



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 16, 2006

CAROL JEAN HOLLIFIELD
TERRY HOLLIFIELD
C/O ROBERT WILLIAMS
FREDERICKSEN WILLIAMS & MERSERVY LLP
PO BOX 168
JEROME ID 83338-0168

Transfer Approval Notice

RE: Transfer No.: 72827
Water Right No(s): 45-14011 45-14013

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.

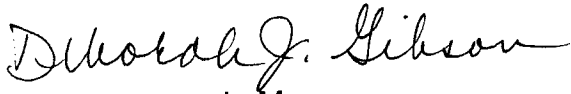
If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office 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.

Enclosed for your information is a water right report for 45-14014 generated by accessing the department's database. This water right was created from an ownership split of water right 45-13711 based on a Settlement Agreement dated April 9, 2004 between the Hollifields, Munsees and Uhlig Ranches. The original right, no. 45-13711, was split into three rights 45-14013, 45-14014 and 45-14015 to reflect the water right data after the split. Presently water right 45-14014 is before the Snake River Basin Adjudication court, and 45-14013 is a part of this transfer application.

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 208-287-4948.

Sincerely,



for Jeff Peppersack, Manager
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 72827
WATER RIGHTS NOS. 45-14011 45-14013

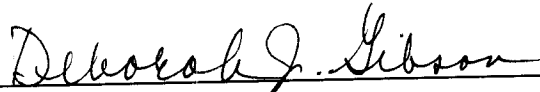
**CAROL JEAN HOLLIFIELD
TERRY HOLLIFIELD
C/O ROBERT WILLIAMS
FREDERICKSEN WILLIAMS & MERSERVY LLP
PO BOX 168
JEROME ID 83338-0168**

**M FOUR LLC
C/O ROBERT WILLIAMS
FREDERICKSEN WILLIAMS & MERSERVY LLP
PO BOX 168
JEROME ID 83338-0168**

**UHLIG RANCHES INC
3693 E 3950 N
KIMBERLY ID 83341**

**PERSONAL REPRESENTATIVE
FOR THE ESTATE OF EDWARD L UHLIG
PO BOX AA
TWIN FALLS ID 83301**

**JASON C HELMS EIT
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**



**Deborah Gibson
Admin. Assistant**

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-14014

WATER RIGHT NUMBER: 45-14014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M FOUR LLC C/O ROBERT WILLIAMS FREDERICKSEN WILLIAMS & MERSERVY LLP PO BOX 168 JEROME, ID 83338-0168 (208)324-2303
Original Owner	TERRY HOLLIFIELD C/O ROBERT WILLIAMS FREDERICKSEN WILLIAMS & MERSERVY LLP PO BOX 168 JEROME, ID 83338-0168 (208)324-2303
Original Owner	CAROL JEAN HOLLIFIELD C/O ROBERT WILLIAMS FREDERICKSEN WILLIAMS & MERSERVY LLP PO BOX 168 JEROME, ID 83338-0168 (208)324-2303
Original Owner	UHLIG RANCHES INC 3693 E 3950 N KIMBERLY, ID 83341 (208)423-6705

Priority Date: 07/30/1952

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.020 CFS	1.00 AF
DOMESTIC	01/01 to 12/31	0.110 CFS	3.90 AF
STOCKWATER	01/01 to 12/31	0.440 CFS	47.40 AF
IRRIGATION	03/15 to 11/15	0.050 CFS	5.10 AF
	<u>Total Diversion:</u>	0.440 CFS	57.40 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4NW1/4	Sec. 1, Twp 11S, Rge 19E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4SW1/4SE1/4	Sec. 36, Twp 10S, Rge 19E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4SW1/4SE1/4	Sec. 36, Twp 10S, Rge 19E, B.M.
TWIN FALLS County		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-14014

Place of Use**COMMERCIAL**

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	19E	36											X	X					

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	19E	36												X					

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	19E	36									X	X	X	X		X	X		
11S	19E	1					X	X											
							L 3	L 4											

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	
10S	19E	36												1.3					1.3

Total Acres: 1.3

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-13711.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3.
 1. THE RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.
 2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 4.0 AFA PER ACRE FOR THE LANDS ABOVE.
 3. APPROVAL OF TRANSFER 4414 IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.
 4. THE CHANGE AUTHORIZED BY TRANSFER 4414 SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF JANUARY 12, 1995, THE DATE OF THIS APPROVAL.
 5. FAILURE TO COMPLY WITH THE CONDITIONS OF TRANSFER 4414 IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
 6. APPROVAL OF TRANSFER 4414 DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
 7. PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-14014

8. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4414 SHALL NOT EXCEED 1.70 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 176.9 AF.
9. TWO POINTS OF DIVERSION ARE LOCATED WITHIN SWSE, S36, T10S, R19E.
10. 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 DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
11. STOCKWATER USE UNDER RIGHT NO. 45-14014 IS FOR 3,526 RANGE CATTLE.
12. COMMERCIAL USE IS FOR OFFICES, SHOP AND FEEDLOT.
13. DOMESTIC USE IS FOR 7 HOMES.

Remarks:

Comments:

1. jroberts 6/6/2006 split right
Comment: This is a split of 45-13711, split up front in preparation for a transfer. See Settlement Agreement in Transfers 72727 or 72868.

2. jroberts 8/10/2006 POU
Comment: Updated Shape

3. jroberts 8/10/2006 POD
Comment: Updated shape

Dates and Other Information:

Licensed Date:
Decreed Date: 5/13/2005
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: