

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88794**

This is to certify that: **MARSH CENTER IRRIGATING CO**
C/O WADE EGAN
13348 N BILLY LN
POCATELLO, ID 83202

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>
29-10663	WR/DECREED	4/1/1891	0.330 cfs	N/A	16.5	3220.2	HAWKINS CREEK
29-10664	WR/DECREED	6/10/1891	N/A	238.9 af	N/A	3220.2	HAWKINS CREEK
29-10665	WR/DECREED	4/1/1944	N/A	641.1 af	N/A	3220.2	HAWKINS CREEK
29-12058	WR/DECREED	12/19/1891	2.000 cfs	N/A	100.0	3220.2	HAWKINS CREEK
29-13493	WR/DECREED	5/1/1870	10.000 cfs	N/A	500.0	3220.2	HAWKINS CREEK
29-13494	WR/DECREED	5/1/1870	30.000 cfs	N/A	N/A	3220.2	HAWKINS 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>
29-10663	NO	YES	NO	YES	NO	NO
29-10664	NO	YES	NO	YES	NO	NO
29-10665	NO	YES	NO	YES	NO	NO
29-12058	NO	YES	NO	YES	NO	NO
29-13493	NO	YES	NO	YES	NO	NO
29-13494	NO	YES	NO	YES	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>
29-10663	29-10663	0.330 cfs	N/A	16.5	N/A	N/A	N/A	N/A	N/A	N/A
29-10664	29-10664	0.000 cfs	238.9 af	N/A	3220.2	N/A	N/A	N/A	N/A	N/A
29-10665	29-10665	0.000 cfs	641.1 af	N/A	3220.2	N/A	N/A	N/A	N/A	N/A
29-12058	29-12058	2.000 cfs	N/A	100.0	N/A	N/A	N/A	N/A	N/A	N/A
29-13493	29-13493	10.000 cfs	N/A	500.0	N/A	N/A	N/A	N/A	N/A	N/A
29-13494	29-13494	30.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		42.330 cfs	N/A	3220.2	3220.2		N/A	N/A	N/A	N/A

Support Data
In File # 29-10663

Transfer No. 88794

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88794

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 11th day of April, 2024.


Regional Manager



Transfer No. 88794

Support Data
In File # 29-10663

WATER RIGHT NO. 29-10663
As Modified by Transfer No. 88794

In accordance with the approval of Transfer No. 88794, Water Right No. 29-10663 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O WADE EGAN
13348 N BILLY LN
POCATELLO, ID 83202

Priority Date: 4/1/1891

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	0.330 cfs 0.330 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NESE	Sec 35 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	NWSE	Sec 36 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	SENW	Sec 36 Twp 10S Rge 36E	BANNOCK County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.5 acres within the authorized place of use in a single irrigation season.
2. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
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. Point of diversion in the NWSE, Sec 36, T10S, R35E is on South Fork Hawkins Creek.
7. Place of use is within the area served by Marsh Center Irrigating Company.

Transfer No. 88794

WATER RIGHT NO. 29-10663
As Modified by Transfer No. 88794

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
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. 29-12058
As Modified by Transfer No. 88794

In accordance with the approval of Transfer No. 88794, Water Right No. 29-12058 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O WADE EGAN
13348 N BILLY LN
POCATELLO, ID 83202

Priority Date: 12/19/1891

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	2.000 cfs
STOCKWATER	01/01	to 12/31	0.020 cfs
			2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NESE	Sec 35 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	NWSE	Sec 36 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	SENW	Sec 36 Twp 10S Rge 36E	BANNOCK County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 100 acres within the authorized place of use in a single irrigation season.
2. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
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. Point of diversion in the NWSE, Sec 36, T10S, R35E is on South Fork Hawkins Creek.
7. Place of use for irrigation and stockwater is within the area served by Marsh Center Irrigating Company.

WATER RIGHT NO. 29-12058
As Modified by Transfer No. 88794

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 29-13493
As Modified by Transfer No. 88794

In accordance with the approval of Transfer No. 88794, Water Right No. 29-13493 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O WADE EGAN
13348 N BILLY LN
POCATELLO, ID 83202

Priority Date: 5/1/1870

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	10.000 cfs 10.000 cfs

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NESE	Sec 35 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	NWSE	Sec 36 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	SENW	Sec 36 Twp 10S Rge 36E	BANNOCK County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 500 acres within the authorized place of use in a single irrigation season.
2. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
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. Point of diversion in the NWSE, Sec 36, T10S, R35E is on South Fork Hawkins Creek.
7. Place of use is within the area served by Marsh Center Irrigating Company.

