



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 20, 2020

GREG SULLIVAN
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301

RE: Frank Tiegs LLC 61-7264A Transfer Review

Dear Greg:

On June 18, 2020, the Idaho Department of Water Resources ("IDWR") received the letter you wrote on behalf of Frank Tiegs LLC inquiring what steps are required to revert water right 61-7264A back to irrigation with the entire diversion rate of 10.74 cfs, volume of 2,416.5 af, and 537.0 acres as it was decreed. As part of this request, your letter stated that previous owners did not accomplish and Frank Tiegs LLC does not plan to accomplish the nature of use change for water right 61-7264A approved in Transfer 68468. IDWR may rescind a transfer approval if no portion of that transfer approval is accomplished and if no subsequent transfer approvals are accomplished either. Based on IDWR's review, there is evidence that transfers subsequent to Transfer 68468 involving water right 61-7264A have been accomplished.

IDWR's approval of Transfer 68468 authorized the water right holder to convert 91 acres of irrigation from water right 61-7264A to stockwater and commercial use, combine the irrigation place of use for water rights 61-7263, 61-7264A and 61-7264B to create a permissible place of use ("PPU"), and to combine the decreed points of diversion on all three rights, as well as add a new point of diversion ("POD"). The changes proposed in Transfer 68468 do not appear to have been accomplished.¹ Subsequent Transfer 80697 (approved March 24, 2017) also involved water right 61-7264A. Approval of Transfer 80697 removed one of the well PODs added as part of Transfer 68468 (never drilled) and added a new well POD in Lot 3 (SESW) of Sec. 31, T02N, R05E, very near the decreed POD. IDWR well log data shows a new well was drilled in this location in 2013, subsequently abandoned, and a replacement drilled in 2020 (well tags D0064619 and D0085360). Additionally, 2019 IDWR water diversion data shows the water right owner diverted a total annual volume of 721.3 af from the new well and 693.2 af from the decreed well. This information strongly suggests that the water right owner used both wells to

¹ There was no evidence through aerial imagery to show that acres within the approved PPU were ever irrigated differently, which would have established completion of the PPU. There was no information available to show whether the POD in Lot 4 (NWNW) of Sec. 6, T03S, R05E was ever used to irrigate portions of the original POU's of water rights 61-7264A or 61-7264B, which would have established completion of the combined PODs.

irrigate the lands within water right 61-7264A's place of use, therefore accomplishing the POD changes authorized by Transfer 80697.

Review and ultimate approval of Transfer 80697 was based on the elements of water right 61-7264A as they existed in the record in 2016-2017. The water right owner accomplished the POD changes approved by Transfer 80697. Therefore, IDWR will not rescind Transfer 68468 because IDWR based the approval of subsequent Transfer 80697 on the water right elements as they were structured in Transfer 68468.

Furthermore, Transfer 81560, approved on May 18, 2020, also included right 61-7264A, as well as 23 other water rights. Review and ultimate approval of Transfer 81560 was based on the elements of water right 61-7264A as they existed in 2017-2020, after approval of Transfer 80697.

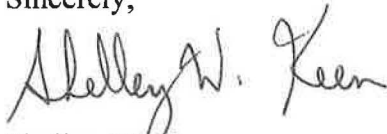
Additionally, approval of Transfer 68468 changed the elements of not only water right 61-7264A, but two other water rights (61-7263 and 61-7264B) as well. IDWR will not rescind only a portion of Transfer 68468 (the nature of use change for right 61-7264A), because to do so would require IDWR evaluation of circumstances that result in a different outcome than the transfer applicant proposed.

At this juncture, Frank Tiegs LLC can file a transfer application to change the nature of use from stockwater and commercial to irrigation, if it desires to irrigate more than the 446 acres currently authorized under water right 61-7264A.

In the process of this review, IDWR recognized that the irrigation use volume for water right 61-7264A was reporting from the database as 2,416.5 af. The official documents representing the volume available for this right are the transfer approvals (Transfers 68468, 80697, and 81560), all of which list an irrigation use volume of 2,007 af. IDWR updated the database accordingly.

