

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78751**

This is to certify that: **PATTCO, LLLP**
1800 Z ST
HEYBURN, ID 83336

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>
45-11042	WR/DECREED	6/30/1985	0.500 cfs	N/A	72.0	742.0	GROUND WATER
45-11066	WR/DECREED	4/1/1924	3.000 cfs	N/A	496.0	1234.0	LITTLE CEDAR CANYON CREEK
45-11092	WR/DECREED	4/1/1924	3.000 cfs	N/A	496.0	1234.0	LITTLE CEDAR CANYON CREEK
45-13534	WR/DECREED	4/12/1892	6.400 cfs	N/A	640.0	1234.0	BIG COTTONWOOD CREEK
45-13536	WR/DECREED	4/1/1871	3.200 cfs	N/A	640.0	1234.0	BIG COTTONWOOD CREEK
45-13614	WR/DECREED	3/15/1972	3.600 cfs	N/A	463.0	1234.0	BIG COTTONWOOD CREEK
45-13615	WR/DECREED	6/30/1985	1.020 cfs	N/A	131.0	1234.0	BIG COTTONWOOD CREEK
45-2582A	WR/DECREED	6/16/1959	1.990 cfs	474.0 af	364.0	742.0	GROUND WATER
45-2585A	WR/DECREED	7/20/1959	3.190 cfs	714.0 af	670.0	742.0	GROUND WATER

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>
45-11042	NO	NO	YES	NO	NO	NO
45-11066	NO	NO	YES	NO	NO	NO
45-11092	NO	NO	YES	NO	NO	NO
45-13534	NO	NO	YES	NO	NO	NO
45-13536	NO	NO	YES	NO	NO	NO
45-13614	NO	NO	YES	NO	NO	NO
45-13615	NO	NO	YES	NO	NO	NO
45-2582A	NO	NO	YES	NO	NO	NO
45-2585A	NO	NO	YES	NO	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>
45-11042	45-11042	0.500 cfs	N/A	72.0	742.0	N/A	N/A	N/A	N/A	N/A
45-11066	45-11066	3.000 cfs	N/A	496.0	1234.0	N/A	N/A	N/A	N/A	N/A
45-11092	45-11092	3.000 cfs	N/A	496.0	1234.0	N/A	N/A	N/A	N/A	N/A
45-13534	45-13534	6.400 cfs	N/A	640.0	1234.0	N/A	N/A	N/A	N/A	N/A
45-13536	45-13536	3.200 cfs	N/A	640.0	1234.0	N/A	N/A	N/A	N/A	N/A

Transfer No. 78751

SUPPORT DATA
IN FILE # 45-2582A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

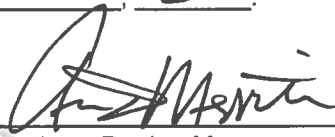
TRANSFER OF WATER RIGHT
TRANSFER NO. 78751

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>
45-13614	45-13614	3.600 cfs	N/A	463.0	1234.0	N/A	N/A	N/A	N/A	N/A
45-13615	45-13615	1.020 cfs	N/A	131.0	1234.0	N/A	N/A	N/A	N/A	N/A
45-2582A	45-2582A	1.990 cfs	474.0 af	364.0	742.0	N/A	N/A	N/A	N/A	N/A
45-2585A	45-2585A	3.190 cfs	714.0 af	670.0	742.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		20.780 cfs	N/A	1234.0	1234.0		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 23rd day of September, 2017



Southern Region Manager

WATER RIGHT NO. 45-2582A
As Modified by Transfer No. 78751

In accordance with the approval of Transfer No. 78751, Water Right No. 45-2582A is now described as follows:

Right Holder: PATTCO, LLLP
 1800 Z ST
 HEYBURN, ID 83336

Priority Date: 6/16/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	1.990 cfs	474.0 af
			1.990 cfs	474.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SEWNSE	Sec 31 Twp 12S Rge 21E CASSIA County
GROUND WATER	SWSWNW	Sec 5 Twp 13S Rge 21E CASSIA 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	
12S	21E	20	40.0	32.0	40.0	40.0									33.0	33.0	33.0	33.0	284.0
12S	21E	29	37.0	40.0	40.0	35.0													152.0
12S	21E	30	40.0	33.0	40.0	40.0									40.0	40.0	33.0	40.0	306

