

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78438**

This is to certify that: **ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENNS FERRY, ID 83623**

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>
2-10212	WR/DECREED	7/22/1912	0.200 cfs	N/A	N/A	10.0	SNAKE RIVER
2-10336	WR/DECREED	3/15/1944	0.460 cfs	N/A	N/A	23.0	SNAKE RIVER
2-2040	WR/DECREED	11/24/1939	1.800 cfs	N/A	N/A	90.0	SNAKE RIVER
2-2041	WR/DECREED	12/28/1940	0.900 cfs	N/A	N/A	90.0	SNAKE RIVER
2-4032	WR/DECREED	3/15/1941	0.200 cfs	N/A	N/A	10.0	SNAKE RIVER
2-7295	WR/LICENSE	2/20/1980	0.160 cfs	32.0 af	8.0	18.0	SNAKE RIVER

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>
2-10212	NO	YES	YES	YES	NO	NO
2-10336	NO	NO	YES	YES	NO	NO
2-2040	NO	NO	YES	NO	NO	NO
2-2041	NO	YES	YES	NO	NO	NO
2-4032	NO	NO	YES	YES	NO	NO
2-7295	NO	YES	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>
2-10212	2-10212	0.200 cfs	N/A	10.0	141.0	N/A	N/A	N/A	N/A	N/A
2-10336	2-10336	0.460 cfs	N/A	23.0	141.0	N/A	N/A	N/A	N/A	N/A
2-2040	2-2040	1.800 cfs	N/A	90.0	141.0	N/A	N/A	N/A	N/A	N/A
2-2041	2-2041	0.900 cfs	N/A	90.0	141.0	N/A	N/A	N/A	N/A	N/A
2-4032	2-4032	0.200 cfs	N/A	10.0	141.0	N/A	N/A	N/A	N/A	N/A
2-7295	2-7295	0.160 cfs	32.0 af	8.0	141.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.820 cfs	N/A	N/A	141.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 78438

IN FILE # 2-2041

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78438

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 31st day of December, 2013.


Western Regional Manager

WATER RIGHT NO. 2-2041**As Modified by Transfer No. 78438**

In accordance with the approval of Transfer No. 78438, Water Right No. 2-2041 is now described as follows:

Right Holder: ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENN'S FERRY, ID 83623

Priority Date: 12/28/1940

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 11/15

Diversion Rate

0.900 cfs

0.900 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

SWSW
L3 (SENW)

Sec 36 Twp 05S Rge 09E ELMORE County
Sec 1 Twp 06S 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	35													0.3			11.8	12.1
																		L 1	
05S	09E	35																3.0	3.0
05S	09E	36											9.4						9.4
													L 5						
05S	09E	36											1.6						1.6
06S	09E	1			24.5	3.0	10.0	25.0	26.0	20.9		5.5							114.9
										L 3									

Right Acre Limit: 90.0

POU Total Acres: 141.0

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. 78438

WATER RIGHT NO. 2-2041
As Modified by Transfer No. 78438

CONDITIONS OF APPROVAL

4. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
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. 02.
6. 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 diversions.
7. 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.
8. Rights 2-2040, 2-2041, 2-4032, 2-7295, 2-10212 and 2-10336 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 141 acres in a single irrigation season.
9. This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
10. Rights 2-2040 and 2-2041 when combined shall not exceed a total diversion rate of 1.80 cfs and the irrigation of 90 acres within the authorized place of use in a single irrigation season.
11. The following rights are diverted through points of diversion described above: 2-2040, 2-2041, 2-4032, 2-7226, 2-7295, 2-10212 and 2-10336. Right 2-7226 is also diverted from the point of diversion located in Lot 3 (SENW), Section 1, T6S, R9E.
12. The place of use does not include federal public lands.