Transfer No. 88794

WATER RIGHT NO. 29-13493
As Modified by Transfer No. 88794

CONDITIONS OF APPROVAL

8. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
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. 29-13494
As Modified by Transfer No. 88794

In accordance with the approval of Transfer No. 88794, Water Right No. 29-13494 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O WADE EGAN
13348 N BILLY LN
POCATELLO, ID 83202

Priority Date: 5/1/1870

Source: HAWKINS CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	30.000 cfs	
IRRIGATION FROM STORAGE	04/01	to 10/31		238.9 af
IRRIGATION STORAGE	01/01	to 12/31		238.9 af
			30.000 cfs	

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NESE	Sec 35 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	NWNESE	Sec 35 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	NWSE	Sec 36 Twp 10S Rge 35E	BANNOCK County
HAWKINS CREEK	SENW	Sec 36 Twp 10S Rge 36E	BANNOCK County

PLACE OF USE: IRRIGATION STORAGE

			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	35E	35			X	X	X	X		X						X			

CONDITIONS OF APPROVAL

1. Rights 29-10664 and 29-13494 when combined shall not exceed a total annual irrigation storage volume of 238.9 acre-feet.
2. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
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).

Transfer No. 88794

WATER RIGHT NO. 29-13494
As Modified by Transfer No. 88794

CONDITIONS OF APPROVAL

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. Point of diversion in the NWSE, Sec 36, T10S, R35E is on South Fork Hawkins Creek.
7. Place of use for irrigation and irrigation from storage is within the area served by Marsh Center Irrigating Company.
8. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
9. Storage capacity of Hawkins Reservoir is 880 AF.
10. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
11. Storage water is released into Hawkins Creek below Hawkins Reservoir and rediverted from Hawkins Creek at the headgates of Marsh Center Irrigating Company.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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. 29-10664
As Modified by Transfer No. 88794

In accordance with the approval of Transfer No. 88794, Water Right No. 29-10664 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O WADE EGAN
13348 N BILLY LN
POCATELLO, ID 83202

Priority Date: 6/10/1891

Source: HAWKINS CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION FROM STORAGE	04/01	to 10/31		238.9 af
IRRIGATION STORAGE	01/01	to 12/31		238.9 af
				238.9 af

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NESE	Sec 35 Twp 10S Rge 35E	BANNOCK County	(R)
HAWKINS CREEK	NWNESE	Sec 35 Twp 10S Rge 35E	BANNOCK County	
HAWKINS CREEK	SENW	Sec 36 Twp 10S Rge 36E	BANNOCK County	(R)

PLACE OF USE: IRRIGATION STORAGE

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	35E	35			X	X	X	X		X						X			

CONDITIONS OF APPROVAL

1. Rights 29-10664 and 29-13494 when combined shall not exceed a total annual irrigation storage volume of 238.9 acre-feet.
2. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
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.

Transfer No. 88794

WATER RIGHT NO. 29-10664
As Modified by Transfer No. 88794

CONDITIONS OF APPROVAL

6. Place of use for irrigation from storage is within the area served by Marsh Center Irrigating Company.
7. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
8. Storage capacity of Hawkins Reservoir is 880 AF.
9. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
10. Storage water is released into Hawkins Creek below Hawkins Reservoir and rediverted from Hawkins Creek at the headgates of Marsh Center Irrigating Company.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 29-10665**As Modified by Transfer No. 88794**

In accordance with the approval of Transfer No. 88794, Water Right No. 29-10665 is now described as follows:

Right Holder: MARSH CENTER IRRIGATING CO
C/O WADE EGAN
13348 N BILLY LN
POCATELLO, ID 83202

Priority Date: 4/1/1944

Source: HAWKINS CREEK

Tributary: MARSH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION FROM STORAGE	04/01	to 10/31		641.1 af
IRRIGATION STORAGE	01/01	to 12/31		641.1 af

LOCATION OF POINT(S) OF DIVERSION

HAWKINS CREEK	NESE	Sec 35 Twp 10S Rge 35E	BANNOCK County	(R)
HAWKINS CREEK	NWNESE	Sec 35 Twp 10S Rge 35E	BANNOCK County	
HAWKINS CREEK	SENE	Sec 36 Twp 10S Rge 36E	BANNOCK County	(R)

PLACE OF USE: IRRIGATION STORAGE

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	35E	35			X	X	X	X		X						X			

CONDITIONS OF APPROVAL

1. Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
2. 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.
3. 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).
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. Place of use for irrigation from storage is within the area served by Marsh Center Irrigating Company.

