

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84223**

This is to certify that: **SANDRA L LOVE**
2392 E 3600 S
JEROME, ID 83338-4010

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>
36-16186	WR/DECREED	10/28/1977	0.020 cfs	5.2 af	1.3	5.1	GROUND WATER
36-16188	WR/DECREED	8/10/1973	0.070 cfs	14.8 af	3.7	5.1	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>
36-16186	NO	YES	NO	NO	NO	NO
36-16188	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>
36-16186	36-16186	0.020 cfs	5.2 af	1.3	5.0	N/A	N/A	N/A	N/A	N/A
36-16188	36-16188	0.070 cfs	14.8 af	3.7	5.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.090 cfs	20.0 af	5.0	5.0		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 10th day of November, 2020.



Southern Region Manager

SUPPORT DATA

IN FILE # 36-16186

Transfer No. 84223

WATER RIGHT NO. 36-16186**As Modified by Transfer No. 84223**

In accordance with the approval of Transfer No. 84223, Water Right No. 36-16186 is now described as follows:

Right Holder: SANDRA L LOVE
2392 E 3600 S
JEROME, ID 83338-4010

Priority Date: 10/28/1977

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	0.020 cfs	5.2 af
			0.020 cfs	5.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESE Sec 31 Twp 08S Rge 16E GOODING 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	
08S	16E	31																5.0	5.0

Right Acre Limit: 1.3

POU Total Acres: 5.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.3 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16186 and 36-1688 when combined shall not exceed a total diversion rate of 0.09 cfs, a total annual maximum diversion volume of 20.0 af at the field headgate, and the irrigation of 5.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 130.
4. 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).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 84223

WATER RIGHT NO. 36-16186
As Modified by Transfer No. 84223

CONDITIONS OF APPROVAL

6. Use of this right is combined with water from North Side Canal Co., Ltd.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-16188**As Modified by Transfer No. 84223**

In accordance with the approval of Transfer No. 84223, Water Right No. 36-16188 is now described as follows:

Right Holder: SANDRA L LOVE
2392 E 3600 S
JEROME, ID 83338-4010

Priority Date: 8/10/1973

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	0.070 cfs	14.8 af
			0.070 cfs	14.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESE Sec 31 Twp 08S Rge 16E GOODING County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	16E	31																5.0	5.0

Right Acre Limit: 3.7

POU Total Acres: 5.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.7 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16186 and 36-1688 when combined shall not exceed a total diversion rate of 0.09 cfs, a total annual maximum diversion volume of 20.0 af at the field headgate, and the irrigation of 5.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 130.
4. 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).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 84223

WATER RIGHT NO. 36-16188

As Modified by Transfer No. 84223

CONDITIONS OF APPROVAL

6. Use of this right is combined with water from North Side Canal Co., Ltd.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 84223
36-16186 & 36-16188

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 0.035 0.07 0.14 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

November 27, 2020

SANDRA L LOVE
2392 E 3600 S
JEROME ID 83338-4010

Re: Transfer No: 84223
Water Right No(s): 36-16186, 36-16188

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

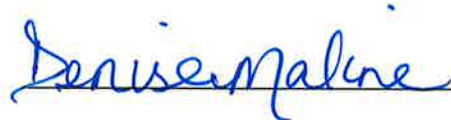
CERTIFICATE OF SERVICE

I hereby certify that on November 27, 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.: 84223
Water Right No(s): 36-16186, 36-16188

SANDRA L LOVE
2392 E 3600 S
JEROME ID 83338-4010

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.

Sufficiency Memorandum

Date: October 30, 2020
To: Transfer 84223 File
From: Benny Walker
Re: Transfer Synopsis

Application for transfer proposes to change the point of diversion for a portion of two ground water rights with a combined total diversion of 0.09 cfs and the irrigation of 5.0 acres to an existing well on the applicants' property. The current authorized point of diversion is located approximately 2.0 miles south and 5.0 miles west of the city of Jerome. The proposed new location of the existing well and the 5.0 acres of irrigation is located approximately 2.9 miles south and 5.1 miles west of the city of Jerome. The application also proposes to change the ownership of the two water rights to the applicant.