WATER RIGHT NO. 2-2040**As Modified by Transfer No. 78438**

In accordance with the approval of Transfer No. 78438, Water Right No. 2-2040 is now described as follows:

Right Holder: ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENN'S FERRY, ID 83623

Priority Date: 11/24/1939

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	01/01	to 12/31	0.020 cfs
IRRIGATION	03/15	to 11/15	1.800 cfs
			1.800 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	SWSW	Sec 36 Twp 05S Rge 09E	ELMORE County
SNAKE RIVER	L3 (SENW)	Sec 1 Twp 06S Rge 09E	ELMORE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	09E	1						X											

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	35													0.3			11.8	12.1
																		L 1	
05S	09E	35																3.0	3.0
05S	09E	36											9.4						9.4
													L 5						
05S	09E	36											1.6						1.6
06S	09E	1			24.5	3.0	10.0	25.0	26.0	20.9		5.5							114.9
										L 3									

Right Acre Limit: 90.0

POU Total Acres: 141.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 78438

WATER RIGHT NO. 2-2040
As Modified by Transfer No. 78438

CONDITIONS OF 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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
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. 02.
6. 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 diversions.
7. 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.
8. Rights 2-2040, 2-2041, 2-4032, 2-7295, 2-10212 and 2-10336 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 141 acres in a single irrigation season.
9. Rights 2-2040 and 2-2041 when combined shall not exceed a total diversion rate of 1.80 cfs and the irrigation of 90 acres within the authorized place of use in a single irrigation season.
10. This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
11. The following rights are diverted through points of diversion described above: 2-2040, 2-2041, 2-4032, 2-7226, 2-7295, 2-10212 and 2-10336. Right 2-7226 is also diverted from the point of diversion located in Lot 3 (SENW), Section 1, T6S, R9E.
12. The place of use does not include federal public lands.

WATER RIGHT NO. 2-4032

As Modified by Transfer No. 78438

In accordance with the approval of Transfer No. 78438, Water Right No. 2-4032 is now described as follows:

Right Holder: ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENN'S FERRY, ID 83623

Priority Date: 3/15/1941

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.200 cfs

0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	SWSW	Sec 36 Twp 05S Rge 09E ELMORE County
SNAKE RIVER	L3 (SENW)	Sec 1 Twp 06S 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	35													0.3			11.8	12.1
																		L 1	
05S	09E	35																3.0	3.0
05S	09E	36											9.4						9.4
													L 5						
05S	09E	36											1.6						1.6
06S	09E	1			24.5	3.0	10.0	25.0	26.0	20.9		5.5							114.9
										L 3									

Right Acre Limit: 10.0

POU Total Acres: 141.0

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. 78438

WATER RIGHT NO. 2-4032
As Modified by Transfer No. 78438

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
5. 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 diversions.
6. 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.
7. Rights 2-2040, 2-2041, 2-4032, 2-7295, 2-10212 and 2-10336 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 141 acres in a single irrigation season.
8. This right is limited to the irrigation of 10 acres within the authorized place of use in a single irrigation season.
9. The following rights are diverted through points of diversion described above: 2-2040, 2-2041, 2-4032, 2-7226, 2-7295, 2-10212 and 2-10336. Right 2-7226 is also diverted from the point of diversion located in Lot 3 (SENW), Section 1, T6S, R9E.
10. The place of use does not include federal public lands.

WATER RIGHT NO. 2-7295**As Modified by Transfer No. 78438**

In accordance with the approval of Transfer No. 78438, Water Right No. 2-7295 is now described as follows:

Right Holder: ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENN'S FERRY, ID 83623

Priority Date: 2/20/1980

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.160 cfs	32.0 af
			0.160 cfs	32.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	SWSW	Sec 36 Twp 05S Rge 09E	ELMORE County
SNAKE RIVER	L3 (SENW)	Sec 1 Twp 06S 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	35													0.3			11.8	12.1
																		L 1	
05S	09E	35																3.0	3.0
05S	09E	36											9.4						9.4
													L 5						
05S	09E	36											1.6						1.6
06S	09E	1			24.5	3.0	10.0	25.0	26.0	20.9		5.5							114.9
										L 3									

Right Acre Limit: 8.0
POU Total Acres: 141.0

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. 78438

WATER RIGHT NO. 2-7295
As Modified by Transfer No. 78438

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
5. 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 diversions.
6. 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.
7. Rights 2-2040, 2-2041, 2-4032, 2-7295, 2-10212 and 2-10336 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 141 acres in a single irrigation season.
8. This right is limited to the irrigation of 8 acres within the authorized place of use in a single irrigation season.
9. The following rights are diverted through points of diversion described above: 2-2040, 2-2041, 2-4032, 2-7226, 2-7295, 2-10212 and 2-10336. Right 2-7226 is also diverted from the point of diversion located in Lot 3 (SENW), Section 1, T6S, R9E.
10. The place of use does not include federal public lands.

