

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88711**

This is to certify that: ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007

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>
51-10252	WR/DECREED	2/15/1925	11.460 cfs	N/A	155.0	703.0	BRUNEAU RIVER
51-27B	WR/DECREED	4/1/1875	1.800 cfs	N/A	175.0	703.0	BRUNEAU RIVER
51-28B	WR/DECREED	4/1/1897	0.660 cfs	N/A	175.0	703.0	BRUNEAU RIVER
51-29B	WR/DECREED	4/1/1905	0.180 cfs	N/A	175.0	703.0	BRUNEAU RIVER
51-30	WR/DECREED	4/1/1905	0.760 cfs	N/A	51.9	703.0	BRUNEAU 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>
51-10252	NO	NO	YES	NO	NO	NO
51-27B	NO	NO	YES	NO	NO	NO
51-28B	NO	NO	YES	NO	NO	NO
51-29B	NO	NO	YES	NO	NO	NO
51-30	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>
51-10252	51-10252	11.460 cfs	N/A	155.0	783.0	N/A	N/A	N/A	N/A	N/A
51-27B	51-27B	1.800 cfs	N/A	175.0	783.0	N/A	N/A	N/A	N/A	N/A
51-28B	51-28B	0.660 cfs	N/A	175.0	783.0	N/A	N/A	N/A	N/A	N/A
51-29B	51-29B	0.180 cfs	N/A	175.0	783.0	N/A	N/A	N/A	N/A	N/A
51-30	51-30	0.760 cfs	N/A	51.9	783.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		14.860 cfs	N/A	264.0	783.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 51-27B

Transfer No. 88711

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88711

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 26th day of APRIL, 2024.


SCOTT STORMS, Water Rights Supervisor



WATER RIGHT NO. 51-27B**As Modified by Transfer No. 88711**

In accordance with the approval of Transfer No. 88711, Water Right No. 51-27B is now described as follows:

Right Holder: ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007

Priority Date: 4/1/1875

Source: BRUNEAU RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

	From	To	Diversion Rate
IRRIGATION	3/01	to 11/15	1.800 cfs
STOCKWATER	1/01	to 12/31	0.050 cfs
			1.800 cfs

LOCATION OF POINT(S) OF DIVERSION

BRUNEAU RIVER	SESE	Sec 25 Twp 06S Rge 05E	OWYHEE County
BRUNEAU RIVER	L4 (SWSW)	Sec 30 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	NENW	Sec 31 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	SWSE	Sec 5 Twp 07S Rge 06E	OWYHEE 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	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0
06S	06E	31	40.0	40.0			26.0	7.0											113.0

Right Acre Limit: 175.0

POU Total Acres: 783.0

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	
06S	05E	25				X					X			X	X	X	X	X	
06S	05E	36	X	X		X													
06S	06E	30			X				X	X	X	X	X	X	X	X	X	X	
06S	06E	31	X	X			X	X											0
																			0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175 acres within the authorized place of use in a single irrigation season.

Transfer No. 88711

WATER RIGHT NO. 51-27B

As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of a specific 175 acres within the 783 acre place of use authorized by this right in a single irrigation season. The specific 175 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 175 acres to be irrigated within the 783 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. Rights 51-27B, 51-28B, and 51-29B when combined shall not exceed a total irrigation of 175 acres in a single irrigation season.
4. Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
7. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
8. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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.

WATER RIGHT NO. 51-27B

As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

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. 51-28B**As Modified by Transfer No. 88711**

In accordance with the approval of Transfer No. 88711, Water Right No. 51-28B is now described as follows:

Right Holder: ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007

Priority Date: 4/1/1897

Source: BRUNEAU RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

	From	To	Diversion Rate
IRRIGATION	3/01	to 11/15	0.660 cfs
STOCKWATER	1/01	to 12/31	0.050 cfs
			0.660 cfs

LOCATION OF POINT(S) OF DIVERSION

BRUNEAU RIVER	SESE	Sec 25 Twp 06S Rge 05E	OWYHEE County
BRUNEAU RIVER	L4 (SWSW)	Sec 30 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	NENW	Sec 31 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	SWSE	Sec 5 Twp 07S Rge 06E	OWYHEE 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	
06S	05E	25				1.0					40.0				40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0
06S	06E	31	40.0	40.0			26.0	7.0											113.0

Right Acre Limit: 175.0

POU Total Acres: 783.0

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	
06S	05E	25				X					X				X	X	X	X	
06S	05E	36	X	X		X													
06S	06E	30			X				X	X	X	X	X	X	X	X	X	X	
																			0
06S	06E	31	X	X			X	X											
																			0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175 acres within the authorized place of use in a single irrigation season.