Transfer No. 88794

WATER RIGHT NO. 29-10665

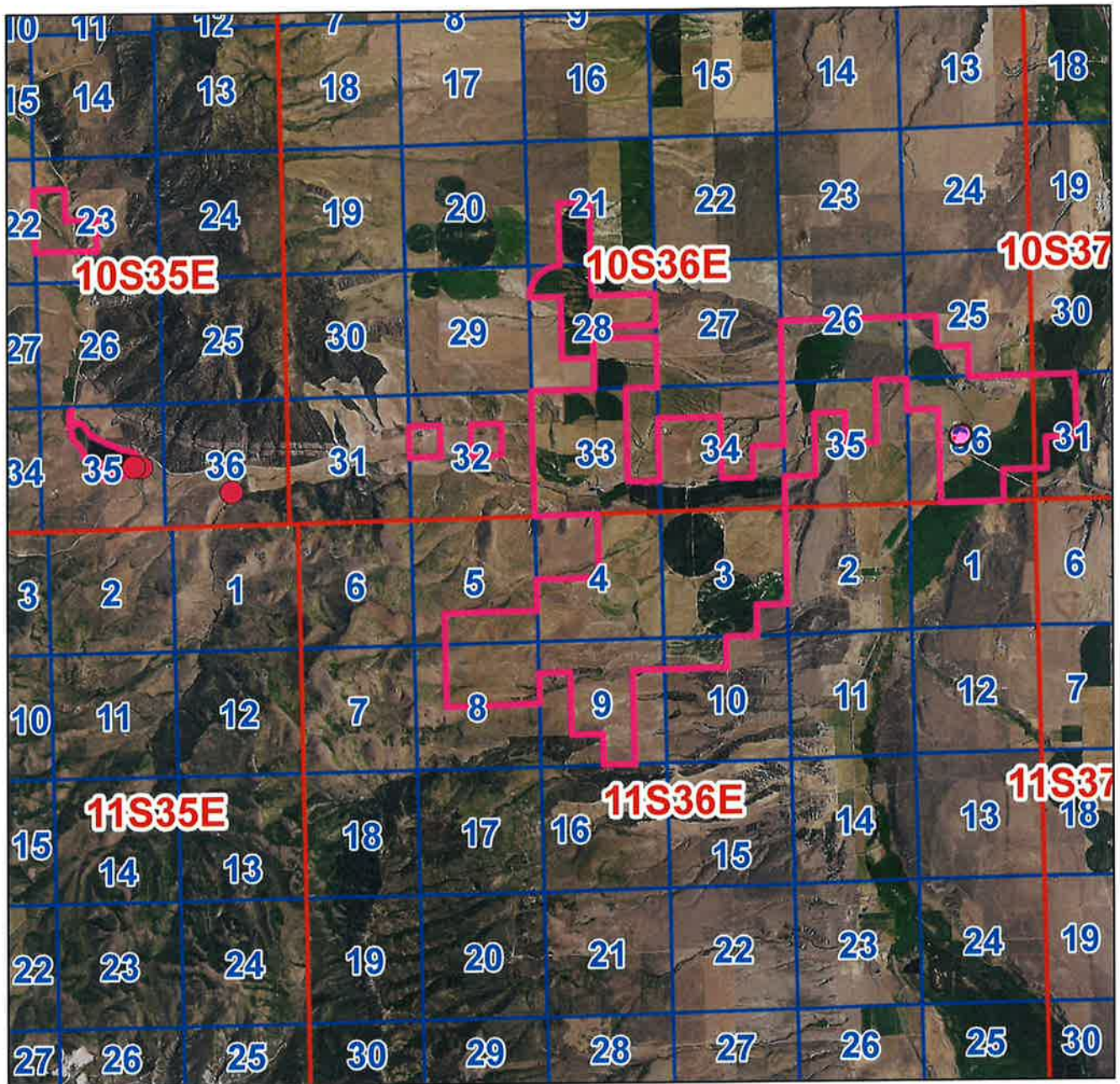
As Modified by Transfer No. 88794

CONDITIONS OF APPROVAL

6. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
7. Storage capacity of Hawkins Reservoir is 880 AF.
8. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
9. Storage water is released into Hawkins Creek below Hawkins Reservoir and rediverted from Hawkins Creek at the headgates of Marsh Center Irrigating Company.
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.
13. 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 88794

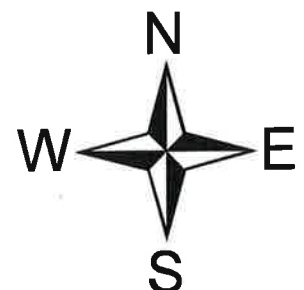
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 1 2 4 Miles



Date: 4/11/2024



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

April 11, 2024

MARSH CENTER IRRIGATING CO
C/O WADE EGAN
13348 N BILLY LN
POCATELLO ID 83202

Re: Transfer No: 88794
Water Right No(s): 29-10663, 29-10664, 29-10665, 29-12058, 29-13493,
29-13494

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:

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 8
BOISE ID 83720-0098

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 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.: 88794

Water Right No(s): 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494

**MARSH CENTER IRRIGATING CO
C/O WADE EGAN
13348 N BILLY LN
POCATELLO ID 83202**

**STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 8
BOISE ID 83720-0098**



**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.