

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88054**

This is to certify that: **BASTIAN FAMILY ENTERPRISES LLC**
16580 S MARSH VALLEY RD
ARIMO, ID 83214-1610

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>
29-11463	WR/DECREED	6/1/1926	0.910 cfs	N/A	45.7	313.0	UNNAMED STREAM
29-11465	WR/DECREED	6/1/1955	0.500 cfs	N/A	100.0	313.0	HAWKINS CREEK
29-4302	WR/DECREED	6/1/1926	6.260 cfs	N/A	N/A	313.0	MARSH CREEK
29-7006	WR/DECREED	1/10/1968	2.530 cfs	994.0 af	N/A	345.0	GROUND WATER
29-7889A	WR/LICENSE	1/16/1990	0.660 cfs	115.5 af	N/A	33.0	MARSH CREEK
29-7889B	WR/LICENSE	1/16/1990	0.080 cfs	14.0 af	N/A	4.0	MARSH 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>
29-11463	NO	NO	YES	NO	NO	NO
29-11465	NO	NO	YES	NO	NO	NO
29-4302	NO	NO	YES	NO	NO	NO
29-7006	NO	YES	YES	NO	NO	NO
29-7889A	NO	NO	YES	NO	NO	NO
29-7889B	NO	NO	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>
29-11463	29-11463	0.910 cfs	N/A	45.7	718.8	N/A	N/A	N/A	N/A	N/A
29-11465	29-11465	0.500 cfs	N/A	100.0	718.8	N/A	N/A	N/A	N/A	N/A
29-4302	29-4302	6.260 cfs	N/A	313.0	718.8	N/A	N/A	N/A	N/A	N/A
29-7006	29-7006	2.530 cfs	994.0 af	345.0	718.8	N/A	N/A	N/A	N/A	N/A
29-7889A	29-7889A	0.660 cfs	115.5 af	33.0	718.8	N/A	N/A	N/A	N/A	N/A
29-7889B	29-7889B	0.080 cfs	14.0 af	4.0	718.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		10.940 cfs	2432.5 af	695.0	718.8		N/A	N/A	N/A	N/A

Transfer No. 88054

**Support Data
In File # 29-4302**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88054

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 31st day of January, 2024.



Regional Manager



Transfer No. 88054

Support Data
In File # 29-4302

WATER RIGHT NO. 29-7889A**As Modified by Transfer No. 88054**

In accordance with the approval of Transfer No. 88054, Water Right No. 29-7889A is now described as follows:

Right Holder: BASTIAN FAMILY ENTERPRISES LLC
16580 S MARSH VALLEY RD
ARIMO, ID 83214-1610

Priority Date: 1/16/1990

Source: MARSH CREEK

Tributary: PORTNEUF 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	0.660 cfs	115.5 af
			0.660 cfs	115.5 af

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK L8 (SWSW) Sec 30 Twp 10S Rge 37E BANNOCK 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	
10S	36E	25				10.1					39.6			29.7	36.4	39.3	35.7	35.1	225.9
10S	36E	36	30.1	21.2	35.3	40.9									40.5	32.1			200.1
10S	37E	19											37.7						37.7
													L 8						
10S	37E	30						13.3	39.5										52.8
								L 2	L 4										
10S	37E	30					24.3	39.6	14.9			14.4	14.3	36.3					143.8
								L 1	L 3			L 6	L 7	L 8					
10S	37E	31						15.1	0.1										15.2
								L 2	L 4										
10S	37E	31						20.0	9.1		0.1	12.4	1.7						43.3
								L 1	L 3		L 5	L 6	L 7						

Right Acre Limit: 33.0

POU Total Acres: 718.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 33 acres within the authorized place of use in a single irrigation season.

Transfer No. 88054

WATER RIGHT NO. 29-7889A
As Modified by Transfer No. 88054

CONDITIONS OF APPROVAL

2. Rights 29-4302, 29-7006, 29-7889A, 29-7889B, 29-11463, and 29-11465 are limited to the irrigation of a specific 695 acres within the 718.8 acre place of use authorized by this right in a single irrigation season. The specific 695 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 695 acres to be irrigated within the 718.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 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. 29H.
4. 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).
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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. 29-7889B
As Modified by Transfer No. 88054

In accordance with the approval of Transfer No. 88054, Water Right No. 29-7889B is now described as follows:

Right Holder: BASTIAN FAMILY ENTERPRISES LLC
 16580 S MARSH VALLEY RD
 ARIMO, ID 83214-1610

Priority Date: 1/16/1990

Source: MARSH CREEK

Tributary: PORTNEUF 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	0.080 cfs	14.0 af
			0.080 cfs	14.0 af

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK L5 (NWSW) Sec 30 Twp 10S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	25				10.1					39.6			29.7	36.4	39.3	35.7	35.1	225.9
10S	36E	36	30.1	21.2	35.3	40.9									40.5	32.1			200.1
10S	37E	19											37.7						37.7
													L 8						
10S	37E	30						13.3	39.5										52.8
								L 2	L 4										
10S	37E	30					24.3	39.6	14.9			14.4	14.3	36.3					143.8
								L 1	L 3			L 6	L 7	L 8					
10S	37E	31						15.1	0.1										15.2
								L 2	L 4										
10S	37E	31						20.0	9.1		0.1	12.4	1.7						43.3
								L 1	L 3		L 5	L 6	L 7						

Right Acre Limit: 4.0
 POU Total Acres: 718.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4 acres within the authorized place of use in a single irrigation season.

Transfer No. 88054

WATER RIGHT NO. 29-7889B
As Modified by Transfer No. 88054

CONDITIONS OF APPROVAL

2. Rights 29-4302, 29-7006, 29-7889A, 29-7889B, 29-11463, and 29-11465 are limited to the irrigation of a specific 695 acres within the 718.8 acre place of use authorized by this right in a single irrigation season. The specific 695 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 695 acres to be irrigated within the 718.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 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. 29H.
4. 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).
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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. 29-7006**As Modified by Transfer No. 88054**

In accordance with the approval of Transfer No. 88054, Water Right No. 29-7006 is now described as follows:

Right Holder: BASTIAN FAMILY ENTERPRISES LLC
16580 S MARSH VALLEY RD
ARIMO, ID 83214-1610

Priority Date: 1/10/1968

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 10/15	2.530 cfs	994.0 af
			2.530 cfs	994.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 36 Twp 10S Rge 36E BANNOCK 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	
10S	36E	25				10.1					39.6			29.7	36.4	39.3	35.7	35.1	225.9
10S	36E	36	30.1	21.2	35.3	40.9									40.5	32.1			200.1
10S	37E	19											37.7						37.7
													L 8						
10S	37E	30						13.3	39.5										52.8
								L 2	L 4										
10S	37E	30					24.3	39.6	14.9			14.4	14.3	36.3					143.8
								L 1	L 3			L 6	L 7	L 8					
10S	37E	31						15.1	0.1										15.2
								L 2	L 4										
10S	37E	31						20.0	9.1		0.1	12.4	1.7						43.3
								L 1	L 3		L 5	L 6	L 7						

Right Acre Limit: 345.0

POU Total Acres: 718.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 345 acres within the 718.8 acre place of use authorized by this right in a single irrigation season. The specific 345 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 345 acres to be irrigated within the 718.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 88054

WATER RIGHT NO. 29-7006
As Modified by Transfer No. 88054

CONDITIONS OF APPROVAL

2. Rights 29-4302, 29-7006, 29-7889A, 29-7889B, 29-11463, and 29-11465 are limited to the irrigation of a specific 695 acres within the 718.8 acre place of use authorized by this right in a single irrigation season. The specific 695 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 695 acres to be irrigated within the 718.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Prior to the diversion and use of water under Transfer approval 88054, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
4. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 29-11463**As Modified by Transfer No. 88054**

In accordance with the approval of Transfer No. 88054, Water Right No. 29-11463 is now described as follows:

Right Holder: BASTIAN FAMILY ENTERPRISES LLC
16580 S MARSH VALLEY RD
ARIMO, ID 83214-1610

Priority Date: 6/1/1926

Source: UNNAMED STREAM

Tributary: HAWKINS CREEK

BENEFICIAL USE

	From	To	Diversion Rate
IRRIGATION	04/01	to 10/31	0.910 cfs
STOCKWATER	01/01	to 12/31	0.020 cfs
			0.910 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	L8 (NESWSW)	Sec 30 Twp 10S Rge 37E	BANNOCK County
UNNAMED STREAM	L1 (NENWNW)	Sec 31 Twp 10S Rge 37E	BANNOCK 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	
10S	36E	25				10.1					39.6			29.7	36.4	39.3	35.7	35.1	225.9
10S	36E	36	30.1	21.2	35.3	40.9									40.5	32.1			200.1
10S	37E	19											37.7						37.7
													L 8						
10S	37E	30						13.3	39.5										52.8
								L 2	L 4										
10S	37E	30					24.3	39.6	14.9			14.4	14.3	36.3					143.8
								L 1	L 3			L 6	L 7	L 8					
10S	37E	31						15.1	0.1										15.2
								L 2	L 4										
10S	37E	31						20.0	9.1		0.1	12.4	1.7						43.3
								L 1	L 3		L 5	L 6	L 7						

Right Acre Limit: 45.7

POU Total Acres: 718.8

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	25																X	
10S	36E	36	X	X	X	X									X	X			
10S	37E	30					X	X	X			X	X						
								L 1	L 4			L 6	L 7						
10S	37E	30											X						
													L 8						
10S	37E	31					X	X			X	X							
							L 1	L 3			L 6	L 7							
10S	37E	31					X												

Transfer No. 88054

WATER RIGHT NO. 29-11463
As Modified by Transfer No. 88054

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								L 2											

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 45.7 acres within the authorized place of use in a single irrigation season.
2. Rights 29-4302, 29-11463 and 29-11465 when combined shall not exceed the irrigation of 313.0 acres.
3. Rights 29-4302, 29-7006, 29-7889A, 29-7889B, 29-11463, and 29-11465 are limited to the irrigation of a specific 695 acres within the 718.8 acre place of use authorized by this right in a single irrigation season. The specific 695 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 695 acres to be irrigated within the 718.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 29H.
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. Use of this right is combined with water from Marsh Center Irrigating Company.
7. 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 lands above.
8. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
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.

WATER RIGHT NO. 29-11463
As Modified by Transfer No. 88054

CONDITIONS OF APPROVAL

12. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 29-4302**As Modified by Transfer No. 88054**

In accordance with the approval of Transfer No. 88054, Water Right No. 29-4302 is now described as follows:

Right Holder: BASTIAN FAMILY ENTERPRISES LLC
16580 S MARSH VALLEY RD
ARIMO, ID 83214-1610

Priority Date: 6/1/1926

Source: MARSH CREEK

Tributary: PORTNEUF RIVER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

04/01
01/01

To

to 10/31
to 12/31

Diversion Rate

6.260 cfs
0.020 cfs
6.260 cfs

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK L5 (NWSW) Sec 30 Twp 10S Rge 37E BANNOCK County
MARSH CREEK L8 (SWSW) Sec 30 Twp 10S Rge 37E BANNOCK County
MARSH CREEK L1 (NWNW) Sec 31 Twp 10S Rge 37E BANNOCK 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	
10S	36E	25				10.1					39.6			29.7	36.4	39.3	35.7	35.1	225.9
10S	36E	36	30.1	21.2	35.3	40.9									40.5	32.1			200.1
10S	37E	19											37.7						37.7
													L 8						
10S	37E	30						13.3	39.5										52.8
								L 2	L 4										
10S	37E	30					24.3	39.6	14.9			14.4	14.3	36.3					143.8
								L 1	L 3			L 6	L 7	L 8					
10S	37E	31						15.1	0.1										15.2
								L 2	L 4										
10S	37E	31						20.0	9.1		0.1	12.4	1.7						43.3
								L 1	L 3		L 5	L 6	L 7						

Right Acre Limit: 313.0

POU Total Acres: 718.8

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	25																X	
10S	36E	36	X	X	X	X									X	X			
10S	37E	30					X	X	X			X	X						
								L 1	L 4			L 6	L 7						
10S	37E	30											X						
													L 8						
10S	37E	31						X	X			X	X						
								L 1	L 3			L 6	L 7						

Transfer No. 88054

WATER RIGHT NO. 29-4302**As Modified by Transfer No. 88054****PLACE OF USE: STOCKWATER**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	37E	31						X											
								L 2											

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 313 acres within the authorized place of use in a single irrigation season.
2. Rights 29-4302, 29-11463 and 29-11465 when combined shall not exceed the irrigation of 313.0 acres.
3. Rights 29-4302, 29-7006, 29-7889A, 29-7889B, 29-11463, and 29-11465 are limited to the irrigation of a specific 695 acres within the 718.8 acre place of use authorized by this right in a single irrigation season. The specific 695 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 695 acres to be irrigated within the 718.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 29H.
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. Use of this right is combined with water from Marsh Center Irrigating Company.
7. 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 lands above.
8. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
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.