WATER RIGHT NO. 2-10212
As Modified by Transfer No. 78438

In accordance with the approval of Transfer No. 78438, Water Right No. 2-10212 is now described as follows:

Right Holder: ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENN'S FERRY, ID 83623

Priority Date: 7/22/1912

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.200 cfs
0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

SWSW
L3 (SENW)

Sec 36 Twp 05S Rge 09E ELMORE County
Sec 1 Twp 06S 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	35													0.3			11.8	12.1
																		L 1	
05S	09E	35																3.0	3.0
05S	09E	36											9.4						9.4
													L 5						
05S	09E	36											1.6						1.6
06S	09E	1			24.5	3.0	10.0	25.0	26.0	20.9		5.5							114.9
										L 3									

Right Acre Limit: 10.0

POU Total Acres: 141.0

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. 78438

WATER RIGHT NO. 2-10212
As Modified by Transfer No. 78438

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
5. 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 diversions.
6. 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.
7. Rights 2-2040, 2-2041, 2-4032, 2-7295, 2-10212 and 2-10336 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 141 acres in a single irrigation season.
8. This right is limited to the irrigation of 10 acres within the authorized place of use in a single irrigation season.
9. The following rights are diverted through points of diversion described above: 2-2040, 2-2041, 2-4032, 2-7226, 2-7295, 2-10212 and 2-10336. Right 2-7226 is also diverted from the point of diversion located in Lot 3 (SENW), Section 1, T6S, R9E.
10. The place of use does not include federal public lands.

WATER RIGHT NO. 2-10336
As Modified by Transfer No. 78438

In accordance with the approval of Transfer No. 78438, Water Right No. 2-10336 is now described as follows:

Right Holder: ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENN'S FERRY, ID 83623

Priority Date: 3/15/1944

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.460 cfs 0.460 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	SWSW	Sec 36 Twp 05S Rge 09E	ELMORE County
SNAKE RIVER	L3 (SENW)	Sec 1 Twp 06S 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	35													0.3			11.8	12.1
																		L 1	
05S	09E	35																3.0	3.0
05S	09E	36											9.4						9.4
													L 5						
05S	09E	36											1.6						1.6
06S	09E	1			24.5	3.0	10.0	25.0	26.0	20.9		5.5							114.9
										L 3									

Right Acre Limit: 23.0

POU Total Acres: 141.0

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. 78438

WATER RIGHT NO. 2-10336
As Modified by Transfer No. 78438

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
5. 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 diversions.
6. 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.
7. Rights 2-2040, 2-2041, 2-4032, 2-7295, 2-10212 and 2-10336 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 141 acres in a single irrigation season.
8. This right is limited to the irrigation of 23 acres within the authorized place of use in a single irrigation season.
9. The following rights are diverted through points of diversion described above: 2-2040, 2-2041, 2-4032, 2-7226, 2-7295, 2-10212 and 2-10336. Right 2-7226 is also diverted from the point of diversion located in Lot 3 (SENW), Section 1, T6S, R9E.
10. The place of use does not include federal public lands.



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

January 7, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENN'S FERRY ID 83623

Re: Transfer No. 78438
Water Right No's: 2-2040, 2-2041, 2-4032, 2-7295, 2-10212, 2-10336

Transfer Approval Notice

Dear Water Right Holders:

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 that reads "Rachel Sommer". The signature is written in a cursive style with a large, stylized "R" and "S".

