

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77052

This is to certify that: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703
 (775)885-5000

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-3308	AJC/License	08/31/1962	4.18 cfs	1264.5 af	N/A	281.0	GROUND WATER
63-3182	AJC/License	02/19/1960	6.68 cfs	N/A	N/A	437.0	GROUND WATER
63-3583	AJC/License	02/17/1967	1.5 cfs	472.5 af	N/A	105.0	GROUND WATER
63-7177	AJC/License	12/12/1968	4.7 cfs	1570.5 af	N/A	349.0	GROUND WATER
63-7903	AJC/License	12/13/1973	3.13 cfs	1519 af	N/A	1,274.0	GROUND WATER
63-7349	AJC/License	07/07/1970	1.66 cfs	802 af	N/A	310.0	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>
63-3308	NO	YES	YES	YES	NO	NO
63-3182	NO	YES	YES	YES	NO	NO
63-3583	NO	YES	YES	YES	NO	NO
63-7177	NO	YES	YES	YES	NO	NO
63-7903	NO	YES	YES	YES	NO	NO
63-7349	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>
63-3308	63-3308	4.18 cfs	1264.5 af	281.0	1,340.0		N/A	N/A	N/A	N/A
63-3182	63-3182	6.68 cfs	N/A	437.0	1,340.0		N/A	N/A	N/A	N/A
63-3583	63-3583	1.5 cfs	472.5 af	105.0	1,340.0		N/A	N/A	N/A	N/A
63-7177	63-7177	4.7 cfs	1570.5 af	349.0	1,340.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 63-3182

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77052**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-7903	63-7903	3.13 cfs	1519 af	1,274.0	1,340.0		N/A	N/A	N/A	N/A
63-7349	63-7349	1.66 cfs	802 af	310.0	1,340.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		20.35 cfs	5733 af	1274.0	1340.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of June, 20 12



JOHN WESTRA, Western Regional Manager

WATER RIGHT NO. 63-3308
As Modified by Transfer No. 77052

In accordance with the approval of Transfer No. 77052, Water Right No. 63-3308 is now described as follows.

Right Holder: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703

Priority Date: August 31, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	4.18 CFS	1,264.5 AF
			4.18 CFS	1,264.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 22 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	SWNE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSWSE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWNW	Sec. 24 Twp 06N	Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 05W 13									40.0								40.0
06N 05W 14									40.0	40.0			40.0	40.0			160.0
06N 05W 15															40.0		40.0
06N 05W 22	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	480.0
06N 05W 23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	40.0	40.0	20.0		520.0
06N 05W 24						40.0	40.0		20.0								100.0

Total Acres: 1340

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.

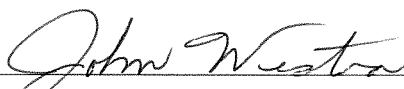
WATER RIGHT NO. 63-3308
As Modified by Transfer No. 77052

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. This right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. This right is limited to the irrigation of 281 acres within the authorized place of use in a single irrigation season.
9. Rights 63-3308 and 63-7349 when combined shall not exceed a total annual maximum diversion volume of 1426.5 af at the field headgate, and the irrigation of 317 acres.
10. Rights 63-3308, 63-3583 and 63-7349 when combined shall not exceed a total diversion rate of 5.84 cfs.
11. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
13. The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.
14. The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
15. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.
16. Points of diversion and place of use do not include federal public lands.

This water right 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.

Dated this 19th day of June, 2012


JOHN WESTRA, Western Regional Manager

WATER RIGHT NO. 63-3583
As Modified by Transfer No. 77052

In accordance with the approval of Transfer No. 77052, Water Right No. 63-3583 is now described as follows.

