

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78252**

This is to certify that: ALLEN RANCH LLLP
2624 S INGLENOOK PL
MERIDIAN, ID 83642

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>
65-3111X	WR/DECREED	6/1/1894	2.700 cfs	N/A	N/A	83.0	UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

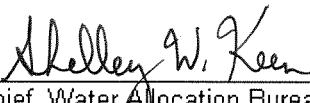
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-3111X	NO	NO	NO	YES	NO	NO

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>
65-3111X	65-3111X	2.700 cfs	N/A	N/A	83.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.700 cfs	N/A	N/A	N/A		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 30th day of January, 2014.

for 
Chief, Water Allocation Bureau

WATER RIGHT NO. 65-3111X

As Modified by Transfer No. 78252

In accordance with the approval of Transfer No. 78252, Water Right No. 65-3111X is now described as follows:

Right Holder: ALLEN RANCH LLLP
2624 S INGLENOOK PL
MERIDIAN ID 83642

Priority Date: 6/1/1894

Source: ROCK CREEK

Tributary: NORTH FORK PAYETTE RIVER

BENEFICIAL USE

IRRIGATION

From

4/15

to 10/15

To

Diversion Rate

2.700 cfs

2.700 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK	SENE	Sec 3	Twp 13N Rge 03E	VALLEY County
ROCK CREEK	NWSE	Sec 3	Twp 13N Rge 03E	VALLEY County
ROCK CREEK	NWSW	Sec 3	Twp 13N Rge 03E	VALLEY 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	
13N	03E	3	23.0	21.0	8.0	31.0													83.0
			L 8	L 7															

POU Total Acres: 83.0

CONDITIONS OF APPROVAL

1. Source is also known as Richard Creek.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
3. Between 4/15 and 10/15, when the water right holder is diverting into Little Rock Creek from Rock Creek from the upper point of diversion located in the NW¼SW¼, Section 3, Township 13 North, Range 3 East, B.M., the watermaster shall ensure between 0.40 cfs and 0.54 cfs is left in Rock Creek to supply existing downstream water users in Rock Creek.
4. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 78252