Transfer No. 88711

WATER RIGHT NO. 51-28B

As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of a specific 175 acres within the 783 acre place of use authorized by this right in a single irrigation season. The specific 175 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 175 acres to be irrigated within the 783 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. Rights 51-27B, 51-28B, and 51-29B when combined shall not exceed a total irrigation of 175 acres in a single irrigation season.
4. Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
7. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
8. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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.

WATER RIGHT NO. 51-28B
As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

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. 51-29B**As Modified by Transfer No. 88711**

In accordance with the approval of Transfer No. 88711, Water Right No. 51-29B is now described as follows:

Right Holder: ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007

Priority Date: 4/1/1905

Source: BRUNEAU RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

	From	To	Diversion Rate
IRRIGATION	3/01	to 11/15	0.180 cfs
STOCKWATER	1/01	to 12/31	0.050 cfs
			0.180 cfs

LOCATION OF POINT(S) OF DIVERSION

BRUNEAU RIVER	SESE	Sec 25 Twp 06S Rge 05E	OWYHEE County
BRUNEAU RIVER	L4 (SWSW)	Sec 30 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	NENW	Sec 31 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	SWSE	Sec 5 Twp 07S Rge 06E	OWYHEE 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	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0
06S	06E	31	40.0	40.0			26.0	7.0											113.0

Right Acre Limit: 175.0

POU Total Acres: 783.0

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	
06S	05E	25				X					X			X	X	X	X	X	
06S	05E	36	X	X		X													
06S	06E	30			X				X	X	X	X	X	X	X	X	X	X	
06S	06E	31	X	X			X	X											0
																			0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175 acres within the authorized place of use in a single irrigation season.

Transfer No. 88711

WATER RIGHT NO. 51-29B
As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of a specific 175 acres within the 783 acre place of use authorized by this right in a single irrigation season. The specific 175 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 175 acres to be irrigated within the 783 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. Rights 51-27B, 51-28B, and 51-29B when combined shall not exceed a total irrigation of 175 acres in a single irrigation season.
4. Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
7. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
8. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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.

WATER RIGHT NO. 51-29B

As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

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. 51-30
As Modified by Transfer No. 88711

In accordance with the approval of Transfer No. 88711, Water Right No. 51-30 is now described as follows:

Right Holder: ACE BLACK RANCHES LLP
 28892 HOT SPRINGS RD
 BRUNEAU, ID 83604-5007

Priority Date: 4/1/1905

Source: BRUNEAU RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/01	to 11/15	0.760 cfs
STOCKWATER	1/01	to 12/31	0.050 cfs
			0.760 cfs

LOCATION OF POINT(S) OF DIVERSION

BRUNEAU RIVER	SESE	Sec 25 Twp 06S Rge 05E	OWYHEE County
BRUNEAU RIVER	L4 (SWSW)	Sec 30 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	NENW	Sec 31 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	SWSE	Sec 5 Twp 07S Rge 06E	OWYHEE 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	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0
06S	06E	31	40.0	40.0			26.0	7.0											113.0

Right Acre Limit: 51.9

POU Total Acres: 783.0

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	
06S	05E	25				X					X			X	X	X	X	X	
06S	05E	36	X	X		X													
06S	06E	30			X				X	X	X	X	X	X	X	X	X	X	
																			0
06S	06E	31	X	X			X	X											
																			0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 51.9 acres within the authorized place of use in a single irrigation season.

