

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 86020**

This is to certify that: **JEFFREY D BROWER AND
MELISSA P BROWER
3851 N 1400 E
BUHL, ID 83316-6133**

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>
47-7853	WR/DECREED	2/1/1983	0.160 cfs	31.2 af	N/A	N/A	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>
47-7853	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-7853	47-7853	0.160 cfs	31.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.160 cfs	31.2 af	N/A	N/A		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 13th day of June, 2022.



Southern Region Manager

WATER RIGHT NO. 47-7853**As Modified by Transfer No. 86020**

In accordance with the approval of Transfer No. 86020, Water Right No. 47-7853 is now described as follows:

Right Holder: JEFFREY D BROWER AND
MELISSA P BROWER
3851 N 1400 E
BUHL, ID 83316-6133

Priority Date: 2/1/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.130 cfs	12.0 af
DOMESTIC	01/01	to 12/31	0.030 cfs	1.2 af
STOCKWATER	01/01	to 12/31	0.130 cfs	18.0 af
			0.160 cfs	31.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESENE	Sec 14 Twp 10S Rge 14E TWIN FALLS County
GROUND WATER	SESENE	Sec 14 Twp 10S Rge 14E TWIN FALLS County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	14				X													

PLACE OF USE: DOMESTIC

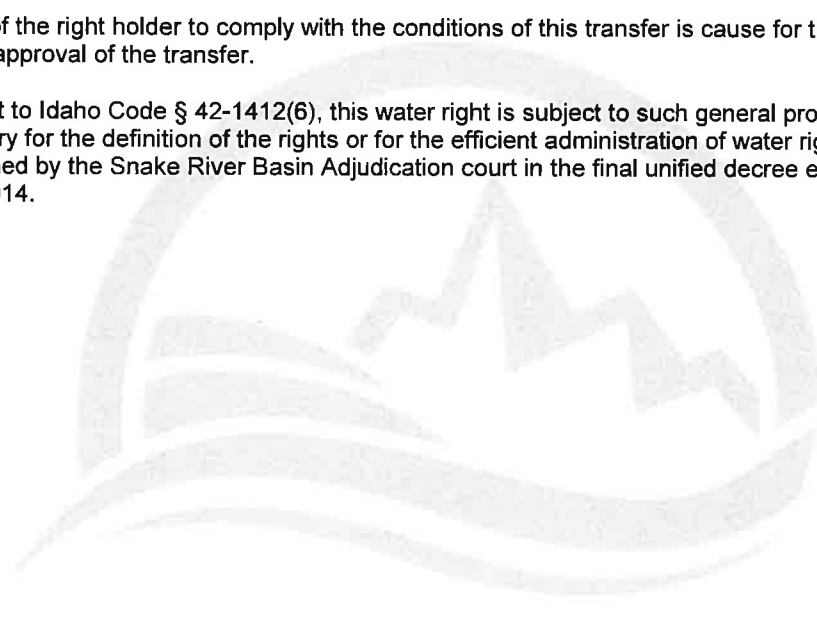
			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	14				X													

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	
10S	14E	14				X													

WATER RIGHT NO. 47-7853
As Modified by Transfer No. 86020

CONDITIONS OF APPROVAL

1. 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.
 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.
 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.
- 

State of Idaho
Department of Water Resources
Attachment to Transfer # 86020
47-7853

This map depicts the STOCKWATER & COMMERCIAL 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.

14E



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

0 0.0425 0.085 0.17 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 86020
47-7853

This map depicts the DOMESTIC 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.

14E



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

0 0.035 0.07 0.14 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

June 14, 2022

JEFFREY D BROWER
MELISSA P BROWER
3851 N 1400 E
BUHL ID 83316-6133

Re: Transfer No: 86020
Water Right No(s): 47-7853

Transfer Approval Notice

Dear Water Right Holder(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". The signature is fluid and cursive, with a small mark above the "i" in "Skinner".

Corey Skinner
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2022 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.: 86020
Water Right No(s): 47-7853

JEFFREY D BROWER
MELISSA P BROWER
3851 N 1400 E
BUHL ID 83316-6133



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: June 10, 2022
To: Transfer #86020; Jeffrey and Melissa Brower POD Transfer File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to add a point of diversion (POD) to ground water right 47-7853 (0.16 cfs, stockwater, commercial, and domestic). The additional POD is an existing well located approximately 0.6 mile west and 2.9 miles south of the intersection of Main Street and Broadway Avenue in Buhl.

The transfer was advertised because it adds a POD to a water right. It was not protested. It is not located within a water district, so watermaster comments were not solicited.

- **Authority to File:**
The application was signed by the applicants, Jeffrey and Melissa Brower. The water right, as well as the property it is appurtenant to, are shown in the Department's database as being owned by the Browsers.
- **Water Right Validity:**
Right 47-7853 was decreed in 2010. Recent aerial imagery shows cattle occupying the facility, so forfeiture is likely not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. The proposed POD is already in use at the facility.
- **Enlargement of Use:**
None anticipated. No increase in flow rate, volume, or irrigated acreage is proposed.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised and was not protested.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Proof of Publication

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

REBA DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 127546

Reba Davis

(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 26 day of May in the year of 2022 before me, a Notary Public, personally appeared before me Reba Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Amy Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-26

Section: Legals

Category: 50 Legal

PUBLISHED ON: 05/19/2022, 05/26/2022

TOTAL AD COST: 115.22

FILED ON: 5/26/2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86020

JEFFREY D BROWER and MELISSA P BROWER, 3851 N 1400 E, BUHL, ID 83316-6133 has filed Application No. 86020 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7853. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion (POD) to ground water right 47-7853 (0.16 cfs, stockwater, commercial, and domestic). The additional POD is an existing well located approximately 0.6 mile west and 2.9 miles south of the intersection of Main Street and Broadway Avenue in Buhl.

TRANSFER NO. 86204

HANSENS QUALITY JERSEYS LLC, 277 E 700 N, RUPERT, ID 83350-9580 has filed Application No. 86204 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16758, 36-16760. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 13.1 acre portion (0.24cfs) of two groundwater irrigation rights from an existing farm located approximately 4.6 to 5.6 miles west and 1.1 to 1.7 miles north of Minidoka for commercial and stockwater use to an existing Dairy located adjacent to the farm. The transferred portion of the rights (0.24 cfs) will be diverted from two existing wells located at the existing Dairy.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **June 6, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Publish: May 19th & 26th, 2022

✓ SM 6-9-2022



RECEIVED

MAY 31 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION