

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84735**

This is to certify that: **PATTCO LLLP**
1800 Z ST
HEYBURN, ID 83336

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>
45-13398	WR/DECREED	3/15/1987	0.660 cfs	292.0 af	73.0	133.0	GROUND WATER
45-13399	WR/DECREED	3/15/1976	0.740 cfs	316.4 af	79.1	305.0	GROUND WATER
45-2621	WR/DECREED	6/9/1960	2.870 cfs	767.2 af	191.8	305.0	GROUND WATER
45-7164	WR/DECREED	1/17/1974	1.200 cfs	240.0 af	60.0	133.0	GROUND WATER
45-7261	WR/DECREED	3/13/1976	0.700 cfs	140.8 af	35.2	305.0	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>
45-13398	NO	NO	YES	YES	NO	NO
45-13399	NO	NO	YES	YES	NO	NO
45-2621	NO	NO	YES	YES	NO	NO
45-7164	NO	NO	YES	YES	NO	NO
45-7261	NO	NO	YES	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>
45-13398	45-13398	0.660 cfs	292.0 af	73.0	447.0	N/A	N/A	N/A	N/A	N/A
45-13399	45-13399	0.740 cfs	316.4 af	79.1	447.0	N/A	N/A	N/A	N/A	N/A
45-2621	45-2621	2.870 cfs	767.2 af	191.8	447.0	N/A	N/A	N/A	N/A	N/A
45-7164	45-7164	1.200 cfs	240.0 af	60.0	447.0	N/A	N/A	N/A	N/A	N/A
45-7261	45-7261	0.700 cfs	140.8 af	35.2	447.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.070 cfs	1752.0 af	438.0	447.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 45-2621

Transfer No. 84735

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84735

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 June, 2021.



Southern Region Manager



WATER RIGHT NO. 45-7164

As Modified by Transfer No. 84735

In accordance with the approval of Transfer No. 84735, Water Right No. 45-7164 is now described as follows:

Right Holder: PATTCO LLLP
1800 Z ST
HEYBURN, ID 83336

Priority Date: 1/17/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.200 cfs 1.200 cfs	240.0 af 240.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 29 Twp 10S Rge 22E CASSIA County
GROUND WATER	SESENW	Sec 31 Twp 10S Rge 22E CASSIA 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	
10S	22E	29											32.0	40.0					72.0
10S	22E	30									37			40	40	40	40	36	233
10S	22E	31					40	38	30	34									142
								L 1	L 2										

Right Acre Limit: 60.0
POU Total Acres: 447.0

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. 140.
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 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.
4. This right is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season.

Transfer No. 84735

WATER RIGHT NO. 45-7164
As Modified by Transfer No. 84735

CONDITIONS OF APPROVAL

5. Rights 45-7164 and 45-13398 when combined shall not exceed a total diversion rate of 1.2 cfs, a total annual maximum diversion volume of 532 af at the field headgate, and the irrigation of 133 acres.
6. Rights 45-2621, 45-7164, 45-7261, 45-7603, 45-13398, and 45-13399 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1788 af at the field headgate, and the irrigation of 447 acres.
7. Right No. 45-13398 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.

WATER RIGHT NO. 45-13398**As Modified by Transfer No. 84735**

In accordance with the approval of Transfer No. 84735, Water Right No. 45-13398 is now described as follows:

Right Holder: PATTCO LLLP
1800 Z ST
HEYBURN, ID 83336

Priority Date: 3/15/1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.660 cfs	292.0 af
			0.660 cfs	292.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 29 Twp 10S Rge 22E	CASSIA County
GROUND WATER	SESENW	Sec 31 Twp 10S Rge 22E	CASSIA 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	
10S	22E	29											32	40					72
10S	22E	30									37			40	40	40	40	36	233
10S	22E	31					40	38	30	34									142
								L 1	L 2										

Right Acre Limit: 73.0

POU Total Acres: 447.0

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. 140.
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 73 acres within the authorized place of use in a single irrigation season.
4. Rights 45-7164 and 45-13398 when combined shall not exceed a total diversion rate of 1.2 cfs, a total annual maximum diversion volume of 532 af at the field headgate, and the irrigation of 133 acres.

Transfer No. 84735

WATER RIGHT NO. 45-13398
As Modified by Transfer No. 84735

CONDITIONS OF APPROVAL

5. Rights 45-2621, 45-7164, 45-7261, 45-7603, 45-13398, and 45-13399 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1788 af at the field headgate, and the irrigation of 447 acres.
6. 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.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
8. This right is based upon an enlargement of Right No. 45-7164 pursuant to Idaho Code § 42-1426.
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. 45-13399
As Modified by Transfer No. 84735

In accordance with the approval of Transfer No. 84735, Water Right No. 45-13399 is now described as follows:

Right Holder: PATTCO LLLP
 1800 Z ST
 HEYBURN, ID 83336

Priority Date: 3/15/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.740 cfs	316.4 af
			0.740 cfs	316.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 29 Twp 10S Rge 22E CASSIA County
GROUND WATER	SESENW	Sec 31 Twp 10S Rge 22E CASSIA 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	
10S	22E	29											32	40					72
10S	22E	30									37			40	40	40	40	36	233
10S	22E	31					40	38	30	34									142
								L 1	L 2										

Right Acre Limit: 79.1
 POU Total Acres: 447.0

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. 140.
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 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.
4. This right is limited to the irrigation of 79.1 acres within the authorized place of use in a single irrigation season.

