STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84729

This is to certify that: BRIAN TUBBS AND
MICHELLE TUBBS
2086 E 3400 N
FILER, ID 83328-5646

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
47-17555	WR/DECREED	11/6/1961	2.990 cfs	652.4 af	N/A	163.1	GROUND WATER
47-17560	WR/DECREED	8/8/1954	1.360 cfs	596.4 af	149.1	163.1	GROUND WATER
47-17565	WR/DECREED	4/3/1961	0.180 cfs	94.3 af	75.5	163.1	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
47-17555	YES	YES	YES	NO	YES	YES
47-17560	YES	YES	YES	NO	YES	YES
47-17565	YES	YES	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-17555	47-17731	0.240 cfs	40.0 af	N/A	N/A	47-17555	2.750 cfs	599.2 af	N/A	149.8
47-17560	47-17732	0.110 cfs	36.7 af	N/A	N/A	47-17560	1.250 cfs	547.6 af	136.9	149.8
47-17565	47-17733	0.010 cfs	5.8 af	N/A	N/A	47-17565	0.170 cfs	86.6 af	69.3	149.8
COMBINED TOTALS		**0.240 cfs**	**40.0 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 19th day of April, 2021.

Southern Region Manager

SUPPORT DATA
IN FILE # 47-17555

Transfer No. 84729

WATER RIGHT NO. 47-17555

As Modified by Transfer No. 84729

In accordance with the approval of Transfer No. 84729, Water Right No. 47-17555 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 11/6/1961

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	2.750 cfs	599.2 af
				2.750 cfs	599.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 31 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	31			3.0	30.7								1.9	38.1	20.0	37.0	19.1	149.8

POU Total Acres: 149.8

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 2.75 cfs.
   Combined Right Nos.: 47-17555, 47-17560, 47-17565
2. The rights listed below are limited to a total combined annual diversion volume of 599.2 AF.
   Combined Right Nos.: 47-17555, 47-17560, 47-17565
3. Right Nos. 47-17555, 47-17560, and 47-17565 are limited to the irrigation of a combined total of 149.8 acres in a single irrigation season.
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. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. Use of this right is combined with water from Twin Falls Canal Co.

Transfer No. 84729

WATER RIGHT NO. 47-17555

As Modified by Transfer No. 84729

CONDITIONS OF APPROVAL

7. Pursuant to Section 42-1412(6), Idaho Code, 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. 47-17731

As Modified by Transfer No. 84729

In accordance with the approval of Transfer No. 84729, Water Right No. 47-17731 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 11/6/1961

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to	12/31	0.240 cfs	40.0 af
STOCKWATER	1 /1	to	12/31	0.240 cfs	40.0 af
				0.240 cfs	40.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 1	Twp 11S Rge 15E	TWIN FALLS County
GROUND WATER	SESE	Sec 1	Twp 11S Rge 15E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	15E	1														X	X	X	0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	15E	1														X	X	X	0.0

CONDITIONS OF APPROVAL

1. Rights 47-17731, 47-17732, and 47-17733 when combined shall not exceed a total diversion rate of 0.24 cfs and a total annual maximum diversion volume of 40.0 af.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

WATER RIGHT NO. 47-17731

As Modified by Transfer No. 84729

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Pursuant to Section 42-1412(6), Idaho Code, 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. 47-17560

As Modified by Transfer No. 84729

In accordance with the approval of Transfer No. 84729, Water Right No. 47-17560 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 8/8/1954

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	1.250 cfs	547.6 af
				1.250 cfs	547.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 31 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	31			3.0	30.7								1.9	38.1	20.0	37.0	19.1	149.8

Right Acre Limit: 136.9
POU Total Acres: 149.8

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate 2.75 cfs. Combined Right Nos.: 47-17555, 47-17560, 47-17565
2. The rights listed below are limited to a total combined annual diversion volume of 599.2 af. Combined Right Nos.: 47-17555, 47-17560, 47-17565
3. Right Nos. 47-17555, 47-17560, 47-17565 are limited to the irrigation of a combined total of 149.8 acres in a single irrigation season.
4. Right 47-17560 is limited to the irrigation of 136.9 acres within the place of use described above in a single irrigation season.
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 lands above.
6. Use of this right is combined with water from Twin Falls Canal Co.