Right Holder: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703

Priority Date: February 17, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.50 CFS	472.5 AF
			1.50 CFS	472.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 22 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	SWNE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSWSE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWNW	Sec. 24 Twp 06N	Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 05W 13											40.0						40.0
06N 05W 14											40.0	40.0			40.0	40.0	160.0
06N 05W 15																40.0	40.0
06N 05W 22	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	480.0
06N 05W 23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	40.0	40.0	20.0		520.0
06N 05W 24						40.0	40.0			20.0							100.0

Total Acres: 1340

CONDITIONS OF APPROVAL

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

WATER RIGHT NO. 63-3583
As Modified by Transfer No. 77052

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. This right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. This right is limited to the irrigation of 105 acres within the authorized place of use in a single irrigation season.
9. Rights 63-3308, 63-3583 and 63-7349 when combined shall not exceed a total diversion rate of 5.84 cfs.
10. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
12. The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.
13. The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
14. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.
15. Points of diversion and place of use do not include federal public lands.

This water right 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.

Dated this 19th day of June, 2012


JOHN WESTRA, Western Regional Manager

WATER RIGHT NO. 63-7177
As Modified by Transfer No. 77052

In accordance with the approval of Transfer No. 77052, Water Right No. 63-7177 is now described as follows.

Right Holder: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703

Priority Date: December 12, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	4.70 CFS	1,570.5 AF
			4.70 CFS	1,570.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 22 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	SWNE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSWSE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWNW	Sec. 24 Twp 06N	Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 05W 13											40.0						40.0
06N 05W 14											40.0	40.0			40.0	40.0	160.0
06N 05W 15																40.0	40.0
06N 05W 22	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	480.0
06N 05W 23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	40.0	40.0	20.0		520.0
06N 05W 24						40.0	40.0			20.0							100.0

Total Acres: 1340

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.

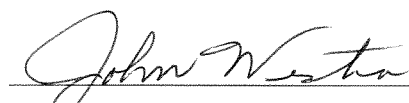
WATER RIGHT NO. 63-7177
As Modified by Transfer No. 77052

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. This right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. This right is limited to the irrigation of 349 acres within the authorized place of use in a single irrigation season.
10. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
12. The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.
13. The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
14. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.
15. Points of diversion and place of use do not include federal public lands.

This water right 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.

Dated this 19th day of June, 2012


JOHN WESTRA, Western Regional Manager

WATER RIGHT NO. 63-7349
As Modified by Transfer No. 77052

In accordance with the approval of Transfer No. 77052, Water Right No. 63-7349 is now described as follows.

Right Holder: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703

Priority Date: July 07, 1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	1.66 CFS	802.0 AF
			1.66 CFS	802.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 22 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	SWNE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSWSE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWNW	Sec. 24 Twp 06N	Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 05W 13									40.0								40.0
06N 05W 14									40.0	40.0			40.0	40.0			160.0
06N 05W 15															40.0		40.0
06N 05W 22	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	480.0
06N 05W 23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	40.0	40.0	20.0		520.0
06N 05W 24						40.0	40.0		20.0								100.0

Total Acres: 1340

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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

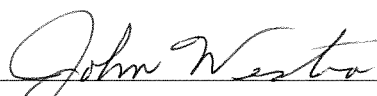
WATER RIGHT NO. 63-7349
As Modified by Transfer No. 77052

CONDITIONS OF APPROVAL

4. This right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. This right is limited to the irrigation of 310 acres within the authorized place of use in a single irrigation season.
10. Rights 63-3308 and 63-7349 when combined shall not exceed a total annual maximum diversion volume of 1426.5 af at the field headgate, and the irrigation of 317 acres.
11. Rights 63-3308, 63-3583 and 63-7349 when combined shall not exceed a total diversion rate of 5.84 cfs.
12. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
14. The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.
15. The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
16. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.
17. Points of diversion and place of use do not include federal public lands.

This water right 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.

Dated this 19th day of June, 20 12


JOHN WESTRA, Western Regional Manager

WATER RIGHT NO. 63-7903
As Modified by Transfer No. 77052

In accordance with the approval of Transfer No. 77052, Water Right No. 63-7903 is now described as follows.