Transfer No. 88711

WATER RIGHT NO. 51-30
As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of a specific 51.9 acres within the 783 acre place of use authorized by this right in a single irrigation season. The specific 51.9 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 51.9 acres to be irrigated within the 783 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. Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
6. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
7. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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. 51-10252**As Modified by Transfer No. 88711**

In accordance with the approval of Transfer No. 88711, Water Right No. 51-10252 is now described as follows:

Right Holder: ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007

Priority Date: 2/15/1925

Source: BRUNEAU RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/01	to 11/15	11.460 cfs
STOCKWATER	1/01	to 12/31	0.050 cfs
			11.460 cfs

LOCATION OF POINT(S) OF DIVERSION

BRUNEAU RIVER	SESE	Sec 25 Twp 06S Rge 05E	OWYHEE County
BRUNEAU RIVER	L4 (SWSW)	Sec 30 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	NENW	Sec 31 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	SWSE	Sec 5 Twp 07S Rge 06E	OWYHEE 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	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0
06S	06E	31	40.0	40.0			26.0	7.0											113.0

Right Acre Limit: 155.0

POU Total Acres: 783.0

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	
06S	05E	25				X					X			X	X	X	X	X	
06S	05E	36	X	X		X													
06S	06E	30			X				X	X	X	X	X	X	X	X	X	X	
06S	06E	31	X	X			X	X											0
																			0

Transfer No. 88711

WATER RIGHT NO. 51-10252

As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 155 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 155 acres within the 783 acre place of use authorized by this right in a single irrigation season. The specific 155 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 155 acres to be irrigated within the 783 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. Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
6. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
7. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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.

WATER RIGHT NO. 51-10252
As Modified by Transfer No. 88711

CONDITIONS OF APPROVAL

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.



State of Idaho
Department of Water Resources

Attachment to Transfer

Water Right(s): 51-27B, 51-28B, 51-29B, 51-30, 51-10252



Transfer POD



Transfer POU



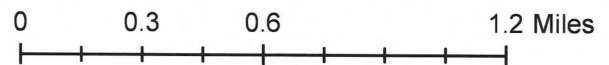
Township/Range



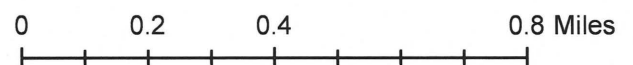
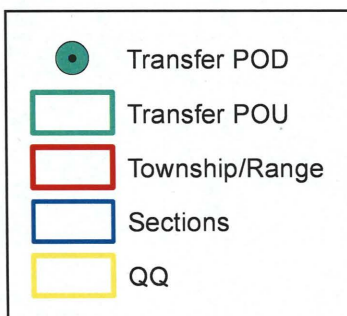
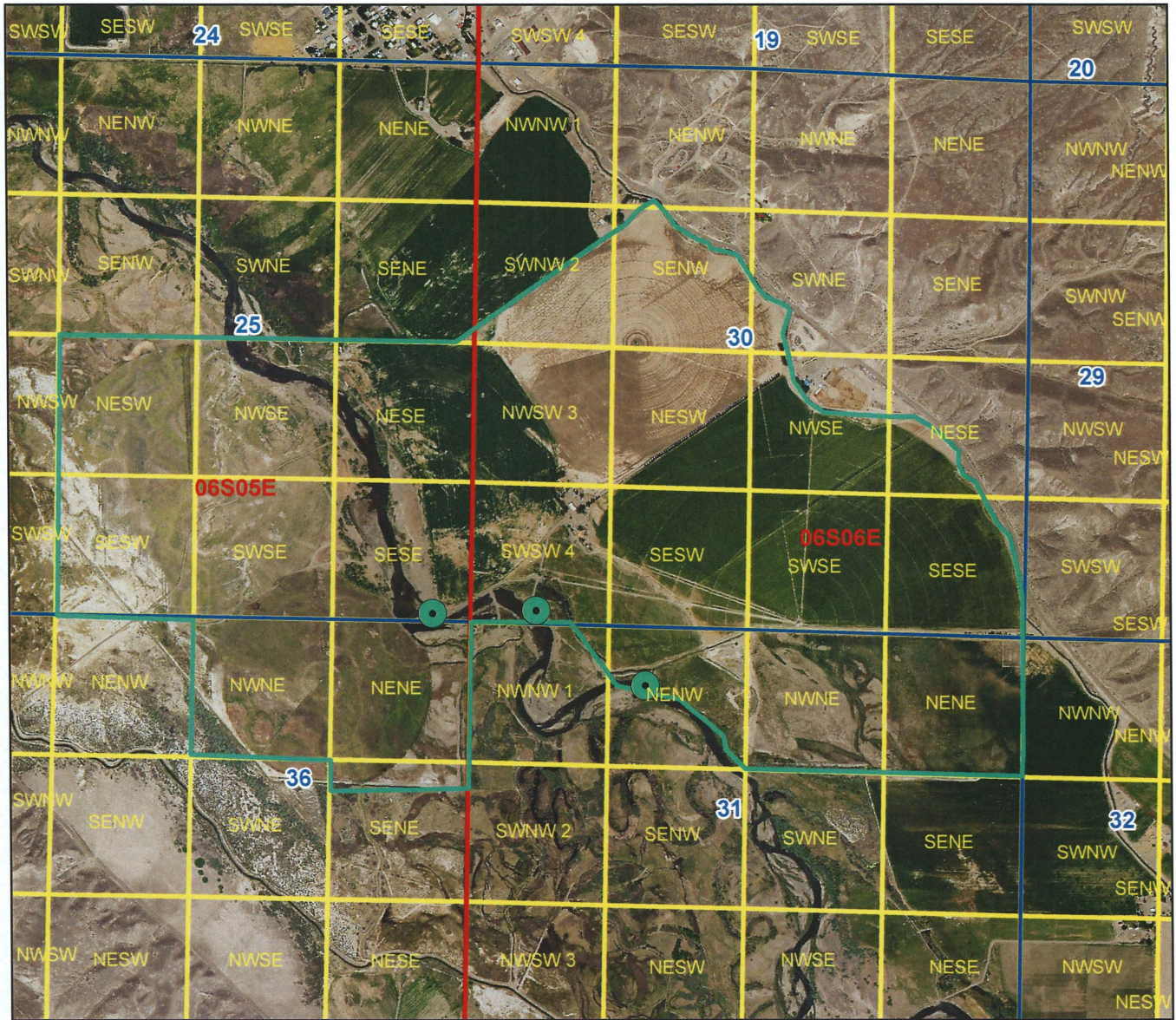
Sections