Transfer No. 84729

WATER RIGHT NO. 47-17560

As Modified by Transfer No. 84729

CONDITIONS OF APPROVAL

7. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

8. Pursuant to Section 42-1412(6), Idaho Code, 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. 47-17732

As Modified by Transfer No. 84729

In accordance with the approval of Transfer No. 84729, Water Right No. 47-17732 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 8/8/1954

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to	12/31	0.110 cfs	36.7 af
STOCKWATER	1 /1	to	12/31	0.110 cfs	36.7 af
				0.110 cfs	36.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 1	Twp 11S Rge 15E	TWIN FALLS County
GROUND WATER	SESE	Sec 1	Twp 11S Rge 15E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	15E	1														X	X	X	0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	15E	1														X	X	X	0.0

CONDITIONS OF APPROVAL

1. Rights 47-17731, 47-17732, and 47-17733 when combined shall not exceed a total diversion rate of 0.24 cfs and a total annual maximum diversion volume of 40.0 af.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

WATER RIGHT NO. 47-17732

As Modified by Transfer No. 84729

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Pursuant to Section 42-1412(6), Idaho Code, 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. 47-17565

As Modified by Transfer No. 84729

In accordance with the approval of Transfer No. 84729, Water Right No. 47-17565 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 4/3/1961

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.170 cfs	86.6 af
				0.170 cfs	86.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 31 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	31			3.0	30.7								1.9	38.1	20.0	37.0	19.1	149.8

Right Acre Limit: 69.3
POU Total Acres: 149.8

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 2.75 cfs. Combined Right Nos.: 47-17555, 47-17560, 47-17565
2. The rights listed below are limited to a total combined annual diversion volume of 599.2 af. Combined Right Nos.: 47-17555, 47-17560, 47-17565
3. Right Nos. 47-17555, 47-17560, 47-17565 are limited to the irrigation of a combined total of 149.8 acres in a single irrigation season.
4. Right 47-17565 is limited to the irrigation of 69.3 acres within the place of use described above in a single irrigation season.
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 lands above.
6. Use of this right is combined with water from Twin Falls Canal Co.

Transfer No. 84729

WATER RIGHT NO. 47-17565

As Modified by Transfer No. 84729

CONDITIONS OF APPROVAL

7. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

8. Pursuant to Section 42-1412(6), Idaho Code, 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. 47-17733

As Modified by Transfer No. 84729

In accordance with the approval of Transfer No. 84729, Water Right No. 47-17733 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 4/3/1961

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to	12/31	0.010 cfs	5.8 af
STOCKWATER	1 /1	to	12/31	0.010 cfs	5.8 af
				0.010 cfs	5.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 1	Twp 11S Rge 15E	TWIN FALLS County
GROUND WATER	SESE	Sec 1	Twp 11S Rge 15E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	15E	1														X	X	X	0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	15E	1														X	X	X	0.0

CONDITIONS OF APPROVAL

1. Rights 47-17731, 47-17732, and 47-17733 when combined shall not exceed a total diversion rate of 0.24 cfs and a total annual maximum diversion volume of 40.0 af.
2. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

WATER RIGHT NO. 47-17733

As Modified by Transfer No. 84729

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

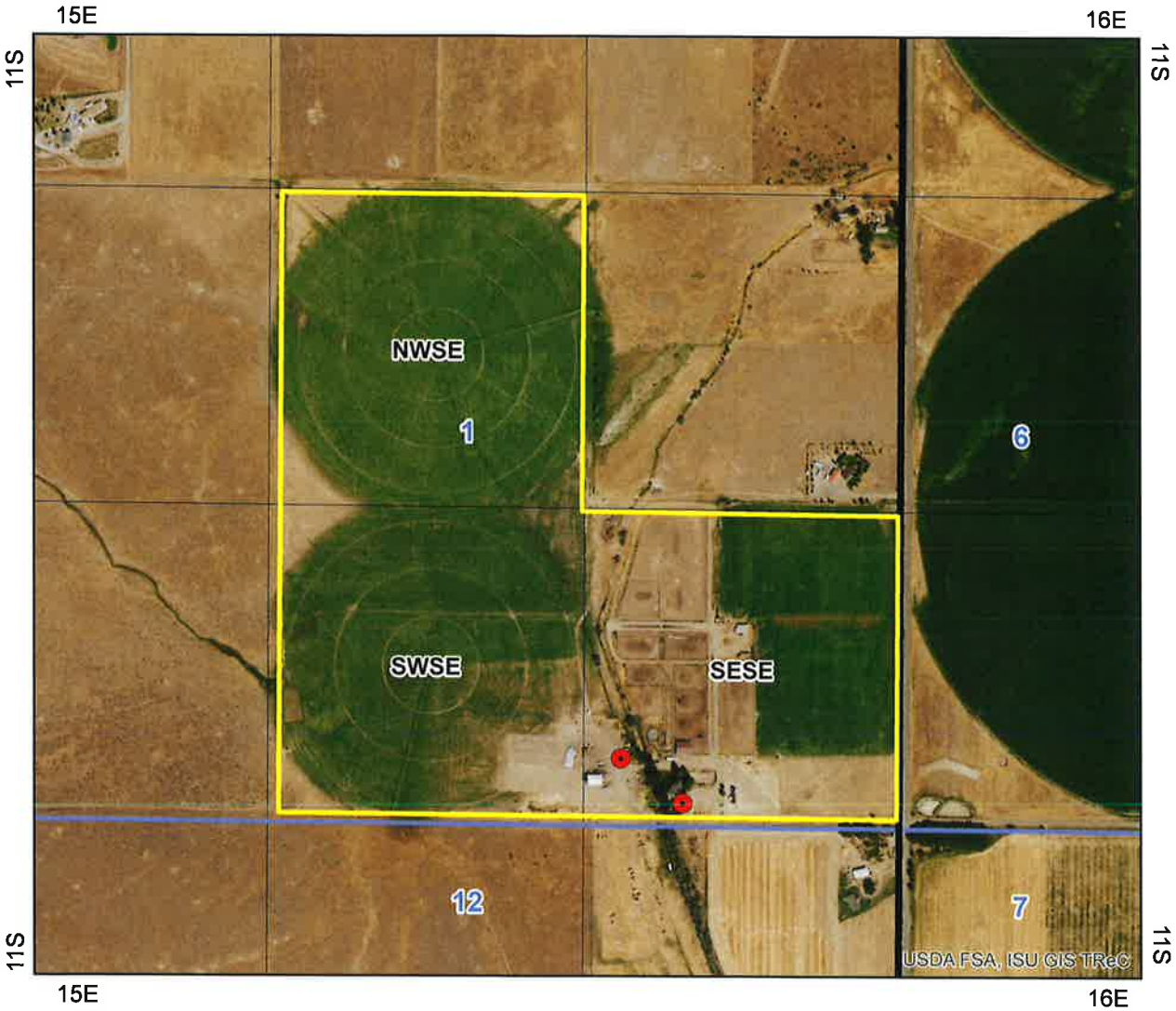
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer # 84729