Right Holder: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703

Priority Date: December 13, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.13 CFS	1,519.0 AF
			3.13 CFS	1,519.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 22 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	SWNE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSWSE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWNW	Sec. 24 Twp 06N	Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 05W 13											40.0						40.0
06N 05W 14											40.0	40.0			40.0	40.0	160.0
06N 05W 15																40.0	40.0
06N 05W 22	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	480.0
06N 05W 23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	40.0	40.0	20.0		520.0
06N 05W 24						40.0	40.0			20.0							100.0

Total Acres: 1340

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.

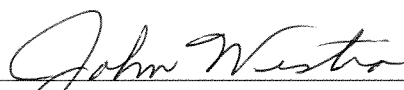
WATER RIGHT NO. 63-7903
As Modified by Transfer No. 77052

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. This right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. This right is limited to the irrigation of 1274 acres within the authorized place of use in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
12. The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.
13. The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
14. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.
15. Points of diversion and place of use do not include federal public lands.

This water right 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.

Dated this 19th day of June, 20 12


JOHN WESTRA, Western Regional Manager

WATER RIGHT NO. 63-3182
As Modified by Transfer No. 77052

In accordance with the approval of Transfer No. 77052, Water Right No. 63-3182 is now described as follows.

Right Holder: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703

Priority Date: February 19, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	6.68 CFS
			6.68 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 22 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	SWNE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSWSE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWNW	Sec. 24 Twp 06N	Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05W	13											40.0						40.0
06N	05W	14										40.0	40.0			40.0	40.0		160.0
06N	05W	15															40.0		40.0
06N	05W	22	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	480.0
06N	05W	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0			20.0	40.0	40.0	20.0		520.0
06N	05W	24						40.0	40.0			20.0							100.0

Total Acres: 1340

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.

WATER RIGHT NO. 63-3182
As Modified by Transfer No. 77052

CONDITIONS OF APPROVAL

3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. This right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right is limited to the irrigation of 437 acres within the authorized place of use in a single irrigation season.
8. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.
11. The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
12. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.
13. Points of diversion and place of use do not include federal public lands.

This water right 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.

Dated this 19th day of June, 2012


JOHN WESTRA, Western Regional Manager



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
Interim Director

June 19, 2012

BASIN & RANGE RESOURCE CO LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD STE 101
CARSON CITY NV 89703

RE: Transfer No.: 77052
 Water Right No(s): 63-3583 63-7177 63-7349 63-7903 63-3182
 63-3308

Transfer Approval Notice

Dear Water Right Holder:

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 homepage 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,



for

John Westra

Western Regional Manager

Enclosure(s)

cc:

HOFSTETTER LAW OFFICE
US DEPT OF INTERIOR

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO.	77052				
WATER RIGHTS NOS.	63-3583	63-7177	63-7349	63-7903	63-3182
	63-3308				

**BASIN & RANGE RESOURCE CO LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD STE 101
CARSON CITY NV 89703**

**HOFSTETTER LAW OFFICE
ATTN: DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702**

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657**

Arthur Penn

Mandi Pearson
Office Specialist II

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 77052

FROM: Angie Grimm

DATE: March 15, 2012 Amended April 26, 2012 & June 13, 2012

RE: Evaluation of Application

The transfer proposes to add PDs and create a large PPU for the following ground water rights; 63-3182, 63-3308, 63-3583, 63-7177, 63-7349, and 63-7903. The transfer proposes to create an integrated system for diversion of these rights from 10 wells (7 existing 3 proposed new) for irrigation. The six water rights when combined will be limited to irrigation of 1,274 acres within the 1,340 acre PPU.

The site is generally located along the north side of Pearl Rd between Parma Rd and Ridgeway Rd approximately four miles east of the Snake River and 4.5 miles northeast of Parma.

