



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

March 28, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

R J LLC
72 PELICAN DR
RUPERT ID 83350

RE: Transfer No.: 73520

Water Right No(s): 36-16476 36-7042 36-2058B 36-2058C 36-2058D
36-2075B 36-2075D 36-2075E 36-2075F 36-2530A
36-2530B 36-2619 36-2620 36-2653B 36-2653N
36-2653P 36-2653Q 36-4006 36-7007B 36-7021A
36-7021C 36-7041 36-7391 36-7580B 36-7580C
36-7580D 36-7795B 36-8068B 36-8068D 36-8068E
36-8069N 36-8274A 36-8274B 36-8275B 36-8404
36-15366D 36-15456A 36-15456B 36-16386
36-11290 36-11340 36-15366B 36-15366C
36-2191 36-8069P 36-2193 36-2233D 36-2233G
36-2410B 36-2410C 36-2410D 36-2454B 36-2591
36-8777 36-8778 36-7795A 36-8068F 36-8069Q
36-8251E 36-16475

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Rights 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.

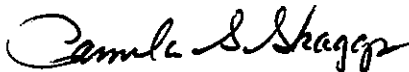
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 208-287-4947.

Sincerely,


for Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

cc: WATERMASTER CINDY YENTER
BROCKWAY ENGINEERING
YOUNG & YOUNG PARTNERSHIP
FARM CREDIT SERVICES

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2008 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

RE: TRANSFER NO.

73520

WATER RIGHT NOS. 36-16476 36-7042 36-2058B 36-2058C 36-2058D
36-2075B 36-2075D 36-2075E 36-2075F 36-2530A
36-2530B 36-2619 36-2620 36-2653B 36-2653N
36-2653P 36-2653Q 36-4006 36-7007B 36-7021A
36-7021C 36-7041 36-7391 36-7580B 36-7580C
36-7580D 36-7795B 36-8068B 36-8068D 36-8068E
36-8069N 36-8274A 36-8274B 36-8275B 36-8404
36-15366D 36-15456A 36-15456B 36-16386 36-11290
36-11340 36-15366B 36-15366C 36-2191 36-8069P
36-2193 36-2233D 36-2233G 36-2410B 36-2410C
36-2410D 36-2454B 36-2591 36-8777 36-8778
36-7795A 36-8068F 36-8069Q 36-8251E 36-16475

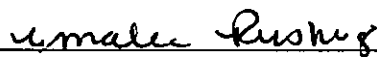
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

R J LLC
72 PELICAN DR
RUPERT ID 83350

YOUNG & YOUNG PARTNERSHIP
C/O MARIA YOUNG
230 N 500 E
RUPERT ID 83350

YOUNG & YOUNG PARTNERSHIP
PO BOX 307
RUPERT ID 83350

FARM CREDIT SERVICES
BRIAN PARKS
815 N COLLEGE RD
PO BOX 5059
TWIN FALLS ID 83303-5059



Emalee Rushing
Office Services Supervisor

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 issuance 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.