

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84381**

This is to certify that: RUBEN ASUMENDI
23032 HIGHWAY 20/26
PARMA, ID 83660-7218

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>
63-3393	WR/DECREED	11/21/1963	1.380 cfs	310.5 af	N/A	69.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-3393	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>
63-3393	63-3393	1.380 cfs	310.5 af	N/A	69.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.380 cfs	310.5 af	N/A	69.0		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 01 day of October, 2020.

for Patricia Wiley
Chief, Water Allocation Bureau

WATER RIGHT NO. 63-3393
As Modified by Transfer No. 84381

In accordance with the approval of Transfer No. 84381, Water Right No. 63-3393 is now described as follows:

Right Holder: RUBEN ASUMENDI
 23032 HIGHWAY 20/26
 PARMA, ID 83660-7218

Priority Date: 11/21/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	1.380 cfs	310.5 af
			1.380 cfs	310.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 22 Twp 05N Rge 04W CANYON County
GROUND WATER	SWNE	Sec 22 Twp 05N Rge 04W CANYON 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	
05N	04W	22			35.0	34.0													69.0

POU Total Acres: 69.0

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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 11/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 2/6/2009.

WATER RIGHT NO. 63-3393
As Modified by Transfer No. 84381

CONDITIONS OF APPROVAL

3. 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.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 311.0 af at the field headgate for the place of use.
5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
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 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 Water Right Transfer 84381

WR: 63-3393

This map depicts the IRRIGATION 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.



- Transfer POU
- Transfer PODs
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



STATE OF IDAHO
 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) Ruben Asumendi Phone 208-870-0992
 2. MAILING ADDRESS 23032 Highway 20-26 City Parma
 State Idaho Zip 83660 Email Ruben@AsumendiProduce.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) 63-3343

- ☐ 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 1.38 cubic feet per second and/or 310.5 AF 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
(2) yes(1)			SW	NE	22	5N	4W	Canyon	Ground water	

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:

We will install a Flow meter and pipe the water to points of use

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

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]

Signature of applicant or authorized agent

Print name and title if applicable

8-20-20
Date

Signature of applicant or authorized agent

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. Received by LE Date 8/20/2020

Fee paid \$75.00 Date 8/20/2020 Received by LE Receipt # W048643

Preliminary review by _____ Date _____ 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)

Fee paid: \$530.00 Date: 9/16/2020 Received by: LE Receipt #: W048705

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/20/2020

Water Right 63-3393

Owner Type **Name and Address**
Current Owner MONETTE M GLENN
20414 TEN DAVIS RD
CALDWELL, ID 83605
(208) 459-8202

Current Owner KEVIN J GLENN
20414 TEN DAVIS RD
CALDWELL, ID 83605
(208) 459-8202

Priority Date: 11/21/1963

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	1.380 CFS	310.5 AF
	Total Diversion		1.380 CFS	310.5 AF

Source and Point(s) of Diversion

GROUND WATER NWSWNE Sec. 22, Twp 05N, Rge 04W, CANYON County

Place Of Use

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	04W	22			35.0	34.0													69.0

POU Total Acres: 69.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. W14 Use of this right is combined with water from Black Canyon Irrigation District.
3. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/20/2020

Dates and Other Information

Decreed Date: 2/6/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

ATTACHMENT TO TRANSFER APPLICATION



84381



Pioneer Title Co.
GOING BEYOND

100 10th Avenue South
Nampa, ID 83651

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

RECEIVED

SEP 28 2020

WATER RESOURCES
WESTERN REGION

File No. 566166 BA/DM

WARRANTY DEED

For Value Received

Kevin J. Glenn and Monette M. Glenn, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Ruben J. Asumendi and Sara A. Asumendi, husband and wife

hereinafter referred to as Grantee, whose current address is ~~20414 Ten Davis Road Caldwell, ID 83607~~

The following described premises, to-wit:

23032 Highway 20/26 Parma, ID 83660

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: October 1, 2015

Kevin J. Glenn

Monette M. Glenn

State of Idaho, County of Canyon

On this 2nd day of September in the year of 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared ~~Kevin J. Glenn and Monette M. Glenn~~ known or identified to me to be the person/persons whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Residing at:

Blanca E. Acosta

Commission Expires:

Residing in Nampa, Idaho
My Commission Expires 9/16/2017

BLANCA E. ACOSTA
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT A

PARCEL 1:

This parcel is a portion of the Southwest Quarter of the Northeast Quarter of Section 22, Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence

North 00° 02' 55" East along the West boundary of said Southwest Quarter of the Northeast Quarter a distance of 232.46 feet to a point in the centerline of an existing irrigation lateral; thence traversing said centerline as follows:

North 37° 54' 57" East a distance of 34.20 feet;

Northeasterly 198.13 feet along the arc of a curve to the right having a central angle of 83° 43' 48", a radius of 135.58 feet and a long chord which bears North 79° 46' 48" East a distance of 180.97 feet;

South 58° 21' 21" East a distance of 54.59 feet;

Southeasterly 47.99 feet along the arc of a curve to the left having a central angle of 28° 48' 26", a radius of 95.45 feet and a long chord which bears South 72° 45' 35" East a distance of 47.49 feet;

South 87° 09' 47" East a distance of 64.28 feet; thence leaving said centerline and bearing

South 0° 02' 55" West parallel with the said West boundary a distance of 244.10 feet to a point on the South boundary of said Southwest Quarter of the Northeast Quarter; thence

South 89° 45' 00" West along said South boundary a distance of 355.13 feet to the POINT OF BEGINNING.