Right Acre Limit: 364.0

POU Total Acres: 742.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 364 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2582A, 45-2585A, and 45-11042 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1188.0 af at the field headgate, and the irrigation of 742 acres.
3. Rights 45-2582A, 45-2582B, 45-2585A, 45-2585B, 45-11042, 45-11066, 45-11092, 45-13534, 45-13536, 45-13613, 45-13614, and 45-13615 when combined shall not exceed the irrigation of 1234 acres.
4. 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.

Transfer No. 78751

WATER RIGHT NO. 45-2582A
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-O.
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 diversion(s).
7. This right does not grant any right-of-way or easement across the land of another.
8. Diversion of water under this right is subject to terms and conditions of stipulated judgment dated 6-25-1980.
9. Right No. 45-11042 is an expansion of rights 45-2582A & 45-2585A pursuant to Section 42-1416B, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-11042 **As Modified by Transfer No. 78751**

In accordance with the approval of Transfer No. 78751, Water Right No. 45-11042 is now described as follows:

Right Holder: PATTCO, LLLP
 1800 Z ST
 HEYBURN, ID 83336

Priority Date: 6/30/1985

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.500 cfs
 0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWSE Sec 31 Twp 12S Rge 21E CASSIA County
 GROUND WATER SWSWNW Sec 5 Twp 13S Rge 21E CASSIA 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	
12S	21E	20	40.0	32.0	40.0	40.0									33.0	33.0	33.0	33.0	284.0
12S	21E	29	37.0	40.0	40.0	35.0													152.0
12S	21E	30	40.0	33.0	40.0	40.0									40.0	40.0	33.0	40.0	306

Right Acre Limit: 72.0
 POU Total Acres: 742.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 72 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2582A, 45-2585A, and 45-11042 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1188.0 af at the field headgate, and the irrigation of 742 acres.
3. Rights 45-2582A, 45-2582B, 45-2585A, 45-2585B, 45-11042, 45-11066, 45-11092, 45-13534, 45-13536, 45-13613, 45-13614, and 45-13615 when combined shall not exceed the irrigation of 1234 acres.
4. 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.

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WATER RIGHT NO. 45-11042
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-O.
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 diversion(s).
7. This right does not grant any right-of-way or easement across the land of another.
8. Diversion of water under this right is subject to terms and conditions of stipulated judgment dated 6-25-1980.
9. Right No. 45-11042 is an expansion of 45-2582A and 45-2585A pursuant to section 42-1416B, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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WATER RIGHT NO. 45-13534
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-K.
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. This right does not grant any right-of-way or easement across the land of another.
9. Right Nos. 45-13614 and 45-13615 are enlargements of this right pursuant to Section 42-1426, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-13536**As Modified by Transfer No. 78751**

In accordance with the approval of Transfer No. 78751, Water Right No. 45-13536 is now described as follows:

Right Holder: PATTCO, LLLP
1800 Z ST
HEYBURN, ID 83336

Priority Date: 4/1/1871

Source: BIG COTTONWOOD CREEK **Tributary:** DRY CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 06/10

Diversion Rate
3.200 cfs
3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG COTTONWOOD CREEK NWNESW

Sec 17 Twp 13S Rge 21E CASSIA 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	
12S	21E	20	40.0	32.0	40.0	40.0									33.0	33.0	33.0	33.0	284.0
12S	21E	29	37.0	40.0	40.0	35.0				40.0	40.0	40.0	40.0	39.0		40.0	40.0		431.0
12S	21E	30	40.0	33.0	40.0	40.0									40.0	40.0	33.0	40.0	306
12S	21E	31	40.0			27.0													67.0
12S	21E	32		32.0			33.0	40.0	41.0										146.0

Right Acre Limit: 640.0

POU Total Acres: 1234.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 640 acres within the authorized place of use in a single irrigation season.
2. Rights 45-13534 and 45-13536 when combined shall not exceed the irrigation of 640 acres.
3. Rights 45-13534, 45-13536, 45-13614, and 45-13615 when combined shall not exceed a total diversion rate of 9.6 cfs and the irrigation of 1234 acres.
4. Rights 45-2582A, 45-2582B, 45-2585A, 45-2585B, 45-11042, 45-11066, 45-11092, 45-13534, 45-13536, 45-13613, 45-13614, and 45-13615 when combined shall not exceed the irrigation of 1234 acres.
5. 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.

