

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84244**

This is to certify that: **HARPER VALLEY LAND LLC**
2045 E 850 S
DECLO, ID 83323

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>
43-2356A	WR/DECREED	9/8/1950	1.400 cfs	458.4 af	114.6	256.4	GROUND WATER
43-2441B	WR/DECREED	3/5/1956	1.990 cfs	510.0 af	127.5	256.4	GROUND WATER
43-4022A	WR/DECREED	1/1/1953	0.830 cfs	168.0 af	42.0	256.4	GROUND WATER
43-4023A	WR/DECREED	4/1/1954	0.430 cfs	88.0 af	22.0	256.4	GROUND WATER
43-4024C	WR/DECREED	4/1/1954	0.270 cfs	131.0 af	170.0	256.4	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>
43-2356A	NO	NO	NO	YES	NO	NO
43-2441B	NO	NO	NO	YES	NO	NO
43-4022A	NO	NO	NO	YES	NO	NO
43-4023A	NO	NO	NO	YES	NO	NO
43-4024C	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>
43-2356A	43-2356A	1.400 cfs	458.4 af	114.6	256.4	N/A	N/A	N/A	N/A	N/A
43-2441B	43-2441B	1.990 cfs	510.0 af	127.5	256.4	N/A	N/A	N/A	N/A	N/A
43-4022A	43-4022A	0.830 cfs	168.0 af	42.0	256.4	N/A	N/A	N/A	N/A	N/A
43-4023A	43-4023A	0.430 cfs	88.0 af	22.0	256.4	N/A	N/A	N/A	N/A	N/A
43-4024C	43-4024C	0.270 cfs	131.0 af	170.0	256.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.800 cfs	1025.6 af	256.4	256.4		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 43-2356A

Transfer No. 84244

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84244

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 25th day of August, 2020.



Southern Region Manager



WATER RIGHT NO. 43-4024C

As Modified by Transfer No. 84244

In accordance with the approval of Transfer No. 84244, Water Right No. 43-4024C is now described as follows:

Right Holder: HARPER VALLEY LAND LLC
2045 E 850 S
DECLO, ID 83323

Priority Date: 4/1/1954

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	0.270 cfs	131.0 af
			0.270 cfs	131.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 31 Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWSE	Sec 31 Twp 11S Rge 27E	CASSIA 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	
11S	27E	31	27.0	30.0	35.0	38.0									36.4	32.5	31.5	26.0	256.4

Right Acre Limit: 170.0

POU Total Acres: 256.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 170.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 4.8 cfs, a total annual maximum diversion volume of 1025.6 af at the field headgate, and the irrigation of 256.4 acres.
3. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.4 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170.0 acres.
4. 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. 143.

WATER RIGHT NO. 43-4024C

As Modified by Transfer No. 84244

CONDITIONS OF APPROVAL

5. 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).
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. 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.
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. 43-2356A

As Modified by Transfer No. 84244

In accordance with the approval of Transfer No. 84244, Water Right No. 43-2356A is now described as follows:

Right Holder: HARPER VALLEY LAND LLC
2045 E 850 S
DECLO, ID 83323

Priority Date: 9/8/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1,400 cfs	458.4 af
			1,400 cfs	458.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 31 Twp 11S Rge 27E CASSIA County
GROUND WATER	SWSE	Sec 31 Twp 11S Rge 27E CASSIA 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	
11S	27E	31	27.0	30.0	35.0	38.0									36.4	32.5	31.5	26.0	256.4

Right Acre Limit: 114.6

POU Total Acres: 256.4

CONDITIONS OF APPROVAL

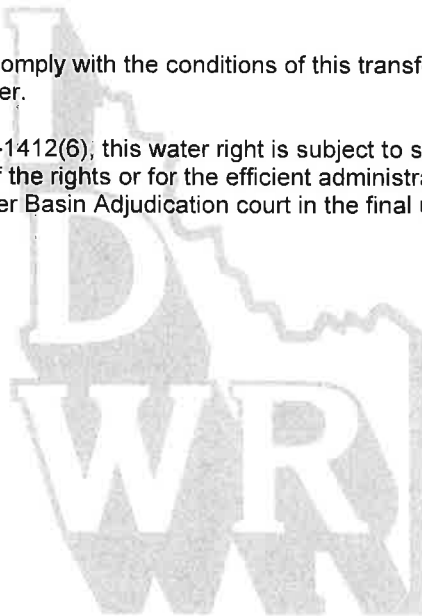
1. This right is limited to the irrigation of 114.6 acres within the authorized place of use in a single irrigation season.
2. Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 4.8 cfs, a total annual maximum diversion volume of 1025.6 af at the field headgate, and the irrigation of 256.4 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. 143.
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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 84244

