

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84252**

This is to certify that: GOULD FEEDER PROPERTIES LLC AND
RESERVE RIDGE LLC
909 N ROBINSON BLVD
NAMPA, ID 83687-9511

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>
67-14239	WR/DECREED	12/31/1967	0.230 cfs	14.0 af	N/A	N/A	GROUND WATER
67-8046	WR/LICENSE	11/15/1999	0.250 cfs	26.8 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
67-14239	NO	NO	NO	YES	NO	NO
67-8046	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
67-14239	67-14239	0.230 cfs	14.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
67-8046	67-8046	0.250 cfs	26.8 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.480 cfs	40.8 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 17th day of December, 2020.

for, *[Signature]*
Chief, Water Allocation Bureau

Transfer No. 84252

WATER RIGHT NO. 67-8046**As Modified by Transfer No. 84252**

In accordance with the approval of Transfer No. 84252, Water Right No. 67-8046 is now described as follows:

Right Holder: GOULD FEEDER PROPERTIES LLC AND
RESERVE RIDGE LLC
909 N ROBINSON BLVD
NAMPA, ID 83687-9511

Priority Date: 11/15/1999

Source: GROUND WATER

BENEFICIAL USE

STOCKWATER

From

01/01

To

to 12/31

Diversion Rate

0.250 cfs

0.250 cfs

Diversion Volume

26.8 af

26.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESW

Sec 36 Twp 11N Rge 05W WASHINGTON County

GROUND WATER

SESW

Sec 36 Twp 11N Rge 05W WASHINGTON County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	36												X					

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
3. The place of stockwater use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the feedlot as authorized by this water right.

Transfer No. 84252

WATER RIGHT NO. 67-8046
As Modified by Transfer No. 84252

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 67-14239
As Modified by Transfer No. 84252

In accordance with the approval of Transfer No. 84252, Water Right No. 67-14239 is now described as follows:

Right Holder: GOULD FEEDER PROPERTIES LLC AND
 RESERVE RIDGE LLC
 909 N ROBINSON BLVD
 NAMPA, ID 83687-9511

Priority Date: 12/31/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	01/01	to 12/31	0.230 cfs	14.0 af
			0.230 cfs	14.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 36 Twp 11N Rge 05W WASHINGTON County
GROUND WATER	SESW	Sec 36 Twp 11N Rge 05W WASHINGTON County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	36												X					