QQ



State of Idaho
Department of Water Resources
Attachment to Transfer
Water Right(s): 51-27B, 51-28B, 51-29B, 51-30, 51-10252





May 02, 2024

ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU ID 83604-5007

Re: Transfer No: 88711
Water Right No(s): 51-27B, 51-28B, 51-29B, 51-30, 51-10252

Transfer Approval Notice

Dear Water Right Holder(s):

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) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynne Evans".

Lynne Evans
Administrative Assistant I

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 02, 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.: 88711

Water Right No(s): 51-27B, 51-28B, 51-29B, 51-30, 51-10252

ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU ID 83604-5007



Lynne Evans

Administrative Assistant I

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.

MEMORANDUM

TO: Transfer No. 88711
FROM: Aaron Olson
DATE: 4/25/2024
RE: Evaluation of Application

The transfer proposes to expand the permissible place of use for the involved water rights to include an additional 80 acres.

The expansion to the ppu is located in NWNE and NENE Section 31, T06S, R06E, approximately a mile south of Bruneau Idaho.

Summary of Information Submitted

Authority to File:

IDWR records show the applicant as the current owner of the water rights. The application was signed by Terry Black. The Secretary of State annual report form lists Terry Black as an authorized signer on behalf of Ace Black Ranches.

Water Right Validity:

The partial decrees for water rights nos. 51-27B, 51-28B, 51-29B, and 51-30 were issued on 3/6/2000. The partial decree for water right no. 51-10252 was issued on 12/1/2000. These rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed transfer. The quantity of water used and number of acres irrigated for these rights will not change as a result. The proposed transfer was advertised along with requests for comment sent to several interested parties and no protests were received.

Enlargement of Use:

Enlargement does not appear to be an issue. The proposed changes will not result in an increase of diversion rate or total number of acres irrigated.

Local Public Interest:

This application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

This application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

Letters seeking comment were sent out to several interested parties including Bruneau Buckaroo Coop Ditch Company, EPA, IDFG, and BLM. None of these parties opposed approval of this application or provided additional comment.

Discussion

If approved the following changes should be made to the conditions of the involved water rights:
Update condition 206 to reflect that the ppu is now 783 acres

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.