

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-03182

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 1 2013

By

Clerk

NAME AND ADDRESS: BASIN AND RANGE RESOURCE
COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY, NV 89703

SOURCE: GROUND WATER

QUANTITY: 6.68 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.

PRIORITY DATE: 02/19/1960

POINT OF DIVERSION: T06N R05W S22 SESW Within Payette County
S23 NWSESW
NWSESW
NWSWSE
SWNE
NWSW
NESE
NESE
NESE
S24 NWNW

The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349, and 63-7903.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	6.68 CFS

PLACE OF USE:	Irrigation	Within Payette County
	T06N R05W S13	SWSW 40.0
	S14	SWSW 40.0
		SWSE 40.0
	S15	SESE 40.0
	S22	NENE 40.0
		SWNE 40.0
		NENW 40.0
		NESW 40.0
		NESE 40.0
		SWSE 40.0
	S23	NENE 40.0
		SWNE 40.0
		NENW 40.0
		SWNW 40.0
		NESW 40.0
		SESW 20.0
		NWSE 40.0
		SESE 40.0
		NWNE 40.0
		SENE 40.0
		NWNW 40.0
		SENW 40.0
		NWSW 40.0
		NESE 40.0
		SWSE 20.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

S24	NWNW 40.0	SWNW 40.0
	NWSW 20.0	
1340.0 Acres Total		

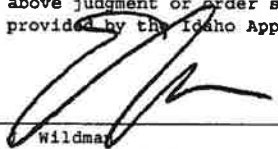
The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.
The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
This right is limited to the irrigation of 437 acres within the authorized place of use in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

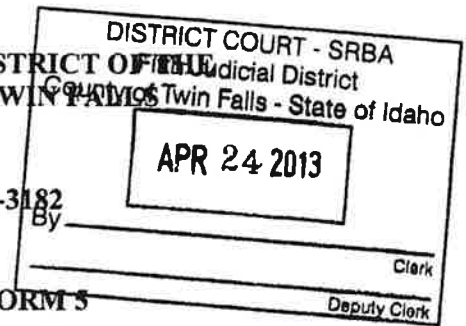
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA

Case No. 39576

Subcase No. 63-3182

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Basin and Range Resource Company LLC

OBJECTOR/RESPONDENT:

United States of America

Dorothy A. Timian-Palmer 4-9-2013
By: *Dorothy A. Timian-Palmer* Date
Title: *President / COO*

David Negri 4/23/13
David Negri, Attorney Date
Bureau of Land Management

IDWR Concurrence:

for Cathy Linterkle 4-18-13
Jan Shurte Date
Senior Water Resource Agent

Andrea L. Courtney 4/18/13
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3182

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.680 CFS

Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 02/19/1960

POINT OF DIVERSION:

T06N R05W S22 SESW Within PAYETTE County
T06N R05W S23 SWNE Within PAYETTE County
T06N R05W S23 NWSW Within PAYETTE County
T06N R05W S23 NWSESW Within PAYETTE County
T06N R05W S23 NWSESW Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NWSNE Within PAYETTE County
T06N R05W S24 NWNW Within PAYETTE County

The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	6.680 CFS

PLACE OF USE:

IRRIGATION in PAYETTE County

T06N R05W S13	SWSW	40.00	T06N R05W S14	SWSW	40.00
T06N R05W S14	SESW	40.00	T06N R05W S14	SWSE	40.00
T06N R05W S14	SESE	40.00	T06N R05W S15	SESE	40.00
T06N R05W S22	NENE	40.00	T06N R05W S22	NWNE	40.00
T06N R05W S22	SWNE	40.00	T06N R05W S22	SENE	40.00
T06N R05W S22	NENW	40.00	T06N R05W S22	SENW	40.00
T06N R05W S22	NESW	40.00	T06N R05W S22	SESW	40.00

SF5 Right No. 63-3182

ATC
CF
DN

DATP

T06N R05W S22	NESE	40.00	T06N R05W S22	NWSE	40.00
T06N R05W S22	SWSE	40.00	T06N R05W S22	SESE	40.00
T06N R05W S23	NENE	40.00	T06N R05W S23	NWNE	40.00
T06N R05W S23	SWNE	40.00	T06N R05W S23	SENE	40.00
T06N R05W S23	NENW	40.00	T06N R05W S23	NWNW	40.00
T06N R05W S23	SWNW	40.00	T06N R05W S23	SENW	40.00
T06N R05W S23	NESW	40.00	T06N R05W S23	NWSW	40.00
T06N R05W S23	SESW	20.00	T06N R05W S23	NESE	40.00
T06N R05W S23	NWSE	40.00	T06N R05W S23	SWSE	20.00
T06N R05W S24	NWNW	40.00	T06N R05W S24	SWNW	40.00
T06N R05W S24	NWSW	20.00			

1340 ACRES TOTAL

The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.

This right is limited to the irrigation of 437 acres within the authorized place of use in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by ^{Amended} Transfer 77052 within one year of the date of the ~~transfer's~~ approval. *ATC*

Failure of the right holder to comply with the conditions of this ^{Amended} transfer 77052 is cause for the Director to rescind approval of the transfer. *DN*

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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.

DATP

CERTIFICATE OF MAILING

I certify that on April 23, 2013, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

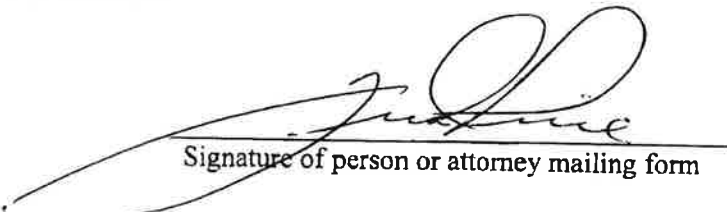
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

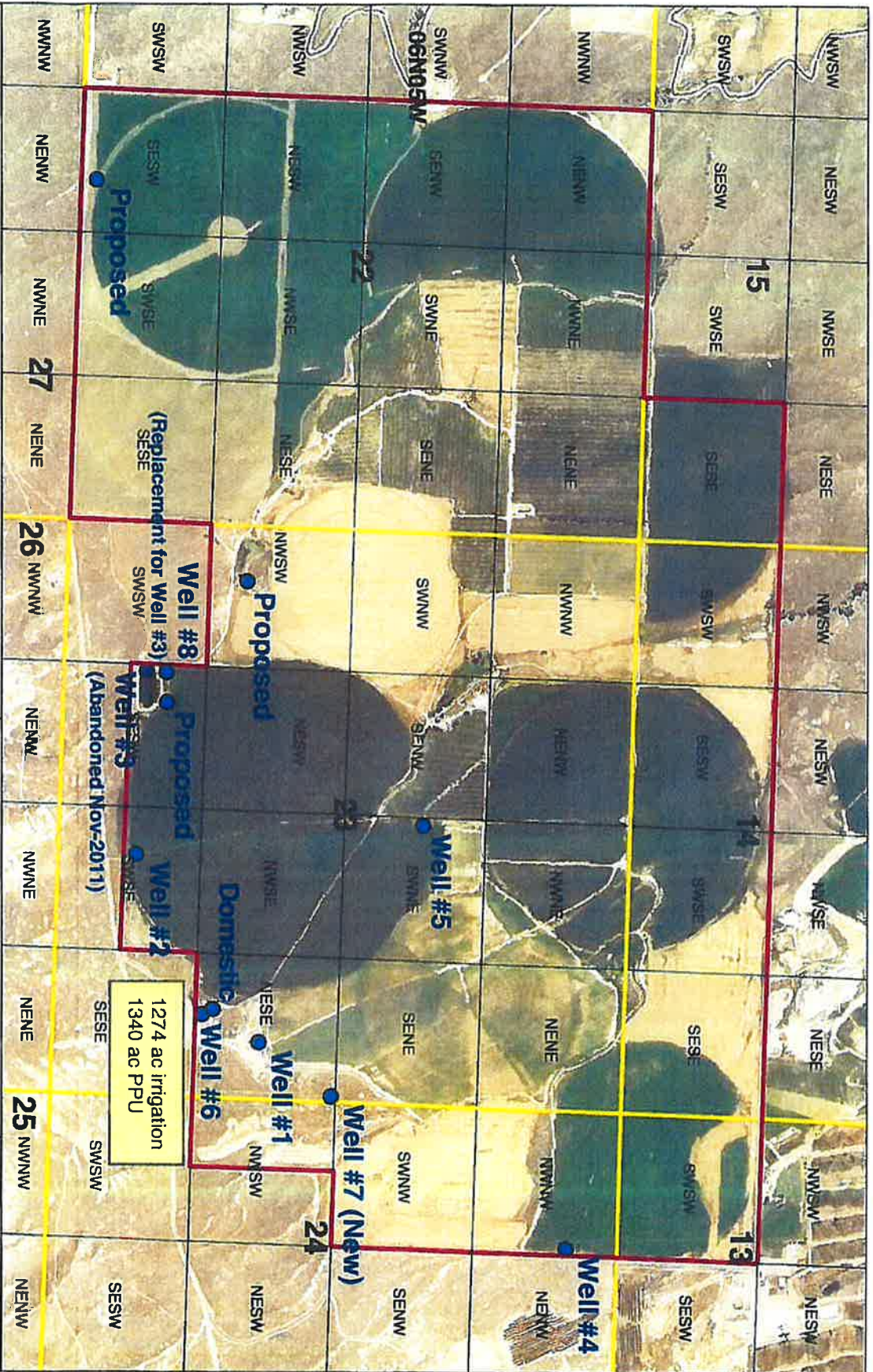
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BASIN AND RANGE RESOURCE COMPANY, LLC
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509



Signature of person or attorney mailing form



Legend

- Wells
- Abandoned Wells

□ Permissible Place of Use

Payette County, Idaho



ATTACHMENT #7a

Basin and Range
PPU and PODS

Date: 2-3-11 (Revision #1, 4-16-12)
Aerial Photo: 2009





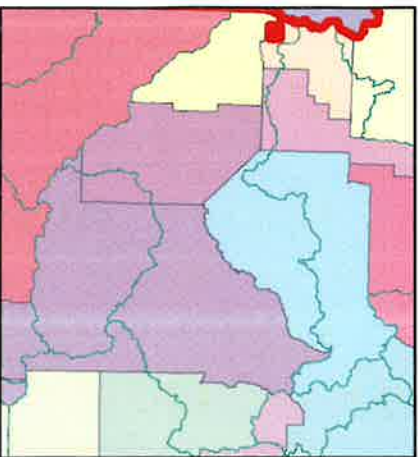
Idaho Department of Water Resources

Water Right

63-3182

(IRRIGATION)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

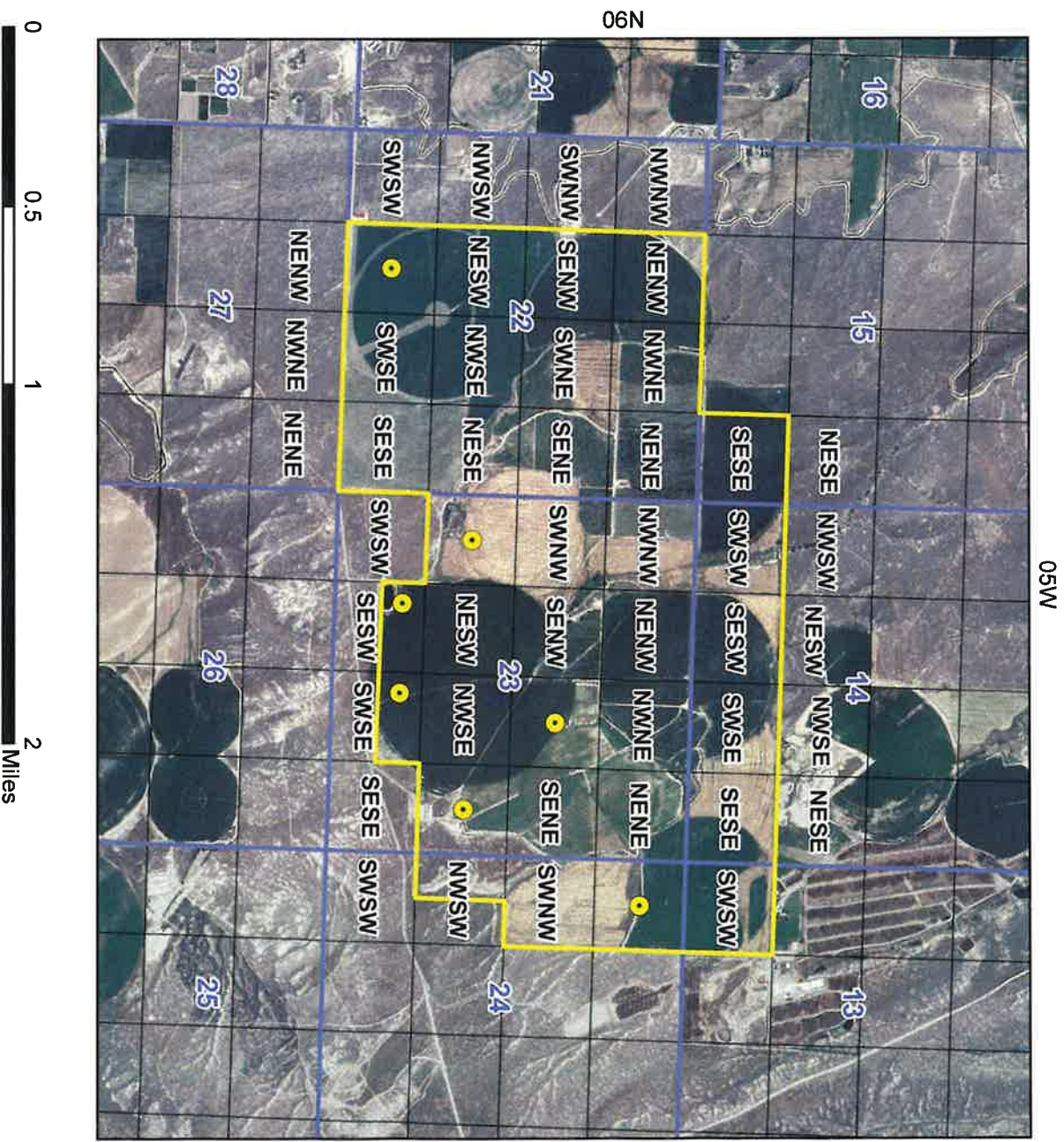


Canyon, Payette Counties

IDWR Basin 63

Prepared by Shurte, Jan

2009 Aerial Photography



Shurte, Jan

From: Dana Hofstetter [Dana@IdahoWaterLaw.com]
Sent: Monday, April 01, 2013 10:08 AM
To: Cooley-Denney, Suzy
Cc: Courtney, Andrea; Negri, David (ENRD); fwprice@blm.gov; Shurte, Jan
Subject: Re: Basin and Range Resource Company, LLC - SF5s

Thank you for the amended SF5 cover sheets.

With regard to the two Explanatory Material remarks that reference "Transfer 77052" on each of the irrigation rights would IDWR have any objection to us writing in and initialing the word "Amended" before "Transfer 77052"? An Amended Transfer Approval was issued on June 26, 2012 (shortly after the original Transfer approval of June 19, 2012) and it is important that the amended approval is not overlooked.

With regard to the following condition on 63-7533 "Place of use does not include federal public lands."- would BLM object to replacing this language with "The place of use within the NWSW of S24, T6N, R5W is limited to the west half of that quarter-quarter." This would make the language consistent with the irrigation rights.

Thank you,
Dana

On 3/28/2013 3:37 PM, Cooley-Denney, Suzy wrote:

Dana ~

Attached please find SF5 cover sheets and IDWR recommendations for the following water right subcases:

63-3182

63-3308

63-3583

63-7177

63-7349

63-7533

63-7903

Please have your clients review the attached documents and if acceptable, sign the SF5s, initial the recommendations, and return the documents back to the Department, ATTN: Jan Shurte. If you have any questions regarding the attached recommendations, please do not hesitate to contact Jan Shurte at (208) 287-4992.

As I am sure you are aware, the Pre-Trial Conference for these subcases is scheduled for Tuesday, April 9, 2013 at 10:00 a.m.

Thank you for your assistance in this matter.

~ Suzy

<<63-3182.pdf>> <<63-3308.pdf>> <<63-3583.pdf>> <<63-7177.pdf>> <<63-7349.pdf>> <<63-7533.pdf>> <<63-7903.pdf>>

SUZY COOLEY-DENNEY, Paralegal

Office of the Attorney General

Idaho Department of Water Resources

7600 N. Mineral Drive, Suite 100

Coeur d'Alene, Idaho 83815

(208) 762-2811 (Telephone)

(208) 762-2819 (Facsimile)

suzy.cooley-denney@idwr.idaho.gov

Shurte, Jan

From: Cooley-Denney, Suzy
Sent: Thursday, March 28, 2013 3:37 PM
To: dana@idahowaterlaw.com
Cc: Courtney, Andrea; Negri, David (ENRD); fwprice@blm.gov; Shurte, Jan
Subject: Basin and Range Resource Company, LLC - SF5s

Dana ~

Attached please find SF5 cover sheets and IDWR recommendations for the following water right subcases:

63-3182
63-3308
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Please have your clients review the attached documents and if acceptable, sign the SF5s, initial the recommendations, and return the documents back to the Department, ATTN: Jan Shurte. If you have any questions regarding the attached recommendations, please do not hesitate to contact Jan Shurte at (208) 287-4992.

As I am sure you are aware, the Pre-Trial Conference for these subcases is scheduled for Tuesday, April 9, 2013 at 10:00 a.m.

Thank you for your assistance in this matter.

~ Suzy



63-3182.pdf



63-3308.pdf



63-3583.pdf



63-7177.pdf



63-7349.pdf



63-7533.pdf



63-7903.pdf

SUZY COOLEY-DENNEY, Paralegal

Office of the Attorney General
Idaho Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
(208) 762-2811 (Telephone)
(208) 762-2819 (Facsimile)
suzy.cooley-denney@idwr.idaho.gov

Shurte, Jan

To: Shurte, Jan
Subject: FW: Basin Range and Resource SF5s
Attachments: SF5 63-3182.pdf; SF5 63-3308.pdf; SF5 63-3583.pdf; SF5 63-7177.pdf; SF5 63-7349.pdf; SF5 63-7533.pdf; SF5 63-7903.pdf

From: Shurte, Jan
Sent: Thursday, December 06, 2012 2:30 PM
To: Dana Hofstetter ; David Negri ; Fred Price
Cc: Courtney, Andrea
Subject: Basin Range and Resource SF5s

Good afternoon,

Attached are the SF5s for Basin and Range Resource Company, LLC. Please note that Right Nos. 63-3308 and 63-7903 do not have a signature line for BLM since no objections were filed by BLM to these two rights. These rights still address the federal land issues with the specific place of use remarks from approved Transfer No. 77052.

Dana would you please review and sign all of the SF5s, send 63-3308 and 63-7903 back to the Department at my attention and forward the remaining Right Nos. 63-3182, 63-3583, 63-7177, 63-7349 and 63-7533 to David Negri for his signature. David would you please review and sign these rights and return them to the Department at my attention.

Please feel free to contact me if you have any questions or corrections concerning these rights.

Jan Shurte
Adjudication Technical Analyst
Idaho Dept of Water Resources
322 E Front St
Boise, Idaho 83720
(208) 287-4992

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 63-3182
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Basin and Range Resource

OBJECTOR/RESPONDENT:
United States of America

Dana L. Hofstetter, Attorney Date

David Negri, Attorney Date
Bureau of Land Management

IDWR Concurrence:

 12-10-12

Jan Shurte

Date

Senior Water Resource Agent

Andrea L. Courtney

Date

Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3182

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703



SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.680 CFS

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PRIORITY DATE: 02/19/1960

POINT OF DIVERSION:

T06N R05W S22 SESW Within PAYETTE County
T06N R05W S23 SWNE Within PAYETTE County
T06N R05W S23 NWSW Within PAYETTE County
T06N R05W S23 NWSESW Within PAYETTE County
T06N R05W S23 NWSESW Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NWSWSE Within PAYETTE County
T06N R05W S24 NWNW Within PAYETTE County

The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	6.680 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R05W S13	SWSW	40.00	T06N R05W S14	SWSW	40.00
T06N R05W S14	SESW	40.00	T06N R05W S14	SWSE	40.00
T06N R05W S14	SESE	40.00	T06N R05W S15	SESE	40.00
T06N R05W S22	NENE	40.00	T06N R05W S22	NWNE	40.00
T06N R05W S22	SWNE	40.00	T06N R05W S22	SENE	40.00
T06N R05W S22	NENW	40.00	T06N R05W S22	SENW	40.00
T06N R05W S22	NESW	40.00	T06N R05W S22	SESW	40.00

SF5 Right No. 63-3182

T06N R05W S22	NESE	40.00	T06N R05W S22	NWSE	40.00
T06N R05W S22	SWSE	40.00	T06N R05W S22	SESE	40.00
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T06N R05W S23	SWNE	40.00	T06N R05W S23	SENE	40.00
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T06N R05W S23	SWNW	40.00	T06N R05W S23	SENW	40.00
T06N R05W S23	NESW	40.00	T06N R05W S23	NWSW	40.00
T06N R05W S23	SESW	20.00	T06N R05W S23	NESE	40.00
T06N R05W S23	NWSE	40.00	T06N R05W S23	SWSE	20.00
T06N R05W S24	NWNW	40.00	T06N R05W S24	SWNW	40.00
T06N R05W S24	NWSW	20.00			

1340 ACRES TOTAL

The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by Transfer 77052 within one year of the date of the transfer's approval.

