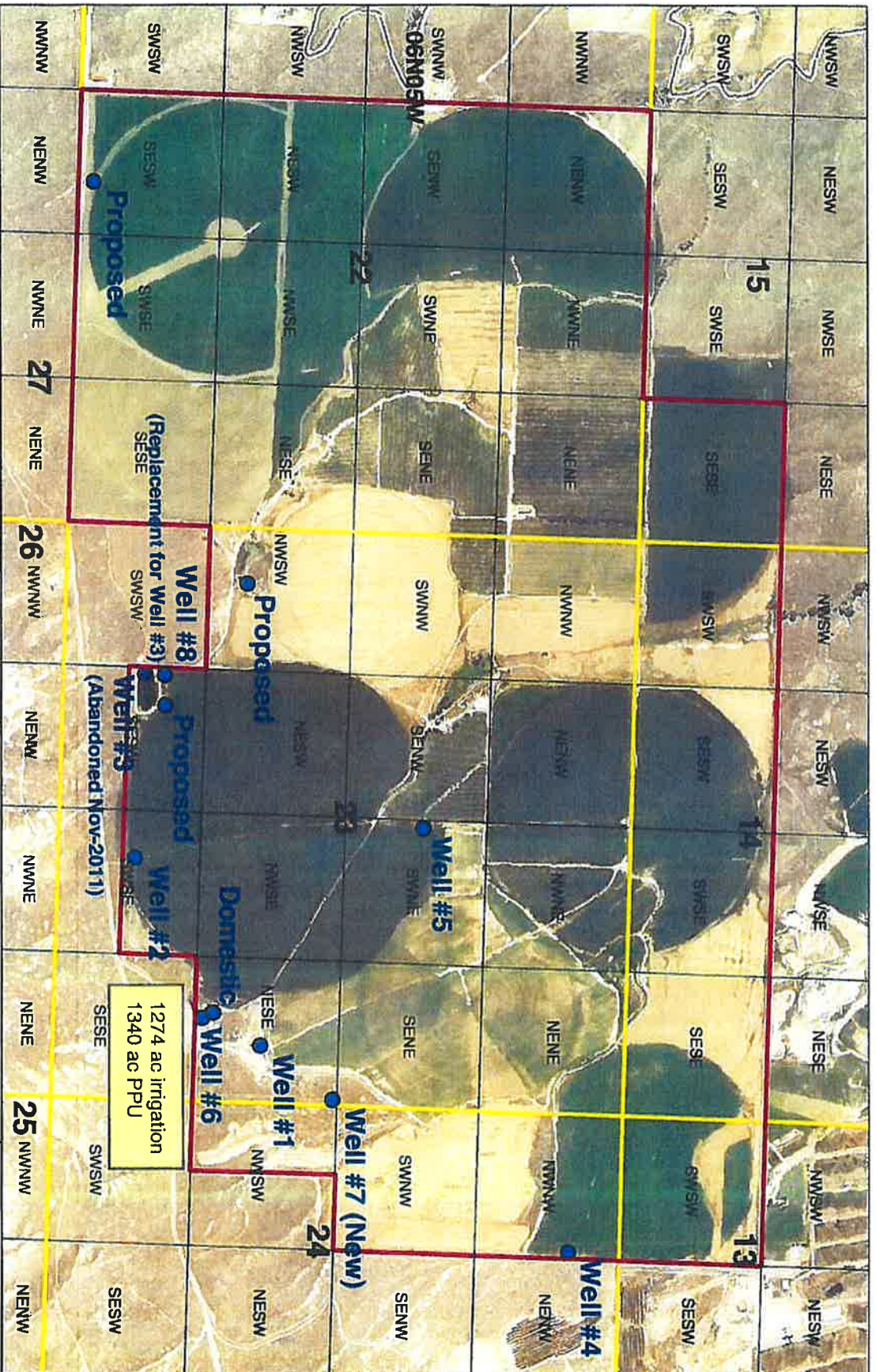




Legend

- 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

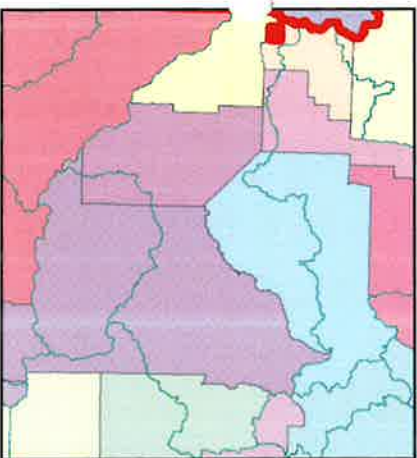




Idaho Department of Water Resources

