

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89474**

This is to certify that: ANGELA NICHOLS AND
DEREK A NICHOLS AND
NICHOLS LAND LLC AND
PATRICK J NICHOLS
PO BOX 606
MOORE, ID 83255-0606

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>
34-13902	WR/DECREED	8/29/1960	2.270 cfs	397.3 af	113.5	426.6	GROUND WATER
34-13904	WR/DECREED	12/17/1961	0.300 cfs	52.5 af	15.0	426.6	GROUND WATER
34-13906	WR/DECREED	1/3/1975	1.160 cfs	233.7 af	276.1	426.6	GROUND WATER
34-13985	WR/DECREED	2/18/1885	0.610 cfs	N/A	30.7	426.6	BIG LOST RIVER
34-13987	WR/DECREED	6/1/1887	0.430 cfs	N/A	15.0	426.6	BIG LOST RIVER
34-13989	WR/DECREED	4/28/1898	0.590 cfs	N/A	29.7	426.6	BIG LOST RIVER
34-13991	WR/DECREED	9/26/1894	0.300 cfs	N/A	15.0	426.6	BIG LOST RIVER
34-13993	WR/DECREED	6/1/1896	0.890 cfs	N/A	44.6	426.6	BIG LOST RIVER
34-13995	WR/DECREED	8/1/1899	0.590 cfs	N/A	29.6	426.6	BIG LOST RIVER
34-13997	WR/DECREED	8/1/1896	2.850 cfs	N/A	142.6	426.6	BIG LOST RIVER
34-13999	WR/DECREED	4/22/1884	2.170 cfs	N/A	108.4	426.6	BIG LOST RIVER
34-14001	WR/DECREED	5/1/1905	1.330 cfs	N/A	388.6	426.6	BIG LOST RIVER
34-14003	WR/DECREED	6/1/1909	0.190 cfs	N/A	9.5	426.6	ALDER CREEK

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>
34-13902	NO	NO	YES	NO	NO	NO
34-13904	NO	NO	YES	NO	NO	NO
34-13906	NO	NO	YES	NO	NO	NO
34-13985	NO	NO	YES	NO	NO	NO
34-13987	NO	NO	YES	NO	NO	NO
34-13989	NO	NO	YES	NO	NO	NO
34-13991	NO	NO	YES	NO	NO	NO
34-13993	NO	NO	YES	NO	NO	NO
34-13995	NO	NO	YES	NO	NO	NO
34-13997	NO	NO	YES	NO	NO	NO
34-13999	NO	NO	YES	NO	NO	NO
34-14001	NO	NO	YES	NO	NO	NO
34-14003	NO	NO	YES	NO	NO	NO

Transfer No. 89474

Support Data
In File # 34-13902

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89474**

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>
34-13902	34-13902	2.270 cfs	397.3 af	113.5	426.6	N/A	N/A	N/A	N/A	N/A
34-13904	34-13904	0.300 cfs	52.5 af	15.0	426.6	N/A	N/A	N/A	N/A	N/A
34-13906	34-13906	1.160 cfs	233.7 af	276.1	426.6	N/A	N/A	N/A	N/A	N/A
34-13985	34-13985	0.610 cfs	N/A	30.7	426.6	N/A	N/A	N/A	N/A	N/A
34-13987	34-13987	0.430 cfs	N/A	15.0	426.6	N/A	N/A	N/A	N/A	N/A
34-13989	34-13989	0.590 cfs	N/A	29.7	426.6	N/A	N/A	N/A	N/A	N/A
34-13991	34-13991	0.300 cfs	N/A	15.0	426.6	N/A	N/A	N/A	N/A	N/A
34-13993	34-13993	0.890 cfs	N/A	44.6	426.6	N/A	N/A	N/A	N/A	N/A
34-13995	34-13995	0.590 cfs	N/A	29.6	426.6	N/A	N/A	N/A	N/A	N/A
34-13997	34-13997	2.850 cfs	N/A	142.6	426.6	N/A	N/A	N/A	N/A	N/A
34-13999	34-13999	2.170 cfs	N/A	108.4	426.6	N/A	N/A	N/A	N/A	N/A
34-14001	34-14001	1.330 cfs	N/A	388.6	426.6	N/A	N/A	N/A	N/A	N/A
34-14003	34-14003	0.190 cfs	N/A	9.5	426.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		12.130 cfs	N/A	426.6	426.6		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 29th day of January, 2025.



Regional Manager

Transfer No. 89474

**Support Data
In File # 34-13902**

WATER RIGHT NO. 34-13902
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13902 is now described as follows:

Right Holder: DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 8/29/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.270 cfs	397.3 af
			2.270 cfs	397.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWSW Sec 8 Twp 06N Rge 25E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 113.5

POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 113.5 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-13902

As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under Transfer approval 89474, the right holder shall install and maintain an acceptable measuring device at the authorized point of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications.
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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13997
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13997 is now described as follows:

Right Holder: DEREK A NICHOLS AND
ANGELA NICHOLS AND
PATRICK J NICHOLS AND
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 8/1/1896

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From
05/01

To
to 10/15

Diversion Rate
2.850 cfs
2.850 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 142.6

POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 142.6 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-13997
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13999
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13999 is now described as follows:

Right Holder: DEREK A NICHOLS AND
ANGELA NICHOLS AND
PATRICK J NICHOLS AND
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 4/22/1884

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
2.170 cfs
2.170 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 108.4

POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 108.4 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-13999
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-14001
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-14001 is now described as follows:

Right Holder: DEREK A NICHOLS AND
ANGELA NICHOLS AND
PATRICK J NICHOLS AND
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 5/1/1905

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
1.330 cfs
1.330 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 388.6

POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 388.6 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-14001
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-14003
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-14003 is now described as follows:

Right Holder: DEREK A NICHOLS AND
 ANGELA NICHOLS AND
 PATRICK J NICHOLS AND
 NICHOLS LAND LLC
 PO BOX 606
 MOORE, ID 83255-0606

Priority Date: 6/1/1909

Source: ALDER CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE
 IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
 0.190 cfs
 0.190 cfs

LOCATION OF POINT(S) OF DIVERSION

ALDER CREEK L3 (NWNWSW) Sec 7 Twp 06N Rge 25E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 9.5
 POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.5 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-14003
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13904
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13904 is now described as follows:

Right Holder: DEREK A NICHOLS AND
 NICHOLS LAND LLC AND
 ANGELA NICHOLS AND
 PATRICK J NICHOLS
 PO BOX 606
 MOORE, ID 83255-0606

Priority Date: 12/17/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.300 cfs	52.5 af
			0.300 cfs	52.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWSW Sec 8 Twp 06N Rge 25E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 15.0
 POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13987 and 34-13904 when combined shall not exceed a total annual maximum diversion volume of 52.5 af at the field headgate, and the irrigation of 15 acres.
3. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.

Transfer No. 89474

WATER RIGHT NO. 34-13904
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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 34.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 89474, the right holder shall install and maintain an acceptable measuring device at the authorized point of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13906
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13906 is now described as follows:

Right Holder: DEREK A NICHOLS AND
ANGELA NICHOLS AND
PATRICK J NICHOLS AND
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 1/3/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	1.160 cfs	233.7 af
			1.160 cfs	233.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWSW Sec 8 Twp 06N Rge 25E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 276.1

POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 276.1 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-13906
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under Transfer approval 89474, the right holder shall install and maintain an acceptable measuring device at the authorized point of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications.
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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13985
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13985 is now described as follows:

Right Holder: DEREK A NICHOLS AND
ANGELA NICHOLS AND
PATRICK J NICHOLS AND
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 2/18/1885

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
0.610 cfs
0.610 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 30.7
POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30.7 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-13985
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13987**As Modified by Transfer No. 89474**

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13987 is now described as follows:

Right Holder: DEREK A NICHOLS AND
ANGELA NICHOLS AND
PATRICK J NICHOLS AND
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 6/1/1887

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
0.430 cfs
0.430 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37	25	22	41	43	29		375.4
06N	25E	18				14													23
06N	25E	20			0.4														0.4
			L 1																

Right Acre Limit: 15.0
POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13987 and 34-13904 when combined shall not exceed a total annual maximum diversion volume of 52.5 af at the field headgate, and the irrigation of 15 acres.
3. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.

