

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90319**

This is to certify that: **BIRCH CREEK RANCHES LLC**
711 E TURTLE POINT DR
IVINS, UT 84738

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>
32-10127	WR/DECREED	12/26/1973	0.840 cfs	315.0 af	90.0	405.0	GROUND WATER
32-7025	WR/DECREED	12/26/1973	3.920 cfs	1102.5 af	315.0	405.0	GROUND WATER
32-7261	WR/LICENSE	1/28/2000	1.400 cfs	N/A	N/A	405.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

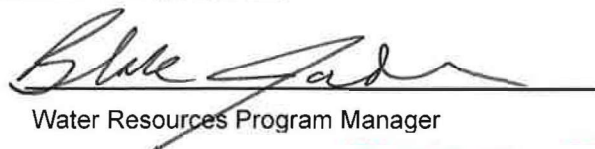
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
32-10127	NO	YES	YES	NO	NO	NO
32-7025	YES	YES	YES	NO	NO	NO
32-7261	NO	YES	YES	NO	NO	NO

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>
32-10127	32-10127	0.840 cfs	315.0 af	90.0	405.0	N/A	N/A	N/A	N/A	N/A
32-7025	32-13407	3.760 cfs	1094.6 af	315.0	405.0	32-7025	0.160 cfs	7.9 af	N/A	N/A
32-7261	32-7261	1.400 cfs	N/A	N/A	405.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.160 cfs	1409.6 af	405.0	405.0		N/A	N/A	N/A	N/A

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 22nd day of April, 2026.


Water Resources Program Manager

**Support Data
In File # 32-7025**

Transfer No. 90319

WATER RIGHT NO. 32-7025**As Modified by Transfer No. 90319**

In accordance with the approval of Transfer No. 90319, Water Right No. 32-7025 is now described as follows:

Right Holder: BIRCH CREEK RANCHES LLC
1032 GRANDVIEW DR
IVINS, UT 84738

Priority Date: 12/26/1973

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	1.2 af
STOCKWATER	01/01	to 12/31	0.120 cfs	6.7 af
			0.160 cfs	7.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SWSW) Sec 36 Twp 09N Rge 32E CLARK County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	32E	36											X						
													L 4						

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	32E	36											X						
													L 4						

CONDITIONS OF APPROVAL

1. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 90319

WATER RIGHT NO. 32-7025

As Modified by Transfer No. 90319

CONDITIONS OF APPROVAL

4. 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. 32-13407**As Modified by Transfer No. 90319**

In accordance with the approval of Transfer No. 90319, Water Right No. 32-13407 is now described as follows:

Right Holder: BIRCH CREEK RANCHES LLC
1032 GRANDVIEW DR
IVINS, UT 84738

Priority Date: 12/26/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	3.760 cfs	1094.6 af
			3.760 cfs	1094.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 31 Twp 09N Rge 33E	CLARK County
GROUND WATER	SWNE	Sec 32 Twp 09N Rge 33E	CLARK 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	
09N	33E	32	30.0	30.0	32.0	31.0	32.0	32.0	31.0	31.0	6.4	6.7	7.2	6.7					276.0
09N	33E	33					32.0	32.0	32.0	33.0									129.0

Right Acre Limit: 315.0

POU Total Acres: 405.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 315 acres within the place of use described above in a single irrigation season.
2. Rights 32-13407 and 32-10127 when combined shall not exceed a total diversion rate of 3.76 cfs.
3. Rights 32-13407, 32-10127 and 32-7261 when combined shall not exceed a total annual maximum diversion volume of 1409.6 af at the field headgate, and the irrigation of 405 acres.
4. 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. 110.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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WATER RIGHT NO. 32-13407
As Modified by Transfer No. 90319

CONDITIONS OF APPROVAL

6. Upon specific notification by the Water District 110 Watermaster, the right holder shall close and lock the mainline valve that controls the delivery of water from the Reno Ditch Company, Inc. into the mainline used to deliver ground water to the place of use authorized under Water Right Nos. 32-7261, 32-10127, and 32-13407.
7. Prior to the diversion and use of water under Transfer approval 90319, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The place of use authorized under Water Right Nos. 32-7261, 32-10127, and 32-13407 does not include water from the Reno Ditch Company, Inc.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. Right No. 32-10127 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 32-10127**As Modified by Transfer No. 90319**

In accordance with the approval of Transfer No. 90319, Water Right No. 32-10127 is now described as follows:

Right Holder: BIRCH CREEK RANCHES LLC
1032 GRANDVIEW DR
IVINS, UT 84738

Priority Date: 12/26/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.840 cfs	315.0 af
			0.840 cfs	315.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 31 Twp 09N Rge 33E	CLARK County
GROUND WATER	SWNE	Sec 32 Twp 09N Rge 33E	CLARK 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	
09N	33E	32	30.0	30.0	32.0	31.0	32.0	32.0	31.0	31.0	6.4	6.7	7.2	6.7					276.0
09N	33E	33					32.0	32.0	32.0	33.0									129.0

Right Acre Limit: 90.0
POU Total Acres: 405.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 90 acres within the place of use described for this right.
2. Rights 32-13407 and 32-10127 when combined shall not exceed a total diversion rate of 3.76 cfs.
3. Rights 32-13407, 32-10127 and 32-7261 when combined shall not exceed a total annual maximum diversion volume of 1409.6 af at the field headgate, and the irrigation of 405 acres.
4. 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.110.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 90319

WATER RIGHT NO. 32-10127

As Modified by Transfer No. 90319

CONDITIONS OF APPROVAL

6. Upon specific notification by the Water District 110 Watermaster, the right holder shall close and lock the mainline valve that controls the delivery of water from the Reno Ditch Company, Inc. into the mainline used to deliver ground water to the place of use authorized under Water Right Nos. 32-7261, 32-10127, and 32-13407.
7. Prior to the diversion and use of water under Transfer approval 90319, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. The place of use authorized under Water Right Nos. 32-7261, 32-10127, and 32-13407 does not include water from the Reno Ditch Company, Inc.
11. This right is based upon an enlargement of Right No. 32-13407 pursuant to Section 42-1426, Idaho Code.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 32-7261**As Modified by Transfer No. 90319**

In accordance with the approval of Transfer No. 90319, Water Right No. 32-7261 is now described as follows:

Right Holder: BIRCH CREEK RANCHES LLC
1032 GRANDVIEW DR
IVINS, UT 84738

Priority Date: 1/28/2000

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.400 cfs

1.400 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NWSE
SWNE

Sec 31 Twp 09N Rge 33E CLARK County
Sec 32 Twp 09N Rge 33E CLARK 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	
09N	33E	32	30.0	30.0	32.0	31.0	32.0	32.0	31.0	31.0	6.4	6.7	7.2	6.7					276.0
09N	33E	33					32.0	32.0	32.0	33.0									129.0

POU Total Acres: 405.0

CONDITIONS OF APPROVAL

1. Rights 32-13407, 32-10127 and 32-7261 when combined shall not exceed a total annual maximum diversion volume of 1409.6 af at the field headgate, and the irrigation of 405 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. 110.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Upon specific notification by the Water District 110 Watermaster, the right holder shall close and lock the mainline valve that controls the delivery of water from the Reno Ditch Company, Inc. into the mainline used to deliver ground water to the place of use authorized under Water Right Nos. 32-7261, 32-10127, and 32-13407.

Transfer No. 90319

WATER RIGHT NO. 32-7261
As Modified by Transfer No. 90319

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 90319, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right is for the use of trust water, and it is subject to review 20 years after its initial approval on 4/3/2000 to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
9. The place of use authorized under Water Right Nos. 32-7261, 32-10127, and 32-13407 does not include water from the Reno Ditch Company, Inc.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Date: 4/22/2026



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 22, 2026

BIRCH CREEK RANCHES LLC
711 E TURTLE POINT DR
IVINS UT 84738

Re: Transfer No: 90319
Water Right No(s): 32-7025, 32-7261, 32-10127, 32-13407

Transfer Approval Notice

Dear Water Right Holder:

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) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552

BIRCH CREEK RANCHES LLC
1032 GRANDVIEW DR
IVINS UT 84738

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2026 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.: 90319

Water Right No(s): 32-7025, 32-7261, 32-10127, 32-13407

**BIRCH CREEK RANCHES LLC
711 E TURTLE POINT DR
IVINS UT 84738**

**ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552**

**BIRCH CREEK RANCHES LLC
1032 GRANDVIEW DR
IVINS UT 84738**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

The accompanying document is a “**Preliminary Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is necessary, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the final written brief or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the Director for review of the preliminary order.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.