water Right No. 61-345 is now described as follows:

Right Holder: MULE SHOE LLC
PO BOX 141
FAIRFIELD, ID 83327

Priority Date: 6/30/1879

Source: COLD SPRINGS CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From
02/15

To
to 11/15

Diversion Rate
0.500 cfs
0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

COLD SPRINGS CREEK	NESW	Sec 20 Twp 05S Rge 09E	ELMORE County
COLD SPRINGS CREEK	NESW	Sec 29 Twp 05S Rge 09E	ELMORE County
COLD SPRINGS CREEK	NENE	Sec 31 Twp 05S Rge 09E	ELMORE 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	
05S	09E	19													8.9			29.0	37.9
05S	09E	20										4.1	31.0						35.1
05S	09E	29					2.1	38.0	35.0	24.9	24.2	38.0	32.5						194.7
05S	09E	30	38.0			40.0									40.0			34.0	152.0
05S	09E	31	14.4			4.3													18.7
05S	09E	32						30.4	1.0										31.4

Right Acre Limit: 40.0
POU Total Acres: 469.8

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 40.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 78921

WATER RIGHT NO. 61-345
As Modified by Transfer No. 78921

CONDITIONS OF APPROVAL

5. Use of this right is combined with water from King Hill Irrigation District.
6. Rights 61-345, 61-347, 61-2007, and 61-2052 when combined shall not exceed the irrigation of 368.0 acres.
7. Rights 61-345, 61-347, 61-2007, and 61-2052 are combined with water from King Hill Irrigation District to irrigate the 469.8 acres described above.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 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. 61E Cold Springs Creek.
10. 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).
11. Diversion at the new point of diversion in the NE 1/4 of the NE 1/4 of Section 31 is limited to times when water is available and in priority at the points of diversion in the NE 1/4 of the SW 1/4 of Section 29 and the NE 1/4 of the SW 1/4 of Section 20, Township 5 South, Range 9 East.
12. Rights 61-345, 61-347, 61-2007, and 61-2052 are diverted through points of diversion described above.

WATER RIGHT NO. 61-347**As Modified by Transfer No. 78921**

In accordance with the approval of Transfer No. 78921, Water Right No. 61-347 is now described as follows:

Right Holder: MULE SHOE LLC
PO BOX 141
FAIRFIELD, ID 83327

Priority Date: 5/1/1884

Source: COLD SPRINGS CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From
02/15

To
to 11/15

Diversion Rate
3.200 cfs
3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

COLD SPRINGS CREEK	NESW	Sec 20 Twp 05S Rge 09E	ELMORE County
COLD SPRINGS CREEK	NESW	Sec 29 Twp 05S Rge 09E	ELMORE County
COLD SPRINGS CREEK	NENE	Sec 31 Twp 05S Rge 09E	ELMORE 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	
05S	09E	19													8.9			29.0	37.9
05S	09E	20										4.1	31.0						35.1
05S	09E	29					2.1	38.0	35.0	24.9	24.2	38.0	32.5						194.7
05S	09E	30	38.0			40.0									40.0			34.0	152.0
05S	09E	31	14.4			4.3													18.7
05S	09E	32						30.4	1.0										31.4

Right Acre Limit: 160.0

POU Total Acres: 469.8

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 160.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 78921

WATER RIGHT NO. 61-347
As Modified by Transfer No. 78921

CONDITIONS OF APPROVAL

5. Use of this right is combined with water from King Hill Irrigation District.
6. Rights 61-345, 61-347, 61-2007, and 61-2052 when combined shall not exceed the irrigation of 368.0 acres.
7. Rights 61-345, 61-347, 61-2007, and 61-2052 are combined with water from King Hill Irrigation District to irrigate the 469.8 acres described above.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 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. 61E Cold Springs Creek.
10. 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).
11. Diversion at the new point of diversion in the NE 1/4 of the NE 1/4 of Section 31 is limited to times when water is available and in priority at the points of diversion in the NE 1/4 of the SW 1/4 of Section 29 and the NE 1/4 of the SW 1/4 of Section 20, Township 5 South, Range 9 East.
12. Rights 61-345, 61-347, 61-2007, and 61-2052 are diverted through points of diversion described above.