If you have further questions regarding this matter, please call me at (208)287-4947 or email shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Allocation Bureau Chief

Cc: Frank Tiegs LLC

JUN 18 2020

DEPARTMENT OF
WATER RESOURCES**BROCKWAY**
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

June 15, 2020

Shelly Keen
Idaho Department of Water Resources
322 East Front St
PO Box 83720
Boise, ID 83720-0098

Re: Frank Tiegs LLC 61-7264A

Dear Mr. Keen:

I am writing you concerning water right 61-7264A. Water right 61-7264A currently allows a beneficial use of 10.74 cfs, 2416.5 acre feet and 446 acres of irrigation, a beneficial use of 1.27 cfs and 218 acre feet for stockwater and a beneficial use of 1.27 cfs and 218 acre feet for commercial. The total allowed diversion under 61-7264A is 10.74 cfs. The total allowed annual volume for 61-7264A is 2,225 acre feet.

In 2001, Transfer 68468 was approved by IDWR. Transfer 68468 reduced the allowed acres of 61-7264A that can be irrigated from 537.0 acres to 446.0 acres. The allowed annual volume of 61-7264A was reduced from 2,416.5 acre feet to 2,225.0 acre feet. The beneficial uses of stockwater and commercial were added to the 61-7264A.

The proposed changes approved in Transfer 68468 have never been accomplished in respect to the beneficial uses of stockwater and commercial water use. A dairy facility has never been constructed and the stockwater and commercial water has never been utilized.

What are the necessary steps required by the Idaho Department of Water Resources to allow the current owner, Frank Tiegs LLC, to be able to utilize the 191.5 acre feet and 91.0 acres for the original beneficial use of irrigation? This requested action would restore this water right to the original SRBA partial decreed water right characteristics of 10.74 cfs, 2,416.5 acre feet on 537.0 acres of irrigation.

Below is the historical timeline of changes and documents relating to water right 61-7264A. The entire documents or the first few pages of the documents are attached to this letter for you to review.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

October 25, 2000	SRBA Partial Decree in the name of Desert Sea Farms LLC (1 page)
March 29, 2001	Transfer 68468 transfer approval document in the name of Desert Sea Farms LLC. This transfer converted 91.0 acres of irrigation to stockwater and commercial water for a dairy facility (8 pages)
March 20, 2002	Extension of completion date request for Transfer 68468 from Steve Boschma (1 page)
April 1, 2002	Order Granting Extension of Time to Complete Transfer 68468 (1 page)
November 21, 2006	Notice of Change of Water Right Ownership received by IDWR. The ownership changed from Lone Pine Dairy to Lone Pine Farms, LLC (2 pages)
January 17, 2008	Notice of Change of Water Right Ownership received by IDWR. The ownership changed from Lone Pine Farms, LLC to Orchard Ranch, LLC and Roger Johnson (2 pages)
February 4, 2016	Notice of Change of Water Right Ownership and Quitclaim Deed received by IDWR. The ownership changed from Orchard Ranch, LLC and Roger Johnson to Frank Tiegs LLC (2 pages)
March 24, 2017	Transfer 80697 approval order by IDWR. This transfer updated the points of diversion for water rights 61-7263, 61-7264A and 61-7264B. (1 page)
May 18, 2020	Transfer 81560 approval order by IDWR. This transfer created a large permissible place of use because Frank Tiegs LLC has purchased many of the local farms and water rights. This transfer allowed many issues with irrigation places of use and authorized points of diversions to be corrected and updated. (3 pages)

June 12, 2020

IDWR Water Right Report for 61-7264A (6 pages)

The current water right and property owner, Frank Tiegs LLC, has no intention or future plans to construct, build or operate a dairy facility utilizing water right 61-7264A.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Sullivan", written in a cursive style.

Greg Sullivan, M.S., Engineer

Cc: Frank Tiegs

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-07264A

NAME AND ADDRESS: DESERT SEA FARMS LLC
905 E 13TH E
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 10.74 CFS
2416.50 AFY

PRIORITY DATE: 06/10/1976

POINT OF DIVERSION: T02S R05E S31 LOT 03 (SESESW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	10.74 CFS 2416.50 AFY

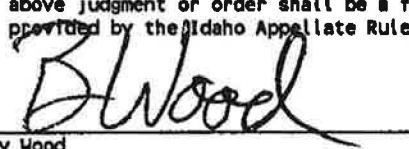
PLACE OF USE:	Irrigation	Within Elmore County
	T02S R05E S31	NWNE 39.0 SENE 40.0 NWSW 40.0
	LOT 04 (SWSW)39.0	LOT 03 (SESW)39.0
	NESE 40.0	NWSE 40.0
	LOT 02 (SWSE)41.0	LOT 01 (SESE)42.0
	S32	SWNW 29.0
	537.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 68468

This is to certify that: STEVE BOSCHMA
5592 KUNA RD
KUNA ID 83634

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. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
61-7264A	WR/License	06/10/1976	10.74 cfs	2416.5 af	537.0	537.0	GROUND WATER
61-7263	WR/License	04/01/1976	2.4 cfs		165.0	165.0	GROUND WATER
61-7264B	AJC/License	06/10/1976	0.4 cfs	90 af	20.0	20.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
61-7264A	NO	NO	YES	YES	YES	YES
61-7263	NO	NO	YES	YES	NO	NO
61-7264B	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
61-7264A	61-7264A	10.74 cfs	2225 af	446.0	631.0		N/A	N/A		N/A
61-7263	61-7263	2.4 cfs	660 af	165.0	631.0		N/A	N/A		N/A
61-7264B	61-7264B	0.4 cfs	90 af	20.0	631.0		N/A	N/A		N/A
TOTALS		11.36 cfs	2975 af	631.0	631.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this

29th day of March, 2001

Chief, Water Allocation Bureau

J. Glen Saylor

MICROFILMED

MAR 29 2001

SCANNED
DEC 13 2004

WATER RIGHT NO. 61-7263
As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7263 is now described as follows.

Right Holder: DESERT SEA FARMS LLC
 905 E 13TH N ST
 MOUNTAIN HOME ID 83647

Priority Date: 04/01/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.40 CFS	660.0 AF
			2.40 CFS	660.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 SWNWWSec. 6 Twp 03S Rge 05E ELMORE County

GROUND WATER Lot 3 SESESW Sec. 31 Twp 02S Rge 05E ELMORE County

GROUND WATER Lot 3 NWNE Sec. 31 Twp 02S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 31	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
											L 4	L 3			L 2	L 1	
02S 05E 32					39.0	39.0											78.0
03S 05E 6					39.0	43.0	45.0	38.0									165.0
					L 3	L 4	L 5										

Total Acres: 631

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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MAR 29 2001

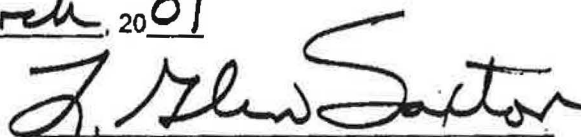
WATER RIGHT NO. 61-7263
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. This right is limited to the irrigation of 165.0 acres within the place of use described above in a single irrigation season.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-25-2000.

This water right 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.

Dated this 29th day of March, 2001



Chief, Water Allocation Bureau

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MAR 29 2001

WATER RIGHT NO. 61-7264A
As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7264A is now described as follows.

Right Holder: DESERT SEA FARMS LLC
 905 E 13TH N ST
 MOUNTAIN HOME ID 83647

Priority Date: 06/10/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	9.47 CFS	2,007.0 AF
STOCKWATER	01/01 to	12/31	1.27 CFS	218.0 AF
COMMERCIAL	01/01 to	12/31	1.27 CFS	218.0 AF
			10.74 CFS	2,225.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 SWNWNW Sec. 6 Twp 03S Rge 05E ELMORE County

GROUND WATER Lot 3 SESESW Sec. 31 Twp 02S Rge 05E ELMORE County

GROUND WATER Lot 3 NWNE Sec. 31 Twp 02S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
02S 05E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	388.0
	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	
											L 4	L 3			L 2	L 1	
02S 05E 32							39.0	39.0									78.0
03S 05E 6							39.0	43.0	45.0	38.0							165.0
							L 3	L 4	L 5								

Total Acres: 631

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
02S 05E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		X	X														

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MAR 29 2001

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 31	X	X	X	X					X	X	X	X	X	X	X	X	
02S 05E 32						X	X				L 4	L 3			L 2	L 1	
03S 05E 6					X	X	X	X									
					L 3	L 4	L 5										

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
11. This right is limited to the irrigation of 446.0 acres within the place of use described above in a single irrigation season.

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MAR 23 2001

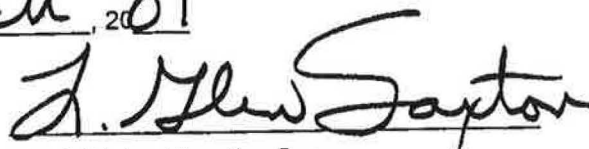
WATER RIGHT NO. 61-7264A
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

12. Commercial use is for a dairy located within W1/2NE, S31, T02S, R05E.
13. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.

This water right 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.

Dated this 29th day of March, 2001


Chief, Water Allocation Bureau

MICROFILMED

MAR 29 2001

WATER RIGHT NO. 61-7264B
As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7264B is now described as follows.

Right Holder: DESERT SEA FARMS LLC
905 E 13TH N ST
MOUNTAIN HOME ID 83647

Priority Date: 06/10/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.40 CFS	90.0 AF
			0.40 CFS	90.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 SWNW Sec. 6 Twp 03S Rge 05E ELMORE County

GROUND WATER Lot 3 SESESW Sec. 31 Twp 02S Rge 05E ELMORE County

GROUND WATER Lot 3 NWNE Sec. 31 Twp 02S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
02S 05E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	388.0
	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	
											L 4	L 3			L 2	L 1	
02S 05E 32						39.0	39.0										78.0
03S 05E 6					39.0	43.0	45.0	38.0									165.0
					L 3	L 4	L 5										

Total Acres: 631

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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MAR 29 2001

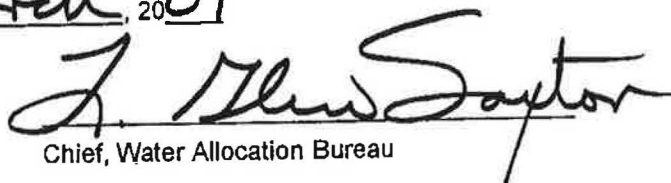
WATER RIGHT NO. 61-7264B
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.
9. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right 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.

Dated this 29th day of March, 2001


Chief, Water Allocation Bureau

MICROFILMED

MAR 29 2001

RECEIVED

MAR 22 2002

Department of Water Resources

To: L. Glen Saxton

From: Steve Boschma

RE: Extension of completion date on Transfer No. 68468 issued March 29, 2001.

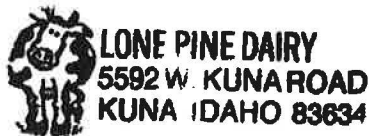
Transfer No. 68468 contains a condition of approval (item no. 4, *Conditions of Approval and Remarks*) which states:

"7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval."

Construction on our new dairy cannot begin until our current dairy facility is sold. The agricultural economy is in a dressed state, and dairies are difficult to sell. As a result, we hereby request a change in the language of the above mentioned condition of approval to allow at least an additional 3 years for completion of the new dairy. We intend to begin construction as soon as we sell our current dairy. Thank you.


Steve Boschma

3-20-02
Date



(208) 467-2816

MICROFILMED

MAR 11 2003

61-7263/7264A/7264B



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 1, 2002

DESERT SEA FARMS LLC
905 EAST 13TH NORTH
MOUNTAIN HOME ID 83647

RE: Order In the Matter of Transfer No. 68468 – Water Rights 61-7263, 64A/B

Dear Water Right Holder(s):

Enclosed please find Order Granting Extension of Time to Complete Transfer issued by the department in reference to the above listed information.

You should be aware that any water right can be forfeited through five (5) years of non-use including the years of non-use that may have accumulated prior to the approval of the transfer.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Lone Pine Dairy
Steve Boschma
5592 W Kuna Rd
Kuna ID 83624

MICROFILMED

MAR 11 2003

SCANNED

DEC 14 2004

NOV 24 2006

RECEIVED

NOV 21 2006

STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES
 DEPARTMENT OF WATER RESOURCES
 NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
PD 61-7263					
PD 61-7364A					
PD 61-7364B					

2. The following **REQUIRED** information must be submitted with this form:

SUPPORT DATA
 IN FILE # 61-7263

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Lone Pine Dairy
5592 W. Kuna Rd, Kuna, ID 83624
4. New Owner/Claimant(s) Lone Pine Farms, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 5592 W. Kuna Rd
- City, State and ZIP Code Kuna, ID 83624
- New Telephone Number ()
5. Date you acquired the property 11/14/06 recording date of correction
03/16/06 date of acquisition

SCANNED

JUL 25 2007

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) LONE PINE FARMS, LLC
(include title if applicable)

By: *Steve D. Bouchard*Its: *Manger*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use OnlyReceived by *DAW*Date *11-21-06*Fee *\$75.00*Received by *DAW*Date *11-21-06*Receipt No. *W034900*

Processed by _____

AJ

Date _____

WR *81*Date *7-24-07*

SCANNED

JUL 25 2007

RECEIVED

MAR 06 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 17 2008

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
PD 61-7263					
PD 61-7264A					
PD 61-7264B					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Lone Pine Farms, LLC
5592 W. Kuna Road, Kuna, ID 83634
4. New Owner/Claimant(s) Orchard Ranch, LLC and Rodger Johnson
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 1260
- City, State and ZIP Code Maricopa, AZ 85239
- New Telephone Number (520) 424-3600