Failure of the right holder to comply with the conditions of ~~this~~ Transfer 77052 is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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.

CERTIFICATE OF MAILING

I certify that on _____, 2012, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BASIN AND RANGE RESOURCE
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509

Signature of person or attorney mailing form

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 63-3182
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Case No. 39576	)	
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CLAIMANT/OBJECTOR:
Basin and Range Resource Company LLC

OBJECTOR/RESPONDENT:
United States of America

By: _____ Date _____
Title: _____

David Negri, Attorney Date _____
Bureau of Land Management

IDWR Concurrence:

Jan Shurte	Date
Senior Water Resource Agent	

Andrea L. Courtney	Date
Deputy Attorney General	
Attorney for IDWR	

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3182

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.680 CFS

Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 02/19/1960

POINT OF DIVERSION:

T06N R05W S22 SESW Within PAYETTE County
T06N R05W S23 SWNE Within PAYETTE County
T06N R05W S23 NWSW Within PAYETTE County
T06N R05W S23 NWSESW Within PAYETTE County
T06N R05W S23 NWSESW Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NESE Within PAYETTE County
T06N R05W S23 NWSWSE Within PAYETTE County
T06N R05W S24 NWNW Within PAYETTE County

The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	6.680 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R05W S13	SWSW	40.00	T06N R05W S14	SWSW	40.00
T06N R05W S14	SESW	40.00	T06N R05W S14	SWSE	40.00
T06N R05W S14	SESE	40.00	T06N R05W S15	SESE	40.00
T06N R05W S22	NENE	40.00	T06N R05W S22	NWNE	40.00
T06N R05W S22	SWNE	40.00	T06N R05W S22	SENE	40.00
T06N R05W S22	NENW	40.00	T06N R05W S22	SENW	40.00
T06N R05W S22	NESW	40.00	T06N R05W S22	SESW	40.00

SF5 Right No. 63-3182

T06N R05W S22	NESE	40.00	T06N R05W S22	NWSE	40.00
T06N R05W S22	SWSE	40.00	T06N R05W S22	SESE	40.00
T06N R05W S23	NENE	40.00	T06N R05W S23	NWNE	40.00
T06N R05W S23	SWNE	40.00	T06N R05W S23	SENE	40.00
T06N R05W S23	NENW	40.00	T06N R05W S23	NWNW	40.00
T06N R05W S23	SWNW	40.00	T06N R05W S23	SENW	40.00
T06N R05W S23	NESW	40.00	T06N R05W S23	NWSW	40.00
T06N R05W S23	SESW	20.00	T06N R05W S23	NESE	40.00
T06N R05W S23	NWSE	40.00	T06N R05W S23	SWSE	20.00
T06N R05W S24	NWNW	40.00	T06N R05W S24	SWNW	40.00
T06N R05W S24	NWSW	20.00			

1340 ACRES TOTAL

The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.

This right is limited to the irrigation of 437 acres within the authorized place of use in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by Transfer 77052 within one year of the date of the ~~transfer's~~ approval.

Failure of the right holder to comply with the conditions of ~~this~~ Transfer 77052 is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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.

CERTIFICATE OF MAILING

I certify that on _____, 2013, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BASIN AND RANGE RESOURCE COMPANY, LLC
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509

Signature of person or attorney mailing form

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, November 29, 2012 1:36 PM
To: ddelaney@idcourts.net
Subject: Corrections Basin Range and Resource Director's Reports
Attachments: 63-3182.pdf; 63-3308.pdf; 63-3583.pdf; 63-7903.pdf

Hi Diana,

As I was going through these I decided to just make my changes on the paper copy and scan them in. It seems easier to fix than if I tried to explain each one in an email. The changes are not that bad, just thought it would make it easier when the SF5s come in hopefully in the next couple of weeks.

Can you let me know if you find anything strange in my changes and then if you could let me know when it's done I will have Lori get the SF5s ready for mailing. Fingers crossed and crossed again.

Thanks,
Jan

SEE PAGE 2

SRBA

DIRECTORS REPORT 63-03182

[Return to SRBA Home Page](#)

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-03182

```
*****
*
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
*           IT WAS 1ST FILED.                   *
*
*****
```

OBJECTIONS TO ADR DUE: 12/28/11
TRANSFER COMPLETEName and Address: BASIN AND RANGE RESOURCE
COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY, NV 89703

Source: GROUND WATER

Quantity: 6.68 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.

Priority Date: 02-19-1960

Diversion Point:	T06N R05W S22	SESW	Within Payette County
	S23	NWSESW	
		NWSESW	
		NWSWSE	
		SWNE	
		NWSW	
		NESE	
		NESE	
		NESE	
	S24	NWNW	

The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349

and 63-7903.

Purpose and Period of Use:	Purpose of Use Irrigation	Period of Use 03-01 TO 11-15	Quantity 6.68 CFS
Place of Use:	Irrigation	Within Payette County	
	T06N R05W S13	<u>SWSW 24</u> <i>SHOULD BE 40 AC</i>	
	S14	SWSW 40	SESW 40
		SWSE 40	SESE 40
	S15	SESE 40	
	S22	NENE 40	NWNE 40
		SWNE 40	SENE 40
		NENW 40	SENE 40
		NESW 40	SESW 40
		NESE 40	NWSE 40
		SWSE 40	SESE 40
	S23	NENE 40	NWNE 40
		<u>SENE</u> 40 <i>SHOULD BE SWNE</i>	SENE 40
		NENW 40	NWNW 40
		SWNW 40	SENE 40
		NESW 40	NWSW 40
		SESW 20	NESE 40
		NWSE 40	SWSE 20
		NWNW 40	SWNW 40
		NWSW 20	
	S24		
	<i>WILL ADD UP TO 1340</i>		
	<u>1324</u> Acres Total		

This right is limited to the irrigation of 437 acres within the authorized place of use in a single irrigation season.
 The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.
 The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by Transfer 77052 within one year of the date of the approval. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

[Return to SRBA Home Page](#)

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3182

NAME AND ADDRESS:

BASIN AND RANGE RESOURCE
COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

6.680 CFS

Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE:

02/19/1960

POINT OF DIVERSION:

T06N R05W S22 SESW
Within PAYETTE County

T06N R05W S23 SWNE
Within PAYETTE County

T06N R05W S23 NWSW
Within PAYETTE County

T06N R05W S23 NWSSEW
Within PAYETTE County

T06N R05W S23 NWSSEW
Within PAYETTE County

T06N R05W S23 NESE
Within PAYETTE County

T06N R05W S23 NESE
Within PAYETTE County

T06N R05W S23 NESE
Within PAYETTE County

T06N R05W S23 NWSWSE
Within PAYETTE County

T06N R05W S24 NWNW
Within PAYETTE County

The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

6.680 CFS

PLACE OF USE:

IRRIGATION

within PAYETTE County

T06N R05W S13 SWSW 40.0
T06N R05W S14 SWSW 40.0
T06N R05W S14 SESW 40.0
T06N R05W S14 SWSE 40.0
T06N R05W S14 SESE 40.0
T06N R05W S15 SESE 40.0
T06N R05W S22 NENE 40.0
T06N R05W S22 NWNE 40.0
T06N R05W S22 SWNE 40.0
T06N R05W S22 SENE 40.0
T06N R05W S22 NENW 40.0
T06N R05W S22 SENW 40.0
T06N R05W S22 NESW 40.0
T06N R05W S22 SESW 40.0
T06N R05W S22 NESE 40.0
T06N R05W S22 NWSE 40.0
T06N R05W S22 SWSE 40.0
T06N R05W S22 SESE 40.0
T06N R05W S23 NENE 40.0
T06N R05W S23 NWNE 40.0
T06N R05W S23 SWNE 40.0
T06N R05W S23 SENE 40.0
T06N R05W S23 NENW 40.0
T06N R05W S23 NWNW 40.0
T06N R05W S23 SWNW 40.0
T06N R05W S23 SENW 40.0
T06N R05W S23 NESW 40.0
T06N R05W S23 NWSW 40.0
T06N R05W S23 SESW 20.0
T06N R05W S23 NESE 40.0
T06N R05W S23 NWSE 40.0
T06N R05W S23 SWSE 20.0
T06N R05W S24 NWNW 40.0
T06N R05W S24 SWNW 40.0
T06N R05W S24 NWSW 20.0

~~T06N R05W S13 SWSW 24.0~~~~T06N R05W S14 SESW 39.0~~~~T06N R05W S14 SWSE 36.0~~~~T06N R05W S14 SESE 38.0~~~~T06N R05W S23 NENE 39.0~~~~T06N R05W S23 NWNE 39.0~~~~T06N R05W S23 SWNE 39.0~~~~T06N R05W S23 NESE 24.0~~~~T06N R05W S23 NWSE 13.0~~~~T06N R05W S24 NWNW 38.0~~~~T06N R05W S24 SWNW 28.0~~1340 ACRES TOTAL~~437 ACRES TOTAL~~

This right is limited to the irrigation of 437 acres within the authorized place of use in a single irrigation season.

The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.

~~This water right does not authorize the use of federal public lands.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by Transfer 77052 within one year of the date of the approval.

SRBA

DIRECTORS REPORT 63-03182

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-03182

*
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
*

Name and Address: BASIN AND RANGE RESOURCE
CO LLC
3480 G S RICHARDS BLVD #101
CARSON CITY, NV 89703

Source: GROUND WATER

Quantity: 6.68 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Priority Date: 02-19-1960

Diversion Point:	T06N R05W S23	NESE	Within Payette County
	S24	NESE	
		NWNW	

Purpose and			
Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-01 TO 11-15	6.68 CFS

Place of Use:	Irrigation	Within Payette County	
	T06N R05W S13	SWSW 24	
	S14	SESW 39	SWSE 36
		SESE 38	
	S23	NENE 39	NWNE 39
		SWNE 39	SENE 40
		NENW 40	NESE 24
		NWSE 13	
	S24	NWNW 38	SWNW 28
	437 Acres Total		

This water right does not authorize the use of federal public lands.