Water Right
63-7177
(IRRIGATION)

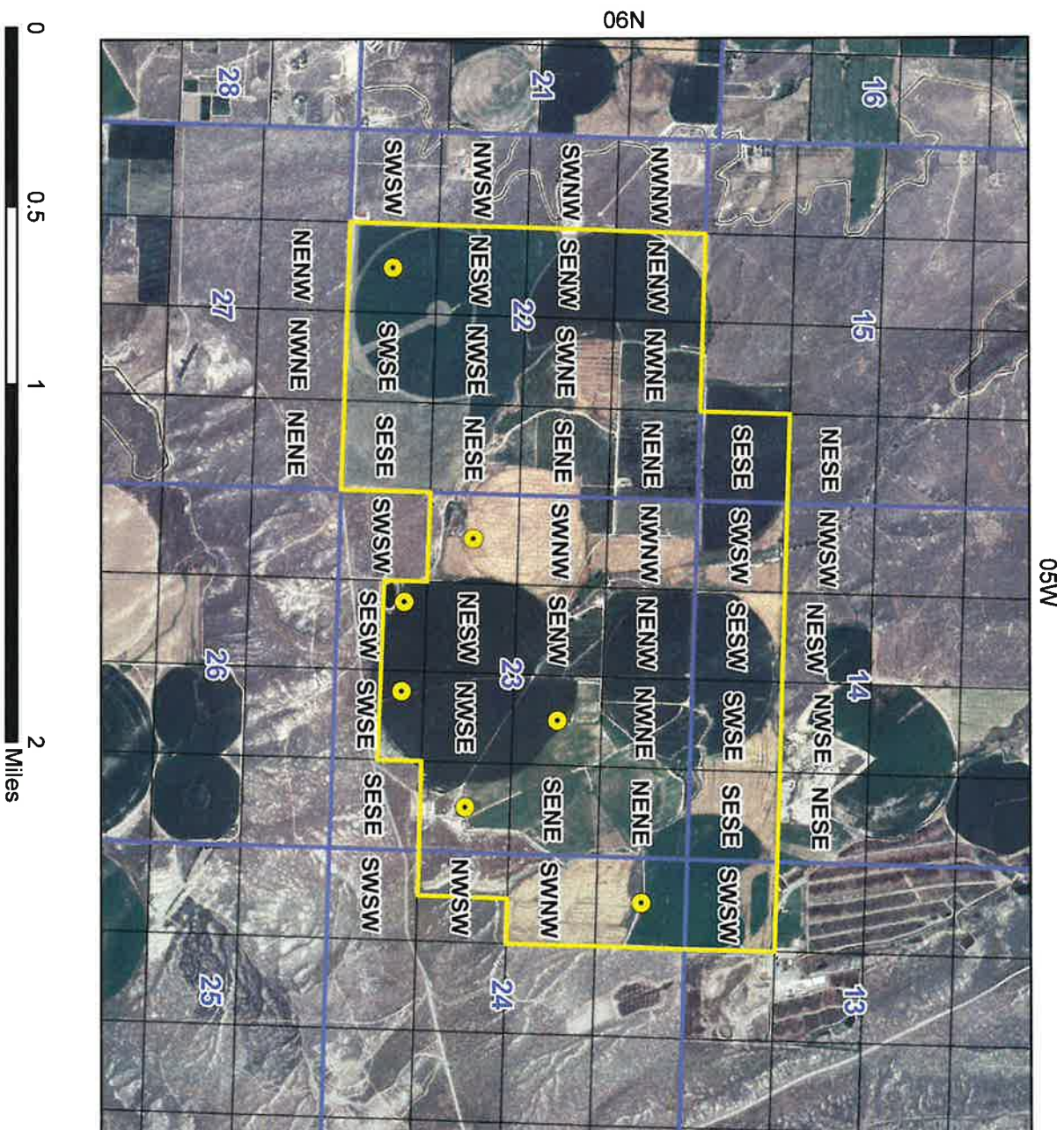
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon, Payette Counties
IDWR Basin 63

Prepared by Shurte, Jan

2009 Aerial Photography



06/03/2013

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

RIGHT NUMBER: 63-7177

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.700 CFS
1,570.500 AFY

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: 12/12/1968

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 10/31	4.700 CFS 1,570.50 AFY

The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Note: Added in after Special Masters R & R issued.

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
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

This right is limited to the irrigation of 349 acres within the authorized place of use in a single irrigation season.

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

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

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

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 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.

The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.

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 Transfer 77052 is cause for the Director to rescind approval of the transfer.

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
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.

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~ 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

**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. 63-7177
	)	
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 Company LLC

OBJECTOR/RESPONDENT:
United States of America

By: _____ Date _____
Title: _____

David Negri, Attorney Date _____
Bureau of Land Management

Jan Shurte Date
Senior Water Resource Agent

STANDARD FORM 5 – Water Right No. 63-7177

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

RIGHT NUMBER: 63-7177

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: 4.700 CFS
1,570.500 AFY

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: 12/12/1968

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 NWSWE 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 10/31	4.700 CFS 1,570.50 AFY
<u>The use of water for irrigation under this right as may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.</u>		
<u>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</u>		

SF5 Right No. 63-7177

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
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	SNNW	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	SNNW	40.00
T06N R05W S24	NWSW	20.00			

1340 ACRES TOTAL

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 349 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.

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.

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.

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

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.

The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.

SF5 Right No. 63-7177

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

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. 63-7177
	)	
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

Jan Shurte 12-16-12
Jan Shurte Date
Senior Water Resource Agent

STANDARD FORM 5 – Water Right No. 63-7177

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

RIGHT NUMBER: 63-7177

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: 4.700 CFS
1,570.500 AFY

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: 12/12/1968

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 10/31	4.700 CFS 1,570.50 AFY

The use of water for irrigation under this right as may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

~~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~~

SF5 Right No. 63-7177

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
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T06N R05W S22	NENW	40.00	T06N R05W S22	SENW	40.00
T06N R05W S22	NESW	40.00	T06N R05W S22	SESW	40.00
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 SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.

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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.

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

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.

The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.

SF5 Right No. 63-7177

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

SRBA

DIRECTORS REPORT 63-07177

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 63-07177

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*****
*
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
*           IT WAS 1ST FILED.                   *
*
*
*****
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CHANGE: SUBSTITUTION OF PARTY
CHANGE: TRANSFER COMPLETE
OBJECTIONS TO ADR DUE: 12/28/11
TRANSFER COMPLETE

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: 4.70 CFS
1570.50 AFY

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: 12-12-1968

Diversion Point: T06N R05W S22
S23

S24

SESW Within Payette County
NWSESW
NWSESW
NWSWSE
SWNE
NWSW
NESE
NESE
NESE
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 10-31	4.70 CFS
			1570.50 AFY

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.

Place of Use:	Irrigation	Within Payette County	
	T06N R05W S13	SWSW 40	SESW 40
	S14	SWSW 40	SESE 40
	S15	SESE 40	
	S22	SESE 40	
		NENE 40	NWNE 40
		SWNE 40	SENE 40
		NENW 40	SENW 40
		NESW 40	SESW 40
		NESE 40	NWSE 40
	S23	SWSE 40	SESE 40
		NENE 40	NWNE 40
		SWNE 40	SENE 40
		NENW 40	NWNW 40
		SWNW 40	SENW 40
		NESW 40	NWSW 40
		SESW 20	NESE 40
		NWSE 40	SWSE 20
	S24	NWNW 40	SWNW 40
		NWSW 20	
	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 349 acres within the authorized place of use in a single irrigation season.

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 77499 within one year of the date of the approval.

Failure of the right holder to comply with the conditions of Transfer 77499 is cause for the Director to rescind approval of the transfer.

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.

The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.

[Return to SRBA Home Page](#)

WATER RIGHT NO. 63-7177
As Modified by Transfer No. 77052

In accordance with the approval of Transfer No. 77052, Water Right No. 63-7177 is now described as follows.

Right Holder: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703

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	SESW	Sec. 22 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	SWNE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	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	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSWSE	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											40.0	40.0			40.0	40.0	160.0
06N	05W	15																40.0	40.0
06N	05W	22	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	480.0
06N	05W	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0			20.0	40.0	40.0	20.0		520.0
06N	05W	24						40.0	40.0			20.0							100.0

Total Acres: 1340

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.

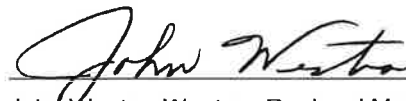
WATER RIGHT NO. 63-7177
As Modified by Transfer No. 77052

CONDITIONS OF APPROVAL

- omit*
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
 5. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
 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. 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. *Changed to 11/15 OK*
 8. This right is limited to the irrigation of 349 acres within the authorized place of use in a single irrigation season.
 9. 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.
 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 place of use.
 11. The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.
 12. The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
 13. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

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 26th day of June, 20 12


John Westra, Western Regional Manager

WATER RIGHT NO. 63-7177
As Modified by Transfer No. 77052

In accordance with the approval of Transfer No. 77052, Water Right No. 63-7177 is now described as follows.

Right Holder: BASIN & RANGE RESOURCE CO LLC
 C/O DOROTHY TIMIAN PALMER
 3480 G S RICHARDS BLVD STE 101
 CARSON CITY NV 89703

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	SESW	Sec. 22 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	SWNE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSESW	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	NESE	Sec. 23 Twp 06N	Rge 05W PAYETTE County
GROUND WATER	NWSWSE	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											40.0	40.0			40.0	40.0	160.0
06N	05W	15																40.0	40.0
06N	05W	22	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	480.0
06N	05W	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	40.0	40.0	20.0		520.0
06N	05W	24						40.0	40.0			20.0							100.0

Total Acres: 1340

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.

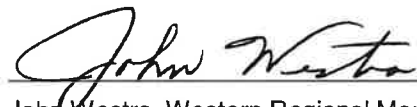
WATER RIGHT NO. 63-7177
As Modified by Transfer No. 77052

CONDITIONS OF APPROVAL

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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The right holder shall maintain a measuring device of a type approved by the Department as a part of the diverting works.
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. 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.
8. This right is limited to the irrigation of 349 acres within the authorized place of use in a single irrigation season.
9. 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.
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 place of use.
11. The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349 and 63-7903.
12. The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters.
13. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

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 26th day of June, 20 12


John Westra, Western Regional Manager

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

RIGHT NUMBER: 63-7177

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.700 CFS
1,570.500 AFY

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 63-3308, 63-3583, 63-7349 and 63-7177 when combined shall not exceed a total diversion rate of 10.54 cfs.