PARCEL 2

This parcel is a portion of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 22, Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence

North 00° 02' 55" East along the West boundary of said Southwest Quarter of the Northeast Quarter a distance of 232.46 feet to a point in the centerline of an existing irrigation lateral, which point is the TRUE POINT OF BEGINNING, and is marked by a 5/8-inch diameter rebar witness corner which bears South 00° 02' 55" West a distance of 22.00 feet; thence continuing

North 00° 02' 55" East along said West boundary a distance of 1,088.45 feet to the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence

North 89° 41' 33" East along the North boundary of said Southwest Quarter of the Northeast Quarter and said Southeast Quarter of the Northeast Quarter a distance of 2,623.74 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence

South 00° 03' 09" East along the East boundary of said Southeast Quarter of the Northeast Quarter a distance of 1,319.07 feet to the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence

South 89° 33' 21" West along the South boundary of said Southeast Quarter of the Northeast Quarter a distance of 1,312.69 feet to the Southeast corner of said Southwest Quarter of the Northeast Quarter; thence

South 89° 45' 00" West along the South boundary of said Southwest Quarter of the Northeast Quarter a distance of 958.27 feet; thence

North 00° 02' 55" East parallel with the West boundary of said Southwest Quarter of the Northeast Quarter a distance of 244.10 feet to a point in the centerline of an existing irrigation lateral; thence traversing said centerline as follows:

North 87° 09' 47" West a distance of 64.28 feet;

Northwesterly 47.99 feet along the arc of a curve to the right having a central angle of 28° 48' 26", a radius of 95.45 feet and a long chord which bears North 72° 45' 35" West a distance of 47.49 feet;

North 58° 21' 21" West a distance of 54.59 feet;

Southwesterly 198.13 feet along the arc of a curve to the left having a central angle of 83° 43' 48", a radius of 135.58 feet and a long chord which bears South 79° 46' 48" West a distance of 180.97 feet;

South 37° 54' 57" West a distance of 34.20 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land being a portion of the Southwest Quarter of the Northeast Quarter in Section 22, Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence

North 89° 45' 00" East along the South boundary of said Southwest Quarter of the Northeast Quarter a

PARCEL 2

This parcel is a portion of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 22, Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence

North 00° 02' 55" East along the West boundary of said Southwest Quarter of the Northeast Quarter a distance of 232.46 feet to a point in the centerline of an existing irrigation lateral, which point is the TRUE POINT OF BEGINNING, and is marked by a 5/8-inch diameter rebar witness corner which bears South 00° 02' 55" West a distance of 22.00 feet; thence continuing

North 00° 02' 55" East along said West boundary a distance of 1,088.45 feet to the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence

North 89° 41' 33" East along the North boundary of said Southwest Quarter of the Northeast Quarter and said Southeast Quarter of the Northeast Quarter a distance of 2,623.74 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence

South 00° 03' 09" East along the East boundary of said Southeast Quarter of the Northeast Quarter a distance of 1,319.07 feet to the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence

South 89° 33' 21" West along the South boundary of said Southeast Quarter of the Northeast Quarter a distance of 1,312.69 feet to the Southeast corner of said Southwest Quarter of the Northeast Quarter; thence

South 89° 45' 00" West along the South boundary of said Southwest Quarter of the Northeast Quarter a distance of 958.27 feet; thence

North 00° 02' 55" East parallel with the West boundary of said Southwest Quarter of the Northeast Quarter a distance of 244.10 feet to a point in the centerline of an existing irrigation lateral; thence traversing said centerline as follows:

North 87° 09' 47" West a distance of 64.28 feet;

Northwesterly 47.99 feet along the arc of a curve to the right having a central angle of 28° 48' 26", a radius of 95.45 feet and a long chord which bears North 72° 45' 35" West a distance of 47.49 feet;

North 58° 21' 21" West a distance of 54.59 feet;

Southwesterly 198.13 feet along the arc of a curve to the left having a central angle of 83° 43' 48", a radius of 135.58 feet and a long chord which bears South 79° 46' 48" West a distance of 180.97 feet;

South 37° 54' 57" West a distance of 34.20 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land being a portion of the Southwest Quarter of the Northeast Quarter in Section 22, Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence

North 89° 45' 00" East along the South boundary of said Southwest Quarter of the Northeast Quarter a distance of 355.13 feet to the TRUE POINT OF BEGINNING; thence continuing

North 89° 45' 00" East along the South boundary of said Southwest Quarter of the Northeast Quarter a distance of 530 feet to a point; thence

North 00° 02' 55" East a distance of 544 feet, more or less, to a point in the centerline of Notus Canal; thence in a Southwesterly direction along the centerline of said Notus Canal to a point being 355.13 feet East of the West boundary of said Southwest Quarter of the Northeast Quarter; thence

South 00° 02' 55" West along a line parallel to the West boundary of said Southwest Quarter of the Northeast Quarter a distance of 244.10 feet to the TRUE POINT OF BEGINNING.