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WATER RIGHT NO. 45-13536
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-K.
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. This right does not grant any right-of-way or easement across the land of another.
9. Right Nos. 45-13614 and 45-13615 are enlargements of this right pursuant to Section 42-1426, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-2585A
As Modified by Transfer No. 78751

In accordance with the approval of Transfer No. 78751, Water Right No. 45-2585A is now described as follows:

Right Holder: PATTCO, LLLP
 1800 Z ST
 HEYBURN, ID 83336

Priority Date: 7/20/1959

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/15

To

to 11/15

Diversion Rate

3.190 cfs

3.190 cfs

Diversion Volume

714.0 af

714.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

SESWSE
 SWSWNW

Sec 31 Twp 12S Rge 21E CASSIA County
 Sec 5 Twp 13S Rge 21E CASSIA 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	
12S	21E	20	40.0	32.0	40.0	40.0									33.0	33.0	33.0	33.0	284.0
12S	21E	29	37.0	40.0	40.0	35.0													152.0
12S	21E	30	40.0	33.0	40.0	40.0									40.0	40.0	33.0	40.0	306

Right Acre Limit: 670.0

POU Total Acres: 742.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 670 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2582A, 45-2585A, and 45-11042 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1188.0 af at the field headgate, and the irrigation of 742 acres.
3. Rights 45-2582A, 45-2582B, 45-2585A, 45-2585B, 45-11042, 45-11066, 45-11092, 45-13534, 45-13536, 45-13613, 45-13614, and 45-13615 when combined shall not exceed the irrigation of 1234 acres.
4. 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.

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WATER RIGHT NO. 45-2585A
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-O.
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 diversion(s).
7. This right does not grant any right-of-way or easement across the land of another.
8. Diversion of water under this right is subject to terms and conditions of stipulated judgment dated 6-25-1980.
9. Right No. 45-11042 is an expansion of rights 45-2582A & 45-2585A pursuant to Section 42-1416B, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 78751

WATER RIGHT NO. 45-13614
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-K.
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 diversion(s).
7. This right does not grant any right-of-way or easement across the land of another.
8. This right is based upon an enlargement of right nos. 45-13534 & 45-13536 pursuant to Section 42-1426, Idaho Code.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-13615
As Modified by Transfer No. 78751

In accordance with the approval of Transfer No. 78751, Water Right No. 45-13615 is now described as follows:

Right Holder: PATT'CO, LLLP
 1800 Z ST
 HEYBURN, ID 83336

Priority Date: 6/30/1985

Source: BIG COTTONWOOD CREEK **Tributary:** DRY CREEK

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 1.020 cfs
 1.020 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG COTTONWOOD CREEK NWNESW Sec 17 Twp 13S Rge 21E CASSIA 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	
12S	21E	20	40.0	32.0	40.0	40.0									33.0	33.0	33.0	33.0	284.0
12S	21E	29	37.0	40.0	40.0	35.0				40.0	40.0	40.0	40.0	39.0		40.0	40.0		431.0
12S	21E	30	40.0	33.0	40.0	40.0									40.0	40.0	33.0	40.0	306
12S	21E	31	40.0			27.0													67.0
12S	21E	32		32.0			33.0	40.0	41.0										146.0

Right Acre Limit: 131.0

POU Total Acres: 1234.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 131 acres within the authorized place of use in a single irrigation season.
2. Rights 45-13534, 45-13536, 45-13614, and 45-13615 when combined shall not exceed a total diversion rate of 9.6 cfs and the irrigation of 1234 acres.
3. Rights 45-2582A, 45-2582B, 45-2585A, 45-2585B, 45-11042, 45-11066, 45-11092, 45-13534, 45-13536, 45-13613, 45-13614, and 45-13615 when combined shall not exceed the irrigation of 1234 acres.
4. 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.