*Reflects Transfer
77498
per NCAAP
w/ copy of
offer*

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by Transfer 77498 within one year of the date of the approval. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

[Return to SRBA Home Page](#)

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3182

NAME AND ADDRESS: BASIN AND RANGE RESOURCE COMPANY LLC
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.680 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 02/19/1960

POINT OF DIVERSION:

T06N R05W S23 NESE Within PAYETTE County

T06N R05W S23 NESE Within PAYETTE County

T06N R05W S24 NWNW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

6.680 CFS

PLACE OF USE:

IRRIGATION in PAYETTE County

T06N R05W S13	SWSW	24.00	T06N R05W S14	SESW	39.00
T06N R05W S14	SWSE	36.00	T06N R05W S14	SESE	38.00
T06N R05W S23	NENE	39.00	T06N R05W S23	NWNE	39.00
T06N R05W S23	SWNE	39.00	T06N R05W S23	SENE	40.00
T06N R05W S23	NENW	40.00	T06N R05W S23	NESE	24.00
T06N R05W S23	NWSE	13.00	T06N R05W S24	NWNW	38.00
T06N R05W S24	SWNW	28.00			

437 ACRES TOTAL

This water right does not authorize the use of federal public lands.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer 77498 within one year of the date of the approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Shurte, Jan

From: Harris, Lori
Sent: Wednesday, July 27, 2011 3:35 PM
To: Shurte, Jan
Subject: RE: Basin Range and Resource

I put the following remark in the claims, but cannot see it in the recommendations or am overlooking it. I cannot put see remarks in the recommendations, that is what I was going to have you do, or however it should be labeled. I can only do Active or Disallowed in a recommendation.

63-31839 & 63-31840 recombined to original License 63-7903 per rescinded Transfer 71619. 12/13/10

Here are the numbers.

63-31839

63-31840 (39 & 40 are splits of 63-7903)

63-31841 ~~DISALLOWED~~

63-31842 (41 & 42 are splits of 63-7349)

63-31854

63-31855 (54 & 55 are splits of 63-3308)

*NEED TO
DO 63-31839, 31840
& 63-31854, 31855*

From: Shurte, Jan
Sent: Wednesday, July 27, 2011 3:28 PM
To: Harris, Lori
Subject: Basin Range and Resource

Hi again,

Do you have a list of the splits I was supposed to go into and change the status on. I checked a couple and it doesn't look like I did. The claims say See Remarks, but not the recommendations. Did you put any kind of remark on the recommendations like "This right and Right No. ____-____ were recombined into Right No. ____-____ after Transfer No. 71619 was rescinded."

I'm only putting the remark in this email as as an example in case they don't have it in them. What do you think?

Jan

Shurte, Jan

From: Lester, Steve
Sent: Monday, June 13, 2011 2:30 PM
To: Courtney, Andrea
Cc: Shurte, Jan
Subject: RE: Basin and Range Resources Transfers: (1) Add POD 63-03182; (2) Add POD 63-07177, 63-07349.
Attachments: Basin Range-Resources 6-13-11.docx

Andrea:

Your summary is what I remember from before. We can expedite the 2 pod transfers once the recommendations are updated to match current claims. I guess the recommendations could be updated easily since:

- * Transfer 71619 included rights in the 2 pod transfers
- * Transfer 71619 changed from irrigation to irrigation & dairy, approved 2005 based on fully valid rights
- * Forfeiture tolled while rights pending in adjudication
- * 71619 rescinded, pre-71619 irrigation fully valid.

Don't need legal notices for these pod transfers, so could approve them quickly (about a week or less).

Don't recall any conversation with Dana about denied petition to correct license.

Dana sent Fred another request so we could expedite transfer appl 77052 for the irrigation ppou -- wrong, will not expedite that one. Updated notes attached if it helps with your status conference. Please let me know if need more info.

Steve

-----Original Message-----

From: Courtney, Andrea
Sent: Friday, June 10, 2011 4:16 PM
To: Lester, Steve
Cc: Shurte, Jan; Williams, Ray
Subject: FW: Basin and Range Resources Transfers: (1) Add POD 63-03182; (2) Add POD 63-07177, 63-07349.

Steve~

Our status conference for the Basin R & R subcases is next Tuesday. At the May 9 meeting, you, Jan & I discussed BR&R's options given the various transfer applications. It appears BLM has provided letter of non-opposition to the transfers you designated nos. 2 & 3 on your Notes handout (the POD transfers). My notes from our meeting suggest you thought those could be expedited once the consents were filed. (Please let me know if my understanding to this point is off.) When do you estimate those two transfers would be processed? I would like to be able to give the Court a rough estimate as to when it will receive NCAPs.

At the 5/19 mtg with Dana and Steve H, was there discussion about the recent order denying petition to correct license?

Thanks.

Andrea

-----Original Message-----

From: Williams, Ray

Sent: Thursday, June 09, 2011 8:13 AM

To: Courtney, Andrea

Subject: FW: Basin and Range Resources Transfers: (1) Add POD 63-03182; (2) Add POD 63-07177, 63-07349.

fyi

-----Original Message-----

From: fwprice@blm.gov [mailto:fwprice@blm.gov]

Sent: Wednesday, June 08, 2011 6:00 PM

To: Lester, Steve

Cc: Negri, David (ENRD); Shurte, Jan; Dana Hofstetter; Williams, Ray; Spencer, Nick

Subject: Basin and Range Resources Transfers: (1) Add POD 63-03182; (2) Add POD 63-07177, 63-07349.

Steve,

RE: Basin and Range Resources Applications for Transfer

- (1) -unnumbered transfer
 - filed 03-22-11
 - involving 63-03182
 - add private POD (well #7) in NESE, S23, T06N, R05W.
- (2) -unnumbered transfer
 - filed 03-22-11
 - involving 63-07177, 63-07349 (split into 63-31841, 63-31842)
 - add private POD (well #8) in NWSW, S23, T06N, R05W.

Because BLM has objected to these claims in the SRBA, IDWR wanted to know whether these two transfers would raise issues for BLM before proceeding with the transfers. The transfers were filed to add PODs on private land and not to resolve BLM's objections. I have attached a Transfer Consent letter for each of the transfers to this email.

Fred Price

Water Rights Specialist

BLM, Idaho State Office

(208) 373-3831

(See attached file: 63-07177_Transfer-Consent.pdf)(See attached file: 63-03182_Transfer-Consent.pdf)

Dana Hofstetter
<Dana@IdahoWater
Law.com>

05/19/2011 03:57
PM

fwprice@blm.gov

"Negri, David \ (ENRD\)"
<David.Negri@usdoj.gov>, "Lester,
Steve"
<Steve.Lester@idwr.idaho.gov>,
"Shurte, Jan"

To

cc

Fred !

I just talked to Steve re the 2 Basin and Range applications for transfer filed on 3/22 and the one filed on 4/12.

Because the 3/22 app applies to rights contested in the SRBA and we usually hold these until PDs are issued, Steve said that he advised Dana to work with you to submit information, such as the BLM is okay with these transfers letter, to be able to process them. These transfers have not been assigned numbers because the SRBA recommendations must conform to the elements of the rights as they were licensed and prior to the 2008 transfer that was rescinded. IF #s were assigned, workflow would pull in the incorrect recommendations. This must be resolved in the SRBA first. You can refer to the WR #s or the app filed by B & R on 3/22 - whatever you and Dana work out.

Re the 4/12/11 transfer app filed on a disallowed SRBA claim, Steve sent it back without assigned a #. So, it's gone because we can't process a transfer for a disallowed rt.

Have a good day!

Vicky L. Music
Sr. Water Resource Agent
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Subject: Basin and Range New Wells

Date: Wed, 13 Apr 2011 14:19:46 -0400

From: Steve Hannula <shannula@erresources.com>

To: Dana Hofstetter <Dana@IdahoWaterLaw.com>

Dana,

Basin and Range submitted two applications for transfer to add a POD; one for water right no. 63-3182 and the other for 63-7177.

The application to add a POD to 63-3183 is adding a new well that is in the NE SE Sec 23 6N 5W, locally known as Well #7. The entire quarter-quarter is within Basin and Range

ownership, i.e. no mixed ownership in the 40 acres. The 10-acre description is NE NE SE Sec 23.

The application to add a POD to 63-7177 references a proposed well in the NW SW Sec 23 T6N R5W, to be known as Well #8. Again the entire quarter-quarter is within Basin and Range ownership, i.e. no mixed ownership in the 40 acres. The 10-acre description is SW NW SW Sec 23.

In both situations, the wells are within Basin and Range ownership and the 40-acre description does not include public land.

Steven Hannula
Hydrogeologist

ERO Resources Corporation
Consultants in Natural Resources and the Environment
3314 Grace Street | Boise, ID 83703
208.373.7983 O | 208.484.9961 C | shannula@eroresources.com | www.eroresources.com

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 06/08/2011 03:57 PM

Dana Hofstetter
<Dana@IdahoWater
Law.com>

04/12/2011 04:12
PM

"Negri, David \ (ENRD\)"
<David.Negri@usdoj.gov>

Fredric_Price@blm.gov

Subject
Basin and Range POD Transfer 4072.1

To

cc

David:

As you requested during our telephone conversation today, I am re-forwarding the attached Transfer Application. As you know, my client has filed this new streamlined POD Transfer Application because it wants to use 2 new wells this year. Because BLM has pending SRBA Objections to the subject water rights, IDWR has requested BLM consent to this Transfer Application being processed. This Transfer Application is not intended to change the place of use of any of the rights; it is only intended to add 2 new points of diversion solely on private ground. It is my understanding that BLM's SRBA Objections to the underlying rights concern the mixed (private-public) quarter-quarter section issue. None of the subject rights are used on public ground. If BLM would request

it, I believe my clients would not oppose the addition of the standard provision confirming this in such a mixed use situation.

Your expedited consideration of this matter would be appreciated since the irrigation season is upon us. Please let me know if you have any questions or need any additional information.

Thank you,
Dana Hofstetter

[attachment "Transfer PODs 3-22-11.pdf" deleted by Fredric Price/IDS0/ID/BLM/DOI]

Lester, Steve

From: Dana Hofstetter [Dana@IdahoWaterLaw.com]
Sent: Wednesday, May 18, 2011 2:02 PM
To: Lester, Steve
Subject: Fwd: Re: Scarrow Farm Access and Pipeline Trespass ROW Grant Application & Water Rights issue

Steve:

I am forwarding Fred Price's email regarding the Basin and Range POD Transfer Applications. Please call me to discuss this asap.

Thank you,
Dana Hofstetter
424-7800

----- Original Message -----

Subject: Re: Scarrow Farm Access and Pipeline Trespass ROW Grant Application & Water Rights issue

Date: Wed, 18 May 2011 11:35:05 -0600

From: fwprice@blm.gov

To: Dana Hofstetter <Dana@IdahoWaterLaw.com>

CC: Negri, David (ENRD) <David.Negri@usdoj.gov>

Dana,

Trespass:

Yes, I am going to the June 8 meeting.

Transfer to add PODs involving 63-03182, 63-07177 and 63-07354:

Yes, I reviewed the information from Hannula. I was confused by the suggestion that IDWR needed BLM's concurrence on a transfer to add two private POU's, as I have only been asked in the past to approve or deny permission to move POU's off of public land. I called IDWR and they informed me that the transfer has not been assigned a number yet, because the SRBA recommendations must conform to the elements of the rights as they were licensed prior to the transfer approved in 2005 which has since been rescinded, before they will consider a transfer.