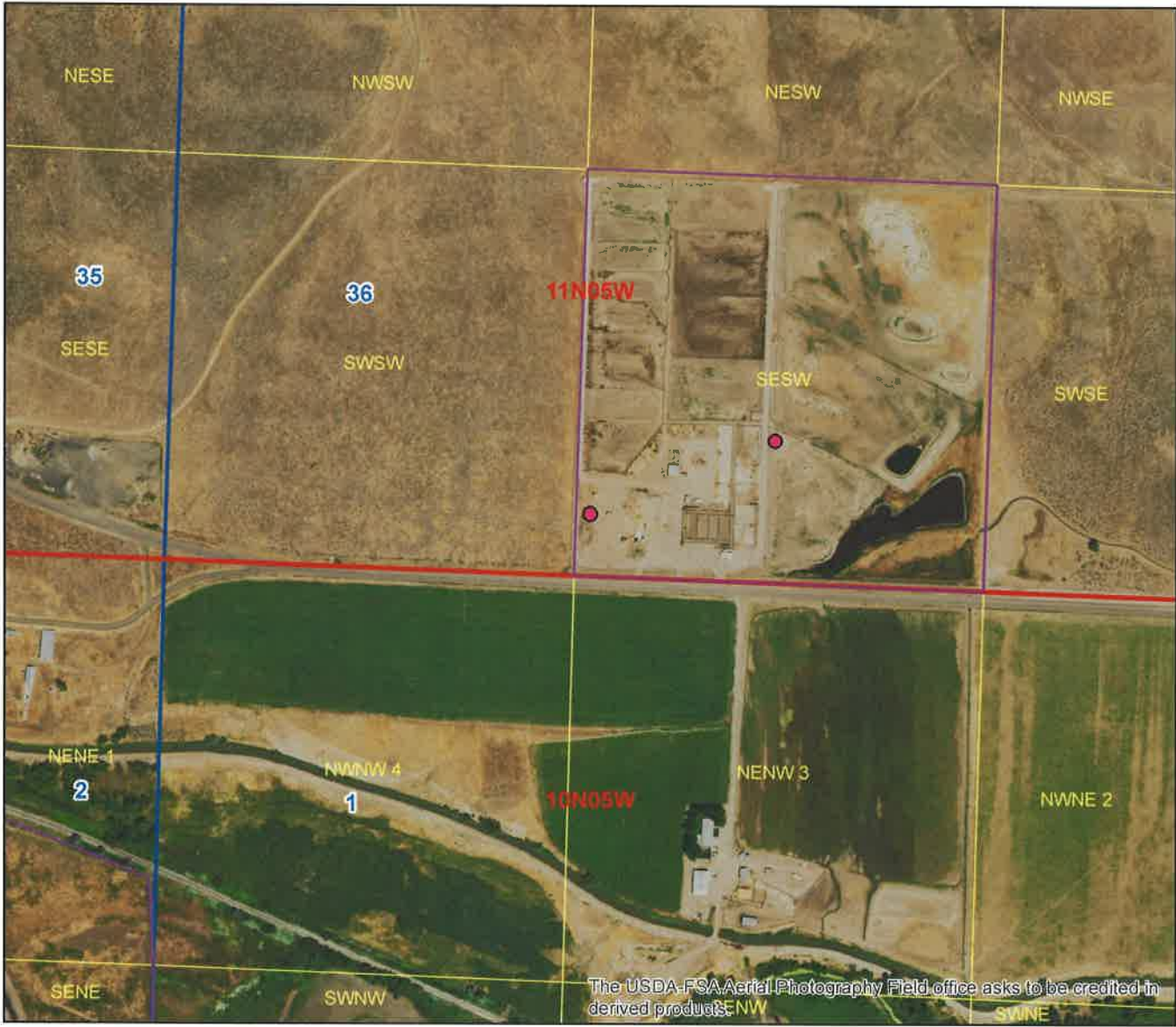
CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.

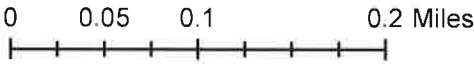
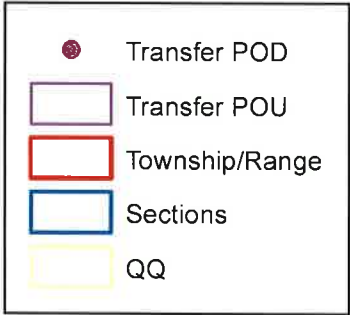
Transfer No. 84252

State of Idaho
Department of Water Resources
Attachment to Transfer No. 84252
Water Right(s): 67-8046 & 67-14239

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



AMENDED

Transfer No. 84252

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☐ undergone a period of five or more consecutive years of non-use,
☐ ☐ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☐ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☐ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

John Hepton (Member Reserve Rider) 11/23/2020
Print name and title if applicable Date

Signature of applicant or authorized agent

Torrell Gould (Member Gould Feeder) 11/23/2020
Print name and title if applicable Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8, require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4; the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Fee paid \$225.00 \$225.00 = \$550.00 Date 11/30/2020

Received by CS Date 11/30/2020

Received by CS Receipt # W048913 + C109031

Preliminary review by JS Date 12/14/20 Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

AMENDED

RECEIVED

JUL 21 2020

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 17 2020

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Reserve Ridge LLC (75%) & Gould Feeder Properties LLC (25%) Phone 208-936-84462. **MAILING ADDRESS** 909 Robinson Blvd City NampaState ID Zip 83687 Email joelenegould@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 67-8046

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is .25 cubic feet per second and/or 0 acre-feet per annum.
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Tw	Rge	County	Source	Local name or tag #
No			SE	SW	36	11N	05W	Washington	Existing Well	
Yes			SE	SW	36	11N	05W	Washington	Proposed Well	

84252

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Addition of a new well to utilize the full water right - power records will be made available as a means of measuring device.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