Transfer No. 89474

WATER RIGHT NO. 34-13987
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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 34.
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. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. Water is delivered through Darlington Ditch.
9. This right does not grant any right-of-way or easement across the land of another.
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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13989
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13989 is now described as follows:

Right Holder: DEREK A NICHOLS AND
ANGELA NICHOLS AND
PATRICK J NICHOLS AND
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 4/28/1898

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
0.590 cfs
0.590 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 29.7
POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 29.7 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-13989
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13991**As Modified by Transfer No. 89474**

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13991 is now described as follows:

Right Holder: DEREK A NICHOLS AND
ANGELA NICHOLS AND
PATRICK J NICHOLS AND
NICHOLS LAND LLC
PO BOX 606
MOORE, ID 83255-0606

Priority Date: 9/26/1894

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
0.300 cfs
0.300 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 15.0
POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-13991
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13993
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13993 is now described as follows:

Right Holder: DEREK A NICHOLS AND
 ANGELA NICHOLS AND
 PATRICK J NICHOLS AND
 NICHOLS LAND LLC
 PO BOX 606
 MOORE, ID 83255-0606

Priority Date: 6/1/1896

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
 IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
 0.890 cfs
 0.890 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 44.6

POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 44.6 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

WATER RIGHT NO. 34-13993
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 34-13995
As Modified by Transfer No. 89474

In accordance with the approval of Transfer No. 89474, Water Right No. 34-13995 is now described as follows:

Right Holder: DEREK A NICHOLS AND
 ANGELA NICHOLS AND
 PATRICK J NICHOLS AND
 NICHOLS LAND LLC
 PO BOX 606
 MOORE, ID 83255-0606

Priority Date: 8/1/1899

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
 IRRIGATION

From 05/01 **To** 10/15

Diversion Rate
 0.590 cfs
 0.590 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWSWNE Sec 33 Twp 07N Rge 24E CUSTER 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L 1																

Right Acre Limit: 29.6

POU Total Acres: 426.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 29.6 acres within the authorized place of use in a single irrigation season.
2. Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 89474