Rachel Sommer
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

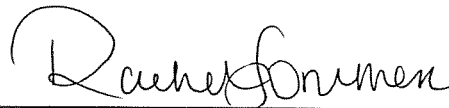
I hereby certify that on January 7, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No. 78438

Water Right No's: 2-2040, 2-2041, 2-4032, 2-7295, 2-10212, 2-10336

ROCKIN S RANCH INC
C/O JOHN R SOLOSABAL
PO BOX 938
GLENN'S FERRY ID 83623

CORBIN KNOWLES
WATER MASTER
322 E FRONT ST
PO BOX 83720
BOISE ID 83720

A handwritten signature in cursive script, reading "Rachel Sommer", 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.



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

December 31, 2013

US DEPT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ID STATE OFFICE
ATTN: FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709

**RE: Withdrawal of Protest against Application for Transfer No. 78438
In the name of Rockin S Ranch Inc.**

Dear Interested Party:

The Department of Water Resources has received your withdrawal of protest against the above referenced application.

The application does not have any remaining protests; therefore, the Department will take the steps necessary to bring the application to a final resolution.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is written in a cursive, flowing style.

John Westra
Western Regional Manager



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
<http://www.id.blm.gov>



In Reply Refer To:
7250 (933b)

RECEIVED

DEC 24 2013

**WATER RESOURCES
WESTERN REGION**

December 20, 2013

John Westra, Regional Manager
Idaho Department of Water Resources (IDWR)
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Dear Mr. Westra:

RE: Withdrawal of Protest:
Application for Transfer No. 78438 f/b Rockin S Ranch, Inc. involving water rights: 02-02040,
02-02041, 02-04032, 02-07295, 02-10212 and 02-10336.

By this letter, I state that I have the authority to act on behalf of the United States Department of Interior, Bureau of Land Management (BLM), with myself as its agent, to the matters discussed herein.

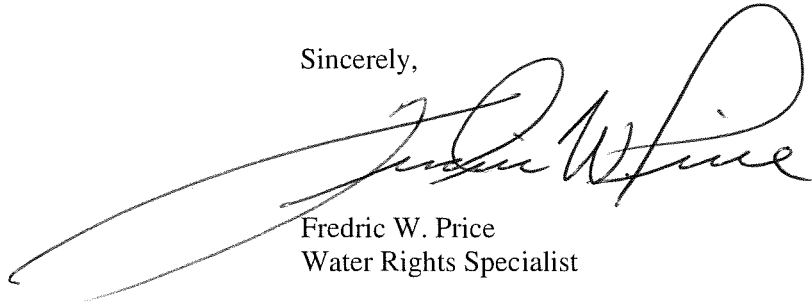
BLM protested the application for transfer for two reasons: (1) application included a Place of Use (POU) entirely describing federal public land where there is no authorization to use federal land for irrigated agricultural purposes and therefore needed to be removed; and (2) three other POUs describe lands containing both public and private land, therefore BLM was seeking a clarifying condition that limited the use of water within those POUs to private land.

On December 19, 2013, IDWR emailed to me an Amended Part 1 section for the transfer application that resolves BLM's protest issues as follows: (1) removes the 0.7 acres on federal public land within T06S, R09E, S01, Lot 9 (NESW) as a POU; and (2) includes the following condition on the place of use element for all the water rights involved in the transfer to make it clear that the use of water will not include federal public land within legal land descriptions that contain both public and private lands (i.e. "The place of use does not include federal public land.").

Pursuant to the Amended Application for Transfer as described above, BLM hereby withdraws its protest so that processing of the transfer may proceed.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3828 or at the address provided above.

Sincerely,

A handwritten signature in black ink, appearing to read "Fredric W. Price". The signature is fluid and cursive, with a large loop at the end of the last name.

Fredric W. Price
Water Rights Specialist

cc Rockin S Ranch, Inc.
 P.O. Box 938
 Glens Ferry, ID 83623

AFFIDAVIT OF PUBLICATION

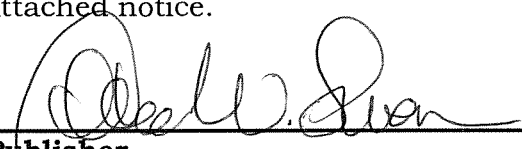
County of Elmore } ss.
State of Idaho

I, **Coleen W. Swenson**, do solemnly swear that I am the Publisher of the:

Mountain Home News

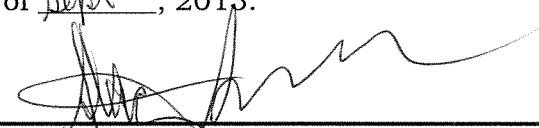
A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 4th day of Sept, 2013, and the last publication having been made on the 11th day of Sept, 2013; 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.