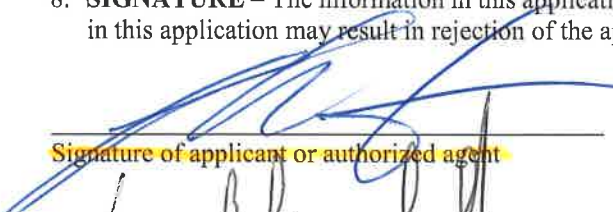
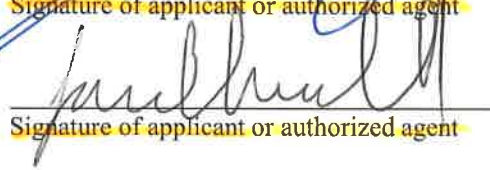
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

 Signature of applicant or authorized agent	John Hepton (Member Reserve Ridge) Print name and title if applicable	7/14/2020 Date
 Signature of applicant or authorized agent	Jared Gould (Member Gould Feeder Properties) Print name and title if applicable	7/14/2020 Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by Ku Date 7-17-2020
Fee paid \$225 Date 7-17-2020 Received by Ku Receipt # C109031
Preliminary review by [Signature] Date 10/21/20 Active in the Water Supply Bank? Yes ☐ No ☒
W-9 received? Yes ☐ No ☒ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)



Instrument 41009
STATE OF IDAHO COUNTY OF WASHINGTON
2020-05-01 03:58:15 PM No. of Pages: 1
Recorded for: AMERITITLE - WEISER
DONNA ATWOOD Fee: \$15.00
Ex-Officio Recorder Deputy MMcConnell
Index To: DEED
Electronically Recorded by Simplifile

WARRANTY DEED

Order No.: 369954AM

FOR VALUE RECEIVED

Carl Bruce Kerner aka Carl B. Kerner, an unmarried man

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Reserve Ridge, LLC, an Idaho limited liability company, un undivided 75% and Gould Feeder Properties, LLC, an Idaho limited liability company, un undivided 25%

whose current address is:
909 Robinson Blvd
Nampa, ID 83687

the grantee(s), the following described premises, in Washington County, Idaho,
TO WIT:

IN TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

SECTION 36: The Southeast quarter of the Southwest quarter, SAVE AND EXCEPT that portion conveyed to Washington County in Deed recorded April 14, 1936 in Book 54, page 622, Instrument No. 56942, Official Records.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 5-1-2020

Carl Bruce Kerner
Carl Bruce Kerner

State of Idaho } ss
County of Washington}

On this 1 day of May, 2020, before me, Nancy I. Lazaro a Notary Public in and for said state, personally appeared Carl Bruce Kerner, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Nancy I. Lazaro
Notary Public for the State of Idaho
Residing at: Weiser, ID
Commission Expires: 10/9/2025



WATER RIGHT REPORT

Close

7/14/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 67-8046

Owner Type Name and Address

Current Owner BRUCE KERNER

Current Owner JULIE KERNER

1819 WEISER RIVER RD

WEISER, ID 83672

2085492174

Priority Date: 11/15/1999

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

STOCKWATER 01/01 12/31 0.25 CFS 26.8 AFA

Total Diversion 0.25 CFS 26.8 AFA

Location of Point(s) of Diversion:

GROUND WATER SESW Sec. 36 Township 11N Range 05W WASHINGTON County

STOCKWATER Use:

Number of stock: 2000

Place(s) of use:

Place of Use Legal Description: STOCKWATER WASHINGTON County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

11N 05W 36 SESW

Conditions of Approval:

1. 01M 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 103 When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

3. WD8 The place of stockwater use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the feedlot as authorized by this water right.

Dates:

Licensed Date: 02/18/2004

Decreed Date:

Permit Proof Due Date: 3/1/2001

Permit Proof Made Date: 6/28/2000

Permit Approved Date: 3/10/2000

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 11/15/1999

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: And/Or

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

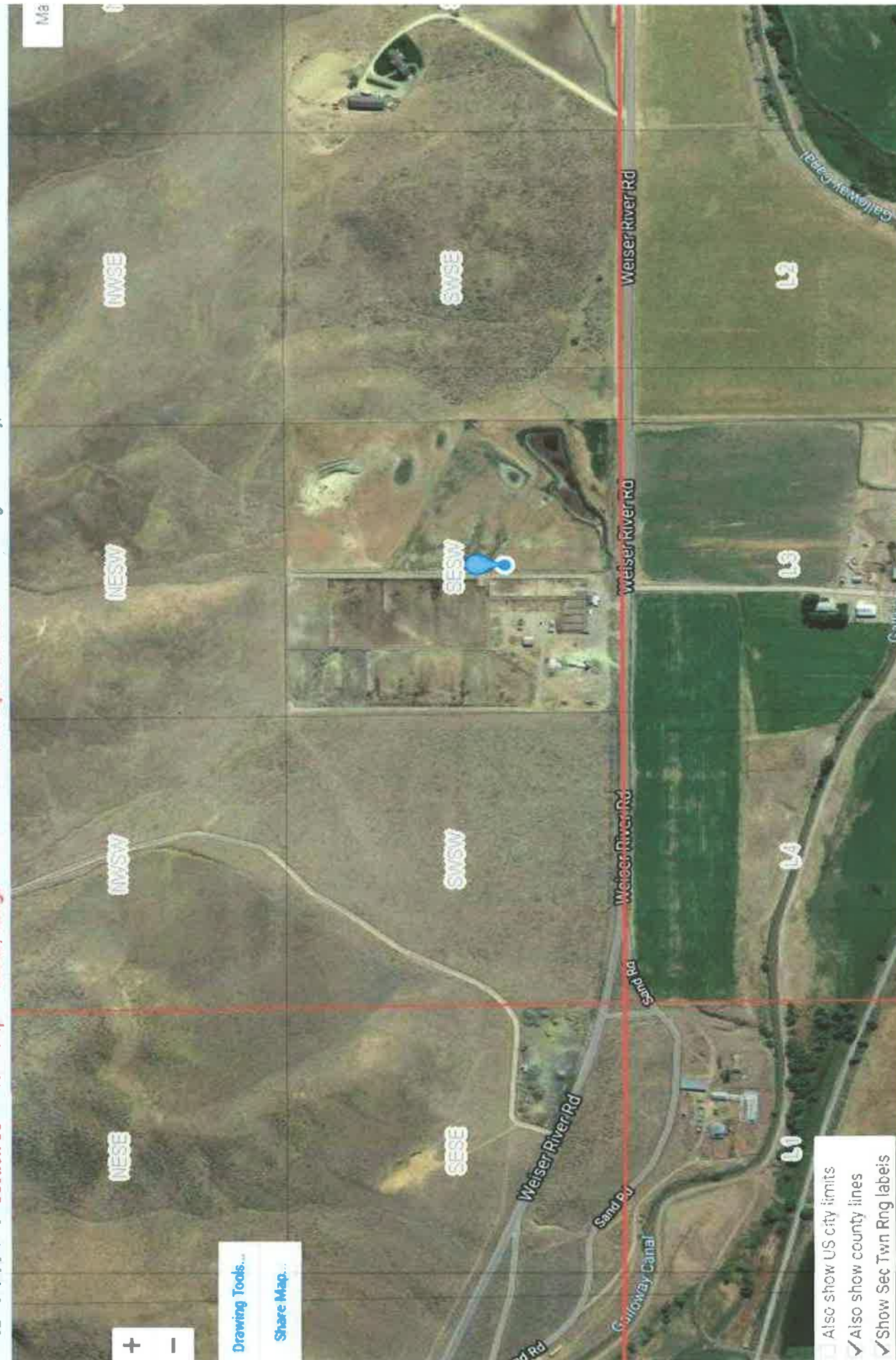
Cary Act Number:

Mitigation Plan: False

Existing Well Location

Search places

SE 1/4 of the SW 1/4 of Section 36 Township 11 North, Range 5 West Boise Principal Meridian Washington County, Idaho Long Lat: N 16 8849, 44 2430

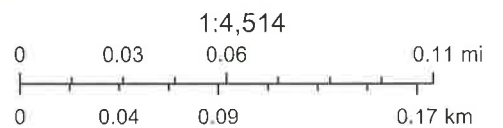


Place of Use & Diversion



7/8/2020, 12:58:29 PM

- Wells
- Administrative Regions
- Counties



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Section Township Range on Google Maps

Search places

Proposed New Well Location

SE 1/4 of the SW 1/4 of **Section 36** **Township 11 North, Range 5 West** **Boise Principal Meridian** **Washington County, Idaho** **Long Lat: -110.8872 44**



+
-
Drawing Tools...
Share Map...



