

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84786**

This is to certify that: **B BAR K LLC**
2809 E 550 S
PAUL, ID 83347-5018

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>
36-7408	WR/DECREED	11/21/1973	1.030 cfs	205.2 af	51.3	779.0	GROUND WATER
36-7560	WR/DECREED	3/3/1976	3.040 cfs	738.4 af	184.6	779.0	GROUND WATER
36-7603	WR/DECREED	1/29/1976	0.980 cfs	196.3 af	49.1	779.0	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>
36-7408	NO	YES	NO	NO	NO	NO
36-7560	NO	YES	NO	NO	NO	NO
36-7603	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-7408	36-7408	1.030 cfs	205.2 af	51.3	434.0	N/A	N/A	N/A	N/A	N/A
36-7560	36-7560	3.040 cfs	738.4 af	184.6	434.0	N/A	N/A	N/A	N/A	N/A
36-7603	36-7603	0.980 cfs	196.3 af	49.1	434.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.190 cfs	1139.9 af	285.0	434.0		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 30th day of April, 2021.


Southern Region Manager

SUPPORT DATA

IN FILE # 36-7408

Transfer No. 84786

WATER RIGHT NO. 36-7408

As Modified by Transfer No. 84786

In accordance with the approval of Transfer No. 84786, Water Right No. 36-7408 is now described as follows:

Right Holder: B BAR K LLC
2809 E 550 S
PAUL, ID 83347-5018

Priority Date: 11/21/1973

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	1.030 cfs	205.2 af
			1.030 cfs	205.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 1 Twp 09S Rge 21E JEROME 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	
09S	21E	1		21.0	37.0	32.0	24.0	20.0	38.0	40.0	40.0	30.0	1.0	11.0	32.0	36.0	39.0	33.0	434.0
				L 2			L 3	L 4											

Right Acre Limit: 51.3

POU Total Acres: 434.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 51.3 acres within the place of use described above in a single irrigation season.
2. Rights 36-7408 and 36-7603 when combined shall not exceed a total diversion rate of 1.15 cfs, a total annual maximum diversion volume of 401.5 af at the field headgate, and the irrigation of 100.4 acres.
3. Rights 36-7408, 36-7560 and 36-7603 when combined shall not exceed a total diversion rate of 4.19 cfs, a total annual maximum diversion volume of 1139.9 af at the field headgate, and the irrigation of 285 acres.
4. 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 lands above.
5. This right is combined with shares in the A & B Irrigation District, which are also delivered from a ground water source.

Transfer No. 84786

WATER RIGHT NO. 36-7408
As Modified by Transfer No. 84786

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
7. 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).
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. Place of use includes land in Tracts A, E, F, and G in Sec. 1 T. 9S R. 21E.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 36-7603
As Modified by Transfer No. 84786

In accordance with the approval of Transfer No. 84786, Water Right No. 36-7603 is now described as follows:

Right Holder: B BAR K LLC
 2809 E 550 S
 PAUL, ID 83347-5018

Priority Date: 1/29/1976

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	0.980 cfs	196.3 af
			0.980 cfs	196.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 1 Twp 09S Rge 21E JEROME 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	
09S	21E	1		21.0	37.0	32.0	24.0	20.0	38.0	40.0	40.0	30.0	1.0	11.0	32.0	36.0	39.0	33.0	434.0
				L 2			L 3	L 4											

Right Acre Limit: 49.1

POU Total Acres: 434.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 49.1 acres within the place of use described above in a single irrigation season.
2. Rights 36-7408 and 36-7603 when combined shall not exceed a total diversion rate of 1.15 cfs, a total annual maximum diversion volume of 401.5 af at the field headgate, and the irrigation of 100.4 acres.
3. Rights 36-7408, 36-7560 and 36-7603 when combined shall not exceed a total diversion rate of 4.19 cfs, a total annual maximum diversion volume of 1139.9 af at the field headgate, and the irrigation of 285 acres.
4. 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 lands above.
5. This right is combined with shares in the A & B Irrigation District, which are also delivered from a ground water source.