47-17731, 47-17732, and 47-17733

This map depicts the STOCKWATER & COMMERCIAL 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 0.075 0.15 0.3 Miles

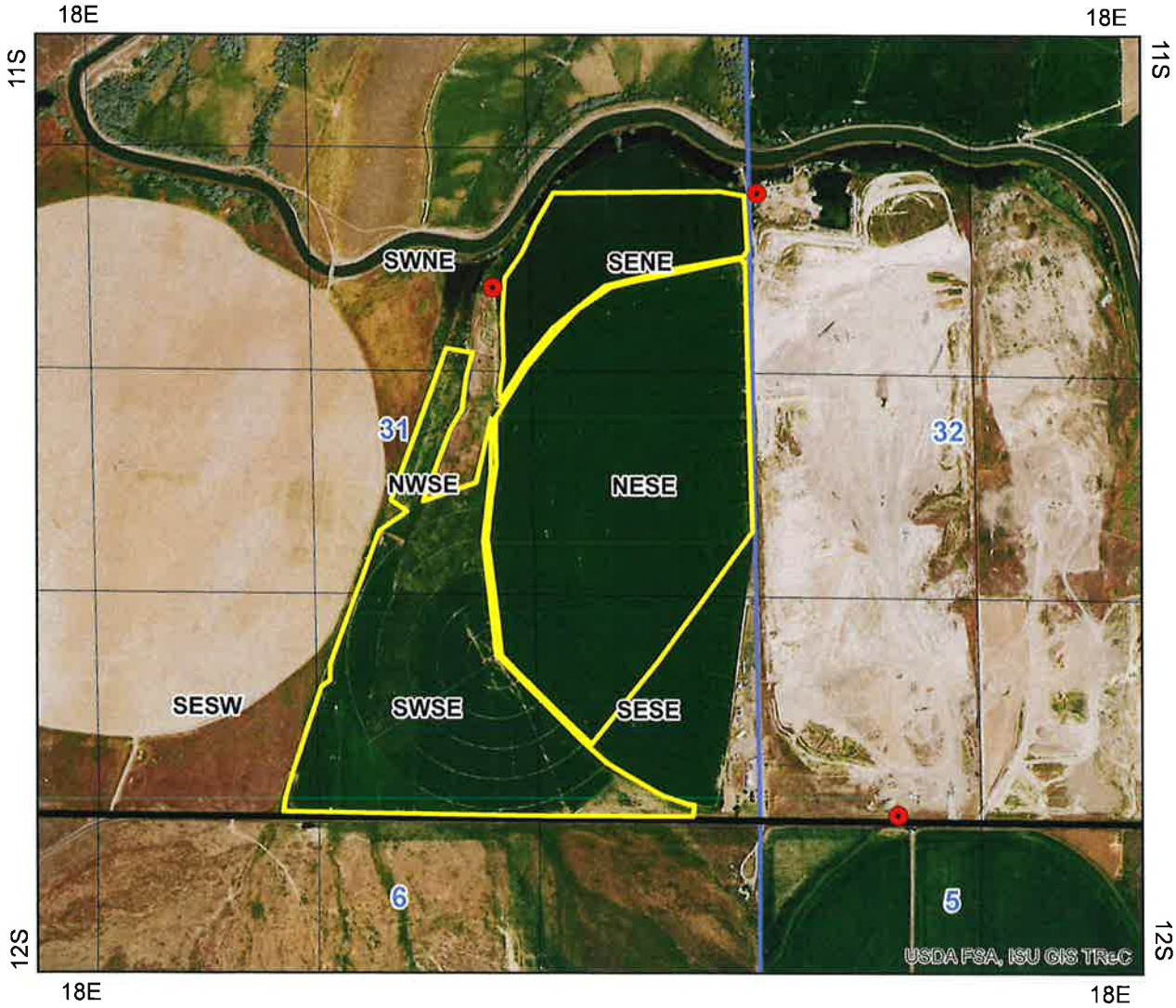
N

State of Idaho
Department of Water Resources

Attachment to Transfer # 84729

47-17555, 47-17560, and 47-17565

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 0.125 0.25 0.5 Miles

N

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

April 20, 2021

BRIAN TUBBS
MICHELLE TUBBS
2086 E 3400 N
FILER ID 83328-5646

Re: Transfer No: 84729
Water Right No(s).: 47-17555, 47-17560, 47-17565

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:

SNAKE RIVER MANAGEMENT INC
STAN HAYE
4875 W ATHENS CT
EAGLE ID 83616

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY ID 83341

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 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.: 84729
Water Right No(s).: 47-17555, 47-17560, 47-17565

BRIAN TUBBS
MICHELLE TUBBS
2086 E 3400 N
FILER ID 83328-5646

SNAKE RIVER MANAGEMENT INC
STAN HAYE
4875 W ATHENS CT
EAGLE ID 83616

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY ID 83341

Denise Maline

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: April 6, 2021

To: Transfer 84729 File

From: Benny Walker

Re: Evaluation of Sufficiency of Information Submitted

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 93/30 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.
The irrigation to commercial and stockwater use conversion was based on an acre to volume conversion factor of 3.02 af/acre taken from the University of Idaho crop consumptive volumes for alfalfa for 13.3 acres for the Twin Falls area. This was based on information received from the USDA that alfalfa was being grown on the farm. The wells involved with the transfer are located outside the ESPA smooth model boundary area so a ground water model analysis is not required. The three-groundwater rights, 47-17555, 47-17560, and 47-17565 involved with the transfer all include a condition indicating that they are combined with Twin Falls Canal Company water. However, the application includes a letter from the Twin Falls Canal Company indicating the limited number and specific locations of shares on the original place of use. Note that the three groundwater rights, involved with the transfer allow for