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WATER RIGHT NO. 45-13615
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-K.
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 diversion(s).
7. This right does not grant any right-of-way or easement across the land of another.
8. This right is based upon an enlargement of right nos. 45-13534 & 45-13536 pursuant to Section 42-1426, Idaho Code.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-11066
As Modified by Transfer No. 78751

In accordance with the approval of Transfer No. 78751, Water Right No. 45-11066 is now described as follows:

Right Holder: PATTCO, LLLP
 1800 Z ST
 HEYBURN, ID 83336

Priority Date: 4/1/1924

Source: LITTLE CEDAR CANYON CREEK **Tributary:** BIG COTTONWOOD CREEK

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 3.000 cfs
 3.000 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE CEDAR CANYON CREEK NWNESW Sec 5 Twp 13S Rge 21E CASSIA County
 LITTLE CEDAR CANYON CREEK NESWSE Sec 6 Twp 13S Rge 21E CASSIA 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	
12S	21E	20	40.0	32.0	40.0	40.0									33.0	33.0	33.0	33.0	284.0
12S	21E	29	37.0	40.0	40.0	35.0				40.0	40.0	40.0	40.0	39.0		40.0	40.0		431.0
12S	21E	30	40.0	33.0	40.0	40.0									40.0	40.0	33.0	40.0	306
12S	21E	31	40.0			27.0													67.0
12S	21E	32		32.0			33.0	40.0	41.0										146.0

Right Acre Limit: 496.0

POU Total Acres: 1234.0

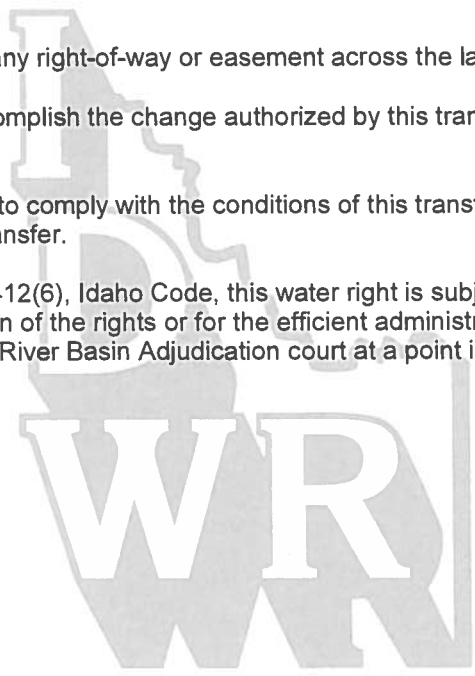
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 496 acres within the authorized place of use in a single irrigation season.
2. Rights 45-11066 and 45-11092 when combined shall not exceed a total diversion rate of 6.00 cfs and the irrigation of 496 acres.
3. Rights 45-2582A, 45-2582B, 45-2585A, 45-2585B, 45-11042, 45-11066, 45-11092, 45-13534, 45-13536, 45-13613, 45-13614, and 45-13615 when combined shall not exceed the irrigation of 1234 acres.
4. 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.

Transfer No. 78751

WATER RIGHT NO. 45-11066
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-K.
 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 diversion(s).
 7. This right does not grant any right-of-way or easement across the land of another.
 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. 45-11092

As Modified by Transfer No. 78751

In accordance with the approval of Transfer No. 78751, Water Right No. 45-11092 is now described as follows:

Right Holder: PATTCO, LLLP
1800 Z ST
HEYBURN, ID 83336

Priority Date: 4/1/1924

Source: LITTLE CEDAR CANYON CREEK **Tributary:** BIG COTTONWOOD CREEK

BENEFICIAL USE
IRRIGATION

From 3/15 **To** 11/15

Diversion Rate
3.000 cfs
3.000 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE CEDAR CANYON CREEK NWNESW Sec 5 Twp 13S Rge 21E CASSIA County
LITTLE CEDAR CANYON CREEK NESWSE Sec 6 Twp 13S Rge 21E CASSIA 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	
12S	21E	20	40.0	32.0	40.0	40.0									33.0	33.0	33.0	33.0	284.0
12S	21E	29	37.0	40.0	40.0	35.0				40.0	40.0	40.0	40.0	39.0		40.0	40.0		431.0
12S	21E	30	40.0	33.0	40.0	40.0									40.0	40.0	33.0	40.0	306
12S	21E	31	40.0			27.0													67.0
12S	21E	32		32.0			33.0	40.0	41.0										146.0