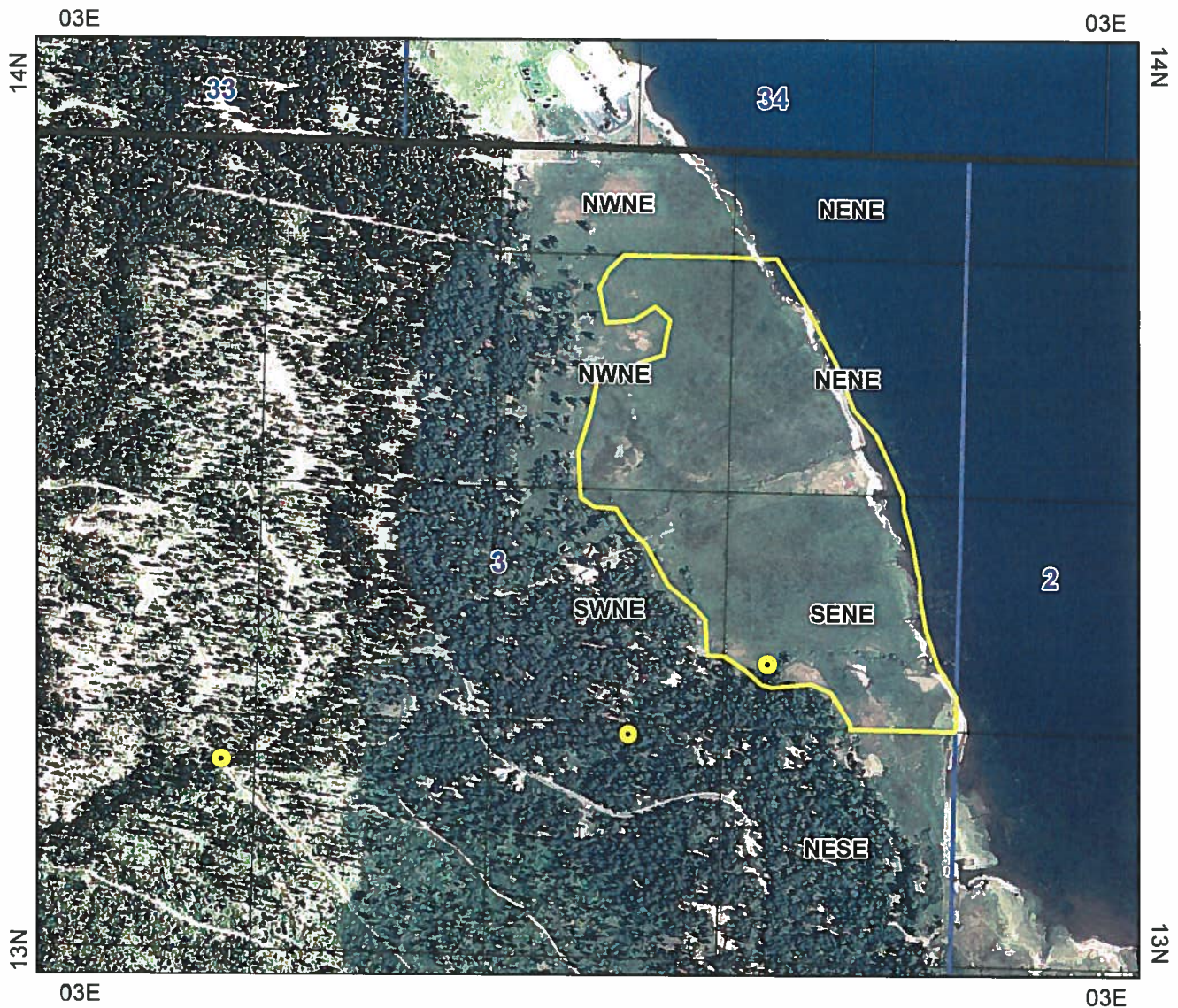
WATER RIGHT NO. 65-3111X
As Modified by Transfer No. 78252

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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
Transfer of Water Right
Transfer No. 78252



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

0 0.1 0.2 0.4 Miles





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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 30, 2014

ALLEN RANCH LLLP
2624 S INGLENOOK PL
MERIDIAN ID 83642

Re: Transfer No: 78252 (Water Right No(s): 65-3111X)
Permit No. 65-23493
Permit No. 65-23572

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed transfer of water right(s) and the two enclosed permits to appropriate water. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval documents.

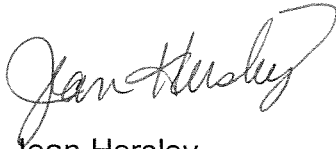
The Department issued two permits in connection with Application for Permit No. 65-23493 because the two proposed uses, irrigation from Rock Creek and instream stock watering in Little Rock Creek, are separate and distinct from each other.

The transfer approval and the two permits are PRELIMINARY ORDERS issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). They can and will become final orders without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

If you have any questions, please contact me at (208)287-4800.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jean Hersley".

Jean Hersley

Technical Records Specialist 2

Enclosures

CC:

BRUCE M SMITH
MOORE SMITH BUXTON TURCKE
950 W BANNOCK ST STE 520
BOISE ID 83702

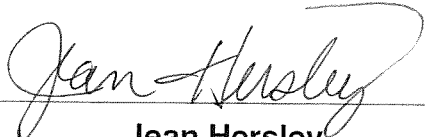
CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL AND PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: TRANSFER NO.	78252	WATER RIGHTS NOS.	65-3111X
WATER RIGHT NO.	65-23493	65-23572	

**BRUCE M SMITH
MOORE SMITH BUXTON & TURCKE
950 W BANNOCK ST STE 520
BOISE ID 83702**

**ALLEN RANCH LLLP
2624 S INGLENOK PL
MERIDIAN ID 83642**



Jean Hersley
Technical Records Specialist II

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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.