

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87659**

This is to certify that: ECCLES WINDOW ROCK RANCH LLC
79 S MAIN ST FL 2
SALT LAKE CTY, UT 84111-1929

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-22546	WR/DECREED	4/15/1922	1.200 cfs	105.0 af	30.0	65.0	GROUND WATER
37-22547	WR/DECREED	6/15/1955	1.400 cfs	122.5 af	N/A	65.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-158A	WR/DECREED	7/1/1881	0.400 cfs	N/A		16.0	BIG WOOD RIVER
37-577A	WR/DECREED	3/24/1883	0.350 cfs	N/A		16.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22546	YES	YES	YES	YES	NO	NO
37-22547	NO	YES	YES	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>
37-22546	37-23461	0.560 cfs	49.0 af	14.0	49.0	37-22546	0.590 cfs	56.0 af	N/A	16.0
37-22547	37-22547	1.400 cfs	122.5 af	35.0	49.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.810 cfs	171.5 af	49.0	49.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 37-22546

Transfer No. 87659

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87659

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30th day of April, 2025.



Southern Region Manager



WATER RIGHT NO. 37-22547**As Modified by Transfer No. 87659**

In accordance with the approval of Transfer No. 87659, Water Right No. 37-22547 is now described as follows:

Right Holder: ECCLES WINDOW ROCK RANCH LLC
79 S MAIN ST FL 2
SALT LAKE CTY, UT 84111-1929

Priority Date: 6/15/1955

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to 10/31	1.400 cfs	122.5 af
			1.400 cfs	122.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 15 Twp 02N Rge 18E	BLAINE County
GROUND WATER	SWSE	Sec 23 Twp 02N Rge 18E	BLAINE County
GROUND WATER	NESW	Sec 23 Twp 02N Rge 18E	BLAINE County
GROUND WATER	NWSW	Sec 23 Twp 02N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	26		1.6			33.0	1.6		12.8									49.0

Right Acre Limit: 35.0

POU Total Acres: 49.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 35 acres within the authorized place of use in a single irrigation season.
2. Rights 37-22546 and 37-22547 when combined shall not exceed a total diversion rate of 1.81 cfs, a total annual maximum diversion volume of 171.5 af, and the irrigation of 49 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 87659

WATER RIGHT NO. 37-22547

As Modified by Transfer No. 87659

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 37-22546**As Modified by Transfer No. 87659**

In accordance with the approval of Transfer No. 87659, Water Right No. 37-22546 is now described as follows:

Right Holder: ECCLES WINDOW ROCK RANCH LLC
79 S MAIN ST FL 2
SALT LAKE CTY, UT 84111-1929

Priority Date: 4/15/1922

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.590 cfs	56.0 af
			0.590 cfs	56.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSWNW	Sec 1	Twp 01N Rge 18E	BLAINE County
GROUND WATER	SENWSW	Sec 1	Twp 01N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	1										8.5	7.5						16.0

POU Total Acres: 16.0

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 16 acres in a single irrigation season. Combined Right Nos.: 37-577A, 37-158A, and 37-22546.
2. This right is a split from former right 37-2571 .
3. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
6. Approval of this transfer does not confirm the validity of this water right.

Transfer No. 87659

WATER RIGHT NO. 37-23461**As Modified by Transfer No. 87659**

In accordance with the approval of Transfer No. 87659, Water Right No. 37-23461 is now described as follows:

Right Holder: ECCLES WINDOW ROCK RANCH LLC
79 S MAIN ST FL 2
SALT LAKE CTY, UT 84111-1929

Priority Date: 4/15/1922

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.560 cfs	49.0 af
			0.560 cfs	49.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 15 Twp 02N Rge 18E	BLAINE County
GROUND WATER	SWSE	Sec 23 Twp 02N Rge 18E	BLAINE County
GROUND WATER	NESW	Sec 23 Twp 02N Rge 18E	BLAINE County
GROUND WATER	NWSW	Sec 23 Twp 02N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	26		1.6			33.0	1.6		12.8									49.0