Transfer No. 84735

WATER RIGHT NO. 45-13399
As Modified by Transfer No. 84735

CONDITIONS OF APPROVAL

5. Rights 45-2621, 45-7261 and 45-13399 when combined shall not exceed a total diversion rate of 2.87 cfs, a total annual maximum diversion volume of 1220 af at the field headgate, and the irrigation of 305 acres.
6. Rights 45-2621, 45-7164, 45-7261, 45-7603, 45-13398, and 45-13399 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1788 af at the field headgate, and the irrigation of 447 acres.
7. This right is based upon an enlargement of Right Nos. 45-2621 and 45-7261, pursuant to Idaho Code § 42-1426.
8. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
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. 45-2621**As Modified by Transfer No. 84735**

In accordance with the approval of Transfer No. 84735, Water Right No. 45-2621 is now described as follows:

Right Holder: PATTCO LLLP
1800 Z ST
HEYBURN, ID 83336

Priority Date: 6/9/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.870 cfs	767.2 af
			2.870 cfs	767.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 29 Twp 10S Rge 22E	CASSIA County
GROUND WATER	SESENW	Sec 31 Twp 10S Rge 22E	CASSIA 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	
10S	22E	29											32	40					72
10S	22E	30									37			40	40	40	40	36	233
10S	22E	31					40	38	30	34									142
							L 1	L 2											

Right Acre Limit: 191.8

POU Total Acres: 447.0

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. 140.
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 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.
4. This right is limited to the irrigation of 191.8 acres within the authorized place of use in a single irrigation season.

Transfer No. 84735

WATER RIGHT NO. 45-2621
As Modified by Transfer No. 84735

CONDITIONS OF APPROVAL

5. Rights 45-2621, 45-7261 and 45-13399 when combined shall not exceed a total diversion rate of 2.87 cfs, a total annual maximum diversion volume of 1220 af at the field headgate, and the irrigation of 305 acres.
6. Rights 45-2621, 45-7164, 45-7261, 45-7603, 45-13398, and 45-13399 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1788 af at the field headgate, and the irrigation of 447 acres.
7. Right No. 45-13399 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.

WATER RIGHT NO. 45-7261**As Modified by Transfer No. 84735**

In accordance with the approval of Transfer No. 84735, Water Right No. 45-7261 is now described as follows:

Right Holder: PATTCO LLLP
1800 Z ST
HEYBURN, ID 83336

Priority Date: 3/13/1976

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	0.700 cfs	140.8 af
			0.700 cfs	140.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 29 Twp 10S Rge 22E	CASSIA County
GROUND WATER	SESENW	Sec 31 Twp 10S Rge 22E	CASSIA 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	
10S	22E	29											32	40					72
10S	22E	30									37			40	40	40	40	36	233
10S	22E	31					40	38	30	34									142
							L 1	L 2											

Right Acre Limit: 35.2

POU Total Acres: 447

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. 140.
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 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.
4. This right is limited to the irrigation of 35.2 acres within the authorized place of use in a single irrigation season.

Transfer No. 84735

WATER RIGHT NO. 45-7261
As Modified by Transfer No. 84735

CONDITIONS OF APPROVAL

5. Rights 45-2621, 45-7261 and 45-13399 when combined shall not exceed a total diversion rate of 2.87 cfs, a total annual maximum diversion volume of 1220 af at the field headgate, and the irrigation of 305 acres.
6. Rights 45-2621, 45-7164, 45-7261, 45-7603, 45-13398, and 45-13399 when combined shall not exceed a total diversion rate of 5.33 cfs, a total annual maximum diversion volume of 1788 af at the field headgate, and the irrigation of 447 acres.
7. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
8. Right No. 45-13399 is an enlargement of this right pursuant to Idaho Code § 42-1426.
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.

State of Idaho
Department of Water Resources

Attachment to Transfer # 84735

45-2621, 45-7164, 45-7261, 45-13398, and 45-13399

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.



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

0 0.225 0.45 0.9 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 7, 2021

PATTCO LLLP
1800 Z ST
HEYBURN ID 83336

Re: Transfer No: 84735
Water Right No(s): 45-2621, 45-7164, 45-7261, 45-13398, 45-13399

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,

A handwritten signature in blue ink, appearing to read "Corey Skinner", with a stylized flourish at the end.