Contact person for the applicant is **Dana Hofstetter, Hofstetter Law Office LLC**. Steve Hannula, ERO Resources prepared the original transfer application.

Summary of Information Submitted

Authority to File: Applicant is the owner of record for the rights proposed for transfer. The applicant is also the property owner for the proposed PPU and PDs (existing and proposed wells). The applicant has authority to change the rights.

Water Right Validity: Recent beneficial use of the rights proposed for transfer was confirmed via 2011 and 2009 aerial photography depicting irrigation of land within the current PU of right 63-7903 (which encompasses PU of all other rights plus 79 unique acres of irrigation). Irrigation of at least 1,274 acres is occurring within the current PU of right 63-7903.

Injury to Other Water Rights: Injury should not occur under this proposal presuming use of the four newer wells (one recently drilled and three proposed wells not yet drilled) does not interfere with nearby wells. The applicant proposes to use all the existing wells historically used for diversion of the water rights and four new wells. There are no known ground water shortages in this area. Use of these wells in an integrated system for irrigation of ground that has historically been irrigated in this area should not negatively impact surrounding wells or water rights. However, as ground water rights, use of the PDs is subject to reasonable pumping level provisions of Idaho Code § 42-226. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is unlikely the proposed changes in diversion of the rights will significantly impact ground water supply in this area.

Enlargement of Use: The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of this transfer. The rights have the following combined use limits that will be maintained should the transfer be approved:

1. 63-3308, 63-3583, and 63-7349 shall not exceed 5.84 cfs when combined.

2. 63-3308 and 63-7349 shall not exceed 4.5 AF/AC when combined. For clarification, this condition will be re-worded into current terminology. Based on overlap analysis of the licensed records (see Discussion section), **63-3308 and 63-7349 shall not exceed diversion of 1,426.5 AF for irrigation of 317 acres per season when combined.**
3. 63-3182, 63-3308, 63-3583, 63-7177, 63-7349, and 63-7903 shall not exceed 4.5 AF/AC when combined. For clarification, this condition will be re-worded into current terminology. Based on overlap analysis of the licensed records (see Discussion section), **63-3182, 63-3308, 63-3583, 63-7177, 63-7349, and 63-7903 shall not exceed diversion of 20.35 cfs and 5,733 AF for irrigation of 1,274 acres per season when combined.** This is also the condition that is appropriate to add to the rights for creation of the integrated system and PPU of rights proposed by this transfer.

Also, should this transfer be approved, each right will maintain an individual acre limit and the combined use condition illustrated in item no. 3 above will limit use under the rights to a total of 20.35 cfs and 5,733 AF for irrigation of not more than 1,274 acres within the 1,340 acre PPU in a single irrigation season. There are a few other overlap issues that should have resulted in limiting conditions between a couple of these rights during licensing, but these are inconsequential provided the combined limit conditions just mentioned are placed on the rights should this transfer be approved. These overlap issues are discussed in detail in the Discussion section of this memo for documentation purposes. The rights proposed for transfer are primary irrigation water rights and will continued to be used as such should the transfer be approved. If the existing diversion limits are maintained, the proposed changes to the rights should not result in an enlargement of the use.

Local Public Interest: Combined use limitations on this system will limit diversion to less than 0.02 cfs/ac, under the maximum allowable, should this transfer be approved. The use of pivots and other sprinkler type devices is an efficient means of irrigation. Allowing the applicant to irrigate land historically irrigated using an integrated system of pipes and pivots will likely provide for a more efficient irrigation system, which serves the local public interest.

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

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

Discussion

Data entry will affect the adjudication claim records for the six rights proposed for transfer. These rights have been recommended and objected to in the SRBA. Once the transfer is processed, the resultant claim records shall be reviewed by adjudication staff and updated recommendation records should be created at that time.

