

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84915**

This is to certify that: RBA LLC
PO BOX 370
KIMBERLY, ID 83341-0370

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>
36-17140	WR/DECREED	1/9/1967	0.150 cfs	41.8 af	8.7	9.0	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>
36-17140	NO	NO	NO	NO	YES	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>
36-17140	36-17140	0.150 cfs	41.8 af	8.7	9.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.150 cfs	41.8 af	8.7	9.0		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 June, 2021.



Southern Region Manager

Transfer No. 84915

WATER RIGHT NO. 36-17140**As Modified by Transfer No. 84915**

In accordance with the approval of Transfer No. 84915, Water Right No. 36-17140 is now described as follows:

Right Holder: RBA LLC
PO BOX 370
KIMBERLY, ID 83341-0370

Priority Date: 1/9/1967

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
IRRIGATION

From

01/01
04/01

to
to

To

12/31
10/31

Diversion Rate

0.040 cfs
0.110 cfs
0.150 cfs

Diversion Volume

7.0 af
34.8 af
41.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 14 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	14		X															

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	
08S	22E	14			9.0														9.0

Right Acre Limit: 8.7

POU Total Acres: 9.0

CONDITIONS OF APPROVAL

1. 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.130.
2. 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).
3. This right is limited to the irrigation of 8.7 acres within the authorized place of use in a single irrigation season.

Transfer No. 84915

WATER RIGHT NO. 36-17140

As Modified by Transfer No. 84915

CONDITIONS OF APPROVAL

4. Rights 36-17140 and 36-17141 when combined shall not exceed a total diversion rate of 0.15 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the originating approval/SRBA partial decree date of 8/27/2001.
7. Right No. 36-17141 is an enlargement of this right pursuant to Idaho Code § 42-1426.
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 # 84915
36-17140

This map depicts the 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.



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

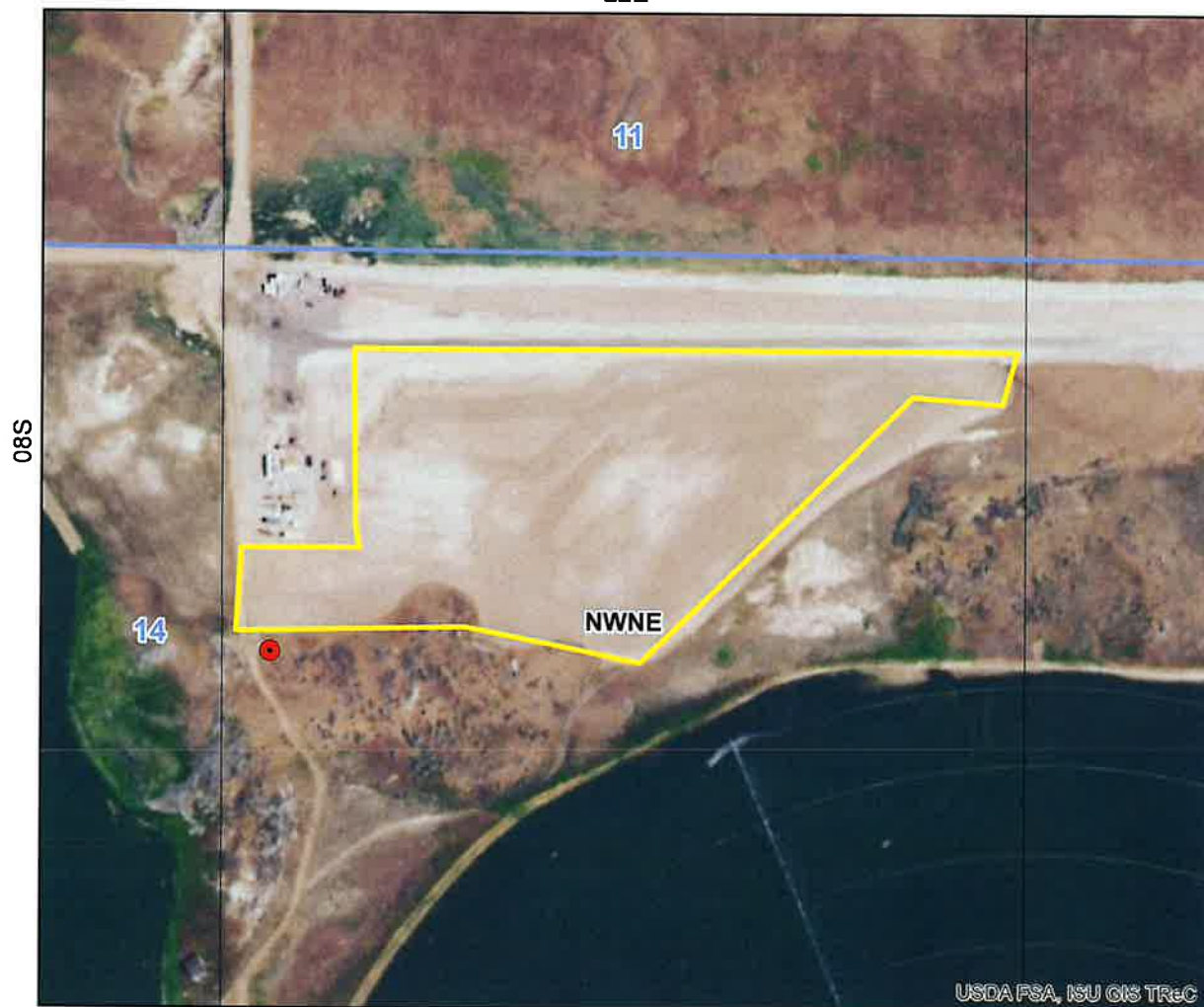
0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 84915
36-17140

This map depicts the IRRIGATION 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.