Corey Skinner
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 140
ADAM MC COY
355 W 500 S
BURLEY ID 83318-5229

CERTIFICATE OF SERVICE

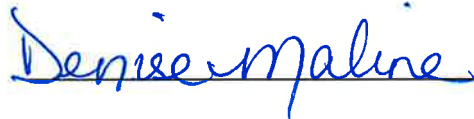
I hereby certify that on June 7, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84735

Water Right No(s): 45-2621, 45-7164, 45-7261, 45-13398, 45-13399

PATTCO LLLP
1800 Z ST
HEYBURN ID 83336

WATER DISTRICT 140
ADAM MC COY
355 W 500 S
BURLEY ID 83318-5229



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.



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

Brad Little
Governor

Gary Spackman
Director

April 23, 2021

PATTCO LLLP
1800 Z ST
HEYBURN ID 83336

RE: Water Right Permit No. 45-7603

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Idaho Code § 42-211. Before license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ Point(s) of Diversion

☒ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the filing fee of \$100.00 within fourteen (14) days.

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

Sincerely,

Kent Aasa
Water Resource Agent, Senior

Enclosure: Application for Amendment

**** 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

ORDER NUMBER 112407

Jenny Green
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 25 day of March 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.

Amy Wusmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-2026

RECEIVED

MAR 29 2021

Section: Legals

Category: 50 Legal

PUBLISHED ON: 03/18/2021, 03/25/2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

TOTAL AD COST: 241.80

FILED ON: 3/25/2021

✓ OK DM 4-2-2021

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84662**

HIGLEY LAND INVESTMENTS LLC, PO BOX 25, MALTA, ID 83342-0025 has filed Application No. 84662 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893, 43-13894. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to move ground water irrigation right 43-13773 from its present place of use (POU), located approximately 0.3 mile east and 3.1 miles south of Malta, to a nearby farm owned by the applicants, located approximately 2.8 to 3.3 miles east and 4.3 to 6.5 miles south of Malta, and modify the POU of the destination farm. The transfer will also drop one authorized point of diversion (POD) from each of the six existing rights at that farm and add the four remaining PODs to the right moving in. After the transfer, seven ground water irrigation rights will irrigate 628.6 acres with a combined flow rate of 11.52 cfs.

TRANSFER NO. 84729

BRIAN TUBBS and MICHELLE TUBBS, 2086 E 3400 N, FILER, ID 83328-5646 has filed Application No. 84729 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17555, 47-17560, 47-17565. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 13.3 acre portion (0.24 cfs) of three ground water rights from a farm located approximately 7.25 to 8.0 miles south and 0.75 to 1.5 miles west of the center of Kimberly for stockwater and commercial use for expansion of an existing CAFO located approximately 4.5 to 5.0 miles south and 3.0 to 3.5 miles west of the US Hwy 93 & Hwy 30 interchange east of Filer. The transferred water will be diverted from a new well to be drilled and the existing well at the CAFO site.

TRANSFER NO. 84735

PATTCO LLLP, 1800 Z ST, HEYBURN, ID 83336 has filed Application No. 84735 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13398, 45-13399, 45-2621, 45-7164, 45-7261. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to combine two groups of ground water irrigation rights (a group of three rights for 2.87 cfs & 305 acres and a group of two rights for 1.2 cfs & 133 acres) into a single 447 acre permissible place of use (PPU). Transfer will also add the point of diversion (POD) from each group to the other group so all five water rights will have the same two PODs, allowing for the total diversion of 4.07 cfs and the irrigation of 438 acres within the proposed PPU. The two PODs and PPU are on a farm located approximately 5.7 miles west and 1.9 miles south of the Highway 30 & Overland Avenue intersection in Burley.

TRANSFER NO. 84764

VALLEY VIEW DAIRY LLC, 369 N 1250 W, PAUL, ID 83347 has filed Application No. 84764 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-17012, 36-17013, 36-2257. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 7.7 acre (0.13 cfs) portion of an irrigation groundwater right to stock water and commercial use for the expansion of an existing heifer and calf facility located approximately 6.4 miles west and 4.9 miles north of the center of Paul. The irrigation right to be converted is currently authorized to be diverted from two irrigation wells both located within 0.75 miles of the facility. The application also proposes changing the place of use of two stock water and commercial groundwater rights (totaling 0.14 cfs) used at the facility to reflect the expansion. The converted right and the two commercial and stock water rights will divert up to 0.27 cfs and 46 acre-feet per year from an existing well on the facility.

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 research.idwr.idaho.gov/apps/waterrights/Query-NewTransfers. 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 April 5, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 18th & 25th, 2021

Maline, Denise

From: Adam McCoy <adam@waterwellconsultants.com>
Sent: Monday, March 22, 2021 9:28 AM
To: Maline, Denise
Subject: Transfer No. 84735 (Pattco LLC)

Hello Denise,

I received the copy for the transfer for Pattco LLC. After looking it over we do not see any issues with the transfer and do not oppose approval of the transfer. Do I need to mail the copy back?

Thanks,
Adam

Adam McCoy
Water Well Consultants, Inc.
adam@waterwellconsultants.com
(208) 604-1282