Drilling wells is dependant on getting an approved transfer but IDWR says the SRBA description needs to snap back to the licenses as they looked before the 2005 transfer changed them, before they will look at your transfer. This consent thing is not the holdup. Since the current description in the SRBA (i.e. the original director's report) is based on the transfer approved in 2005 (Transfer #71619 involving 63-03182 and 63-03583 was approved on 02-25-05), it appears that IDWR could file an NCAP with the court in response to rescinding the 2005 transfer. Once this is done, then IDWR could start looking at the transfer you filed on 03-22-11 and the consent thing would then be an issue.

Fred

Dana Hofstetter
<Dana@IdahoWaterLaw.com>

05/16/2011 12:08
PM

[Fredric Price@blm.gov](mailto:Fredric.Price@blm.gov)

"Negri, David \ (ENRD\)"
<David.Negri@usdoj.gov>

To

cc

Subject

Scarrow Farm Access and Pipeline
Trespass ROW Grant Application &
Water Rights issue

Fred:

I understand that you were copied on Dave Wolf's May 6, 2011 email regarding the above-referenced matter. A meeting has been scheduled for the morning of June 8 at BLM to discuss these matters further. Would you be able to attend this meeting? I am planning to attend along with other Basin and Range representatives and so David Negri, or other counsel for BLM, may also want to attend.

In the interim, I was wondering if you have had a chance to review the information I forwarded you from Steve Hannula by email of April 13, 2011 regarding Basin and Range's two Point of Diversion Applications. As we discussed on the telephone at that time, these two new points of diversion would be solely on private ground and the place of use involves only private ground. A provision clarifying this would be a possibility. I believe Steve Hannula's information also confirms that the two new points of diversion would be in unmixed quarter-quarter sections. Basin and Range needs to begin drilling as soon as possible as it will need these two new points of diversion this year. Please let me know asap if BLM will consent to IDWR approval of the addition of two new points of diversion. It is my understanding that IDWR is holding the application pending a decision from BLM on this matter.

Thank you,
Dana Hofstetter

<Jan.Shurte@idwr.idaho.gov>

Subject
Re: Scarrow Farm Access and Pipeline
Trespass ROW Grant Application &
Water Rights issue

Fred:

Today, I met with Jan Shurte and Steve Lester at IDWR Western about the Basin and Range POD Transfer. Steve is the IDWR agent responsible for processing the POD Transfer and, as you know, Jan is the IDWR agent responsible for these SRBA subcases. Both Jan and Steve agreed that the POD transfer could be processed first with the NCAPs based on the licenses with the new points of diversion issued after processing of the POD transfer. This would avoid the need for two sets of NCAPs, before and after the POD Transfer Application processing. As you know, IDWR recently instituted the new POD Transfer process in an effort to streamline "simple" Transfer Applications. Thus, IDWR only awaits BLM's consent to the POD Transfer Applications before it processes them. Steve Lester has indicated that he can include the following two conditions to address any BLM concerns:

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
2. This water right(s) does not authorize the use of federal public land.

Steve indicated you can call him to discuss this matter further, if you like. Also, he indicated we can schedule a meeting to discuss this matter if that would be helpful.

As you are aware, my client needs to use these two new points of diversion for its farming operations. BLM delay under the circumstances is injurious to these operations.

Thank you,
Dana Hofstetter

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 06/08/2011 03:56 PM

"Music, Vicky"
<Vicky.Music@idwr.idaho.gov>

04/21/2011 12:11
PM

<Fredric_Price@blm.gov>

"Lester, Steve"
<Steve.Lester@idwr.idaho.gov>

Subject
Basin and Range transfer apps

To

cc

BASIN RANGE & RESOURCES NOTES

4/13/2011

Bold = transfer applications pending, 4 transfer applications Feb-April 2011 for rights still in SRBA.

History

Numerous rights, 71619 approved 2/2005 for dairy & irrigation.
Recommendations based on approved transfer, objections pending.
Dairy not developed, 71619 rescinded per request 4/2010.
Objections are for outdated records per rescinded transfer.

Most 71619 rights in appl 74601 filed 2/2008.
Appl 74601 withdrawn 4/2010. *WITHDRAWN*

Wanted to file transfers for irrigation PPU, addressing objections, adding wells.
Reminded dept that Recommendations for rights from 71619: restore to pre-transfer irrigation licenses.
Dept updated Claims to match licenses, included recombining 3 rights.
Recommendations not updated yet.
Does not include 63-21614.

(1) Most 71619 rights in **appl 77052** filed 2/2011 irrigation PPU. *FEB*
Need updated Recommendations to process transfer. *1st wk. June (PROT. RATE June)*
Transfer could resolve owner objections (no dairy) & BLM objections (no public land). *AUGUST*

2011 irrigation season problems, POD transfers filed 3/2011, appl # not assigned re AJ issues.

1 appl for 63-3182

1 appl for 63-7177, 63-7349

Process if applicant provides BLM sign-off.

Processing will need updated Recommendations.

(2) *STEVE DANA*
(3) *STEVE H.*
(4) *4/15/11*
Transfer appl for 63-21614 filed 4/2011, remove irrigation from BLM land, appl # not assigned re AJ issues.

Recommended disallowed, cannot process transfer unless that changes.

Discussed with consultant, 2 choices, consultant reply to follow.

Return appl w/ refund, can refile if overcome disallowal.

Hold appl w/o transfer #, can process if overcome disallowal.

63-21614 not in any other transfers, 3/30/2011 NAP "amended transfer appl" probably from confusing history.

NOT IN 14 Xfers NOW → 63-7533 not in any other transfers (yet?), was in rescinded 71619, NAP "amended transfer appl" probably from confusing history.

Petition pending at SO, "correct" license for more rate & volume.

Might be added to appl 77052?

Was in rescinded 71619, d'base "AJ from/to" not current.

D. NEGRI WON'T AGREE TO TRANSFER - ALL ON BLM LAND.
Denied petition for reconsideration to change license.

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, December 09, 2010 4:39 PM
To: Fritschle, Carter
Cc: Harris, Lori
Subject: Basin Range & Resource Again

Hi,

I just spoke with Steve Hannula and he had a good point. The ones that were splits are now all owned by Basin Range and Resource. So, when we go back to the licences we could recombine the splits back to the original license numbers and data entry, then enter them as a claim (which we were going to do for all of them rather than a recommendation).

Then, once the transfer is filed, we can NAP the court, when it is approved we can NCAP based on the original license numbers and a special NCAP for recombining the splits back into the license numbers to get rid of the split numbers at the court.

Make sense. If not, read it again in the morning.

Thanks again,
Jan

Transfer rescission granted. Claims changed to precipitate filing of another transfer. We can then NCAP all of these + partial decrees can be completed. See email dated 12-9-10 for numbers involved.

JP

Shurte, Jan

From: Shurte, Jan
Sent: Friday, April 22, 2011 8:54 AM
To: Spencer, Nick; Williams, Ray
Cc: Courtney, Andrea
Subject: RE: Basin Range & Resource

Good morning,

Before anyone goes any further, attached are the latest emails on these. I won't have time to talk about it today because of a meeting just scheduled this morning on the Boise River diversion dam power subordination issue. Then, I'm gone.

I think these are Andrea's, so perhaps we could talk about this next week. Fred has been a busy boy this week. Just let me know when you want to talk about them. I thought about putting NAPs on all of these and thought I had talked to Lori, but maybe not.

Thanks,
Jan



DOC003.pdf

From: Spencer, Nick
Sent: Thursday, April 21, 2011 5:23 PM
To: Williams, Ray
Cc: Shurte, Jan
Subject: RE: Basin Range & Resource

Ray, I am not quite understanding your e-mail. I remember that I was involved in two Basin Range and Resource rights with Dana and Fred that were all screwed up. But I thought they had been resolved for a number of months now. Hasn't the court decreed them? Also, I know Andrea was dealing with some Basin Range and Resource rights. Are these two mine, or are they hers? NBS

From: Williams, Ray
Sent: Thursday, April 21, 2011 2:46 PM
To: Spencer, Nick
Cc: Shurte, Jan
Subject: Basin Range & Resource

Nick –

I just got a phone call from Fred at BLM. I'll grab the files later, but the point of his call involved transfers relating to 63-3182 & 63-2583 which occurred back in 2005. He said the transfer was approved, but that Dana requested two additional extensions. He said that Dana then w/drew the transfer, and the SRBA, which the Dept. granted, so the recs before the SRBA are based on the transfer. I think that we might need to file an ADR or NCAP changing them back to

pre-transfer conditions (Fred couldn't recall if the BLM had issues with it before). Fred said that there is a new transfer to add to points of diversion on BLM land and that Dana has been bugging them for consent.

Fred has been talking to someone at Western and will forward that e-mail. They indicate that they won't look at it until the SRBA stuff is resolved. He also mentioned 63-21614 wherein a transfer was filed to move off of public land. Western rejected the transfer as you can't transfer a disallowed right.

This is pretty general, but I'll do some digging to see what we can do to push these along.

Thanks,

Ray

NCAP - ALL
NCAP - THE 3 THAT GET PD TRANSFER
NCAP - ALL WHEN PPU WEEK DONE
BASIN RANGE & RESOURCE TRANSFERS

SC 3/23/11

Director's Reports – 7 rights resulting from transfer 71619, dairy & 990 acre PPU.

SRBA Objections for all rights by owner (Basin R & R) & BLM (minor public land).

IWATRS – status conference June 2011.

December 2010 to January 2011:

- Transfer 71619 rescinded per request, no dairy & PPU developed. Rights revert to pre-transfer licenses, separate acres/right.
- Claims updated to match licenses, prior splits recombined (63-3308, 63-7349 & 63-7903).
- Director's Reports become outdated.

February 2011 – Transfer appl 77052 filed, combine 6 rights for PPU & some new wells. OK to wait.

March 2011 – 2 transfer apps filed for this irrigation season. Add PODS to 3 of those 6 rights before do PPU in February appl.

- 63-3182, 2010 replacement well drilled, use as additional POD.
- 63-7177 & 63-7349, drill new well for orchard.

*> NO POD'S
on BLM land
since rescission
of transfer.*

Expedite both?

AJ Objections

- Owner = applicant – OK proceed with POD transfers w/ owner & BLM agreement that does not preclude validity review in SRBA, Condition T09:

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

BLM

- Public land in S23, SESW & SWSE, QQs in PPU in rescinded transfer 71619.
- Now Claims 63-3182, 63-7177 & 63-7349 do not include those QQs.
- OK proceed with POD transfers w/ owner & BLM agreement does not include public land (no condition #):

This right(s) does not authorize the use of federal public land.