PDs identified as Well #1 thru Well #6 and the New Well-Well #7 are existing wells currently associated with rights proposed for transfer. Historically, rights 63-3308, 63-3583, and 63-7349 used Well #2. Right 63-3182 used Well #1, Well #4, and Well #6. Right 63-7177 used Well #3. Right 63-7903 used Well #5. Prior to this transfer, approval of Transfer No. 77498 added the New Well in NE SE Sec 23 T6N R5W to right 63-3182 and approval of Transfer No. 77499

added Proposed Well #1 and Proposed Well #2 to rights 63-7177 and 63-7349. This transfer will add all the PDs to all the rights within the proposed PPU to allow for creation of an integrated system.

When right 63-3583 was developed using Well #2 as the PD, the system capacity was 4.18 cfs per the license. Right 63-3308 used Well #2 also when licensed. Right 63-3308 authorizes diversion of 4.18 cfs and right 63-3583 authorizes diversion of 1.5 cfs. Based on the system capacity noted on the license of 63-3583, a condition should've been placed on the license limiting the two rights to diversion of 4.18 cfs when combined. This was not done. However, when right 63-7349, the third right using Well #2 as a PD, was licensed a condition was put on that license stating rights 63-3308, 63-3583, and 63-7349 are limited to 5.84 cfs (system capacity at the time of 63-7349's licensing) when combined to address this PD overlap. This transfer process may provide an opportunity to clarify this overlap and place the combined limit condition of diversion of 63-3308 and 63-3583. However, considering this overlap was addressed in conditioning of license 63-7349 to some extent and it's generally the policy of the Department not to add conditions further limiting rights during transfer processing, the draft approval for this transfer does not include a condition limiting diversion of 63-3308 and 63-3583 specifically.

To the same extent, when right 63-3583 was licensed 13 acres of the PU authorized overlapped with the PU for right 63-3182. A condition should've been placed on right 63-3583 that when combined with right 63-3182 diversion should not exceed 2,380.5 AFA for irrigation of no more than 529 acres. It appears, this overlap was only addressed in licensing of 63-7903 by placing the condition that all six water rights shall not exceed 4.5 AF/AC when combined. Considering Department policy previously noted and the fact that conditioning of 63-7903 addresses this overlap to some extent, the draft approval for this transfer does not include a condition limiting diversion of 63-3182 and 63-3583 specifically.

Right 63-7533 is a stockwater right that uses Well #6 as a PD and has a recorded PU within the PPU proposed by this transfer. This right is for a different use and therefore it is not necessary for this overlapping right to be included in this transfer process. Right 63-21624 is a domestic right which uses a separate domestic well within the NE SE Section 23 T6N R5W (same QQ as Well #1, Well #6, and the New Well-Well #7) for domestic use within the PPU proposed. This domestic well is a unique well not currently used or proposed for use for any of the irrigation rights within this transfer. There are no other applicable overlapping rights.

The Bureau of Land Management (BLM) filed objections to the SRBA recommendations of the six rights proposed for transfer. On January 9, 2012, the Department received an Application for Transfer RECOMMENDATION FORM from Fred Price of the BLM regarding processing of this transfer application. This form indicates the BLM does not object to processing of this transfer so long as certain conditions are placed on the approval and the 2/4/2011 version of the transfer form is not amended. The draft approval for this transfer includes conditions per the BLM's request to address their concerns. However, an amended transfer application adding the tenth proposed PD was received 4/17/2012. Subsequently, the BLM filed a protest on 4/20/2012. The Department received a Settlement Agreement signed by both parties on June 12, 2012 stipulating two (2) PDs in the SE SW Sec 23 T6N R5W and one (1) PD in the SW SE Sec 23 T6N R5W shall be recorded to the 10 acre tract (two PDs in NWSESW Sec 23 T6N R5W and one PD in NWSWSE Sec 23 T6N R5W) and specific conditions shall be put on the transfer approval confirming these rights are not to be used on public land.

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.

Condition 046 is applicable since three new wells are proposed.