Publisher

Subscribed and sworn to me this 11th day of Sept, 2013.



Notary Public

Residing in Mountain Home, Elmore County, Idaho.

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

PROPOSED CHANGE OF WATER RIGHTS

Black Mesa Farms LLC of PO Box 82, Glenns Ferry, ID, 83623, filed Application No. **78428** to transfer two water rights with 1963 and 1965 priority dates from the Snake River totaling 16.76 cfs. The purpose of the transfer is to authorize irrigation for purposes of preparing lands for planting and irrigation the following year (Field Prep Irrigation). The Field Prep Irrigation acres would be within the rights' currently authorized permissible place of use (PPU), but would be in addition to acres irrigated to produce crops during an irrigation season. This would be after crops are harvested but before irrigation season ends (10/31 - 11/15). Water will be used at the current place of use approximately 4 miles south east of Glenns Ferry, south of I-84 and west of the Snake River.

Rockin S Ranch Inc. of PO Box 938, Glenns Ferry, ID 83623 filed Application No. **78438** to transfer six water rights with 1912 to 1980 priority dates from the Snake River totaling 2.82 cfs. The purpose of the transfer is to add a second point of diversion from the river and to consolidate all six rights on 141 acres located on the east and south sides of the area known as Three Island Crossing.

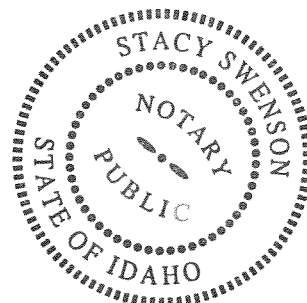
For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. 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 9/23/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
First Publication: September 4, 2013
Last Publication: September 11, 2013

RECEIVED

SEP 17 2013

WATER RESOURCES
WESTERN REGION



Curtis, Sharla

From: Curtis, Sharla
Sent: Monday, October 21, 2013 10:26 AM
To: 'fwprice@blm.gov'
Subject: Protested Transfer 78438 (Rockin S Ranch)
Attachments: amended xfer app Rockin S.pdf

Fred,

Attached are copies of the amended pages of the transfer application that I had the applicant sign. I believe these changes should resolve your protest of the transfer application. A condition will also be included in the approval reiterating the place of use doesn't include federal public lands.

Let me know if you need anything else in this matter. If this resolves the protested issues, I would ask that you send us a written withdrawal of the protest at your earliest convenience.

Thank you.

Sharla Curtis
Sr. Water Resource Agent

MEMORANDUM

TO: Transfer No. 78438

FROM: Sharla Curtis

DATE: August 14, 2013

RE: Evaluation of Application

The transfer proposes to consolidate six rights by creating a permissible place of use and establish a second point of diversion from the river.

The site is on the south side of the Snake River adjacent to the area known as Three Island Crossing.

Contact person for the applicant is John Solosabal, president of Rockin S Ranch Inc.

Summary of Information Submitted

Authority to File: Applicant is water right owner of record for all rights involved in the transfer and is therefore authorized to file the transfer.

Water Right Validity: All rights presumed to be valid because the partial decrees were issued within the past five year period (2009) and the license for 2-7295 was issued in 2012.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement is proposed; rates and volumes remain the same, no new or increased acres are proposed.

Local Public Interest: Agriculture continues to be dominant in Idaho and is considered to be in 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.

Additional Information/Analysis

Watermaster comments will be obtained. Data entry affected the correct records; all partial decrees have been migrated to wr records.

The only overlap is with Right 2-7226 with point of diversion in Section 1. No special conditions are necessary except for the inclusion of this right in condition F06 (all rights diverted through same point of diversion).

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.