The rights involved with the application are located within Water District #130. Therefore watermaster comments were solicited. The watermaster gave his consent. The application was subject to notice and protest. No protests were received. The wells involved in the transfer are in adjacent cells, therefore a model analysis was not required.

- **Authority to File:**
The applicant submitted the necessary deed conveying ownership.
- **Water Right Validity:**
The water rights involved in the transfer were decreed in 2001. Aerial photography indicates that the land has been irrigated in recent years.
- **Injury to Other Water Rights:**
None anticipated. The application proposes to change the point of diversion to an existing well on the applicants' property. Watermaster comments were solicited and the watermaster does not oppose approval of this application.
- **Enlargement of Use:**
None anticipated. There is no change proposed for the place of use.
- **Local Public Interest:**
No negative impacts anticipated. The application was subject to notice and protest and no protests were received.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use 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 106601

Jenny Green
(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 8 day of October in the year of 2020 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 Wismore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-2026

Section: Legals

Category: 50 Legal

PUBLISHED ON: 10/01/2020, 10/08/2020

TOTAL AD COST: 224.34

FILED ON: 10/8/2020

RECEIVED

OCT 15 2020

DEPT. OF WATER RESOURCES
SOUTHERN REGION

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84223**

SANDRA L LOVE, 2392 E 3600 S, JEROME, ID 83338-4010 has filed Application No. 84223 for changes to the following water rights within GOODING County(s): Right No(s). 36-16186, 36-16188. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion for a portion of two ground water rights with a combined total diversion of 0.09 cfs and the irrigation of 5.0 acres to an existing well on the applicants' property. The current authorized point of diversion is located approximately 2.2 miles south and 5.0 miles west of the center of the city of Jerome. The location of the existing well and the 5.0 acres of irrigation is located approximately 2.9 miles south and 5.1 miles west of the center of the city of Jerome. The application also proposes to change the ownership of the two water rights to the applicant.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84383**

TRUE WEST BEEF LLC, 1555 W SHORELINE DR STE 320, BOISE, ID 83702-9109 has filed Application No. 84383 for changes to the following water rights within JEROME County(s): Right No(s). 36-14617, 36-2283. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion, place of use, nature of use and period of use for a 264.6 acre portion (3.5 cfs) of two combined irrigation ground water rights that are both currently diverted from the same well. Current place of use and point of diversion are located approximately 4.0 to 4.8 miles east and 1.0 to 1.6 miles north of the city center of Jerome. The proposed change of nature of use will be from irrigation to industrial use for a new beef processing facility to be located at the current irrigation place of use. The application proposes diverting from two proposed wells to be drilled adjacent to the facility. Application also proposes reuse of the industrial water by land applying in a permissible place of use (PPU) proposed in companion transfer #84385. Proposed PPU will be located approximately 4.0 to 6.8 miles east and 0.9 to 2.2 miles north of the city center of Jerome.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84385**

TRUE WEST BEEF LLC, 1555 W SHORELINE DR STE 320, BOISE, ID 83702-9109 has filed Application No. 84385 for changes to the following water rights within JEROME County(s): Right No(s). 36-14617, 36-16951, 36-2283, 36-2386, 36-2608. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes modifying a 1.5 cfs and 113.4 acre portion of two irrigation ground water rights diverted from an existing well on a farm located approximately 4.0 to 4.8 miles east and 1.0 to 1.6 miles north of the city center of Jerome and three irrigation ground water rights (11.68 cfs and 575.2 acres total) diverted from two existing wells on a second farm located approximately 5.7 miles to 6.8 miles east and 0.9 to 2.2 miles north of the city center of Jerome. The application proposes utilizing the five rights for the total irrigation of 688.6 acres within a proposed 946 acre permissible place of use (PPU) to be located approximately 4.0 to 6.8 miles east and 0.9 to 2.2 miles north of the city center of Jerome. The application also proposes to allow for the diversion of any of the five rights from any of the three existing irrigation wells located within the proposed PPU.

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 October 19, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on October 1st & 8th, 2020

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 84223
Water Right No: 36-16186, 36-16188
Applicant Name: Sandra L Love

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: September 29, 2020

Water District 130



Nathan Erickson, Watermaster