Owner/applicant should discuss with BLM, if agree, proceed with POD transfers. ~~Verbal or~~ email agreement ok since preliminary orders approving transfers allow petition for reconsideration.

~~~~~  
If process transfers - normally use aj recommendations, but outdated.

Update recommendations for 63-3182, 63-7177 & 63-7349 so can do transfers? *RECOMBINED (AS RECOMMENDATIONS)*

Otherwise, wait at least until objections resolved before process transfers, most/all 2011 irrigation season over? Or longer if wait for decrees to be issued.

*NCAP rest of water its to avoid confusion.*

## Shurte, Jan

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**From:** Shurte, Jan  
**Sent:** Thursday, December 09, 2010 4:21 PM  
**To:** Fritschle, Carter  
**Cc:** Harris, Lori  
**Subject:** Basin Range & Resource Rescission of Transfer

Hi Carter,

The numbers for Basin Range and Resource are:

63-3182  
63-3583  
63-7177  
63-7533  
63-31839  
63-31840 (39 & 40 are splits of 63-7903)  
63-31841  
63-31842 (41 & 42 are splits of 63-7349)  
63-31854  
63-31855 (54 & 55 are splits of 63-3308)

It looks like the splits took place either at the time of the transfer or before because the split numbers are the ones used on the transfer. I hope this doesn't cause too much hassle for you. Thank you so much and if you need me to do it because things get crazier over there, let me know. I will call Steve Hannula and tell him we are working on it (I won't say who).

Thanks Carter,  
Jan

Shurte, Jan

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**From:** Courtney, Andrea  
**Sent:** Monday, November 15, 2010 8:50 AM  
**To:** Bromley, Chris; Shurte, Jan; Williams, Ray  
**Cc:** Fritschle, Carter; Spencer, Nick  
**Subject:** RE: Approved Transfer 71619 has been Rescinded

We can do that. The new rec should be fairly easy (based on license) with only irrigation for the purpose (as opposed to the now-rescinded transfer). I don't think Booth will have a problem with accepting an ADR as opposed to an NCAP. (I think the Court considers the recs accompanying NCAPs as ADRs anyway.) SMBooth was sympathetic to Dana's plea that the ultimate partial decree look like the incoming transfer and not the "old" license so he agreed to set the next status conf for June 2011 to allow the Dept time to process the incoming transfer or at least provide an update on its progress. New objection and response deadlines won't further delay the subcases.

Jan, we'll calendar a reminder for the ADR in the first week of December. That'll give Dana her 14 days in which to petition for reconsideration, if any, and then once it becomes final, we can safely alert the Court with an ADR.

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**From:** Bromley, Chris  
**Sent:** Monday, November 15, 2010 8:18 AM  
**To:** Shurte, Jan; Courtney, Andrea; Spencer, Nick; Williams, Ray  
**Cc:** Fritschle, Carter  
**Subject:** RE: Approved Transfer 71619 has been Rescinded

For the reasons mentioned earlier, I'd be in favor of re-issuing as an ADR.

Chris

---

**From:** Shurte, Jan  
**Sent:** Monday, November 15, 2010 8:04 AM  
**To:** Courtney, Andrea; Spencer, Nick; Williams, Ray  
**Cc:** Fritschle, Carter; Bromley, Chris  
**Subject:** RE: Approved Transfer 71619 has been Rescinded

Good morning,

I was out Friday and have some updates on these rights. During the last status conference Dana did decide to rescind the transfer 71619. Right No. 63-21614 which is located entirely on BLM ground was disallowed in the SRBA and will remain disallowed. It is a beneficial use right and was not a part of the previous transfer.

We did decide at the last conference that an NCAP would suffice. If we should do it another way, please let me know.

Thanks,  
Jan

---

**From:** Courtney, Andrea  
**Sent:** Friday, November 12, 2010 4:38 PM  
**To:** Spencer, Nick; Williams, Ray; Shurte, Jan  
**Cc:** Fritschle, Carter; Bromley, Chris  
**Subject:** RE: Approved Transfer 71619 has been Rescinded

Good point and we will/we are. Thanks for keeping us in the loop.

There is a long history to this one, and rather than go into it now, suffice it to say that the BLM knows what Dana intends to do (Dana represents Basin and Range), Jeff Peppersack has been alerted throughout the process of the intent to rescind and file a new transfer and potential impacts in the SRBA, and we have a status set in June 2011 to give the Dept time to put forth notice to the Court (I can't recall offhand if we determined ADR or NCAP to the Court and the timing) and for Dana's soon-to-be-filed-if-not-already-filed new transfer application to begin its way through the process.

---

**From:** Spencer, Nick  
**Sent:** Friday, November 12, 2010 1:39 PM  
**To:** Courtney, Andrea; Williams, Ray; Shurte, Jan  
**Cc:** Fritschle, Carter; Bromley, Chris  
**Subject:** FW: Approved Transfer 71619 has been Rescinded

The name Jim Scarrow rings a bell. Isn't he the one who somehow established, or tried to establish, a right on BLM ground and then tried to transfer it to private ground? And Fred Price is bound and determined to fight to the death against any transfer of a right established in trespass, since there is no right and nothing to transfer? Anyway, I think with the name Scarrow involved, we ought to closely look at the history of this right before we do anything. NBS

---

**From:** Bromley, Chris  
**Sent:** Friday, November 12, 2010 1:24 PM  
**To:** Fritschle, Carter; Shurte, Jan; Spencer, Nick  
**Subject:** RE: Approved Transfer 71619 has been Rescinded

Carter,

I can't think of one, but if we notify the court with an NCAP upon transfer (where process occurred by publication and opportunity to protest), I can see the logic in issuing an ADR if the transfer's been rescinded with the SRBA recommendation based upon the transfer. It seems to me that an ADR is appropriate because there has not been process on what the now-non-transferred recommendation is.

I think we should explain in the coversheet why ADRs are being issued.

Chris

---

**From:** Fritschle, Carter  
**Sent:** Friday, November 12, 2010 12:09 PM  
**To:** Shurte, Jan; Bromley, Chris; Spencer, Nick  
**Subject:** RE: Approved Transfer 71619 has been Rescinded

Jan, Chris and Nick,

Have we ever had a situation where a transfer was rescinded after the Director's Report reported the claim as transferred?

I ask because it almost seems like notifying the court with an amended Director's Report would be more appropriate than a NCAP.

Carter

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**From:** Skaggs, Pam  
**Sent:** Friday, November 12, 2010 11:54 AM  
**To:** Fritschle, Carter

Co: Shurte, Jan; Lester, Steve

**Subject:** Approved Transfer 71619 has been Rescinded

Carter,

Transfer 71619 was rescinded by order dated today. This transfer was originally approved under the name of Jim Scarrow & the current right holder is Basin and Range Resource Co LLC. The transfer was approved on AJ records (63-3182 etc) and these records are still pending in the SRBA. Please update the records to show the irrigation use prior to the transfer approval in 2005.

The order & related documents should be scanned later today. Let me know if you have any questions.

Pam

---

Pam Skaggs  
WR Supervisor  
287-4951

STATUS CONFERENCE NOTES:

RIGHT NO. 103-3182, et al

DATE: 10-26-10

103-21614 - POU portion on BLM ground & appears that the ground has been irrigated over the years. Have not been able to get a BLM approval for the 20 acres irrigated. Needs to remain disallowed.

103-3182 & 3583<sup>et al</sup> - Gave until June to Rescind the transfer. Once the transfer rescission is done, then can do an NCAP changing all the recommendations for BR+R that were involved in the previous transfer back to the way they were prior to the transfer. At this point we need to request the Court issue the partial decrees & then the rights can move forward in allocations with the new proposed transfer. Ms. Hopstetter is planning on filing.

## Shurte, Jan

---

**From:** Courtney, Andrea  
**Sent:** Tuesday, October 19, 2010 11:24 AM  
**To:** 'Dana Hofstetter'  
**Cc:** Williams, Ray  
**Subject:** RE: Basin and Range 63-3182 et al. (4072.1)

Dana~

After Jeff Peppersack, Jan Shurte and I met with you on Sept. 15 to discuss your client's situation, it was my understanding that your client needed to make a decision as to how it wanted to proceed. I'll share your update below with Jeff and let him know the petition to rescind will be filed shortly. Because Jeff is well aware of the pending SRBA subcases, he's agreed to fast-track the rescission decision. Once that is resolved, Jan and I can prepare an NCAP for Special Master Booth that can reflect the decision. If the transfer is rescinded, then the anticipated new transfer application can proceed outside the SRBA, allowing your client the most flexibility with timing and decisions on changes to purpose of use, etc. At this stage then, a follow-up meeting is unnecessary. Neither Jeff, Steve nor Shelley can offer your client a guarantee as to how the rescission petition or new transfer application will be processed/decided. We can report to Special Master Booth at the continued scheduling conference on the 26th that we've met and your client has chosen a path upon which to proceed. If the Special Master prefers we set additional deadlines to keep things moving, we can suggest a deadline to file the petition for rescission (1 month or so out), a deadline for decision from the Department and NCAP (3 months after that), and then a discovery deadline (if you wish), pretrial and trial (by Sept. 2011 as we discussed on 9/15, if needed). My hope is that the petition will be processed to your client's satisfaction and then your client could file withdrawals of the objections and proceed with a new transfer application administratively, but we need a trial backstop if that proves not to be the case. Andrea

-----Original Message-----

**From:** Dana Hofstetter [<mailto:Dana@IdahoWaterLaw.com>]  
**Sent:** Thursday, October 14, 2010 4:19 PM  
**To:** Courtney, Andrea  
**Subject:** Basin and Range 63-3182 et al. (4072.1)

Andrea:

As you know, at our September 15, 2010 meeting we discussed a path forward in the above-referenced SRBA Subcases that involved setting a trial date far enough out next year to allow for a new transfer application to be filed, if appropriate, so that the ultimate SRBA Partial Decrees could reflect the new Transfer. It appears that Basin and Range likely will submit a Petition to rescind the old Transfer that has not been implemented and then submit a new Transfer Application.

Before we proceed with this we wanted to discuss with both IDWR Allocations and Adjudications the appropriate path forward to ensure that everyone is "on the same page" with this. Could we try to schedule a meeting either the last week of October or first week of November with you, Jan Shurte, Jeff Peppersack, Steve Lester, and, perhaps, Shelley Keen?

Thank you,  
Dana Hofstetter

## Shurte, Jan

---

**From:** Shurte, Jan  
**Sent:** Monday, October 18, 2010 1:07 PM  
**To:** Courtney, Andrea  
**Subject:** RE: Basin and Range 63-3182 et al. (4072.1)

Hi,

Here's my answer to save you a phone call. I cannot see a reason to have a meeting. Basically, she now knows they want to rescind the transfer. That was what we were waiting for. The motion to rescind is submitted, Jeff ok's it and we decree them. Then, she files another transfer and the processing of that transfer is not mixed into the SRBA.

Even if we have a meeting, no one is going to tell her whether the motion will be granted or not right there at the meeting. I guess my question to her is what questions she has for the meeting?

We have the status conference coming up and we could explain the whole thing to SM Booth, who could set another status conference down the road to check on the progress of her motion to rescind.

What do you think?

Jan

-----Original Message-----

From: Courtney, Andrea  
Sent: Thursday, October 14, 2010 4:22 PM  
To: Shurte, Jan  
Cc: Williams, Ray  
Subject: FW: Basin and Range 63-3182 et al. (4072.1)

Jan~

First, read the below email from Dana.

Second, let's talk on Monday. I think "no." Even though I don't want to add additional work for us, I think it'd be better if we checked with anyone else internally, without Dana in attendance, and then relayed relevant info to her. Your thoughts?  
Andrea

-----Original Message-----

From: Dana Hofstetter [mailto:Dana@IdahoWaterLaw.com]  
Sent: Thursday, October 14, 2010 4:19 PM  
To: Courtney, Andrea  
Subject: Basin and Range 63-3182 et al. (4072.1)

Andrea:

As you know, at our September 15, 2010 meeting we discussed a path forward in the above-referenced SRBA Subcases that involved setting a trial date far enough out next year to allow for a new transfer application to be filed, if appropriate, so that the ultimate SRBA Partial Decrees could reflect the new Transfer. It appears that Basin and Range likely will submit a Petition to rescind the old Transfer that has not been implemented and then submit a new Transfer Application.

Before we proceed with this we wanted to discuss with both IDWR Allocations and Adjudications the appropriate path forward to ensure that everyone is "on the same page" with this. Could we try to schedule a meeting either the last week of October or first week of November with you, Jan Shurte, Jeff Peppersack, Steve Lester, and, perhaps, Shelley Keen?