WATER RIGHT NO. 29-4302
As Modified by Transfer No. 88054

CONDITIONS OF APPROVAL

12. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 29-11465**As Modified by Transfer No. 88054**

In accordance with the approval of Transfer No. 88054, Water Right No. 29-11465 is now described as follows:

Right Holder: BASTIAN FAMILY ENTERPRISES LLC
16580 S MARSH VALLEY RD
ARIMO, ID 83214-1610

Priority Date: 6/1/1955

Source: HAWKINS CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.500 cfs
STOCKWATER	01/01	to 12/31	0.020 cfs
			0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NWSWNE	Sec 36 Twp 10S Rge 36E	BANNOCK County	
HAWKINS CREEK	NWNWSE	Sec 36 Twp 10S Rge 36E	BANNOCK County	(R)

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	
10S	36E	25				10.1					39.6			29.7	36.4	39.3	35.7	35.1	225.9
10S	36E	36	30.1	21.2	35.3	40.9									40.5	32.1			200.1
10S	37E	19											37.7						37.7
													L 8						
10S	37E	30						13.3	39.5										52.8
								L 2	L 4										
10S	37E	30					24.3	39.6	14.9			14.4	14.3	36.3					143.8
								L 1	L 3			L 6	L 7	L 8					
10S	37E	31						15.1	0.1										15.2
								L 2	L 4										
10S	37E	31						20.0	9.1		0.1	12.4	1.7						43.3
								L 1	L 3		L 5	L 6	L 7						

Right Acre Limit: 100.0

POU Total Acres: 718.8

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	25																X	
10S	36E	36	X	X	X	X									X	X			
10S	37E	30					X	X	X			X	X						
								L 1	L 4			L 6	L 7						
10S	37E	30											X						
													L 8						
10S	37E	31						X	X			X	X						
								L 1	L 3			L 6	L 7						
10S	37E	31						X											

Transfer No. 88054

WATER RIGHT NO. 29-11465

As Modified by Transfer No. 88054

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								L 2											

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 100.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-4302, 29-11463 and 29-11465 when combined shall not exceed the irrigation of 313.0 acres.
3. Rights 29-4302, 29-7006, 29-7889A, 29-7889B, 29-11463, and 29-11465 are limited to the irrigation of a specific 695 acres within the 718.8 acre place of use authorized by this right in a single irrigation season. The specific 695 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 695 acres to be irrigated within the 718.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 29H.
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. Use of this right is combined with water from Marsh Center Irrigating Company.
7. 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 lands above.
8. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 88054

