

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87622**

This is to certify that: **ECCLES FLYING HAT 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>
37-2713	WR/DECREED	8/18/1965	0.710 cfs	147.0 af	42.0	675.5	GROUND WATER
37-481D	WR/DECREED	8/1/1882	0.330 cfs	N/A	42.0	675.5	BIG WOOD RIVER
37-482J	WR/DECREED	8/1/1884	0.330 cfs	N/A	42.0	675.5	BIG WOOD RIVER
37-483D	WR/DECREED	8/1/1902	0.240 cfs	N/A	42.0	675.5	BIG WOOD RIVER
37-577BP	WR/DECREED	3/24/1883	0.450 cfs	N/A	42.0	675.5	BIG WOOD RIVER
37-7356	WR/DECREED	4/28/1974	0.190 cfs	74.1 af	42.0	675.5	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>
37-2713	NO	NO	YES	NO	NO	NO
37-481D	NO	NO	YES	NO	NO	NO
37-482J	NO	NO	YES	NO	NO	NO
37-483D	NO	NO	YES	NO	NO	NO
37-577BP	NO	NO	YES	NO	NO	NO
37-7356	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-2713	37-2713	0.710 cfs	147.0 af	N/A	42.0	N/A	N/A	N/A	N/A	N/A
37-481D	37-481D	0.330 cfs	N/A	N/A	42.0	N/A	N/A	N/A	N/A	N/A
37-482J	37-482J	0.330 cfs	N/A	N/A	42.0	N/A	N/A	N/A	N/A	N/A
37-483D	37-483D	0.240 cfs	N/A	N/A	42.0	N/A	N/A	N/A	N/A	N/A
37-577BP	37-577BP	0.450 cfs	N/A	N/A	42.0	N/A	N/A	N/A	N/A	N/A
37-7356	37-7356	0.190 cfs	74.1 af	N/A	42.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.680 cfs	294.0 af	N/A	42.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 37-481D

Transfer No. 87622

SCANNED
MAY 05 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87622

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 2nd day of May, 2023.



Southern Region Manager

WATER RIGHT NO. 37-482J**As Modified by Transfer No. 87622**

In accordance with the approval of Transfer No. 87622, Water Right No. 37-482J is now described as follows:

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

Priority Date: 8/1/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.330 cfs

0.330 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER
BIG WOOD RIVER

SESWNE
SENESE

Sec 16 Twp 02N Rge 18E BLAINE County
Sec 22 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			10.4	1.2				6.1							24.3		42.0

POU Total Acres: 42.0

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined shall not exceed the irrigation of 42.0 acres.
2. Use of water under this right will 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.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 1.68 cfs, a total annual maximum diversion volume of 294.0 af at the field headgate, and the irrigation of 42.0 acres.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

Transfer No. 87622

SCANNED
MAY 05 2023

WATER RIGHT NO. 37-482J
As Modified by Transfer No. 87622

CONDITIONS OF APPROVAL

6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 0.84 cfs and 147.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 1.68 cfs and 294.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 37-483D**As Modified by Transfer No. 87622**

In accordance with the approval of Transfer No. 87622, Water Right No. 37-483D is now described as follows:

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

Priority Date: 8/1/1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.240 cfs

0.240 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

SESWNE

Sec 16 Twp 02N Rge 18E BLAINE County

BIG WOOD RIVER

SENESE

Sec 22 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			10.4	1.2				6.1							24.3		42.0

POU Total Acres: 42.0

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined shall not exceed the irrigation of 42.0 acres.
2. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 1.68 cfs, a total annual maximum diversion volume of 294.0 af at the field headgate, and the irrigation of 42.0 acres.
3. Use of water under this right will 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).
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

Transfer No. 87622

SCANNED

MAY 05 2023

WATER RIGHT NO. 37-483D
As Modified by Transfer No. 87622

CONDITIONS OF APPROVAL

6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 0.84 cfs and 147.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 1.68 cfs and 294.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 37-2713**As Modified by Transfer No. 87622**

In accordance with the approval of Transfer No. 87622, Water Right No. 37-2713 is now described as follows:

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

Priority Date: 8/18/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	05/01	to 09/01	0.710 cfs	147.0 af
			0.710 cfs	147.0 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			10.4	1.2				6.1							24.3		42.0

POU Total Acres: 42.0

CONDITIONS OF APPROVAL

1. Rights 37-2713 and 37-7356 when combined shall not exceed a total annual maximum diversion volume of 147.0 af at the field headgate, and the irrigation of 42.0 acres.
2. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 1.68 cfs, a total annual maximum diversion volume of 294.0 af at the field headgate, and the irrigation of 42.0 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. 87622

SCANNED
MAY 05 2023

WATER RIGHT NO. 37-2713
As Modified by Transfer No. 87622

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 0.84 cfs and 147.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 1.68 cfs and 294.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
7. Rights 37-2713 and 37-7356 when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for sprinkler irrigation of the land described above. When water is applied through a sprinkler irrigation system, the portion of Rights 37-2713 and 37-7356 used for conveyance losses is 0.06 cfs.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 09/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/16/2002 (approval date of transfer 69809).
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.
11. 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. 37-7356**As Modified by Transfer No. 87622**

In accordance with the approval of Transfer No. 87622, Water Right No. 37-7356 is now described as follows:

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

Priority Date: 4/28/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	05/01	to 09/01	0.190 cfs	74.1 af
			0.190 cfs	74.1 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			10.4	1.2				6.1						24.3			42.0

POU Total Acres: 42.0

CONDITIONS OF APPROVAL

1. Rights 37-2713 and 37-7356 when combined shall not exceed a total annual maximum diversion volume of 147.0 af at the field headgate, and the irrigation of 42.0 acres.
2. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 1.68 cfs, a total annual maximum diversion volume of 294.0 af at the field headgate, and the irrigation of 42.0 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. 87622

SCANNED
MAY 05 2023

WATER RIGHT NO. 37-7356

As Modified by Transfer No. 87622

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 0.84 cfs and 147.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 1.68 cfs and 294.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
7. Rights 37-2713 and 37-7356 when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for sprinkler irrigation of the land described above. When water is applied through a sprinkler irrigation system, the portion of Rights 37-2713 and 37-7356 used for conveyance losses is 0.06 cfs.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 09/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/16/2002 (approval date of transfer 69809).
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.
11. 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. 37-481D
As Modified by Transfer No. 87622

In accordance with the approval of Transfer No. 87622, Water Right No. 37-481D is now described as follows:

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

Priority Date: 8/1/1882

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.330 cfs

0.330 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER
 BIG WOOD RIVER

SESWNE
 SENESE

Sec 16 Twp 02N Rge 18E BLAINE County
 Sec 22 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			10.4	1.2				6.1							24.3		42.0

POU Total Acres: 42.0

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined shall not exceed the irrigation of 42.0 acres.
2. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 1.68 cfs, a total annual maximum diversion volume of 294.0 af at the field headgate, and the irrigation of 42.0 acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 0.84 cfs and 147.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 1.68 cfs and 294.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

Transfer No. 87622

SCANNED
 MAY 05 2023

WATER RIGHT NO. 37-481D
As Modified by Transfer No. 87622

CONDITIONS OF APPROVAL

5. Use of water under this right will 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.
6. 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).
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 37-577BP**As Modified by Transfer No. 87622**

In accordance with the approval of Transfer No. 87622, Water Right No. 37-577BP is now described as follows:

Right Holder: ECCLES FLYING HAT 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

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.450 cfs

0.450 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER	SESWNE	Sec 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec 22 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SWNW	Sec 20 Twp 03N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	26			10.4	1.2				6.1						24.3			42.0

POU Total Acres: 42.0

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined shall not exceed the irrigation of 42.0 acres.
2. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 1.68 cfs, a total annual maximum diversion volume of 294.0 af at the field headgate, and the irrigation of 42.0 acres.
3. Use of water under this right will 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).
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

Transfer No. 87622

SCANNED

MAY 05 2023

WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 87622

CONDITIONS OF APPROVAL

6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 0.84 cfs and 147.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 1.68 cfs and 294.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

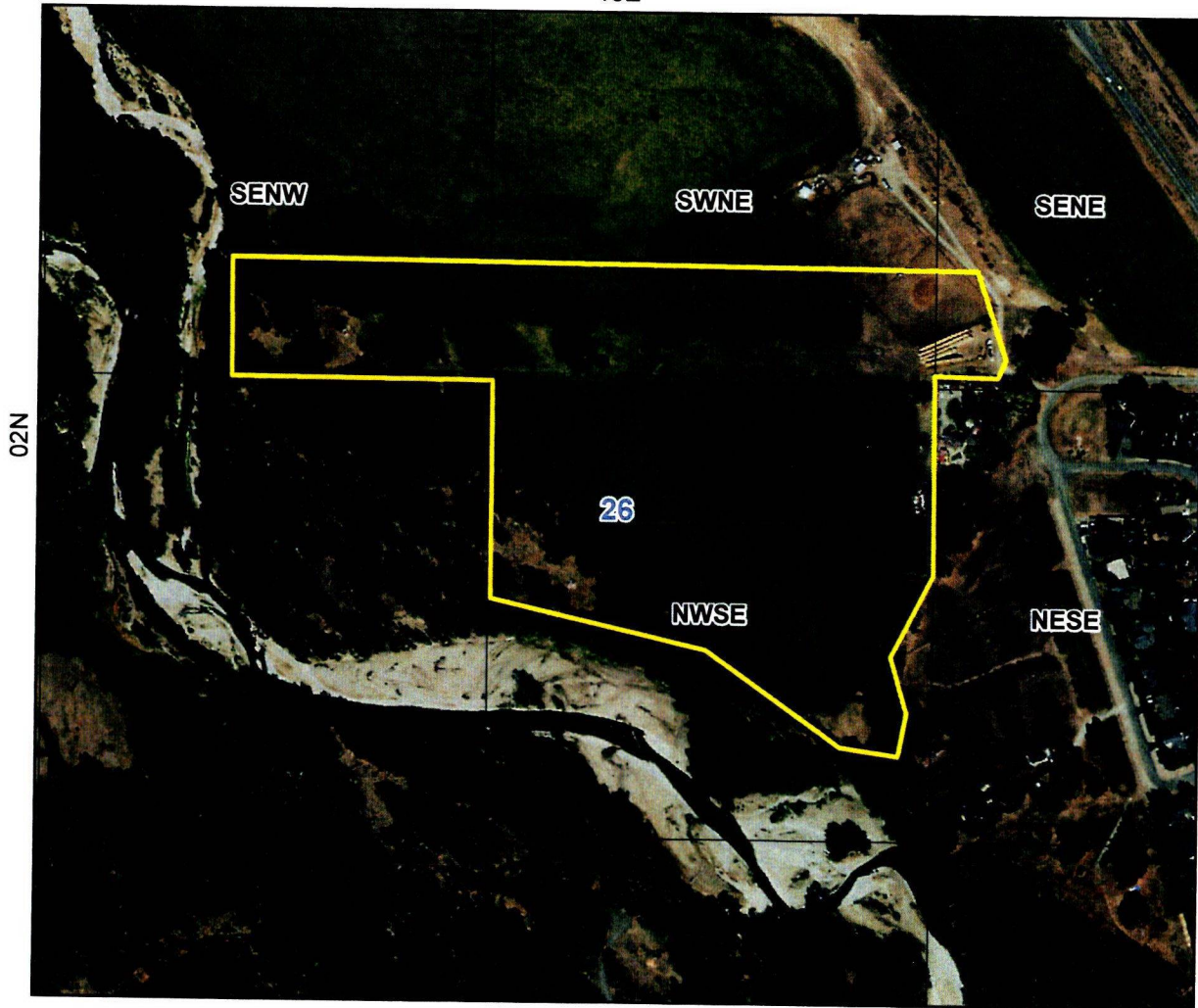
State of Idaho
Department of Water Resources

Attachment to Transfer # 87622

37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, and 37-7356

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.

18E



0 0.05 0.1 0.2 Miles

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



SCANNED
MAY 05 2023



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 Gary Spackman

May 3, 2023

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

Re: Transfer No: 87622

Water Right No(s): 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, 37-7356

Transfer Approval Notice

Dear Water Right Holder and other Interested Person(s):

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

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

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2023 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.: 87622

Water Right No(s): 37-481D, 37-482J, 37-483D, 37-577BP, 37-2713, 37-7356

ECCLES FLYING HAT RANCH LLC
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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.

MEMORANDUM

Date: April 24, 2023
To: Eccles Flying Hat Ranch, LLC Transfer #87622 File
From: Jim Bitzenburg
Re: Amendment of Transfer and condition change

Due to a discrepancy in the water right conditions involved in this transfer, the overall flow rate and the combined limit condition have been increased from 1.35 cfs to 1.68 cfs. A total of five ownership changes preceded this transfer, splitting up the rights in non-proportional amounts which lead to issues with some of the conditions. The condition limiting flow rates and volumes when applied by sprinkler irrigation and by surface application, which was set in the decrees of the parent rights, gave a flow rate of 1.68 cfs for surface application and a rate of 0.84 cfs for sprinkler application; the 1.68 cfs being greater than the 1.35 cfs. In order to correct the discrepancy, the diversion rate and combined transfer rate totals, which are currently 1.35 cfs each, have been increased to 1.68 cfs. The Watermaster of Water District 37 has been informed of the change.

Bitzenburg, James

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, April 24, 2023 11:49 AM
To: Bitzenburg, James
Subject: Eccles Water Rights
Attachments: SKM_C300i23042322160.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jim,

See the attached page 3 that has been updated as we discussed on the phone.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.