Right Acre Limit: 496.0

POU Total Acres: 1234.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 496 acres within the authorized place of use in a single irrigation season.
2. Rights 45-11066 and 45-11092 when combined shall not exceed a total diversion rate of 6.00 cfs and the irrigation of 496 acres.
3. Rights 45-2582A, 45-2582B, 45-2585A, 45-2585B, 45-11042, 45-11066, 45-11092, 45-13534, 45-13536, 45-13613, 45-13614, and 45-13615 when combined shall not exceed the irrigation of 1234 acres.
4. 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.

Transfer No. 78751

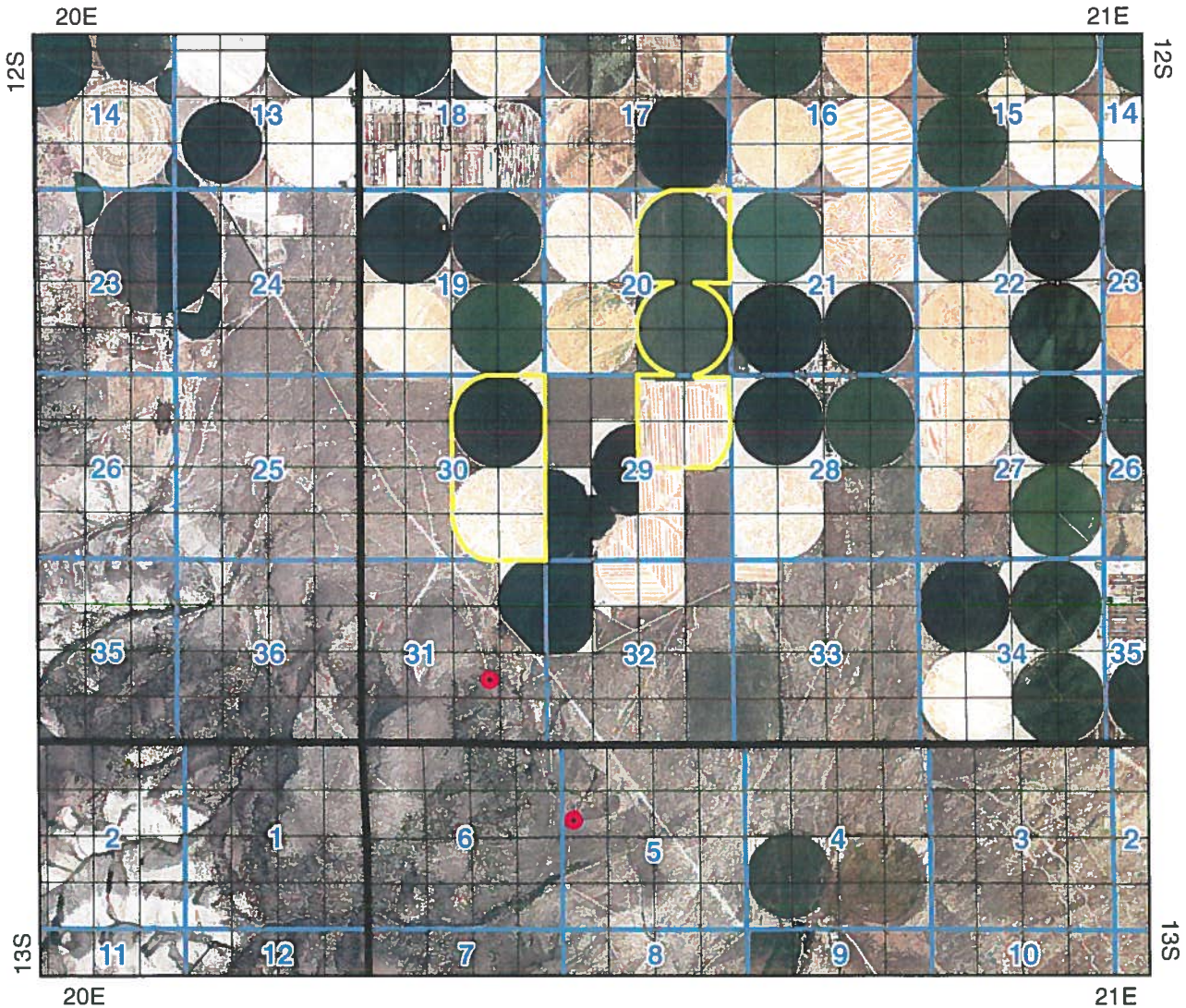
WATER RIGHT NO. 45-11092
As Modified by Transfer No. 78751