22E



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

0 0.0375 0.075 0.15 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 25, 2021

RBA LLC
PO BOX 370
KIMBERLY ID 83341-0370

Re: Transfer No: 84915
Water Right No(s): 36-17140

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

COLUMBIA STATE BANK
506 S 10TH AVE
CALDWELL ID 83605-4157

NATHAN ERICKSON
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2021 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.: 84915
Water Right No(s): 36-17140

RBA LLC
PO BOX 370
KIMBERLY ID 83341-0370

COLUMBIA STATE BANK
506 S 10TH AVE
CALDWELL ID 83605-4157

NATHAN ERICKSON
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858



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: May 27, 2021
To: RBA LLC Transfer 84915 File
From: Kent Aasa
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the existing Commercial period of use (April 01 to October 31) for a ground water right (.04 cfs/7.0 AF) to year round use that is needed for aircraft runway maintenance and aerial agriculture spraying prior to April 1st. There are no proposed changes to the Point of Diversion (POD) or the Place of Use (POU). The POD and POU are located approximately 8.9 miles north and 2.9 miles west of Rupert. The proposed transfer is in Water District 130 and water master comments were solicited. The Water Master had no objections to the transfer.

- **Authority to File:**
The Department's database indicates that the water right involved is owned by the applicant; RBA LLC. The application was signed by Mike Jurak, Registered Agent.
- **Water Right Validity:**
Based on department records, and historic purpose of use, there does not appear to be a validity issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. The transfer is simply changing the season of use and not changing the amount of water used. There are no POD or POU changes.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **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

JENNY GREEN, 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

RECEIVED

MAY 17 2021

ORDER NUMBER 114090

DEPT OF WATER RESOURCES
SOUTHERN REGION

(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF TWIN FALLS)

On this 14 day of May in the year of 2021 before me, a Notary Public, personally appeared before me Jenny Green 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.

Notary Public FOR Idaho

Residing at: Twin Falls, Idaho

My Commission expires: 9-4-2026

Section: Legals

Category: 50 Legal

PUBLISHED ON: 05/06/2021, 05/13/2021

TOTAL AD COST: 227.25

FILED ON: 5/13/2021

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-13896

RAFT RIVER LAND & LIVESTOCK LLC

PO BOX 584

RUPERT, ID 83350-0584

Point of Diversion NWNE S9 T14S R25E CASSIA County Source

GROUND WATER Tributary

Use: STOCKWATER 01/01 to 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 03-17-2021

Place Of Use: STOCKWATER

T14S R25E S8 SENE

Place Of Use: STOCKWATER

T14S R25E S9 NWNE, SWNE, NESW, NWSW

Application proposes to divert 0.1 cfs from a proposed well for stock water use on property located approximately 1.75 miles south and 0.9 miles east of Elba. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84855

DANIEL L WILLIE, 1017 S 1150 E, EDEN, ID 83325-5037 has filed Application No. 84855 for changes to the following water rights within JEROME County(s): Right No(s). 36-15637, 36-15639, 36-15641, 36-7045, 36-8766. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a new well to be drilled as an authorized point of diversion for five water rights associated with a commercial development (Travelers Oasis Truck Plaza) located approximately 0.2 mile south and 0.1 mile west of the Interstate 84 and Hwy 50 junction. The new well and an existing well will divert up to 0.20 cfs for commercial use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84848

JOSHUA BAKER and KRISTA BAKER, 3356 N 3300 E, KIMBERLY, ID 83341-5266 has filed Application No. 84848 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17159. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for a 0.10 cfs ground water irrigation right from a shared well to a new well, to be drilled approximately 600 feet south within the authorized place of use (POU). The authorized POU and proposed POD is a 5 acre farm located approximately 3.0 miles east and 4.4 miles south of the Kimberly Road & Blue Lakes Blvd intersection in Twin Falls.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84915

RBA LLC, PO BOX 370, KIMBERLY, ID 83341-0370 has filed Application No. 84915 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-17140. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the existing Commercial period of use (April 01 to October 31) for a ground water right (.04 cfs & 7.0 AF), to year round use that is needed for aircraft runway maintenance and aerial agriculture spraying. There are no proposed changes to the Point of Diversion (POD) or Place of Use (POU). The POD and POU are located approximately 8.9 miles north and 2.9 miles west of Rupert.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 May 24, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on May 6th & 13th, 2021

✓ OK dm 5-21-2021

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 84915
Water Right No: 36-17140
Applicant Name: RBA LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: May 10, 2021

Water District 130



Nathan Erickson, Watermaster

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 114090

Publication Times News

Contact ID DEPARTMENT OF WATER RESOURCES

Address 1 650 ADDISON AVE W, STE 500

Address 2

City St Zip TWIN FALLS ID 83301

Phone 2087363033

Fax

Section Legals

SubSection

Category 50 Legal

Ad Key 114090-1

Keywords TN 84855, TN 84848, TN 84915

Notes

PO Number

Rate

Legal Notice

Order Price

227.25

Amount Paid

0.00

Amount Due

227.25

Start/End Dates

05/06/2021 - 05/13/2021

Insertions

2

Size

150

Salesperson(s)

Jenny Green - Legals

Taken By

Jenny Green

Ad Proof

**Proof of legal notice received from
Times News 4/30/2021 (2 pgs)**

✓ DM 5.3.2021

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 114090

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T14S R25E S8 SENE

Place Of Use: STOCKWATER

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GARY SPACKMAN, Director

Published on May 6th & 13th, 2021

✓ dm
5/3/2021