the total irrigation of 163.1 acres and that the letter from the canal company indicates that there are only 100 shares of water on these 163.1 acres. Further more, the canal company letter also identifies the specific lands that these 100 shares are appurtenant to. Note that the 13.3 acre portion of the three groundwater rights proposed to be transferred does not overlap the specific lands that the 100 canal company shares are appurtenant to. It should also be noted that the Department has previously approved similar types of transfers in the past involving portions of these same three groundwater rights. The application was subject to notice and protest and no protest were received.

- **Authority to File:**
  The application includes a copy of a contract for sale of water rights from the current listed owner of the rights being transferred, agreeing to sell and transfer the portion of the water rights being transferred to the applicant. This document was signed by the current owner of the rights and the owner of the new place of use. The application also includes a copy of a warranty deed showing that the applicant owns the proposed place of use.

- **Water Right Validity:**
  Rights 47-17555, 47-17560 and 47-17565 were decreed in 2009. Current aerial photography indicates that these rights appear to have been used in recent years. Therefore forfeiture does not appear to be an issue.

- **Injury to Other Water Rights:**
  None anticipated.

- **Enlargement of Use:**
  None anticipated. Transfer will result in a reduction in the maximum allowed diversion volume.

- **Local Public Interest:**
  No negative impacts anticipated. Application was subject to public notice and protest no protest were received

- **Beneficial Use/Conservation of Water Resources:**
  Proposed uses are recognized as beneficial uses of water

- **Effect on Economy of the Local Area:**
  None anticipated.

- **Effect of the Agricultural Base of the Local 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

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
DEPT OF WATER RESOURCES
SOUTHERN REGION

Section: Legals
Category: 50 Legal
PUBLISHED ON: 03/18/2021, 03/25/2021

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 1.2cfs & 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

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