CONDITIONS OF APPROVAL

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. 45-K.
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 diversion(s).
7. This right does not grant any right-of-way or easement across the land of another.
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. 78751
Rights: 45-2582A, 45-2585A and 45-11042

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

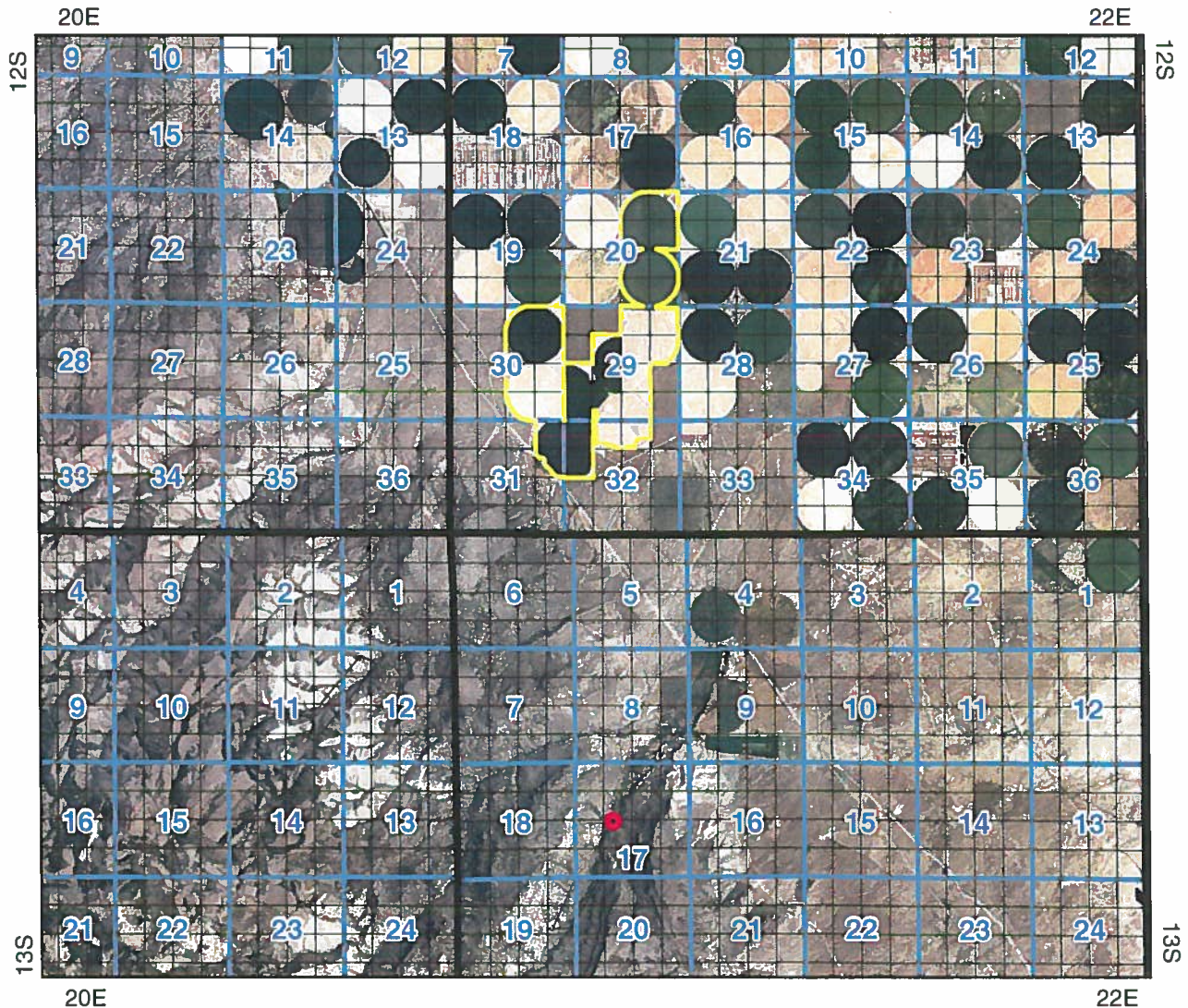


State of Idaho
Department of Water Resources

Attachment To Transfer No. 78751

Rights: 45-13534, 45-13536, 45-13614 and 45-13615

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.



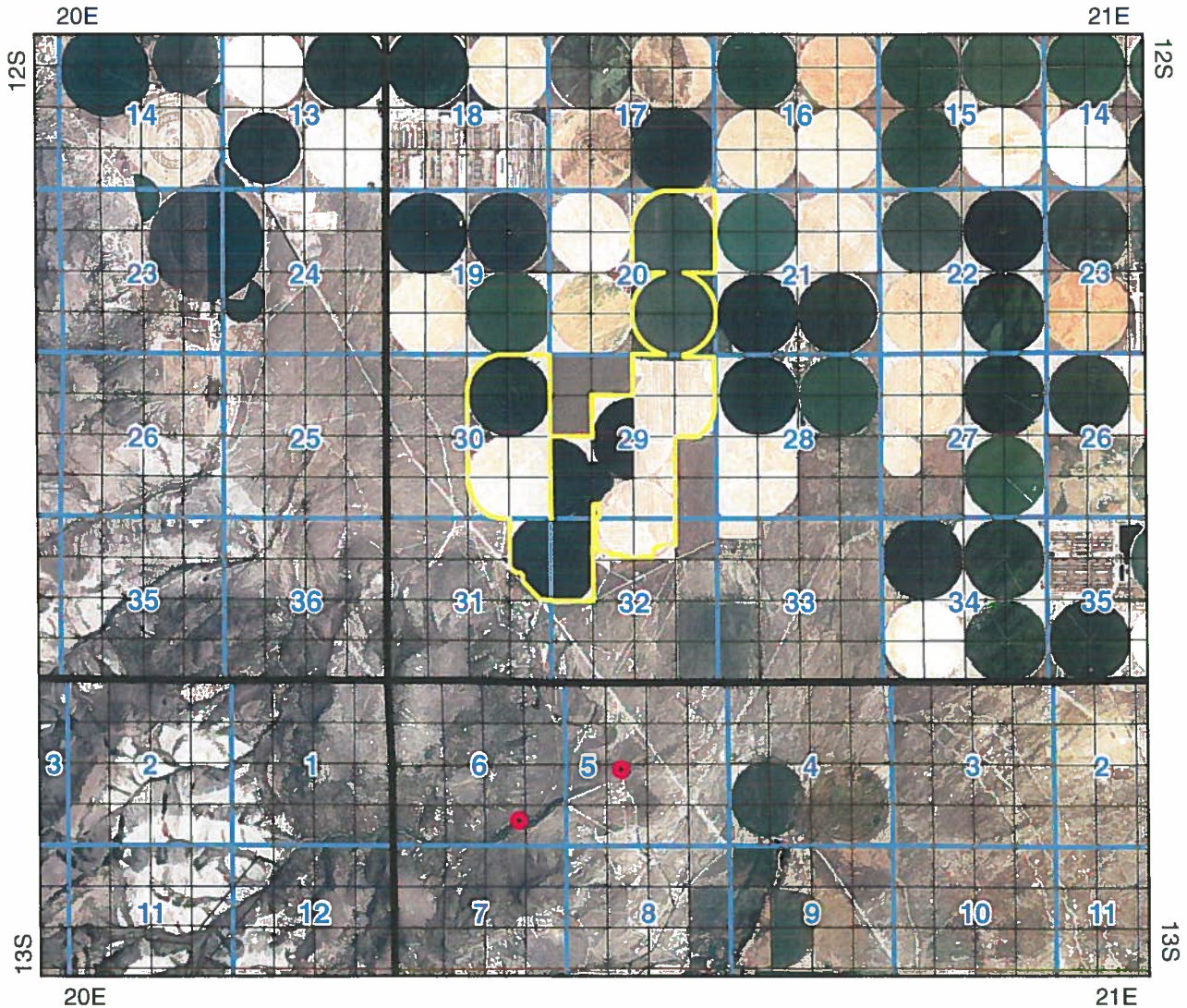
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 1 2 4 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 78751
Rights: 45-11066 and 45-11092