Thank you,  
Dana Hofstetter

STATUS CONFERENCE NOTES:

RIGHT NO. 63-3182 & 3583

DATE: 8/5/10

Transfer extension to 2013. Do not want to wait to decree it until 2013. Talked w/ Jeff Reppusac & he did say there could be a question if it gets decreed as transferred & then they want to rescind, rather than going back to the license it may need to go back to the decree (transfer) and Dana H's Client would like to avoid that. Maybe could add some language to the decree stating if the transfer is rescinded after 2013, and no extension requested or granted, it would revert to the license.

Aug. 8/3

Shurte, Jan

---

**From:** Williams, Ray  
**Sent:** Friday, June 25, 2010 8:37 AM  
**To:** Shurte, Jan  
**Subject:** FW: 63-3182 & 63-3583 (Basin Range & Resource)

Jan,

I'm trying to get these moving. Here's my understanding: Concerning 63-3583, I believe that Transfer No. 71619 relates to that right. An Order Granting Extension of Time to Complete Transfer was issued on 3/15/10 – they now have until 2/25/13 to complete it. For 63-3182, the related transfer is 74601, I think, and the transfer was w/drawn and fees returned in late April. I think that Transfer No. 71619 takes care of their issues. I think that Dana should w/draw her objections and let the transfer proceeding take care of her issues. I don't think we want to wait three years, and a likely request for another extension to complete to come around.

Am I making sense?

*Agreed.*

Thanks!

Ray

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**From:** Williams, Ray  
**Sent:** Friday, June 25, 2010 7:50 AM  
**To:** 'Diana Delaney'  
**Cc:** Courtney, Andrea  
**Subject:** 63-3182 & 63-3583 (Basin Range & Resource)

Diana,

Would you be able to have a status conference set for these subcases? It might be helpful in moving them along.

Thanks!

Ray

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 71619**

This is to certify that: JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355  
 (208)536-2374

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 Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-3182      | AJC/License         | 02/19/1960      | 6.68 cfs    | N/A           | N/A               | 437.0              | GROUND WATER  |
| 63-3583      | AJC/License         | 02/17/1967      | 1.50 cfs    | N/A           | N/A               | 105.0              | GROUND WATER  |
| 63-7177      | AJC/License         | 12/12/1968      | 4.70 cfs    | N/A           | N/A               | 349.0              | GROUND WATER  |
| 63-7533      | AJC/License         | 12/17/1971      | 0.45 cfs    | N/A           | N/A               | N/A                | GROUND WATER  |
| 63-31839     | AJC/License         | 12/13/1973      | 3.11 cfs    | N/A           | N/A               | 1,264.0            | GROUND WATER  |
| 63-31840     | AJC/License         | 12/13/1973      | 0.02 cfs    | N/A           | N/A               | 10.0               | GROUND WATER  |
| 63-31841     | AJC/License         | 07/07/1970      | 1.61 cfs    | N/A           | N/A               | 300.0              | GROUND WATER  |
| 63-31842     | AJC/License         | 07/07/1970      | 0.05 cfs    | N/A           | N/A               | 10.0               | GROUND WATER  |
| 63-31854     | AJC/License         | 08/31/1962      | 0.15 cfs    | 45 af         | N/A               | 10.0               | GROUND WATER  |
| 63-31855     | AJC/License         | 08/31/1962      | 4.18 cfs    | 1264.5 af     | N/A               | 281.0              | GROUND WATER  |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-3182               | NO           | NO         | YES        | YES            | YES                  | YES                  |
| 63-3583               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-7177               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-7533               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 63-31839              | NO           | NO         | YES        | YES            | YES                  | YES                  |
| 63-31840              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-31841              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-31842              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-31854              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-31855              | NO           | NO         | YES        | YES            | NO                   | NO                   |

**SUPPORT DATA**

IN FILE # 63-3182

*Extension granted to*  
*3/25/13*

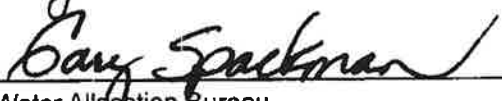
**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 71619**

**Summary of Water Rights After the Approved Change**

| Existing Right  | New No. (changed portion) | Transfer Rate   | Transfer Volume  | Acre Limit   | Total Acres  | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|-----------------|---------------------------|-----------------|------------------|--------------|--------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-3182         | <b>63-3182</b>            | 6.68 cfs        | 1966.5 af        | 161.0        | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-3583         | <b>63-3583</b>            | 1.50 cfs        | 472.5 af         | 105.0        | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-7177         | <b>63-7177</b>            | 4.70 cfs        | 1570.5 af        | 349.0        | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-7533         | <b>63-7533</b>            | 0.45 cfs        | 27.0 af          | N/A          | N/A          |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-31839        | <b>63-31839</b>           | 3.11 cfs        | 1271.1 af        | 980.5        | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-31840        | <b>63-31840</b>           | 0.02 cfs        | 11.3 af          | 9.5          | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-31841        | <b>63-31841</b>           | 1.62 cfs        | 782.6 af         | 302.5        | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-31842        | <b>63-31842</b>           | 0.04 cfs        | 19.4 af          | 7.5          | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-31854        | <b>63-31854</b>           | 0.14 cfs        | 42.3 af          | 9.4          | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-31855        | <b>63-31855</b>           | 4.04 cfs        | 1222.2 af        | 271.6        | 990.0        |                             | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED</b> |                           |                 |                  |              |              |                             |                |                  |                      |                       |
| <b>TOTALS</b>   |                           | <b>20.8 cfs</b> | <b>5185.8 af</b> | <b>990.0</b> | <b>990.0</b> |                             | N/A            | N/A              | N/A                  | N/A                   |

Detailed Water Right Description(s) attached

Dated this 25<sup>th</sup> day of February, 20 05

  
 \_\_\_\_\_  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-3182**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-3182 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** February 19, 1960

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01 to    | 11/15     | 2.46 CFS              | 724.5 AF      |
| STOCKWATER            | 01/01 to    | 12/31     | 2.00 CFS              | 334.3 AF      |
| COMMERCIAL            | 01/01 to    | 12/31     | 2.22 CFS              | 369.5 AF      |
|                       |             |           | 6.68 CFS              | 1,428.3 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 |      | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 |      | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-3182**  
**As Modified by Transfer No. 71619**

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N 05W 14  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  | X  |        |
| 06N 05W 23  | X  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |        |
| 06N 05W 24  |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE:** COMMERCIAL

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N 05W 14  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  | X  |        |
| 06N 05W 23  | X  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |        |
| 06N 05W 24  |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

**WATER RIGHT NO. 63-3182**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. This right is limited to the irrigation of 161 acres within the place of use described above in a single irrigation season.
11. Rights 63-3182 and 63-31839 when combined shall not exceed a total annual maximum diversion volume of 703.8 af for commercial and stockwater uses.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
13. Rights 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 are also diverted through the points of diversion described above.
14. Commercial use is for a dairy.

This water right 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.

Dated this 25<sup>th</sup> day of February, 20 05

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-3583**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-3583 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** February 17, 1967

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.50 CFS              | 472.5 AF      |
|                       |             |           | 1.50 CFS              | 472.5 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-3583**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right is limited to the irrigation of 105 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. Rights 63-3583, 63-31841, 63-31842, 63-31854 and 63-31855 when combined shall not exceed a total diversion rate of 5.84 cfs.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. Rights 63-3182, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 are also diverted through the points of diversion described above.

This water right 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.

Dated this 25<sup>th</sup> day of February, 20 05

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-7177**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-7177 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** December 12, 1968

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-----------------------|-----------------------|---------------|
| IRRIGATION            | 03/01 to 10/31        | 4.70 CFS              | 1,570.5 AF    |
|                       |                       | 4.70 CFS              | 1,570.5 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-7177**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. This right is limited to the irrigation of 349 acres within the place of use described above in a single irrigation season.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. Rights 63-3182, 63-3583, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 are also diverted through the points of diversion described above.

This water right 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.

Dated this 25<sup>th</sup> day of February, 20 05

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-7533**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-7533 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** December 17, 1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 01/01       | to 12/31  | 0.45 CFS              | 27.0 AF       |
|                       |             |           | 0.45 CFS              | 27.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N 05W 14  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 06N 05W 23  | X  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |        |
| 06N 05W 24  |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

**WATER RIGHT NO. 63-7533**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Rights 63-3182, 63-3583, 63-7177, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 are also diverted through the points of diversion described above.

This water right 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.

Dated this 25<sup>th</sup> day of February, 20 05

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31839**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-31839 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** December 13, 1973

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01 to    | 12/31     | 0.11 CFS              | 53.6 AF       |
| STOCKWATER            | 01/01 to    | 12/31     | 0.10 CFS              | 48.4 AF       |
| IRRIGATION            | 03/15 to    | 11/15     | 2.90 CFS              | 1,169.1 AF    |
|                       |             |           | 3.11 CFS              | 1,271.1 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-31839**  
**As Modified by Transfer No. 71619**

**PLACE OF USE: COMMERCIAL**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N 05W 14  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  | X  |        |
| 06N 05W 23  | X  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |        |
| 06N 05W 24  |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: STOCKWATER**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N 05W 14  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X  | X  |        |
| 06N 05W 23  | X  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |        |
| 06N 05W 24  |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. This right is limited to the irrigation of 980.5 acres within the place of use described above in a single irrigation season.
11. Rights 63-3182 and 63-31839 when combined shall not exceed a total annual maximum diversion volume of 703.8 af for commercial and stockwater uses.

**WATER RIGHT NO. 63-31840**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

12. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
14. Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 are also diverted through the points of diversion described above.
15. Commercial use is for a dairy.

This water right 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.

Dated this 25<sup>th</sup> day of February, 20 05

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31840**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-31840 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** December 13, 1973

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-----------------------|-----------------------|---------------|
| IRRIGATION            | 03/15 to 11/15        | 0.02 CFS              | 11.3 AF       |
|                       |                       | 0.02 CFS              | 11.3 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-31840**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right is limited to the irrigation of 9.5 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31841, 63-31842, 63-31854 and 63-31855 are also diverted through the points of diversion described above.

This water right 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.

Dated this 25<sup>th</sup> day of February, 2005

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31841**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-31841 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** July 07, 1970

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | 10/31     | 1.62 CFS              | 782.6 AF      |
|                       |             |           | 1.62 CFS              | 782.6 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-31841**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. This right is limited to the irrigation of 302.5 acres within the place of use described above in a single irrigation season.
10. Rights 63-3583, 63-31841, 63-31842, 63-31854 and 63-31855 when combined shall not exceed a total diversion rate of 5.84 cfs.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31842, 63-31854 and 63-31855 are also diverted through the points of diversion described above.

This water right 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.

Dated this 25<sup>th</sup> day of February, 2005

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31842**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-31842 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** July 07, 1970

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | 10/31     | 0.04 CFS              | 19.4 AF       |
|                       |             |           | 0.04 CFS              | 19.4 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-31842**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. This right is limited to the irrigation of 7.5 acres within the place of use described above in a single irrigation season.
10. Rights 63-3583, 63-31841, 63-31842, 63-31854 and 63-31855 when combined shall not exceed a total diversion rate of 5.84 cfs.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31854 and 63-31855 are also diverted through the points of diversion described above.

This water right 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.

Dated this 25<sup>th</sup> day of February, 20 05

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31854**  
**As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-31854 is now described as follows.

**Right Holder:** JIM D SCARROW  
 3184 S 1900 E  
 WENDELL ID 83355

**Priority Date:** August 31, 1962

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.14 CFS              | 42.3 AF       |
|                       |             |           | 0.14 CFS              | 42.3 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-31854**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right is limited to the irrigation of 9.4 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. Rights 63-3583, 63-31841, 63-31842, 63-31854 and 63-31855 when combined shall not exceed a total diversion rate of 5.84 cfs.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842 and 63-31855 are also diverted through the points of diversion described above.

This water right 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.

Dated this 25<sup>th</sup> day of February, 20 05

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-31855****As Modified by Transfer No. 71619**

In accordance with the approval of Transfer No. 71619, Water Right No. 63-31855 is now described as follows.

**Right Holder:** JIM D SCARROW  
3184 S 1900 E  
WENDELL ID 83355

**Priority Date:** August 31, 1962

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 4.04 CFS              | 1,222.2 AF    |
|                       |             |           | 4.04 CFS              | 1,222.2 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | NENE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWNE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NENW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SESW | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NESE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | SWSE | Sec. 23 Twp 06N | Rge 05W PAYETTE County |
| GROUND WATER | NWNW | Sec. 24 Twp 06N | Rge 05W PAYETTE County |

**PLACE OF USE: IRRIGATION**

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N 05W 13  |      |      |      |      |      |      |      |      |      |      | 40.0 |      |      |      |      |      | 40.0   |
| 06N 05W 14  |      |      |      |      |      |      |      |      |      |      | 37.0 |      |      |      |      | 20.0 | 57.0   |
| 06N 05W 15  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0 | 39.0   |
| 06N 05W 22  | 40.0 | 39.0 | 35.0 | 40.0 | 39.0 |      |      | 39.0 | 39.0 |      |      | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 06N 05W 23  | 11.0 |      | 32.0 | 6.0  | 10.0 | 40.0 | 40.0 | 40.0 | 40.0 | 37.0 |      | 20.0 | 23.0 | 40.0 | 20.0 |      | 359.0  |
| 06N 05W 24  |      |      |      |      |      | 18.0 | 7.0  |      |      |      |      |      |      |      |      |      | 25.0   |

Total Acres: 990

**WATER RIGHT NO. 63-31855**  
**As Modified by Transfer No. 71619**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right is limited to the irrigation of 271.6 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. Rights 63-3583, 63-31841, 63-31842, 63-31854 and 63-31855 when combined shall not exceed a total diversion rate of 5.84 cfs.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842 and 63-31854 are also diverted through the points of diversion described above.

This water right 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.

Dated this 25<sup>th</sup> day of February, 20 05

  
Chief, Water Allocation Bureau

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO**

|                                                      |   |                             |
|------------------------------------------------------|---|-----------------------------|
| <b>IN THE MATTER OF TRANSFER NO. 71619</b>           | ) |                             |
|                                                      | ) |                             |
| <b>OF WATER RIGHTS 63-3182, 63-3583, 63-7177,</b>    | ) | <b>ORDER GRANTING</b>       |
|                                                      | ) | <b>EXTENSION OF TIME TO</b> |
| <b>63-7533, 63-31839, 63-31840, 63-31841,</b>        | ) | <b>COMPLETE TRANSFER</b>    |
|                                                      | ) |                             |
| <b>63-31842, 63-31854 &amp; 63-31855 IN THE NAME</b> | ) |                             |
|                                                      | ) |                             |
| <b>OF BASIN AND RANGE RESOURCE CO LLC</b>            | ) |                             |
| _____                                                | ) |                             |

On February 25, 2005 the Department approved the above referenced Application for Transfer with a condition that:

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

On March 30, 2006 the Department granted the right holder an extension of time until February 25, 2007 to accomplish the transfer.

On June 29, 2007 the Department granted the right holder an extension of time until February 25, 2008 to accomplish the transfer.

On February 26, 2008 the Department granted the right holder an extension of time until February 25, 2009 to accomplish the transfer.

Ownership of the rights changed through approval of Transfer 71619 has been changed from Jim D Scarrow to Basin and Range Resource Co LLC. The new right holder has notified the Department that the transfer has not yet been accomplished.

The right holder has requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of rights changed through approval of Transfer No. 71619 is granted an extension to February 25, 2010 in which to accomplish the transfer.

Dated this 19<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
JEFF PEPPERSACK  
Chief, Water Allocation Bureau

*Extension given to 2/00*

Hi Ray,

These are ones where there was an approved transfer in 2005. Objection filed by new owners (Dana is their attorney) stating that the approved transfer was never accomplished – which it wasn't. So, they filed another transfer to get it back to the way it was originally. My idea, and we have done this before, is to have Dana petition the Department to rescind the original transfer and take the rights back to the way they were. Then, withdraw this new transfer. That way we can resolve this a lot quicker. I'll see what she says at the status conference. We recently did this where Jeff rescinded the transfer and it resolved the objection. So, we could try it again. I will review the new transfer to make sure all it wanted to do was revert the rights back to their original format before the Tuesday meeting. Hope this makes some sense.

Jan

---

**From:** Williams, Ray  
**Sent:** Tuesday, April 21, 2009 3:11 PM  
**To:** Shurte, Jan  
**Subject:** Basin Range & Resource (63-7354, 31417 & 31418)

Jan,

I think these were Sandy's earlier. Are they yours now? There's a status conference next week, and I'm trying to figure them out.

Thanks!

Ray

*→ Going for granting an extension  
of time to complete the transfer  
See copies of requests for extensions  
of time in file*

*If extension is granted M.D.  
Shurteffer may want to rescind  
the transfer w/ Jeff + allow it to  
revert. Status conf. on. 5/28/09.*



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

February 19, 2008

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

BASIN AND RANGE RESOURCE CO LLC  
3480 GS RICHARDS BLVD 101  
CARSON CITY NV 89703

RE: Transfer No.: 71619

Water Right Nos.: 63-3182 63-3583 63-7177 63-7533 63-31839  
63-31840 63-31841 63-31842 63-31854 63-31855

Dear Water Right Holder:

Enclosed please find Order Granting Extension of Time to Complete Transfer 71619 of Water Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854, and 63-31855 in the name of Basin and Range Resource Co, LLC.

You should be aware that any water right can be forfeited through five (5) years of non-use including the years of non-use that may have accumulated prior to the approval of the transfer.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

  
for Shelley W. Keen, Manager  
Water Right Permits Section

Enclosure

cc: DANA HOFSTETTER

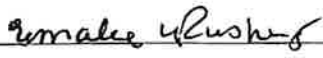
## **CERTIFICATE OF SERVICE**

I hereby certify that on February 20, 2008 I mailed a true and correct copy, postage prepaid, of the foregoing ORDER GRANTING EXTENSION OF TIME TO COMPLETE TRANSFER to the persons listed below:

**RE: TRANSFER NO. 71619**  
**Water Right Nos.: 63-3182 63-3583 63-7177 63-7533 63-31839**  
**63-31840 63-31841 63-31842 63-31854 63-31855**

**BASIN AND RANGE RESOURCE CO LLC**  
**3480 GS RICHARDS BLVD 101**  
**CARSON CITY NV 89703**

**HOFSTETTER LAW OFFICE**  
**608 WEST FRANKLIN ST**  
**BOISE ID 83702**

  
\_\_\_\_\_  
**Emalee Rushing**  
**Office Services Supervisor**

**SEE REFER TO SRBA FILE 63-3182  
FOR SRBA PLEADINGS OR OTHER  
DOCUMENTS THAT APPLY  
COLLECTIVELY TO THESE CLAIMS:  
63-3182, 63-3583, 63-7177, 63-7533,  
63-31839, 63-31840, 6331841, 63-31842,  
63-31854 & 63-31855.**

**SUMMARY: ORIGINAL CLAIMANT FILED TRANSFER  
71619 ON 2/25/05. CLAIMS RECOMMENED PER THIS  
2005 TRANSFER BUT CLAIMANT DID NOT  
ACCOMPLISH THE TRANSFER.**

**NEW OWNER WANTS PARTIAL DECREE TO REFLECT  
NEW TRANSFER # 74601 FILED 2/28/2008. SRBA COURT  
CODED SUBCASES WITH NAP. IDWR WILL FILE NCAP  
AFTER TRANSFER IS PROCESSED.**