

Maximum Diversion Rate: 7.00 CFS

PRG FARMS LP
C/O PAUL GREEN
7594 E CONEJO AVE
SELMA CA 93662-9438

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
WILDLIFE	01/01 to 12/31	7.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		617.0 AF
RECREATION	01/01 to 12/31	7.00 CFS	
RECREATION STORAGE	01/01 to 12/31		617.0 AF
AESTHETIC	01/01 to 12/31	7.00 CFS	
AESTHETIC STORAGE	01/01 to 12/31		617.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	7.00 CFS	

SPRINGS	L6 (SW¼ SW¼ SE¼), Sec. 17, Twp 09S, Rge 16E, B.M.	TWIN FALLS County
SPRINGS	L6 (SW¼ SW¼ SE¼), Sec. 17, Twp 09S, Rge 16E, B.M.	TWIN FALLS County
SPRINGS	L6 (SW¼ SW¼ SE¼), Sec. 17, Twp 09S, Rge 16E, B.M.	TWIN FALLS County

[illegible][illegible]

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 47-17656

Place of Use: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17							X L9										
09S	16E	18				X L14													

Place of Use: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17							X L9										
09S	16E	18				X L14													

Place of Use: AESTHETIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17							X L9										
09S	16E	18				X L14													

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17							X L9										
09S	16E	18				X L14													

Conditions of Approval

1. Rights 47-4294 and 47-17656 when combined shall not exceed a total diversion rate of 7.00 cfs.
2. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Snake River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
3. The 2 ponds established by the storage of water under this right shall not exceed a total capacity of 24.0 acre-feet or a total surface area of 4.0 acres.
4. Right 47-17656 authorizes the storage of an annual total of 617.0 acre-feet, 24.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 593.0 acre-feet for the replacement of losses due to seepage and evaporation.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 47-17656

6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
47-4294	Irrigation	0.08	N/A	3.9

The land that will no longer be irrigated under this right is located within the Government Lot 6 (SWSE), Section 17, Township 09S, Range 16E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

7. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
8. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) 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. Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 15th day of August, 2022.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License

47-17656

This map depicts the AESTHETIC, AESTHETIC STORAGE, RECREATION, RECREATION STORAGE, WILDLIFE, and WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.1 0.2 0.4 Miles





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

August 16, 2022

PRG FARMS LP
C/O PAUL GREEN
7594 E CONEJO AVE
SELMA CA 93662-9438

RE: License No. 47-17656

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov.

Please note that pursuant to the issuance of License No. 47-17656, the official water right record for 47-4294 has been updated accordingly to reflect the mitigation components.

In addition, Farm Credit West PCA has been removed as a Security Interest holder on this water right, as this Notice had an expiration date of October 1, 2020. I have attached a copy of that filing for your reference.

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

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2022, I served a true and correct copy of Water Right License No. 47-17656 by U.S. Mail, postage prepaid, to the following:

PRG FARMS LP (Current Owner)
C/O PAUL GREEN
7594 E CONEJO AVE
SELMA CA 93662-9438

FARM CREDIT WEST PCA
ATTN: NICHOLAS MARTIN
940 W EL MONTE WAY
DINUBA CA 93618-9170



Denise Maline
Administrative Assistant 1

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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/16/2022

Water Right 47-4294

Owner Type **Name and Address**
Current Owner PRG FARMS LP
C/O PAUL GREEN
7594 E CONEJO AVE
SELMA, CA 93662-9438
(559) 289-7550

Priority Date: 5/1/1937

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER
UNNAMED LAKE	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.540 CFS	
IRRIGATION STORAGE	01/01	12/31		28.0 AF
IRRIGATION FROM STORAGE	04/01	11/01		28.0 AF
STOCKWATER	01/01	12/31	0.030 CFS	
STOCKWATER STORAGE	01/01	12/31		2.0 AF
FISH PROPAGATION	01/01	12/31	7.000 CFS	
RECREATION STORAGE	01/01	12/31		28.0 AF
DIVERSION TO STORAGE	01/01	12/31	7.000 CFS	
MITIGATION BY NON-USE	04/01	11/01	0.080 CFS	
	<u>Total Diversion</u>		7.000 CFS	28.0 AF

Source and Point(s) of Diversion:

SPRINGS	L6(SWSWSE)	Sec. 17, Twp 09S, Rge 16E, TWIN FALLS County
UNNAMED LAKE	L7(NWSESW)	Sec. 17, Twp 09S, Rge 16E, TWIN FALLS County
SPRINGS	L6(SWSWSE)	Sec. 17, Twp 09S, Rge 16E, TWIN FALLS County
UNNAMED LAKE	L11(SENESW)	Sec. 17, Twp 09S, Rge 16E, TWIN FALLS County
UNNAMED LAKE	L6(NWSWSE)	Sec. 17, Twp 09S, Rge 16E, TWIN FALLS County
SPRINGS	L6(SWSWSE)	Sec. 17, Twp 09S, Rge 16E, TWIN FALLS County
UNNAMED LAKE	L11(SWNESW)	Sec. 17, Twp 09S, Rge 16E, TWIN FALLS County

Place Of Use:

MITIGATION BY NON-USE within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17															X L6		

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/17/2022

STOCKWATER within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17									X L7 L11			X L7			X L6		

IRRIGATION FROM STORAGE within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17									0.6 L7	3.1 L10		1.1 L7		0.2 L6	4.2 L6		9.2
09S	16E	17									15.2 L11					2.8 L13			18.0

POU Total Acres: 27.2

IRRIGATION STORAGE within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17									X L7 L11			X L7			X L6		

RECREATION STORAGE within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17									X L7 L11			X L7			X L6		

STOCKWATER STORAGE within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17									X L7 L11			X L7			X L6		

FISH PROPAGATION within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17									X L7 L11			X L7			X L6		

IRRIGATION within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	17									0.6 L7	3.1 L10		1.1 L7		0.2 L6	4.2 L6		9.2
09S	16E	17									15.2 L11					2.8 L13			18.0

POU Total Acres: 27.2

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/17/2022

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | 193 | This right mitigates for the depletion of water resulting from the diversion and use of water under Right 47-17656. To prevent injury to other water right holders, the right holder shall cease diverting 0.08 cfs of this right from springs and unnamed lakes. If the mitigation portion of this right is used for any purpose, then water shall not be diverted under Right 47-17656. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 47-17656 that are being mitigated shall be reduced by the same proportion as the reduction to this right. |
| 2. | C18 | 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. |

Comments:

- | | | | |
|---|----------|-----------|--|
| 1 | sclellan | 8/18/2011 | SF5 options added
modified the Quantities section to match agreed amounts. |
| 2 | jreeder | 3/18/2016 | POD
Updated Shape |
| 3 | cskinner | 8/18/2016 | Mitigation by Non Use Update
On this date, a 0.08 cfs and 3.9 acre portion of the irrigation and a 3.9 acre portion of the irrigation from storage uses were changed to "mitigation by non use" as part of the proposed mitigation plan associated with application for permit 47-17656 (approved this same day). |
| 4 | cskinner | 8/18/2016 | POU
Updated Shape |
| 5 | dmaline | 8/16/2022 | Security Interest removed
Per review and issuance of Water Right License 47-17656; Farm Credit West PCA has been removed as a security interest holder per the September 11, 2020 filing showing an expiration date of October 1, 2020. |

Dates and Other Information:

Decreed Date: 11/3/2011
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: EXC
Mitigation Plan: False