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 999 acres and dairy uses

PRIORITY DATE: 12/12/1968

POINT OF DIVERSION:

~~T06N R05W S23 NWSW Within PAYETTE County~~

~~T06N R05W S23 SESW Within PAYETTE County~~

~~T06N R05W S23 SWSE Within PAYETTE County~~

~~T06N R05W S23 NENE Within PAYETTE County~~

~~T06N R05W S23 NWNE Within PAYETTE County~~

~~T06N R05W S23 SWNE Within PAYETTE County~~

~~T06N R05W S23 NENW Within PAYETTE County~~

~~T06N R05W S23 NESE Within PAYETTE County~~

~~T06N R05W S23 NESE Within PAYETTE County~~

~~T06N R05W S24 NWNW Within PAYETTE County~~

PURPOSE AND T06N R05W S23 SWSE Within PAYETTE County
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/31	4.700 CFS 1,570.50 AFY
The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in PAYETTE County

~~T06N R05W S13~~	~~SWSW~~	~~40.00~~			
~~T06N R05W S14~~	~~SWSW~~	~~37.00~~	~~T06N R05W S14~~	~~SESE~~	~~20.00~~
T06N R05W S15	SESE	39.00	T06N R05W S22	NENE	40.00
T06N R05W S22	NWNE	39.00	T06N R05W S22	SWNE	35.00
~~T06N R05W S22~~	~~SENE~~	~~40.00~~	T06N R05W S22	NENW	39.00
T06N R05W S22	SENE	39.00	T06N R05W S22	NESW	39.00
T06N R05W S22	SESW	39.00	~~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~~	~~11.00~~
~~T06N R05W S23~~	~~SWNE~~	~~32.00~~	~~T06N R05W S23~~	~~SENE~~	~~6.00~~
~~T06N R05W S23~~	~~NENW~~	~~10.00~~	~~T06N R05W S23~~	~~SWNW~~	~~40.00~~
T06N R05W S23	NWNW	40.00	~~T06N R05W S23~~	~~SENE~~	~~40.00~~
~~T06N R05W S23~~	~~NESW~~	~~40.00~~	~~T06N R05W S23~~	~~NWSW~~	~~37.00~~
~~T06N R05W S23~~	~~SESW~~	~~20.00~~	~~T06N R05W S23~~	~~NWSE~~	~~40.00~~
~~T06N R05W S23~~	~~NESE~~	~~23.00~~	~~T06N R05W S23~~	~~SWSE~~	~~20.00~~
~~T06N R05W S24~~	~~SWNW~~	~~7.00~~	~~T06N R05W S24~~	~~NWNW~~	~~18.00~~

349 ACRES TOTAL 990 ACRES TOTAL

~~This right is limited to the irrigation of 349 acres within the place of use described above in a single irrigation season.~~

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

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

Failure of the right holder to comply with the conditions of Transfer 77499 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer 77499 ~~71619~~ within one year of the date of the approval.

The following rights are diverted through the point of diversion located in the SWSE, S23, T06N, R05W: 63-3308, 63-3583, 63-7177 & 63-7349

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.

~~Prior to diversion of water under Transfer 71619, 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. 63-7177
As Modified by Transfer No. 77499

In accordance with the approval of Transfer No. 77499, Water Right No. 63-7177 is now described as follows.

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

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 POINTS OF DIVERSION:

*GROUND WATER	NWSW	Sec. 23, Twp 06N, Rge 05W, PAYETTE County
*GROUND WATER	SESW	Sec. 23, Twp 06N, Rge 05W, PAYETTE County
GROUND WATER	SWSE	Sec. 23, 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 15																39.0	39.0
06N 05W 22	40.0	39.0	35.0		39.0			39.0	39.0				39.0				270.0
06N 05W 23						40.0											40.0

Total Acres: 349

CONDITIONS OF APPROVAL

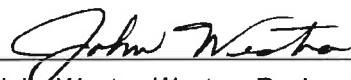
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Rights 63-3308, 63-3583, 63-7349 and 63-7177 when combined shall not exceed a total diversion rate of 10.54 cfs.
3. This right when combined with 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.
4. The following rights are diverted through the point of diversion located in the SWSE, S23, T06N, R05W: 63-3308, 63-3583, 63-7177 & 63-7349

WATER RIGHT NO. 63-7177
As Modified by Transfer No. 77499

- 539 5. 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.
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. This water right does not authorize the use of federal public lands.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 20th day of September, 2011