Transfer No. 84786

WATER RIGHT NO. 36-7603
As Modified by Transfer No. 84786

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
7. 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).
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. Place of use includes land in Tracts A, E, F, and G in Sec. 1 T. 9S R. 21E.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 36-7560
As Modified by Transfer No. 84786

In accordance with the approval of Transfer No. 84786, Water Right No. 36-7560 is now described as follows:

Right Holder: B BAR K LLC
 2809 E 550 S
 PAUL, ID 83347-5018

Priority Date: 3/3/1976

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	3.040 cfs	738.4 af
			3.040 cfs	738.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 1 Twp 09S Rge 21E JEROME 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	
09S	21E	1		21.0	37.0	32.0	24.0	20.0	38.0	40.0	40.0	30.0	1.0	11.0	32.0	36.0	39.0	33.0	434.0
				L 2			L 3	L 4											

Right Acre Limit: 184.6

POU Total Acres: 434.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 184.6 acres within the place of use described above in a single irrigation season.
2. Rights 36-7408, 36-7560 and 36-7603 when combined shall not exceed a total diversion rate of 4.19 cfs, a total annual maximum diversion volume of 1139.9 af at the field headgate, and the irrigation of 285 acres.
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 lands above.
4. This right is combined with shares in the A & B Irrigation District, which are also delivered from a ground water source.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

Transfer No. 84786

WATER RIGHT NO. 36-7560
As Modified by Transfer No. 84786

CONDITIONS OF APPROVAL

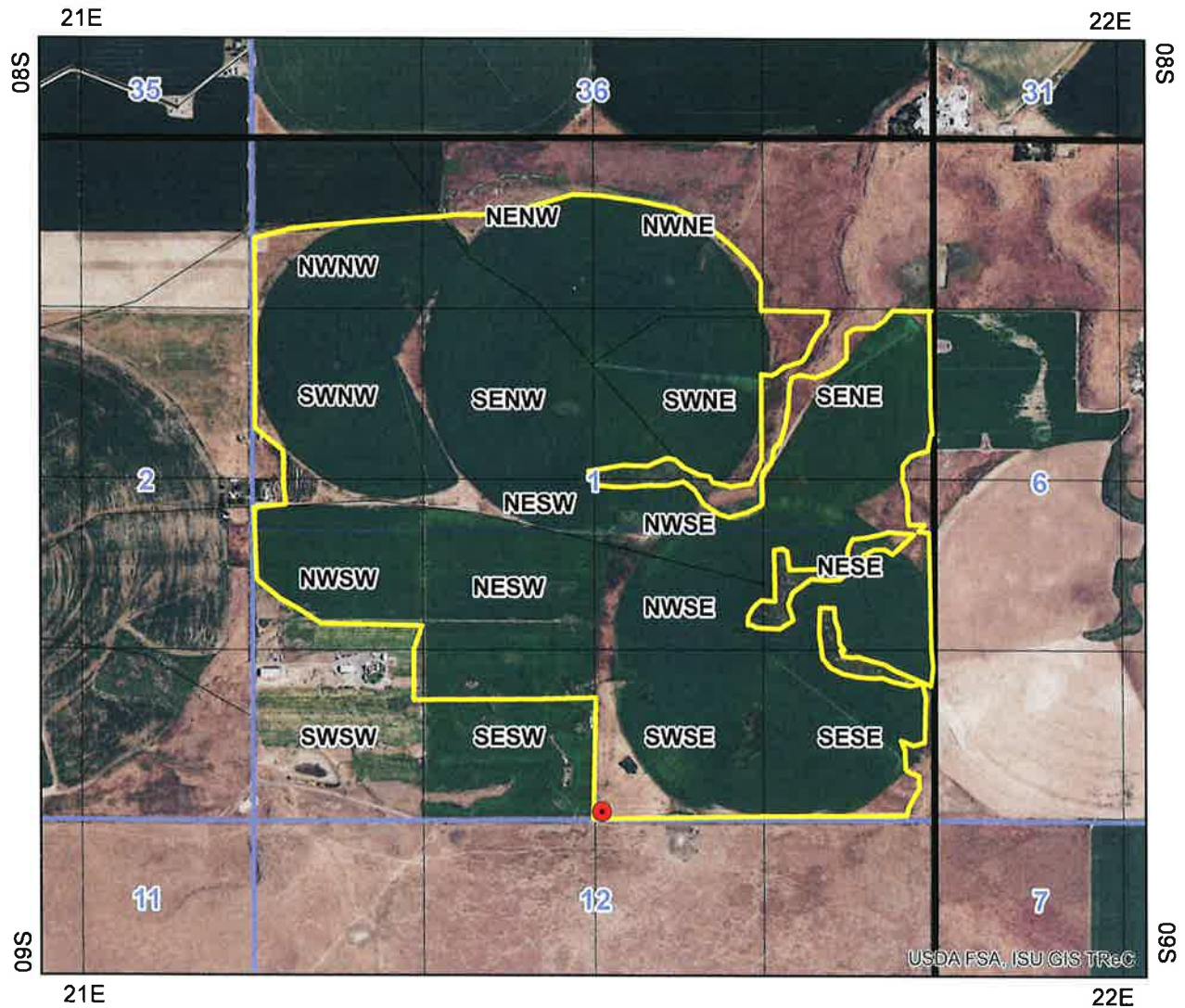
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. Place of use includes land in Tracts A, E, F, and G in Sec. 1 T. 9S R. 21E.
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 # 84786