SCANNED

JAN 25 2008

SUPPORT DATA

IN FILE # 61-7263

9/20/2007 - Orchard Ranch, LLC 82.75% interest

5. Date you acquired the property

10/8/07 - Rodger Johnson 17.25% interest

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

Orchard Ranch, LLC

7. Signature(s) of New Owner(s) or Claimant(s) ☒

Robert Knorr, Manager

(title if applicable)

☒ Rodger Johnson

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature] Date 1-17-08
 Received by [Signature] Date 1-17-08
 Processed by AJ Date

Receipt Amt. \$7500
 Receipt No. 0036094
 WR [Signature] Date 1-24-08

RECEIVED
FEB 11 2016
WATER RESOURCES
WESTERN REGION

DE ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
61-7263	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
61-7264A	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
61-7264B	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: JOHNSON, RODGER; ORCHARD RANCH LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Frank Tiegs LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- PO Box 3350 Pasco, WA 99302
Mailing address City State ZIP
- _____
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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.
5. Date you acquired the water rights and/or claims listed above: September 30, 2015
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document - warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Frank Tiegs Frank Tiegs Managing Member 2/4/16
Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 2/1/16 Receipt No. W043884 Receipt Amt. \$75.00
 Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒
 Name on W-9 [Signature] Approved by [Signature] Processed by [Signature] Date 1-23-17

RECEIVED

MAR 17 2017

WATER RESOURCES
WESTERN REGION

QUITCLAIM DEED

For value received, Murphy Land Company LLC, as grantor hereby quitclaims unto Frank Tiegs LLC, the grantee whose current address is P.O. Box 3350 Pasco, WA 99302, all of the grantor's right, title, and interest in and to the following described water rights situated in Elmore County, Idaho.

All of water right 61-7263, priority date 4/1/1976, for 2.4 cfs, 660.0 acre feet annually and irrigation of 165.0 acres.

All of water right 61-7264A, priority date 6/10/1976, for 10.74 cfs, 2225.0 acre feet annually and irrigation of 446.0 acres.

All of water right 61-7264B, priority date 6/10/1976, for 0.4 cfs, 90.0 acre feet annually and irrigation of 20.0 acres.

Water rights 61-7263, 61-7264A and 61-7264B are limited to a diversion rate of 11.36 cfs, an annual volume of 2975.0 acre feet and the irrigation of 631.0 acres.

Grantor has caused this quitclaim deed to be executed this 17th day of MARCH, 2017.

By: Frank Tiegs
<GRANTOR>
MANAGING MEMBER
<TITLE>

By: _____
<GRANTOR>

<TITLE>

State of WASHINGTON)
County of FRANKLIN) S.S.

On this 17th day of MARCH, in the year of 2017, before me, a Notary Public, personally appeared FRANK TIEGS, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

S
E
A
L



Tim M. Tippet
Tim M. Tippet Notary Public
In and for said State and County
MAY 9, 2017
My Commission Expires on

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80697

This is to certify that: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
61-7263	WR/DECREED	4/1/1976	2.400 cfs	660.0 af	165.0	631.0	GROUND WATER
61-7264A	WR/DECREED	6/10/1976	10.740 cfs	2225.0 af	446.0	631.0	GROUND WATER
61-7264B	WR/DECREED	6/10/1976	0.400 cfs	90.0 af	20.0	631.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
61-7263	NO	YES	NO	NO	NO	NO
61-7264A	NO	YES	NO	NO	NO	NO
61-7264B	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
61-7263	61-7263	2.400 cfs	660.0 af	165.0	631.0	N/A	N/A	N/A	N/A	N/A
61-7264A	61-7264A	10.740 cfs	2225.0 af	446.0	631.0	N/A	N/A	N/A	N/A	N/A
61-7264B	61-7264B	0.400 cfs	90.0 af	20.0	631.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.540 cfs	2975.0 af	631.0	631.0		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 24th day of March, 2017.


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 61-7263

Transfer No. 80697

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81560**

This is to certify that: **FRANK TIEGS LLC**
PO BOX 3110
PASCO, WA 99302

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>
61-12013	WR/LICENSE	12/8/1980	2.480 cfs	680.0 af	170.0	1168.0	GROUND WATER
61-12015	WR/DECREED	9/10/1975	3.260 cfs	733.5 af	163.0	N/A	GROUND WATER
61-12017	WR/DECREED	9/6/1974	6.400 cfs	1440.0 af	320.0	N/A	GROUND WATER
61-12079	WR/LICENSE	12/8/1980	0.920 cfs	252.0 af	63.0	320.0	GROUND WATER
61-12080	WR/DECREED	9/6/1974	11.390 cfs	2281.2 af	570.3	1168.0	GROUND WATER
61-12081	WR/DECREED	9/6/1974	1.990 cfs	398.8 af	99.7	320.0	GROUND WATER
61-7197	WR/DECREED	9/16/1974	8.000 cfs	N/A	625.0	785.0	GROUND WATER
61-7203	WR/LICENSE	11/25/1976	2.300 cfs	677.2 af	169.0	329.0	GROUND WATER
61-7204	WR/LICENSE	1/5/1975	4.820 cfs	964.0 af	241.0	2640.0	GROUND WATER
61-7206C	WR/DECREED	11/8/1974	0.800 cfs	180.0 af	40.0	2640.0	GROUND WATER
61-7207A	WR/DECREED	11/18/1974	2.630 cfs	544.0 af	136.0	1040.0	GROUND WATER
61-7207B	WR/DECREED	11/18/1974	4.540 cfs	940.0 af	235.0	1040.0	GROUND WATER
61-7210	WR/DECREED	12/19/1974	6.560 cfs	1312.0 af	328.0	1168.0	GROUND WATER
61-7239	WR/DECREED	8/25/1975	3.200 cfs	N/A	160.0	785.0	GROUND WATER
61-7247B	WR/DECREED	1/10/1976	1.200 cfs	N/A	N/A	60.0	GROUND WATER
61-7247D	WR/DECREED	1/10/1976	1.960 cfs	392.0 af	N/A	98.0	GROUND WATER
61-7263	WR/DECREED	4/1/1976	2.400 cfs	660.0 af	165.0	631.0	GROUND WATER
61-7264A	WR/DECREED	6/10/1976	10.740 cfs	2225.0 af	446.0	631.0	GROUND WATER
61-7264B	WR/DECREED	6/10/1976	0.400 cfs	90.0 af	20.0	631.0	GROUND WATER
61-7265	WR/DECREED	4/12/1976	0.720 cfs	351.3 af	87.8	320.0	GROUND WATER
61-7306B	WR/DECREED	2/1/1977	1.600 cfs	320.0 af	80.0	1040.0	GROUND WATER
61-7321	WR/DECREED	4/4/1977	1.800 cfs	N/A	625.0	785.0	GROUND WATER
61-7330	WR/DECREED	5/24/1977	2.640 cfs	720.0 af	160.0	2640.0	GROUND WATER
61-7399	WR/DECREED	4/5/1980	2.200 cfs	440.0 af	110.0	329.0	GROUND WATER
61-7442	WR/LICENSE	6/24/1997	2.920 cfs	584.0 af	N/A	146.0	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>
61-12013	NO	NO	YES	YES	NO	NO

Transfer No. 81560

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81560**

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>
61-12015	NO	NO	YES	YES	NO	NO
61-12017	NO	NO	YES	YES	NO	NO
61-12079	NO	NO	YES	YES	NO	NO
61-12080	NO	NO	YES	YES	NO	NO
61-12081	NO	NO	YES	YES	NO	NO
61-7197	NO	NO	YES	YES	NO	NO
61-7203	NO	NO	YES	YES	NO	NO
61-7204	NO	NO	YES	YES	NO	NO
61-7206C	NO	NO	YES	YES	NO	NO
61-7207A	NO	NO	YES	YES	NO	NO
61-7207B	NO	NO	YES	YES	NO	NO
61-7210	NO	NO	YES	YES	NO	NO
61-7239	NO	NO	YES	YES	NO	NO
61-7247B	NO	NO	YES	YES	NO	NO
61-7247D	NO	NO	YES	YES	NO	NO
61-7263	NO	NO	YES	YES	NO	NO
61-7264A	NO	NO	YES	YES	NO	NO
61-7264B	NO	NO	YES	YES	NO	NO
61-7265	NO	NO	YES	YES	NO	NO
61-7306B	NO	NO	YES	YES	NO	NO
61-7321	NO	NO	YES	YES	NO	NO
61-7330	NO	NO	YES	YES	NO	NO
61-7399	NO	NO	YES	YES	NO	NO
61-7442	NO	NO	YES	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>
61-12013	61-12013	2.480 cfs	680.0 af	170.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-12015	61-12015	3.260 cfs	733.5 af	163.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-12017	61-12017	6.360 cfs	1440.0 af	320.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-12079	61-12079	0.920 cfs	252.0 af	63.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-12080	61-12080	11.390 cfs	2281.2 af	570.3	6654.0	N/A	N/A	N/A	N/A	N/A
61-12081	61-12081	1.990 cfs	398.8 af	99.7	6654.0	N/A	N/A	N/A	N/A	N/A
61-7197	61-7197	8.000 cfs	2812.5 af	625.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7203	61-7203	2.300 cfs	677.2 af	169.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7204	61-7204	4.820 cfs	964.0 af	241.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7206C	61-7206C	0.800 cfs	180.0 af	40.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7207A	61-7207A	2.630 cfs	544.0 af	136.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7207B	61-7207B	4.540 cfs	940.0 af	235.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7210	61-7210	6.560 cfs	1312.0 af	328.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7239	61-7239	3.200 cfs	720.0 af	160.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7247B	61-7247B	1.200 cfs	240.0 af	60.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7247D	61-7247D	1.960 cfs	392.0 af	98.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7263	61-7263	2.400 cfs	660.0 af	165.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7264A	61-7264A	10.740 cfs	2225.0 af	446.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7264B	61-7264B	0.400 cfs	90.0 af	20.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7265	61-7265	0.720 cfs	351.3 af	87.8	6654.0	N/A	N/A	N/A	N/A	N/A
61-7306B	61-7306B	1.600 cfs	320.0 af	80.0	6654.0	N/A	N/A	N/A	N/A	N/A

Transfer No. 81560

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81560

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>
61-7321	61-7321	1.800 cfs	2812.5 af	625.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7330	61-7330	2.640 cfs	720.0 af	160.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7399	61-7399	2.200 cfs	440.0 af	110.0	6654.0	N/A	N/A	N/A	N/A	N/A
61-7442	61-7442	2.920 cfs	584.0 af	146.0	6654.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		74.740 cfs	19943.0 af	4692.8	6654.0		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 18th day of MAY, 2000.



Chief, Water Allocation Bureau

IDAHO Department of Water Resources



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WATER RIGHT REPORT

6/12/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 61-7264A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANK TIEGS LLC PO BOX 3110 PASCO, WA 99302 5095454545
Original Owner	BETTY F OSBORN
Original Owner	ROBERT E OSBORN MOUNTAIN HOME, ID 83647
Security Interest	AGCOUNTRY FARM CREDIT SERVICES PCA 2424 32ND AVE S PO BOX 13570 ATTN RICHARD KOVAR GRAND FORKS, ND 58208-3570 7017876632

Priority Date: 06/10/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	10.74 CFS	2416.5 AFA
STOCKWATER	1 / 1	12/31	1.27 CFS	218 AFA
COMMERCIAL	1 / 1	12/31	1.27 CFS	218 AFA
Total Diversion			10.74 CFS	2225 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 20	Township 02S	Range 04E	ADA County
GROUND WATER	SWSW	Sec. 22	Township 02S	Range 04E	ELMORE County
GROUND WATER	SWSE	Sec. 27	Township 02S	Range 04E	ELMORE County
GROUND WATER	SESE	Sec. 27	Township 02S	Range 04E	ELMORE County
GROUND WATER	SWNE	Sec. 28	Township 02S	Range 04E	ADA County
GROUND WATER	NENE	Sec. 34	Township 02S	Range 04E	ELMORE County
GROUND WATER	SENE	Sec. 35	Township 02S	Range 04E	ELMORE County
GROUND WATER	SWSE	Sec. 36	Township 02S	Range 04E	ELMORE County
GROUND WATER	SWSE	Sec. 36	Township 02S	Range 04E	ELMORE County
GROUND WATER	NWNW	Sec. 30	Township 02S	Range 05E	ELMORE County
GROUND WATER	NWSE	Sec. 30	Township 02S	Range 05E	ELMORE County
GROUND WATER	SWSE Lt 2	Sec. 31	Township 02S	Range 05E	ELMORE County
GROUND WATER	SWSE Lt 2	Sec. 31	Township 02S	Range 05E	ELMORE County
GROUND WATER	NENE Lt 1	Sec. 02	Township 03S	Range 04E	ELMORE County
GROUND WATER	NWNW Lt 4	Sec. 06	Township 03S	Range 05E	ELMORE County
GROUND WATER	SWNW Lt 5	Sec. 06	Township 03S	Range 05E	ELMORE County
GROUND WATER	NESW	Sec. 06	Township 03S	Range 05E	ELMORE County
GROUND WATER	NESW	Sec. 06	Township 03S	Range 05E	ELMORE County
GROUND WATER	NESW	Sec. 06	Township 03S	Range 05E	ELMORE County

IRRIGATION Use:

Acre Limit: 446

STOCKWATER Use:

Number of stock: 3600

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04E	20		NENE	40		NWNE	40		SWNE	40		SENE	40
				SENE	40									
				NESE	40		NWSE	40		SWSE	40		SESE	40
		22		NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
		25		NESW	40		NWSW	40		SWSW	40		SESW	40
		26		NWNE	40									
				SENE	40									
				NESW	40		NWSW	40		SWSW	40			
		27		SWNE	40		SENE	40						
				SWNW	40		SENE	40						

Place of Use Legal Description: COMMERCIAL ELMORE County

6/12/2020, 11:21 AM

			NESW		NWSW	4	SWSW	3	SESW
			NESE		NWSE	2	SWSE	1	SESE
	32		NWNW		SWNW				
03S	6	3	NENW	4	NWNW	5	SWNW		SENW

Place of Use Legal Description: STOCKWATER ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	05E	31		NWNE			SWNE							

Total Acres: 6654

Conditions of Approval:

1. X27 This right is limited to the irrigation of 446 acres within the place of use described above in a single irrigation season.
2. X35 Rights 61-7247B, 61-7263, 61-7264A, and 61-7264B when combined shall not exceed a total diversion rate of 11.36 cfs.
3. X35 The following water rights when combined for all authorized uses shall not exceed a total diversion rate of 74.74 cfs, a total annual maximum diversion volume of 19,943 af, and the irrigation of 4692.8 acres. 61-7197, 61-7203, 61-7204, 61-7206C, 61-7207A, 61-7207B, 61-7210, 61-7239, 61-7247B, 61-7247D, 61-7263, 61-7264A, 61-7264B, 61-7306B, 61-7265, 61-7321, 61-7330, 61-7399, 61-7442, 61-12013, 61-12015, 61-12017, 61-12079, 61-12080, and 61-12081.
4. The total instantaneous diversion of water from all points of diversion within the Cinder Cone Butte Critical Groundwater Area as designated on May 7, 1981 under rights 61-7197, 61-7203, 61-7204, 61-7206C, 61-7207A, 61-7207B, 61-7210, 61-7239, 61-7247B, 61-7247D, 61-7263, 61-7264A, 61-7264B, 61-7306B, 61-7265, 61-7321, 61-7330, 61-7399, 61-7442, 61-12013, 61-12015, 61-12017, 61-12079, 61-12080, and 61-12081 shall not exceed 73.04 cfs, nor a total combined annual volume of 19,359 af.
5. The total instantaneous diversion of water under the rights listed below shall not exceed 59 cfs, nor a total combined annual volume of 15,670 af from all points of diversion within the area designated as tributary to the Milner to Swan Falls reach of the Snake River. See IDAPA 37.03.08.030. Right numbers 61-7197, 61-7203, 61-7204, 61-7206C, 61-7207A, 61-7207B, 61-7210, 61-7239, 61-7247B, 61-7247D, 61-7263, 61-7264A, 61-7264B, 61-7306B, 61-7265, 61-7321, 61-7330, 61-7399, 61-7442, 61-12013, 61-12015, 61-12017, 61-12079, 61-12080, and 61-12081.
6. 226 To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 80697 dated 03/24/2017.
7. R64 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. 206 Rights 61-7197, 61-7203, 61-7204, 61-7206C, 61-7207A, 61-7207B, 61-7210, 61-7239, 61-7247B, 61-7247D, 61-7263, 61-7264A, 61-7264B, 61-7265, 61-7306B, 61-7321, 61-7330, 61-7399, 61-7442, 61-12013, 61-12015, 61-12017, 61-12079, 61-12080 and 61-12081 are limited to the irrigation of a specific 4,692.8 acres within the 6,654.0 acre place of use authorized by this right in a single irrigation season. The specific 4,692.8 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 4,692.8 acres to be irrigated within the 6,654.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
9. R05 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. 161.
10. R43 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).
11. Commercial use is for a dairy.
12. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
13. T20 Approval of transfer 81560 does not confirm the validity of the stockwater or commercial use authorized by this water right.
14. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
15. 004 This right does not grant any right-of-way or easement across the land of another.
16. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
18. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 10/26/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 161

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 11.36

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False