John Westra, Western Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77499

This is to certify that: BASIN AND RANGE RESOURCE COMPANY LLC
3480 G S RICHARDS BLVD #101
CARSON CITY NV 89703
(775)885-5000

has requested a change to the water rights listed below. This change in water rights 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>
63-7177	AJC/License	12/12/1968	4.70 cfs	1570.5 af	N/A	349.0	GROUND WATER
63-7349	AJC/License	07/07/1970	1.66 cfs	802.0 af	N/A	310.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

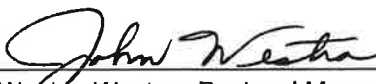
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-7177	NO	NO	NO	YES	NO	NO
63-7349	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-7177	63-7177	4.70 cfs	1570.5 af	N/A	349.0		N/A	N/A	N/A	N/A
63-7349	63-7349	1.66 cfs	802.0 af	N/A	310.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		6.36 cfs	2072.5 af	N/A	659.0		N/A	N/A	N/A	N/A

Detailed Water Right Descriptions attached

Dated this 20th day of September, 20 11



John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 63-7177

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7177 Priority Dec. 12, 1968 Amount 4.70 cfs

THIS IS TO CERTIFY, that RAY OBENDORF

of Parma, Idaho, has complied with the terms and conditions of Permit No. 63-7177 issued pursuant to Application for Permit dated December 12, 1968, and has submitted proof to the Department of Water Resources on December 13, 1973, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 4.70 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 1</u> to <u>Oct. 31</u>	at <u>4.70</u> cfs and	<u>1,570.5 acre feet</u>
	from _____ to _____	_____ cfs and	<u>or 4.5 af per acre</u>
	from _____ to _____	_____ cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 4.70 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1,570.5 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 23,

Twp. 6 N, Rge. 5 W, B. M. in the County of Payette

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW¼				SW¼				SE¼				Totals
			NEW	NW¼	SW¼	SE¼	NEW	NW¼	SW¼	SE¼	NEW	NW¼	SW¼	SE¼	NEW	NW¼	SW¼	SE¼	
6N	5W	15																39	39
		22	40	39	35	39				39	39			39					270
		23					40												40

Total number of acres irrigated 349

A measuring device of a type approved by the Department shall be permanently maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3 day of December, 19 76.

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.)
71619 IN THE NAME OF BASIN AND)
RANGE RESOURCE CO LLC)

2ND AMENDED PRELIMINARY ORDER

FINDINGS OF FACT

1. On February 25, 2005, the Department of Water Resources ("Department") approved Application for Transfer No. 71619 ("transfer") submitted in the name of Jim Scarrow. The transfer changed the nature of use of irrigation use to commercial and stockwater use for a dairy, added two new wells, and combined rights into a permissible place of use for irrigation.

2. The transfer approval included condition numbers 1 and 2 on all rights as follows:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

3. The Department has granted several extensions of time to complete transfer, from both the prior right holder and the current right holder, Basin and Range Resource Co., LLC, extending the completion date to February 25, 2013.

4. On November 5, 2010, the current right holder through its attorney Dana L. Hofstetter, asked the Department to rescind the transfer approval allowing the rights to revert back to irrigation use authorized before the transfer was approved. The request explained that the transfer changes have not been accomplished.

CONCLUSIONS OF LAW

1. The Department is authorized to issue Preliminary Orders changing a prior approval.

2. The current right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the February 25, 2005 transfer approval.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 71619 approved on February 25, 2005 is **RESCINDED** and that the rights shall revert to the uses authorized prior to the transfer. This order does not preclude the opportunity for review and determination of the elements of these water rights in the ongoing Snake River Basin Adjudication.

Dated this 10th day of December, 2010.

SUPPORT DATA

IN FILE # 63-3182


for Jeff Peppersack, Chief
Water Allocation Bureau

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

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

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 19th day of February, 2009.



JEFF PEPPERSACK
Chief, Water Allocation Bureau

**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.**