36-7408, 36-7560, and 36-7603

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 0.15 0.3 0.6 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

May 3, 2021

B BAR K LLC
2809 E 550 S
PAUL ID 83347-5018

Re: Transfer No: 84786
Water Right No(s): 36-7408, 36-7560, 36-7603

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:

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

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 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.: 84786

Water Right No(s): 36-7408, 36-7560, 36-7603

B BAR K LLC
2809 E 550 S
PAUL ID 83347-5018

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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

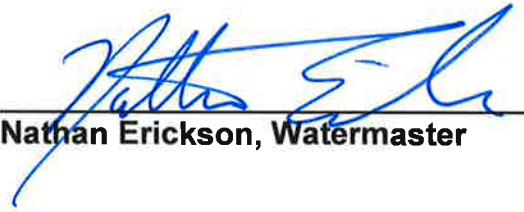
Transfer No: 84786
Water Right No: 36-7408, etc.
Applicant Name: B Bar K LLC

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: April 20, 2021

Water District 130


Nathan Erickson, Watermaster

* * 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 112857

Jenny Green
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 8 day of April 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 Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 04/01/2021, 04/08/2021

TOTAL AD COST: 151.59

FILED ON: 4/8/2021

✓ bm 4-16-2021

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84783

✓ BRENT FUNK and CHALET FUNK, 3202 N 3900 E, HANSEN, ID 83334-5204 has filed Application No. 84783 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-10693, 47-122, 47-124B, 47-138, 47-158, 47-162A, 47-17670, 47-17671, 47-17734, 47-17735, 47-17736, 47-1773-7, 47-17738, 47-17739, 47-17740, 47-17741, 47-17742, 47-17743, 47-2551. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a 366.0 acre Permissible Place of Use (PPU) for 19 irrigation water rights which currently divert 9.53 cfs from ground water and Rock Creek to irrigate 269.9 acres of farm ground. The transfer will also change/add existing points of diversion (POD) situated within the PPU so that after the transfer, each Rock Creek right will have the same two PODs from Rock Creek and each ground water right will have the same two PODs (wells). Post-transfer, the 19 rights will irrigate 269.9 acres within the 366.0 acre PPU located approximately 6.5 to 7.8 miles south and 0 to 0.8 miles east of Hansen.

TRANSFER NO. 84786

✓ B BAR K LLC, 2809 E 550 S, PAUL, ID 83347-5018 has filed Application No. 84786 for changes to the following water rights within JEROME County(s): Right No(s). 36-7408, 36-7560, 36-7603. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to change the point of diversion (POD) for three groundwater irrigation rights that allow for the diversion of 4.19 cfs and the irrigation of 285 acres within a 434 acre permissible place of use (PPU) on a farm located approximately 3.8 miles north and 8.1 miles west of Paul. The application proposes to change the authorized diversion location from two wells on a neighboring property just west of the farm to a new well to be drilled on the southern edge of the farm located approximately 3.8 miles north and 8.0 miles west of Paul.

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 19, 2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on April 1st & 8th, 2021

RECEIVED

APR 12 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION