

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84061**

This is to certify that: **P4 PRODUCTION LLC**
PO BOX 816
SODA SPRINGS, ID 83276-0816

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>
11-449	WR/DECREED	5/1/1910	0.200 cfs	72.6 af	N/A	N/A	BEAR RIVER
11-531C	WR/DECREED	5/1/1892	2.020 cfs	353.5 af	N/A	N/A	BEAR RIVER

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>
11-449	NO	YES	YES	NO	NO	NO
11-531C	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
11-449	11-449	0.200 cfs	72.6 af	101.0	1360.0	N/A	N/A	N/A	N/A	N/A
11-531C	11-531C	2.020 cfs	353.5 af	101.0	1360.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.020 cfs	353.5 af	101.0	1360.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 5th day of March, 2024



Regional Manager

Transfer No. 84061

**Support Data
In File # 11-448**

WATER RIGHT NO. 11-449**As Modified by Transfer No. 84061**

In accordance with the approval of Transfer No. 84061, Water Right No. 11-449 is now described as follows:

Right Holder: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS, ID 83276-0816

Priority Date: 5/1/1910

Source: SODA CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	0.200 cfs	72.6 af
			0.200 cfs	72.6 af

LOCATION OF POINT(S) OF DIVERSION

SODA CREEK

SENE

Sec 12 Twp 09S Rge 41E CARIBOU 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	
08S	40E	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	40.0	40.0	40.0	600.0
08S	40E	27	40.0	40.0	40.0	40.0													160.0
08S	40E	34	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
08S	40E	35						40.0	40.0	40.0	40.0	40.0	40.0	40.0					280.0

Right Acre Limit: 101.0
POU Total Acres: 1360.0

CONDITIONS OF APPROVAL

1. Rights 11-449 and 11-531C when combined shall not exceed a total diversion rate of 2.02 cfs, a total annual maximum diversion volume of 353.5 af at the field headgate, and the irrigation of 101.0 acres.
2. Rights 11-449 and 11-531C ("P4 Rights") and rights 11-432 and 11-531A when combined shall not exceed a total diversion rate of 76.1 cfs and the irrigation of 4,000 acres. The diversion of the P4 Rights at the Farmer's Land & Irrigation Company Canal is pursuant to a lease of water rights and is intended to partially restore water delivery under right 11-531A when the flow in Soda Creek is insufficient to satisfy the full diversion rate of the right and shall be considered a delivery of water right 11-531A. To the extent the P4 Rights are diverted at the Farmer's Land & Irrigation Company Canal to improve the reliability of water right 11-531A, the P4 Rights shall not be subject to forfeiture.
3. The place of use for this right represents a subset of the service area for Farmers Land & Irrigation Company. This right will be used to augment the water supply for irrigated acres already covered by shares in the company.

Transfer No. 84061

WATER RIGHT NO. 11-449
As Modified by Transfer No. 84061

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11B.
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. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The place of use does not include federal land.
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.

WATER RIGHT NO. 11-531C**As Modified by Transfer No. 84061**

In accordance with the approval of Transfer No. 84061, Water Right No. 11-531C is now described as follows:

Right Holder: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS, ID 83276-0816

Priority Date: 5/1/1892

Source: SODA CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	2.020 cfs	353.5 af
			2.020 cfs	353.5 af

LOCATION OF POINT(S) OF DIVERSION

SODA CREEK

SENE

Sec 12 Twp 09S Rge 41E CARIBOU 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	
08S	40E	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	40.0	40.0	40.0	600.0
08S	40E	27	40.0	40.0	40.0	40.0													160.0
08S	40E	34	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
08S	40E	35						40.0	40.0	40.0	40.0	40.0	40.0	40.0					280.0

Right Acre Limit: 101.0

POU Total Acres: 1360.0

CONDITIONS OF APPROVAL

1. Rights 11-449 and 11-531C when combined shall not exceed a total diversion rate of 2.02 cfs, a total annual maximum diversion volume of 353.5 af at the field headgate, and the irrigation of 101.0 acres.
2. Rights 11-449 and 11-531C ("P4 Rights") and rights 11-432 and 11-531A when combined shall not exceed a total diversion rate of 76.1 cfs and the irrigation of 4,000 acres. The diversion of the P4 Rights at the Farmer's Land & Irrigation Company Canal is pursuant to a lease of water rights and is intended to partially restore water delivery under right 11-531A when the flow in Soda Creek is insufficient to satisfy the full diversion rate of the right and shall be considered a delivery of water right 11-531A. To the extent the P4 Rights are diverted at the Farmer's Land & Irrigation Company Canal to improve the reliability of water right 11-531A, the P4 Rights shall not be subject to forfeiture.

Transfer No. 84061

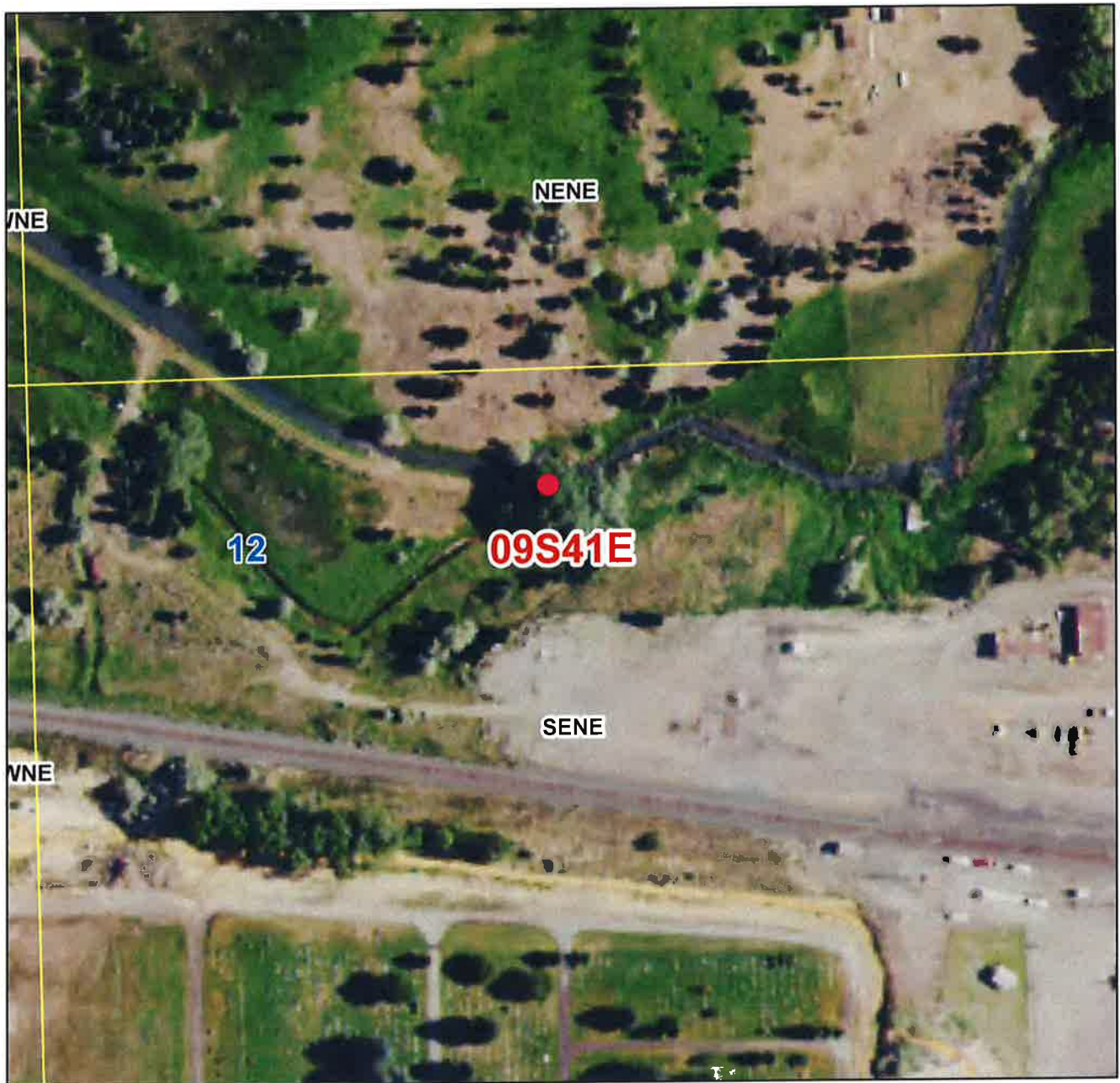
WATER RIGHT NO. 11-531C
As Modified by Transfer No. 84061

CONDITIONS OF APPROVAL

3. The place of use for this right represents a subset of the service area for Farmers Land & Irrigation Company. This right will be used to augment the water supply for irrigated acres already covered by shares in the company.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11B.
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. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The place of use does not include federal land.
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.

Attachment to Transfer Approval 84061

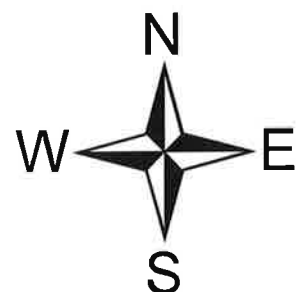
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- Township/Range
- Sections
- QQ

0 100 200 400 Feet



Date: 3/5/2024



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

March 05, 2024

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276-0816

Re: Transfer No: 84061
Water Right No(s): 11-449, 11-531C , 36-17274

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,



Christina Henman
Administrative Assistant

Enclosure
CC:

TJ BUDGE
C/O RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391

BUREAU OF LAND MANAGEMENT
C/O FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709-1657

FARMERS LAND & IRRIGATION CORP
C/O ERIC SIMONSON
1825 RICH RD.
GRACE, ID 83241

RIGBY ANDRUS & RIGBY LAW
C/O JERRY RIGBY
PO BOX 250
REXBURG, ID 83440

CERTIFICATE OF SERVICE

I hereby certify that on March 05, 2024 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.: 84061

Water Right No(s): 11-449, 11-531C , 36-17274

P4 PRODUCTION LLC

PO BOX 816

SODA SPRINGS ID 83276-0816

TJ BUDGE

C/O RACINE OLSON

PO BOX 1391

POCATELLO ID 83204-1391

BUREAU OF LAND MANAGEMENT

C/O FRED PRICE

1387 S VINNELL WAY

BOISE ID 83709-1657

FARMERS LAND & IRRIGATION CORP

C/O ERIC SIMONSON

1825 RICH RD.

GRACE, ID 83241

RIGBY ANDRUS & RIGBY LAW

C/O JERRY RIGBY

PO BOX 250

REXBURG, ID 83440



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.