Right Acre Limit: 14.0

POU Total Acres: 49.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14 acres within the authorized place of use in a single irrigation season.
2. Rights 37-22546 and 37-22547 when combined shall not exceed a total diversion rate of 1.81 cfs, a total annual maximum diversion volume of 171.5 af, and the irrigation of 49 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 87659

WATER RIGHT NO. 37-23461
As Modified by Transfer No. 87659

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 37-158A **As Modified by Transfer No. 87659**

In accordance with the approval of Transfer No. 87659, Water Right No. 37-158A is now described as follows:

Right Holder: ECCLES WINDOW ROCK RANCH LLC
79 S MAIN ST FL 2
SALT LAKE CTY, UT 84111-1929

Priority Date: 7/1/1881

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.400 cfs

0.400 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

SENWSW

Sec 1 Twp 01N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	1										8.5	7.5						16.0

POU Total Acres: 16.0

CONDITIONS OF APPROVAL

1. 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.
2. Right Nos. 37-158A and 37-577A are limited to the irrigation of a combined total of 16 acres in a single irrigation season.
3. Right Nos. 37-158A and 37-577A are limited to a total combined annual diversion volume of 56 AF.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Transfer No. 87659

WATER RIGHT NO. 37-158A
As Modified by Transfer No. 87659

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by transfer no. 3942 within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of transfer no. 3942 is cause for the Director to rescind approval of the transfer.
9. The rights listed below are limited to the irrigation of a combined total of 16 acres in a single irrigation season. Combined Right Nos.: 37-577A, 37-158A, and 37-22546.



WATER RIGHT NO. 37-577A
As Modified by Transfer No. 87659

In accordance with the approval of Transfer No. 87659, Water Right No. 37-577A is now described as follows:

Right Holder: ECCLES WINDOW ROCK RANCH LLC
 79 S MAIN ST FL 2
 SALT LAKE CTY, UT 84111-1929

Priority Date: 3/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.350 cfs 0.350 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SENWSW Sec 1 Twp 01N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	1										8.5	7.5						16.0

POU Total Acres: 16.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. 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.
3. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
4. Right Nos. 37-158A and 37-577A are limited to a total combined annual diversion volume of 56 AF.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

Transfer No. 87659

WATER RIGHT NO. 37-577A
As Modified by Transfer No. 87659

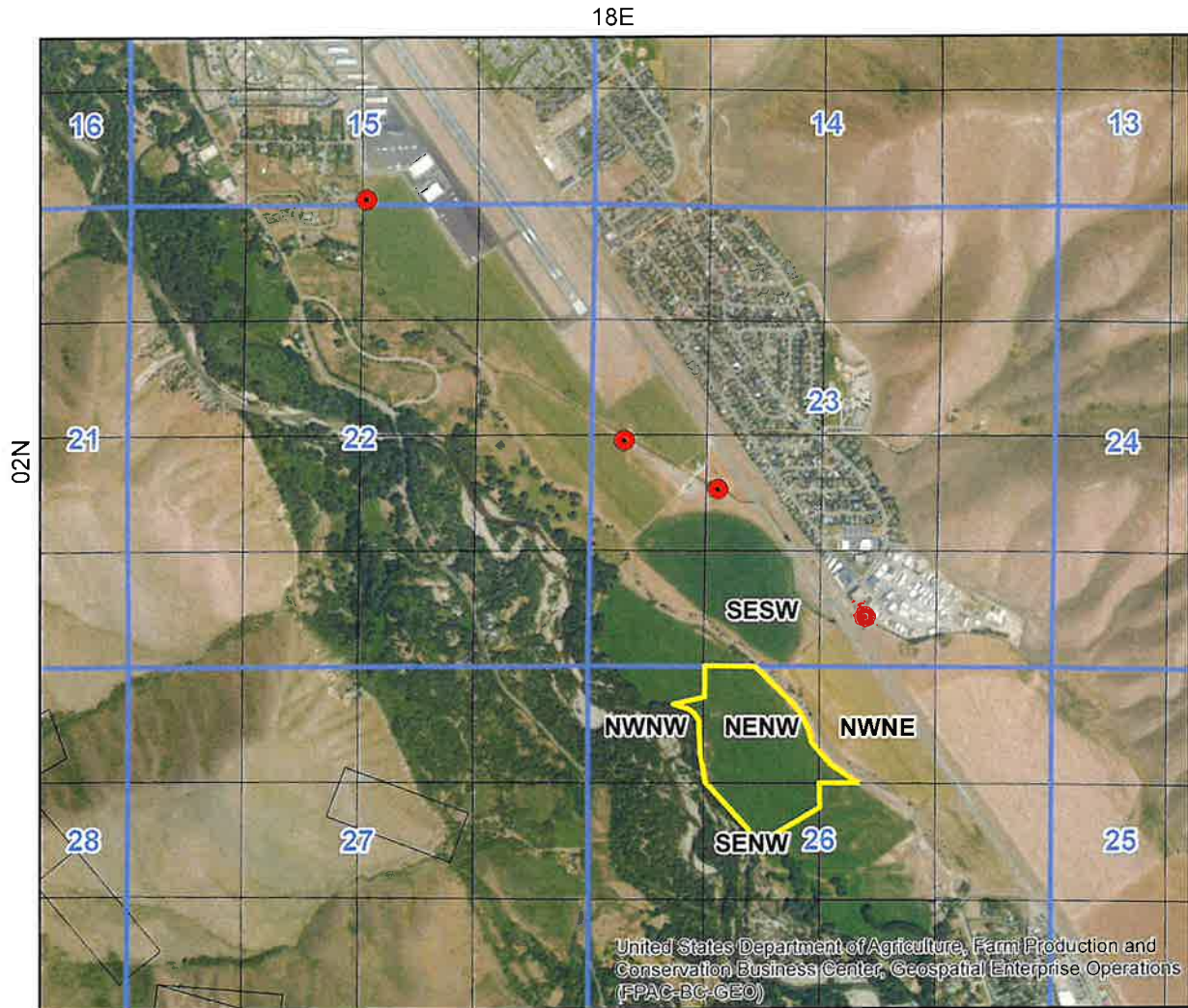
CONDITIONS OF APPROVAL

7. Right Nos. 37-158A and 37-577A are limited to the irrigation of a combined total of 16 acres in a single irrigation season.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
9. The rights listed below are limited to the irrigation of a combined total of 16 acres in a single irrigation season. Combined Right Nos.: 37-577A, 37-158A, and 37-22546.



State of Idaho
Department of Water Resources
Attachment to Transfer # 87659
37-22547 and 37-23461