Parcel 3

A parcel of land being a portion of the Southwest Quarter of the Northeast Quarter in Section 22, Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

SAA

PK

K2M

COMMENCING at the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence
North 89° 45' 00" East along the South boundary of said Southwest Quarter of the Northeast Quarter a
distance of 355.13 feet to the TRUE POINT OF BEGINNING; thence continuing
North 89° 45' 00" East along the South boundary of said Southwest Quarter of the Northeast Quarter a
distance of 530 feet to a point; thence
North 00° 02' 55" East a distance of 544 feet, more or less, to a point in the centerline of Notus Canal;
thence in a Southwesterly direction along the centerline of said Notus Canal to a point being 355.13 feet East of the
West boundary of said Southwest Quarter of the Northeast Quarter; thence
South 00° 02' 55" West along a line parallel to the West boundary of said Southwest Quarter of the
Northeast Quarter a distance of 244.10 feet to the TRUE POINT OF BEGINNING.

RA SAA
KZ MY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 1, 2020

RUBEN ASUMENDI
23032 HIGHWAY 20/26
PARMA ID 83660-7218

Re: Transfer No: 84381
Water Right No(s): 63-3393

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights 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.

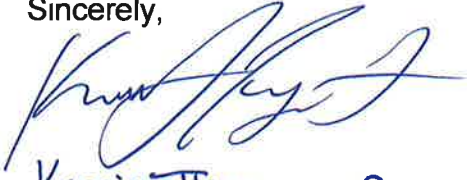
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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) 334-2190

Sincerely,

A handwritten signature in blue ink, appearing to read "Kensie Thorneysroft".

Kensie Thorneysroft
For: Patrick Kelly
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 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: 84381
Water Right No(s): 63-3393

RUBEN ASUMENDI
23032 HIGHWAY 20/26
PARMA ID 83660-7218



Kensie Thorneycroft
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

TO: Transfer No. 84381
FROM: Anna Kaiser
DATE: September 29, 2020
RE: Evaluation of Application

Transfer proposes to add one additional well to the irrigation system under water right 63-3393. The new point of diversion (POD) will be located approximately 0.25 miles south of the exiting POD.

The site is in Boise, Idaho (Ada County) directly north of Warm Springs Ave. near the intersection of Starview Dr. and Warm Springs Ave.

Contact person is the applicant- Ruben Asumendi, 23032 Hwy 20-26, Parma, Idaho, 83660, (208).870.0992, ruben@asumendiproduce.com.

Ownership of water right 63-3393 was changed to Ruben Asumendi prior to processing transfer. Necessary ownership change documentation is enclosed with the transfer application.

Legal Notice Not Required: Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Deviations from Transfer Policy Standards

The existing POD for water right 63-3393 is changed from NWSWNE to SWNE to match department standards for quarter-quarter data entry descriptions for ground water points of diversion.

Summary of Information Submitted

Authority to File:

Transfer 84381 was filed and signed in the name of Ruben Asumendi. Department records show Asumendi is the most current owner of water right 63-3393.

Water Right Validity:

Water right 63-3393 was decreed in 2009. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by the Department's aerial imagery.

Injury to Other Water Rights & Enlargement of Use:

Transfer 84381 is not expected to injure surrounding water rights. Water right 63-3393 exists outside any Basin 63 groundwater areas of concern. The proposed well is located in relatively close proximity to the existing well and will therefore not improve water right 63-3393.

Local Public Interest:

No evidence suggests changes proposed by transfer 84381 will contradict 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 1, 2020

RECEIVED

SEP 16 2020

RUBEN ASUMENDI
23032 HWY 20-26
PARMA ID 83660

WATER RESOURCES
WESTERN REGION

Re: Transfer Application Additional Fee Required

Dear Applicant:

This office received your transfer applications on August 20, 2020. After a further review of your applications, it was determined an additional fee is required for the processing of this transfer.

The \$50.00 POD transfer fee only applies when the transfer only involves record changes/updates. It does not apply when the transfer proposes any physical changes to the water right. Since you are adding a point of diversion to your water right, you must pay a transfer fee based on the size of your water right. 1.38 cfs water rights require a fee of \$580.00. Since you submitted \$50.00 already, you will need to submit an additional \$530.00. I attached the Department's transfer fee schedule with this letter for your reference.

Please submit the necessary remaining fee by mail or in person to the address listed below. If you have any questions please do not hesitate to call me at (208)-334-2190 or email me at anna.kaiser@idwr.idaho.gov.

Sincerely,

Anna Kaiser

Water Resource Agent

Idaho Dept. of Water Resources | Western Regional Office
2735 W Airport Way, Boise ID 83705

\$530.⁰⁰

PAID



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Governor

GARY SPACKMAN
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September 1, 2020

RUBEN ASUMENDI
23032 HWY 20-26
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Sincerely,

Anna Kaiser

Water Resource Agent

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