WATER RIGHT NO. 61-2007**As Modified by Transfer No. 78921**

In accordance with the approval of Transfer No. 78921, Water Right No. 61-2007 is now described as follows:

Right Holder: MULE SHOE LLC
PO BOX 141
FAIRFIELD, ID 83327

Priority Date: 2/29/1908

Source: COLD SPRINGS CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

02/15

To

to 11/15

Diversion Rate

2.100 cfs

2.100 cfs

LOCATION OF POINT(S) OF DIVERSION

COLD SPRINGS CREEK NESW
COLD SPRINGS CREEK NESW
COLD SPRINGS CREEK NENE

Sec 20 Twp 05S Rge 09E ELMORE County
Sec 29 Twp 05S Rge 09E ELMORE County
Sec 31 Twp 05S Rge 09E ELMORE 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	
05S	09E	19													8.9			29.0	37.9
05S	09E	20										4.1	31.0						35.1
05S	09E	29					2.1	38.0	35.0	24.9	24.2	38.0	32.5						194.7
05S	09E	30	38.0			40.0									40.0			34.0	152.0
05S	09E	31	14.4			4.3													18.7
05S	09E	32						30.4	1.0										31.4

Right Acre Limit: 136.0

POU Total Acres: 469.8

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

Transfer No. 78921

WATER RIGHT NO. 61-2007
As Modified by Transfer No. 78921

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 136.0 acres within the authorized place of use in a single irrigation season.
5. Use of this right is combined with water from King Hill Irrigation District.
6. Rights 61-345, 61-347, 61-2007, and 61-2052 when combined shall not exceed the irrigation of 368.0 acres.
7. Rights 61-345, 61-347, 61-2007, and 61-2052 are combined with water from King Hill Irrigation District to irrigate the 469.8 acres described above.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 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. 61E Cold Springs Creek.
10. 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).
11. Diversion at the new point of diversion in the NE 1/4 of the NE 1/4 of Section 31 is limited to times when water is available and in priority at the points of diversion in the NE 1/4 of the SW 1/4 of Section 29 and the NE 1/4 of the SW 1/4 of Section 20, Township 5 South, Range 9 East.
12. Rights 61-345, 61-347, 61-2007, and 61-2052 are diverted through points of diversion described above.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 21, 2014

MULE SHOE LLC
PO BOX 141
FAIRFIELD ID 83327

Re: Transfer No. 78921
Water Right No's: 61-345, 61-347, 61-2007, 61-2052

Transfer Approval Notice

Dear Water Right Holders and other Interested Persons:

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

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

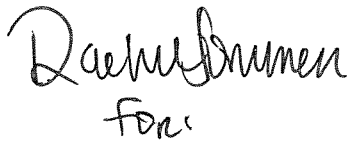
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and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

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

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is written in a cursive style with a large initial "J". Below the signature, the word "for:" is written in a smaller, simpler font.

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No. 78921

Water Right No's: 61-345, 61-347, 61-2007, 61-2052

**MULE SHOE LLC
PO BOX 141
FAIRFIELD ID 83327**

**RICHARD NEAL
WATERMASTER
PO BOX 354
GLENN'S FERRY ID 83623**

A handwritten signature in black ink, appearing to read "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
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.

MEMORANDUM

TO: Transfer No. 78921

FROM: Angie Grimm

DATE: February 4, 2014 Amended April 8, 2014

RE: Evaluation of Application

The transfer proposes to add a point of diversion and increase the permissible place of use for rights 61-345, 61-347, 61-2007, and 61-2052 from Cold Springs Creek.

The site is generally located along Cold Springs Creek Rd from ½ to 2 miles north of the intersection of I-84 and Cold Springs Creek Rd approximately 2 ¼ miles east of Hammett.

Summary of Information Submitted

Authority to File: The applicant is the water right owner of record for all four water rights proposed for transfer. The applicant has authority to request the proposed changes to these rights.

Water Right Validity: Rights presumed to be valid, because the SRBA partial decrees were issued in 2003 and beneficial use within the past five year period confirmed by 2011 aerial photo and applicant's statement on transfer form that the rights have not undergone a period of five or more years without use.

Injury to Other Water Rights: The applicant proposes to add a PD on Cold Springs Creek approximately ¾ of a mile downstream of the most downstream currently authorized PD (NE SW Sec 29 T5S R9E). There is one authorized PD (for three rights not owned by the applicant) between the applicant's existing PDs and proposed PD. The rights authorized to use this PD are junior to the rights proposed for transfer. Authorizing the new PD for diversion of senior rights downstream of existing junior rights should not cause injury to other users.

Enlargement of Use: No enlargement should occur; no changes to the diversion rate, diversion volume, and number of acres irrigated are proposed. There are no tributaries to Colds Springs Creek between the most downstream currently authorized PD (NE SW Sec 29 T5S R9E) and the proposed PD (NENE Sec 31 T5S R9E). Therefore, the water supply at both locations should be comparable. No enlargement in number of acres irrigated should occur if use of Cold Springs Creek water under the rights is limited to the PU acres in the original 61E decree (61-345 and 61-347) and licenses (61-2007 and 61-2052).