WATER RIGHT NO. 29-11465
As Modified by Transfer No. 88054

CONDITIONS OF APPROVAL

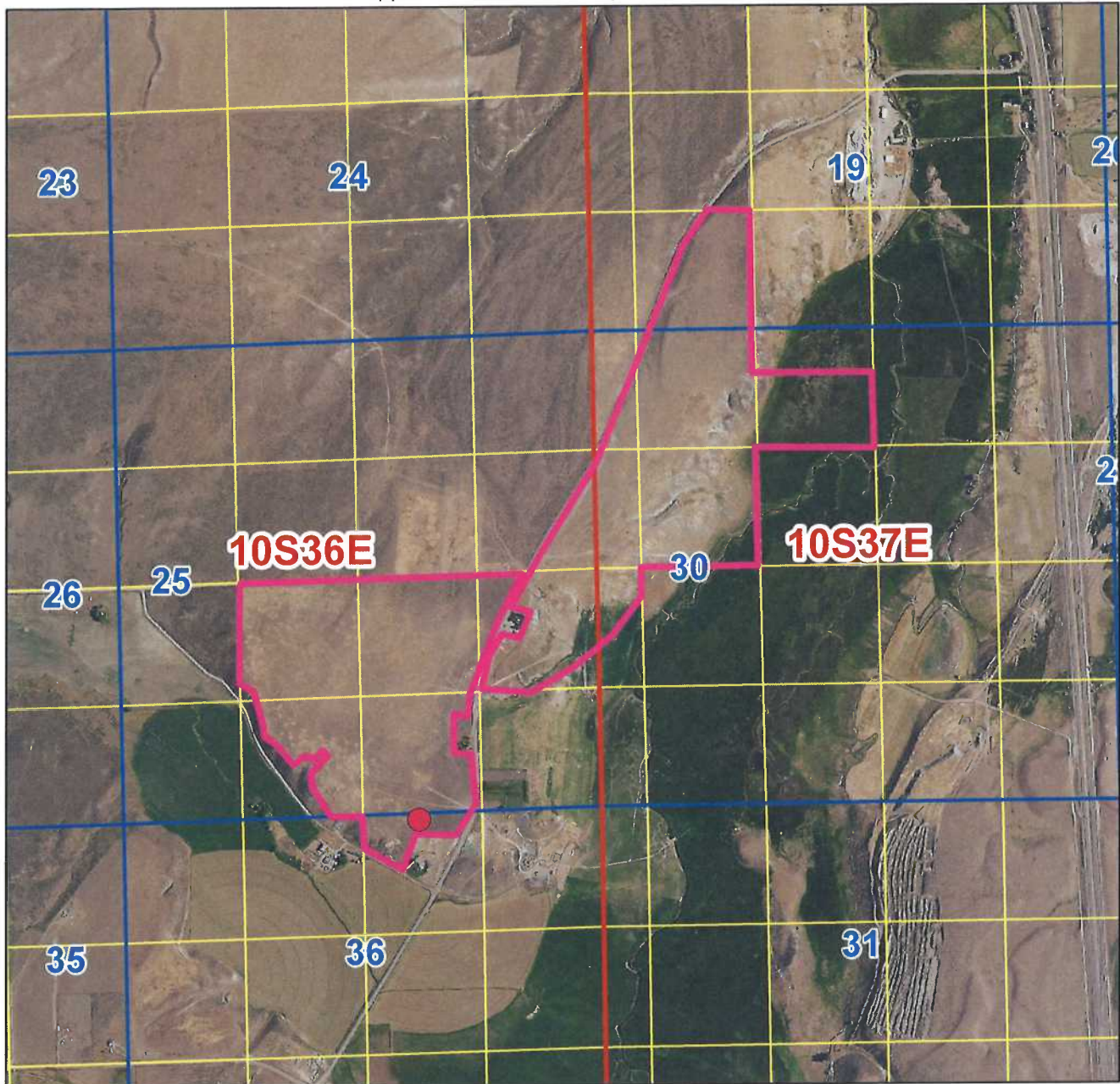
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



Attachment to Transfer Approval 88054

For Water Right: 29-7006

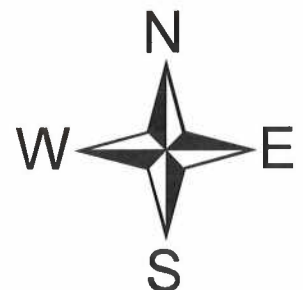
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 1,000 2,000 4,000 Feet