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



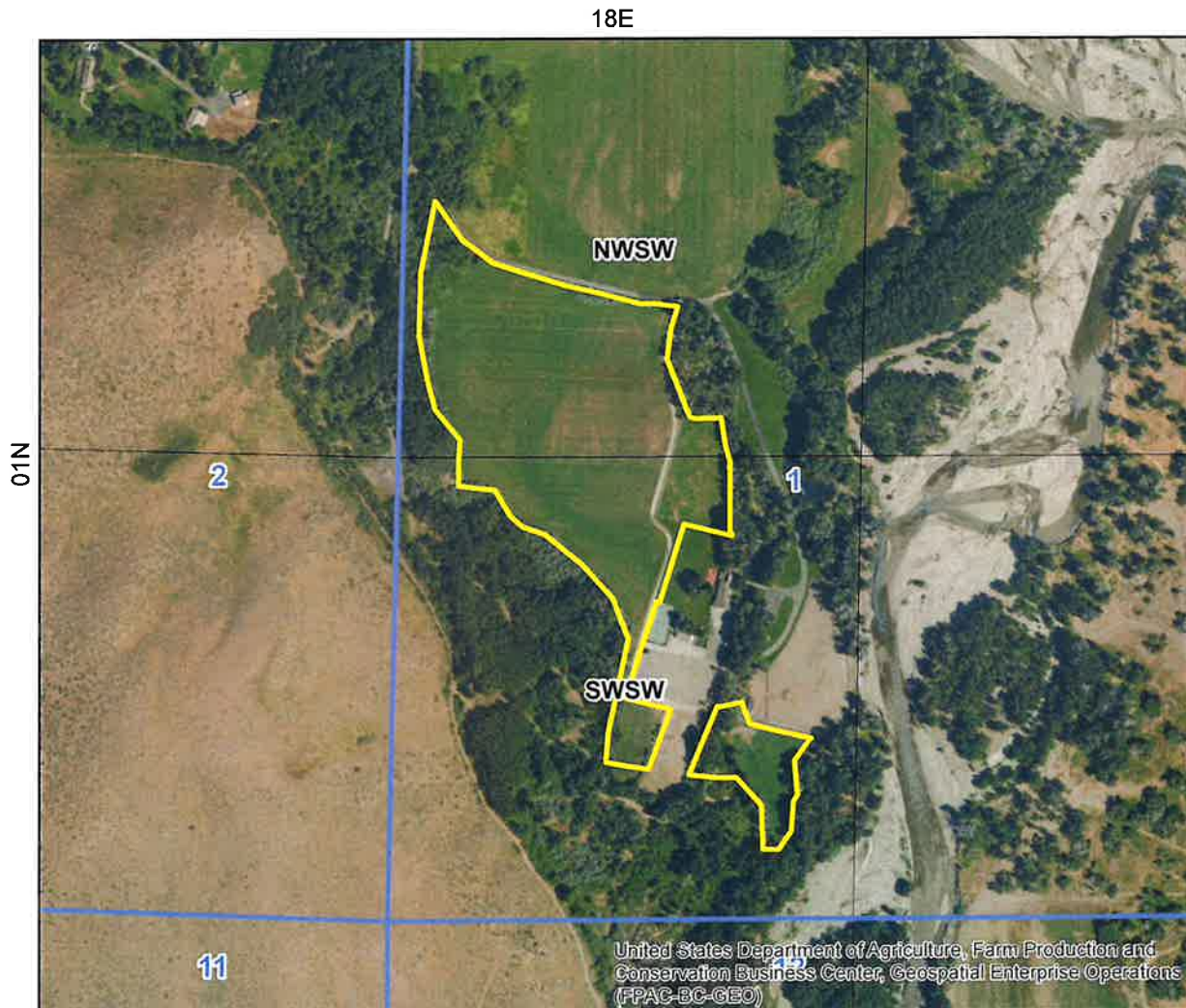
0 0.25 0.5 1 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



State of Idaho
Department of Water Resources
Attachment to Transfer # 87659
37-158A, 37-577A, and 37-22546

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



0 0.05 0.1 0.2 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 6, 2025

ECCLES WINDOW ROCK RANCH LLC
79 S MAIN ST FL 2
SALT LAKE CTY UT 84111-1929

Re: Transfer No: 87659

Water Right No(s): 37-158A, 37-577A, 37-22546, 37-22547, 37-23461

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301-3082

EVAN ROBERTSON
ROBERTSON & SLETTE PLLC
PO BOX 1906
TWIN FALLS ID 83303-1906

IDAHO WATER RESOURCE BOARD
CYNTHIA BRIDGE CLARK
PO BOX 83720
BOISE ID 83720-0098

ANN YRIBAR
OFFICE OF THE ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

WATER DISTRICT 37
SUNNY HEALEY
107 W 1ST ST
SHOSHONE ID 83352-5425

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2025 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No: 87659

Water Right No(s): 37-158A, 37-577A, 37-22546, 37-22547, 37-23461

ECCLES WINDOW ROCK RANCH LLC
79 S MAIN ST FL 2
SALT LAKE CTY UT 84111-1929

BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301-3082

EVAN ROBERTSON
ROBERTSON & SLETTE PLLC
PO BOX 1906
TWIN FALLS ID 83303-1906

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
CYNTHIA BRIDGE CLARK
PO BOX 83720
BOISE ID 83720-0098

ANN YRIBAR
OFFICE OF THE ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

WATER DISTRICT 37
SUNNY HEALEY
107 W 1ST ST
SHOSHONE ID 83352-5425



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.