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

December 17, 2020

RESERVE RIDGE LLC
909 N ROBINSON BLVD
NAMPA ID 83687-9511

GOULD FEEDER PROPERTIES LLC
909 N ROBINSON BLVD
NAMPA ID 83687-9511

RE: Transfer No: 84252
Water Right No(s): 67-8046, 67-14239

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 concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,



Lynne Evans

cc: Patrick Kelly
Water Rights Supervisor

Enclosure(s)

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.

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2020 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.: 84252

Water Right No(s): 67-8046, 67-14239

RESERVE RIDGE LLC
909 N ROBINSON BLVD
NAMPA ID 83687-9511

GOULD FEEDER PROPERTIES LLC
909 N ROBINSON BLVD
NAMPA ID 83687-9511



Lynne Evans
Office Specialist II

MEMORANDUM

TO: Transfer No. 84252
FROM: Justin Shearer
DATE: 12/14/2020
RE: Evaluation of Application

The transfer proposes to add a point of diversion (proposed well) in order to more fully utilize water rights 67-8046 & 67-14239. Additionally, this transfer intends to effectively change ownership of the right from Bruce and Julie Kerner to Reserve Ridge LLC and Gould Feeder Properties LLC.

The site is approximately 0.9 miles west of Jeffery's School in Weiser, ID on Weiser River Rd.

Contact persons for the applicant is John Hepton (Member Reserve Ridge) and Jared Gould (Member of Gould Feeder Properties).

Summary of Information Submitted

Authority to File:

Reserve Ridge LLC and Gould Feeder Properties LLC are the current property owners. Current water right owners are Bruce and Julie Kerner. However, this transfer provides notice of change in ownership for water right 67-8046 from the Kerners to joint ownership of the right by Reserve Ridge LLC and Gould Feeder Properties LLC. Both companies are listed as presiding owners of the property appurtenant to the Place of Use (POU) and Point of Diversion (POD). John Hepton (Reserve Ridge LLC) and Jared Gould (Gould Feeder Properties LLC) have authority to sign on behalf of their respective companies.

Water Right Validity:

Water right 67-8046 is a licensed right, issued on February 18, 2004. Water right 67-14239 is a decreed right, decreed October 20, 2008. Department records show the rights are valid and have not been lost by forfeiture or partial forfeiture. Recent beneficial use within the previous, consecutive, five-year period was confirmed via aerial imagery, and GIS ArcMap tools. No defense of forfeiture is needed. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Overlap Analysis:

Overlap analysis of the existing POD shows no overlap. Proposed POD's demonstrate POD overlap for these two rights. Overlap analysis of the POU which is not proposed to change shows stockwater rights 67-8046 and 67-14239 overlap for their current and proposed POU.

Injury to Other Water Rights:

Injury to other water rights is not likely as a result of this transfer. The application does not intend to increase the amount stock watered or the amount of water to be diverted. The transfer proposes adding an additional groundwater POD for added diversion flexibility. Thus, the amount of water available to other water rights is not expected to be reduced as a result of adding an additional POD to this right. Because the water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connector source or affect other water rights, review of the transfer application found no cause to require public notice. The right is not within a Groundwater Management Area, Critical Groundwater Area, or other Areas of concern.

Enlargement of Use:

The transfer proposed does not increase the amount of water that has been historically used by adding the additional intended POD. There is no increase to diversion rate, or volume proposed by this transfer. The period of use will not be changed as a result of this transfer. The nature of use of the water right will not be altered by this transfer. For these reasons, an enlargement of use is not anticipated as a result of this transfer.

Local Public Interest:

There are no anticipated impacts to recreation, fish, or wildlife as a result of this transfer complies with applicable water and hazardous substance standards designed to protect the public water resource. The proposed transfer would comply with local and state government regulations, zoning ordinances, and policies. This transfer is compatible with the objectives and policies of the State Water Plan. For these reasons, this transfer should be considered in favor of local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

I updated the POD shape for the existing well based on the map submitted with the transfer. No information on which of the two wells in the QQ pertains to the existing POD for this right so the well shape was left as a centroid and not linked to the same spatial data point as the revised POD shape for the existing POD. If approved the following changes should be made to the conditions : Add standard transfer conditions T07 and T08. Add condition 046 to comply with well drilling standards. Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.