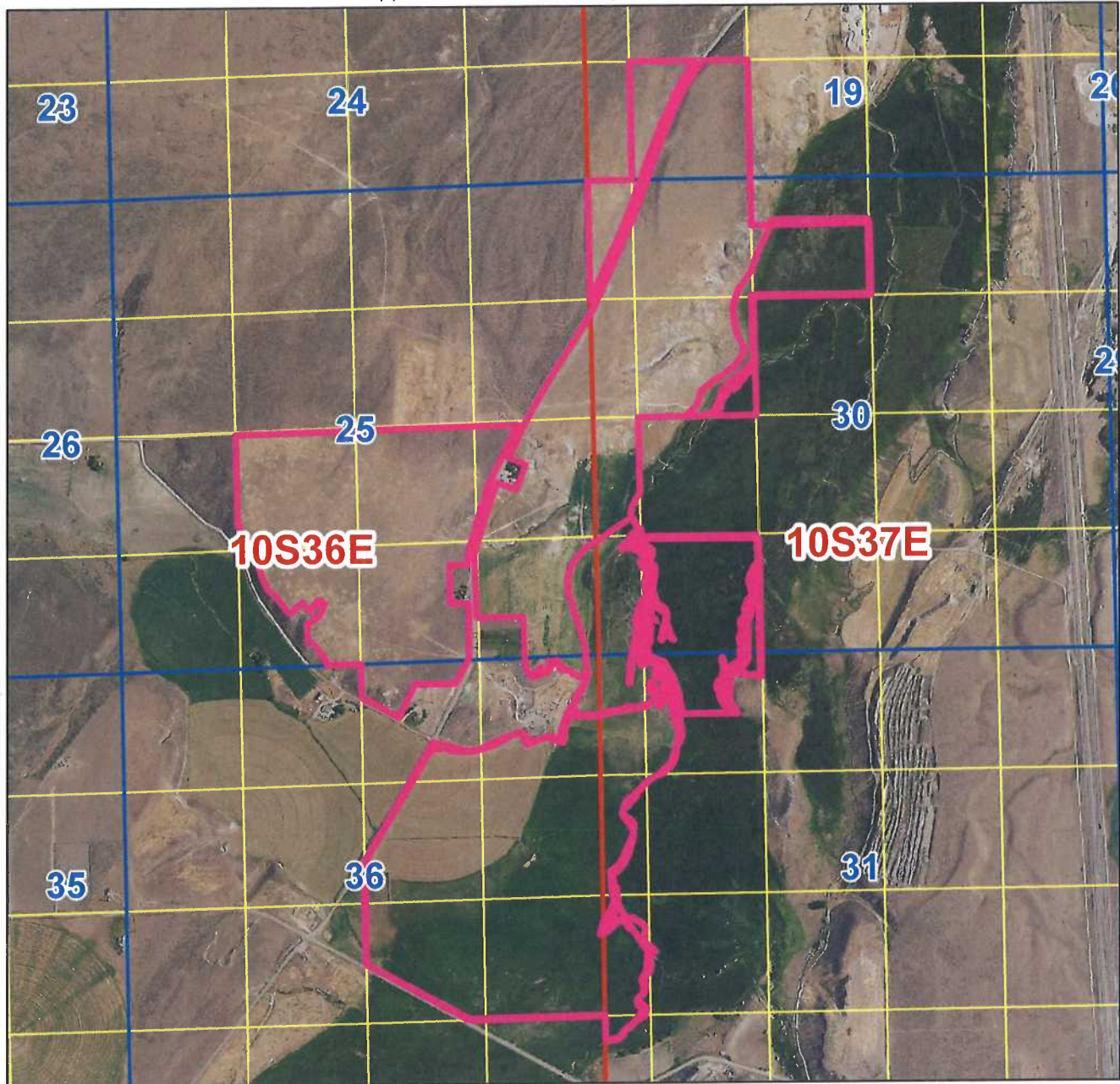


Date: 1/31/2024

Attachment to Transfer Approval 88054

For Water Rights: 29-11463, 29-11465, 29-4302, 29-7889A, 29-7889B

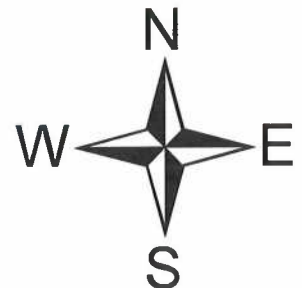
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

-  WR POU
-  Township/Range
-  Sections
-  QQ

0 1,000 2,000 4,000 Feet



Date: 1/31/2024



January 31, 2024

BASTIAN FAMILY ENTERPRISES LLC
16580 S MARSH VALLEY RD
ARIMO ID 83214-1610

Re: Transfer No: 88054
Water Right No(s): 29-4302, 29-7006, 29-7889A , 29-7889B , 29-11463, 29-11465

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 'CH', is positioned below the word 'Sincerely,'.

Christina Henman
Administrative Assistant

Enclosure
CC:

JCH ENGINEERING & CONSULTING PLLC
JASON C HELMS PE
6755 N ALBERT LN
IDAHO FALLS ID 83401

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 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.: 88054

Water Right No(s): 29-4302, 29-7006, 29-7889A , 29-7889B , 29-11463, 29-11465

**BASTIAN FAMILY ENTERPRISES LLC
16580 S MARSH VALLEY RD
ARIMO ID 83214-1610**

**JCH ENGINEERING & CONSULTING PLLC
JASON C HELMS PE
6755 N ALBERT LN
IDAHO FALLS ID 83401**



**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.