WATER RIGHT NO. 43-2356A
As Modified by Transfer No. 84244

CONDITIONS OF APPROVAL

6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 43-4023A

As Modified by Transfer No. 84244

In accordance with the approval of Transfer No. 84244, Water Right No. 43-4023A is now described as follows:

Right Holder: HARPER VALLEY LAND LLC
2045 E 850 S
DECLO, ID 83323

Priority Date: 4/1/1954

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	0.430 cfs	88.0 af
			0.430 cfs	88.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 31 Twp 11S Rge 27E	CASSIA County
GROUND WATER	SWSE	Sec 31 Twp 11S Rge 27E	CASSIA 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	
11S	27E	31	27.0	30.0	35.0	38.0									36.4	32.5	31.5	26.0	256.4

Right Acre Limit: 22.0

POU Total Acres: 256.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 22.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.4 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170.0 acres.
3. Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 4.8 cfs, a total annual maximum diversion volume of 1025.6 af at the field headgate, and the irrigation of 256.4 acres.
4. 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. 143.

Transfer No. 84244

WATER RIGHT NO. 43-4023A

As Modified by Transfer No. 84244

CONDITIONS OF APPROVAL

5. 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).
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. 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.
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. 43-4022A**As Modified by Transfer No. 84244**

In accordance with the approval of Transfer No. 84244, Water Right No. 43-4022A is now described as follows:

Right Holder: HARPER VALLEY LAND LLC
2045 E 850 S
DECLO, ID 83323

Priority Date: 1/1/1953

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.830 cfs

0.830 cfs

Diversion Volume

168.0 af

168.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWSE

Sec 31 Twp 11S Rge 27E CASSIA County

GROUND WATER

SWSE

Sec 31 Twp 11S Rge 27E CASSIA 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	
11S	27E	31	27.0	30.0	35.0	38.0									36.4	32.5	31.5	26.0	256.4

Right Acre Limit: 42.0

POU Total Acres: 256.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 42.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.4 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170.0 acres.
3. Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 4.8 cfs, a total annual maximum diversion volume of 1025.6 af at the field headgate, and the irrigation of 256.4 acres.
4. 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. 143.

Transfer No. 84244

WATER RIGHT NO. 43-4022A

As Modified by Transfer No. 84244

CONDITIONS OF APPROVAL

5. 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).
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. 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.
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. 43-2441B

As Modified by Transfer No. 84244

In accordance with the approval of Transfer No. 84244, Water Right No. 43-2441B is now described as follows:

Right Holder: HARPER VALLEY LAND LLC
2045 E 850 S
DECLO, ID 83323

Priority Date: 3/5/1956

Source: GROUND WATER

BENEFICIAL USE IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
1.990 cfs
1.990 cfs

Diversion Volume
510.0 af
510.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 31 Twp 11S Rge 27E CASSIA County
GROUND WATER SWSE Sec 31 Twp 11S Rge 27E CASSIA 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	
11S	27E	31	27.0	30.0	35.0	38.0									36.4	32.5	31.5	26.0	256.4

Right Acre Limit: 127.5

POU Total Acres: 256.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 127.5 acres within the authorized place of use in a single irrigation season.
2. Rights 43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 4.8 cfs, a total annual maximum diversion volume of 1025.6 af at the field headgate, and the irrigation of 256.4 acres.
3. Rights 43-2441B, 43-4022A, 43-4023A and 43-4024C when combined shall not exceed a total diversion rate of 3.4 cfs, a total annual maximum diversion volume of 680.0 af at the field headgate, and the irrigation of 170.0 acres.
4. 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. 143.

Transfer No. 84244

WATER RIGHT NO. 43-2441B
As Modified by Transfer No. 84244

CONDITIONS OF APPROVAL

5. 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).
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. 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.
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 # 84244

43-2356A, 43-2441B, 43-4022A, 43-4023A and 43-4024C

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 0.175 0.35 0.7 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

August 26, 2020

HARPER VALLEY LAND LLC
2045 E 850 S
DECLO ID 83323

Re: Transfer No: 84244

Water Right No(s): 43-2356A, 43-2441B, 43-4022A, 43-4023A, 43-4024C

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,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

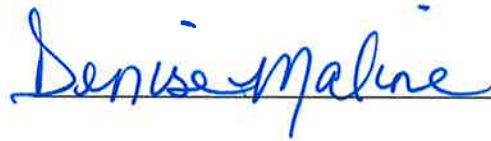
I hereby certify that on August 26, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84244

Water Right No(s): 43-2356A, 43-2441B, 43-4022A, 43-4023A, 43-4024C

HARPER VALLEY LAND LLC
2045 E 850 S
DECLO ID 83323

WATER DISTRICT 143
NATHAN ERICKSON
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.

MEMORANDUM

Date: August 25, 2020
To: Transfer 84244, Harper Valley Land, LLC File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to add a point of diversion to a group of five ground water irrigation rights with a combined flow rate of 4.8 cfs. The new well will be located approximately 7.5 miles north and 1.4 miles east of Malta. After the transfer, the five ground water rights will be authorized to divert up to 4.8 cfs from two wells.

The applicant also requests to drop the 10 acre (QQQ) description from the PODs on all five rights.

The transfer was advertised because it proposes adding a ground water POD in the Raft River Critical Ground Water Area. No protests were filed. Because it is located in Water District 143, watermaster comments were solicited. The Watermaster did not oppose the application.

The rights involved in the transfer include: 43-2356A (1.4 cfs, 114.6 acres, 458.4 AF), 43-2441B (1.99 cfs, 127.5 acres, 510.0 AF), 43-4022A (0.83 cfs, 42.0 acres, 168.0 AF), 43-4023A (0.43 cfs, 22.0 acres, 88.0 AF), and 43-4024C (0.27 cfs, 173.0 acres, 131.0 AF).

- **Authority to File:**
The Department's database indicates that the water rights involved are owned by the applicant, Harper Valley Land, LLC and the application was signed by Darin Harper, who is the manager of Harper Valley Land, LLC. The latest Annual Report form on file with the Idaho Secretary of State is in the transfer application file.
- **Water Right Validity:**
The water rights involved have all been decreed in the SRBA. Aerial imagery seems to indicate that forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated. Application intends to add a POD only, no increase in rate, volume, or acres.
- **Local Public Interest:**
No issues anticipated. Transfer was advertised.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the 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

SHERRI DAVIS, 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

IDAHO DEPT OF WATER RESOURCES
ATTN Kensie Thorneycroft
2735 AIRPORT WAY
BOISE ID 83705

ORDER NUMBER 104491

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 13th day of August in the year of 2020 before me, a Notary Public, personally appeared before me Sherri Davis 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.

Reba M. Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 8/8/2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 08/06/2020, 08/13/2020

TOTAL AD COST: 84.66

FILED ON: 8/13/2020

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84244

HARPER VALLEY LAND LLC, 2045 E 850 S, DECLO, ID 83323 has filed Application No. 84244 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2356A, 43-2441B, 43-4022A, 43-4023A, 43-4024C; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynew-transfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion to a group of five ground water irrigation rights with a combined flow rate of 4.8 cfs. The new well will be located approximately 7.5 miles north and 1.4 miles east of Malta. After the transfer, the five ground water rights will be authorized to divert up to 4.8 cfs from two wells. For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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 August 24, 2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
PUBLISH: August 6 & 13, 2020

RECEIVED

AUG 24 2020

WATER RESOURCES
WESTERN REGION

RECEIVED

AUG 27 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK DM 8/24/2020
(per email)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 84244
Water Right No: 43-2356A, etc.
Applicant Name: Harper Valley Land LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: August 3, 2020

Water District 143



Nathan Erickson, Watermaster