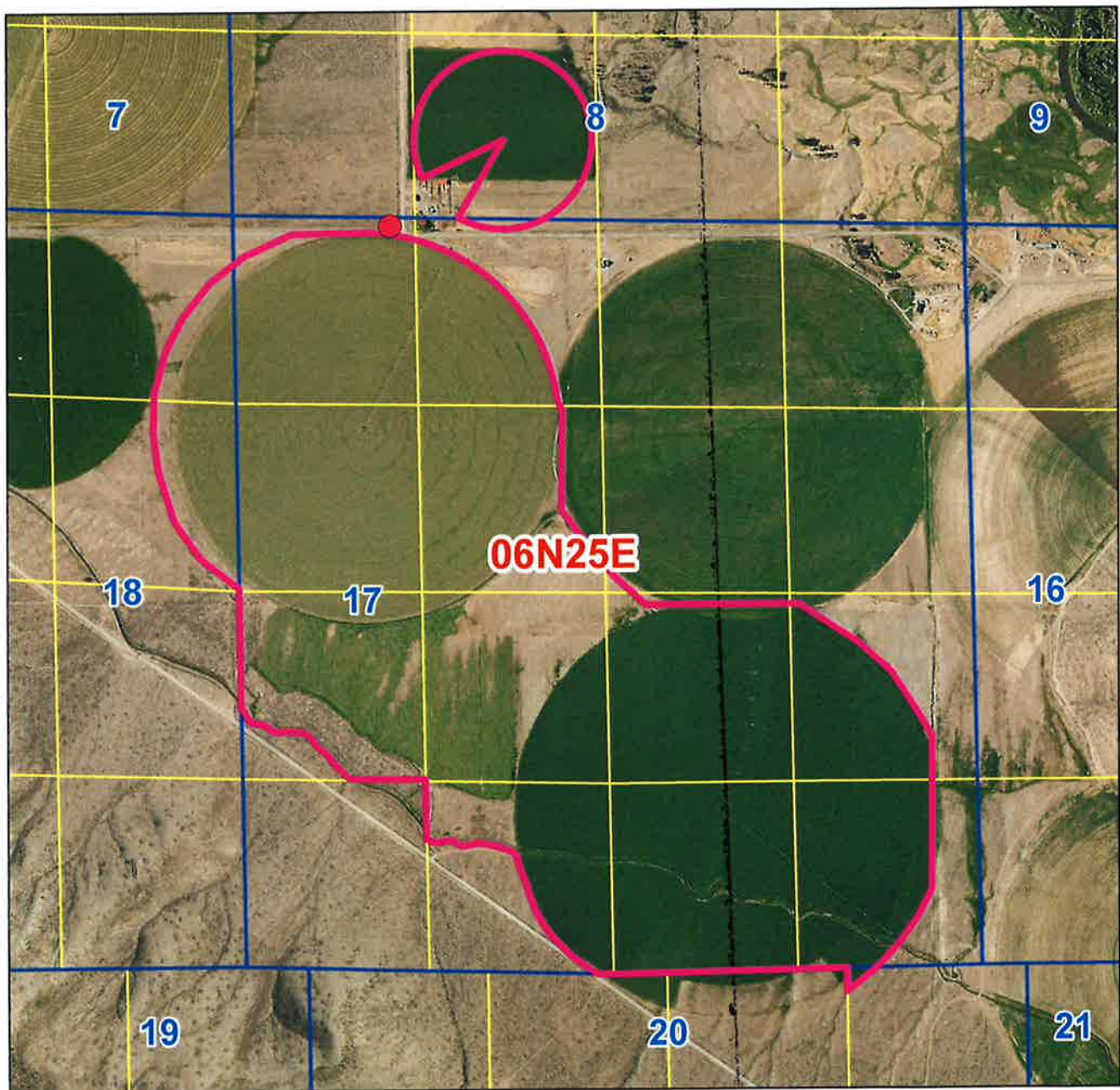
WATER RIGHT NO. 34-13995
As Modified by Transfer No. 89474

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water is delivered through Darlington Ditch.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 89474

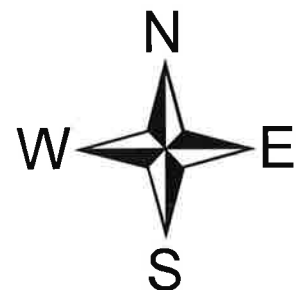
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 500 1,000 2,000 Feet



Date: 1/29/2025



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 29, 2025

DEREK A NICHOLS
PATRICK J NICHOLS
ANGELA NICHOLS
NICHOLS LAND LLC
PO BOX 606
MOORE ID 83255-0606

Re: Transfer No: 89474
Water Right No(s): 34-13902, 34-13904, 34-13906, 34-13985, 34-13987,
34-13989, 34-13991, 34-13993, 34-13995, 34-13997,
34-13999, 34-14001, 34-14003

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 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) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CHH', is positioned above the printed name.

Christina Henman
Administrative Assistant

Enclosure

CC:

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2025 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 89474

**Water Right No(s): 34-13902, 34-13904, 34-13906, 34-13985, 34-13987,
34-13989, 34-13991, 34-13993, 34-13995, 34-13997,
34-13999, 34-14001, 34-14003**

**DEREK A NICHOLS
PATRICK J NICHOLS
ANGELA NICHOLS
NICHOLS LAND LLC
PO BOX 606
MOORE ID 83255-0606**



**Christina Henman
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.