Local Public Interest: Authorizing the right holder to add a PD and include land into the existing irrigation system will allow for more efficient irrigation practices, which serves the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Data entry affected the water right records of 61-345, 61-347, 61-2007, and 61-2052 for this transfer. The rights were partially decreed by the SRBA on March 3, 2003 (Special Master's decree), the results of which were migrated to water right records prior to data entry.

The four rights proposed for transfer share the two existing PDs described currently on the rights. There are no other overlapping rights for the current PDs nor the proposed PD. Each right developed unique acres of irrigation within the system. The four rights are conditioned to be used in combination with water from King Hill Irrigation District. King Hill Irrigation District water is diverted from a canal/siphon into Cold Springs Creek and pumped back out of the creek by the applicant at the Cold Springs Creek point(s) of diversion per SRBA adjudication filed records. The entire proposed PPU is irrigated (per aerial photography) by a combination of King Hill Irrigation District water and Cold Springs Creek water.

The land proposed to be added into the PPU is currently irrigated with King Hill Irrigation District water only. Each right proposed for transfer would need to have conditions limiting the number of acres authorized for irrigation within the PPU in a single irrigation season to avoid enlargement. All four rights currently share a common PPU of 405.8 acres. The SRBA decrees for rights 61-345 and 61-347 did not include individual acre limits. The SRBA decrees for rights 61-2007 and 61-2052 had individual acre limits of 136.0 and 32.0 acres respectively, based on the licenses of these rights. The number of acres claimed in the SRBA for rights 61-345 and 61-347 were 25.0 and 155.0 acres respectively. It appears Transfer No. 5231 was approved during the adjudication process formalizing the 405.8 ac PPU and adding the second PD to the rights. Transfer No. 5231 included individual acre limits on all the rights based on the number of acres claimed. It appears SRBA recommendations for rights 61-345 and 61-347 did not account for Transfer No. 5231 approval with regard to individual acre limits. I've been unable to determine from the information available, why recommendations of these rights were not limited to the number acres authorized by the approval of Transfer No. 5231. It appears these individual acre limitations were not incorporated into an updated recommendation record and therefore were not decreed in the SRBA. Rights cannot be enlarged by processing of a transfer application nor adjudication of a right in the SRBA. The appearance of enlargement through the SRBA decrees (specifically for rights 61-345 and 61-347) can be addressed through processing of this transfer by limiting the use of Cold Springs Creek water to the number of acres originally decreed in the 61E decree (61-345 and 61-347) and/or licensed (61-2007 and 61-2052). The approval of this transfer has been drafted with the following individual acre limits; 61-345 limited to 40 acres, 61-347 limited to 160 acres, 61-2007 limited to 136 acres, 61-2052 limited to 32 acres. All four rights when combined cannot exceed irrigation of 368 acres. All four rights when combined with King Hill Irrigation District water can irrigate the entire PPU (469.8 acres) per the applicant's map. A condition stating the rights are used in combination with King Hill Irrigation District water to irrigate the entire 469.8 acre place of use is recommended.

Comments from Water District 61 C Bennett and Cold Springs Creek will be requested during advertising. No comments were received.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

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AFFIDAVIT OF PUBLICATION

PROPOSED CHANGE OF WATER RIGHT(S)

WATER RESOURCES
WESTERN REGION

Mule Shoe LLC of PO Box 141 Fairfield ID 83327 filed Application No. 78921 to transfer four water rights with 1879 thru 1917 priority dates from Cold Springs Creek totaling 6.44 cfs. The purpose of the transfer is to add a downstream point of diversion and increase the permissible place of use for irrigation of up to 405.8 ac within a 469.8 acre area with water from Cold Springs Creek. Water will be used at the current place of use located along Cold Springs Creek Rd from 0.5 to 2 miles north of the intersection of I-84 and Cold Springs Rd approximately 2.25 miles east of Hammett.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 3/10/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
First Publication: February 19, 2014
Last Publication: February 26, 2014

OK
3/17/14
RS

County of Elmore } ss.
State of Idaho }

I, **Brenda M. Fincher**, do solemnly swear that I am the Business Manager of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 19th day of Feb, 2014, and the last publication having been made on the 26th day of Feb, 2014; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Brenda M Fincher
Publisher

Subscribed and sworn to me this 26th day of Feb, 2014.

[Signature]
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2017**.