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, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 23, 2013

PATTCO LLLP
1800 Z ST
HEYBURN ID 83336

Re: Transfer No: 78751

Water Right No(s): 45-2582A, 45-2585A, 45-11042, 45-11066, 45-11092, 45-13534,
45-13536, 45-13614, 45-13615

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 stylized with a large, looped initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure

cc:

W KENT FLETCHER
PO BOX 248
BURLEY ID 83318

CERTIFICATE OF SERVICE

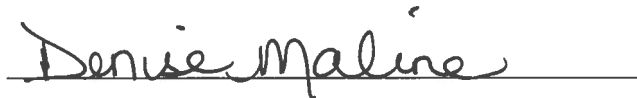
I hereby certify that on September 23, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78751

**Water Right No(s): 45-2582A, 45-2585A, 45-11042, 45-11066, 45-11092,
45-13534, 45-13536, 45-13614, 45-13615**

**PATTCO LLLP
1800 Z ST
HEYBURN ID 83336**

**W KENT FLETCHER
PO BOX 248
BURLEY ID 83318**

A handwritten signature in cursive script, 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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 23, 2013

JEFF COOPER
WATER DISTRICT #45-O
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

Via hand delivery

Re: **APPROVED Transfer No. 78751 (PATTCO LLLP)**

Dear Mr. Cooper:

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

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

Sincerely,

A handwritten signature in 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, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 23, 2013

RODERICK KING
WATER DISTRICT #45-K
PO BOX 207
OAKLEY, ID 83346

Re: **APPROVED** Transfer No. 78751 (PATTCO LLLP)

Dear Mr. King:

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

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

Sincerely,

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

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 23, 2013

BRIAN HIGGS WATERMASTER
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

Via E-mail

Re: **APPROVED Transfer No. 78750 (PKD Properties LC & TLD Properties LLC)**

Re: **APPROVED Transfer No. 78751 (PATTCO LLLP)**

Dear Mr. Higgs:

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

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

Sincerely,

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

Denise Maline
Administrative Assistant

Enclosure

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Monday, August 26, 2013 8:12 AM
To: Maline, Denise
Subject: Re: Comment Letter for Transfer 78750 & 78751

Hi Denise.

I reviewed the transfers 78750 and 78751. I have no objection and no comment.

Thank you.

Brian

From: Maline, Denise
Sent: Tuesday, August 20, 2013 12:30 PM
To: Brian Higgs (WD 140)
Subject: Comment Letter for Transfer 78750 & 78751

Dear Brian,

Attached please find a cover letter, recommendation forms, and copy of Application for Transfer No. 78750 & 78751. Please review the attached information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources
Southern Region
1341 Fillmore St, Suite 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3392 / Virus Database: 3211/6594 - Release Date: 08/20/13

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED
AUG 20 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 78751

Water Right No(s): 45-2582A, 45-2585A,
45-11042, 45-11066, 45-11092, 45-13534,
45-13536, 45-13614, 45-13615

Transfer Applicant's Name: PATTCO LLLP
1800 Z ST
HEYBURN, ID 83336

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 20 day of August, 2013

Water District No. 45-O


Watermaster's Signature

Tiffany S Cooper
Printed Name