

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83959**

This is to certify that: RBA LLC
PO BOX 370
KIMBERLY, ID 83341-0370

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-17143	WR/DECREED	1/20/1965	0.010 cfs	N/A	1.0	2.5	GROUND WATER
36-17144	WR/DECREED	12/9/1968	0.010 cfs	N/A	0.5	2.5	GROUND WATER
36-17145	WR/DECREED	1/25/1974	0.010 cfs	N/A	0.8	2.5	GROUND WATER
36-17146	WR/DECREED	4/1/1984	0.010 cfs	N/A	0.2	1108.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-2600	WR/DECREED	1/20/1965	6.540 cfs	N/A	471.0	1105.5	GROUND WATER
36-7046	WR/DECREED	12/9/1968	2.970 cfs	N/A	212.5	1105.5	GROUND WATER
36-7435	WR/DECREED	1/25/1974	5.020 cfs	N/A	352.2	1105.5	GROUND WATER
36-11412	WR/DECREED	4/1/1984	0.830 cfs	N/A		1105.5	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-17143	NO	YES	NO	NO	NO	NO
36-17144	NO	YES	NO	NO	NO	NO
36-17145	NO	YES	NO	NO	NO	NO
36-17146	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-17143	36-17143	0.010 cfs	4.0 af	1.0	2.5	N/A	N/A	N/A	N/A	N/A
36-17144	36-17144	0.010 cfs	2.0 af	0.5	2.5	N/A	N/A	N/A	N/A	N/A
36-17145	36-17145	0.010 cfs	3.2 af	0.8	2.5	N/A	N/A	N/A	N/A	N/A
36-17146	36-17146	0.010 cfs	0.8 af	0.2	2.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.030 cfs	10.0 af	2.5	2.5		N/A	N/A	N/A	N/A

Transfer No. 83959

SUPPORT DATA
IN FILE # 36-17143

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83959

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 19th day of May, 2020.



Southern Region Manager



WATER RIGHT NO. 36-17143**As Modified by Transfer No. 83959**

In accordance with the approval of Transfer No. 83959, Water Right No. 36-17143 is now described as follows:

Right Holder: RBA LLC
PO BOX 370
KIMBERLY, ID 83341-0370

Priority Date: 1/20/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.010 cfs	4.0 af
			0.010 cfs	4.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 14 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	13						2.5											2.5

Right Acre Limit: 1.0
POU Total Acres: 2.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.0 acre within the authorized place of use in a single irrigation season.
2. Rights 36-17143 and 36-17146 when combined shall not exceed a total diversion rate of 0.01 cfs, a total annual maximum diversion volume of 4.8 af at the field headgate, and the irrigation of 1.2 acres.
3. Rights 36-17143, 36-17144, 36-17145 & 36-17146 when combined shall not exceed a total diversion rate of 0.03 cfs, a total annual maximum diversion volume of 10.0 af at the field headgate, and the irrigation of 2.5 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. 130.
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).

Transfer No. 83959

WATER RIGHT NO. 36-17143

As Modified by Transfer No. 83959

CONDITIONS OF APPROVAL

6. 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 1/15/1998.
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. Right No. 36-17146 is an enlargement of this right pursuant to Idaho Code § 42-1426.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-17144

As Modified by Transfer No. 83959

In accordance with the approval of Transfer No. 83959, Water Right No. 36-17144 is now described as follows:

Right Holder: RBA LLC
PO BOX 370
KIMBERLY, ID 83341-0370

Priority Date: 12/9/1968

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From 04/01 **to** 10/15

Diversion Rate

0.010 cfs
0.010 cfs

Diversion Volume

2.0 af
2.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 14 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	13						2.5											2.5

Right Acre Limit: 0.5

POU Total Acres: 2.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.5 acre within the authorized place of use in a single irrigation season.
2. Rights 36-17143, 36-17144, 36-17145 & 36-17146 when combined shall not exceed a total diversion rate of 0.03 cfs, a total annual maximum diversion volume of 10.0 af at the field headgate, and the irrigation of 2.5 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 83959

WATER RIGHT NO. 36-17144

As Modified by Transfer No. 83959

CONDITIONS OF APPROVAL

5. 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
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. 36-17145

As Modified by Transfer No. 83959

In accordance with the approval of Transfer No. 83959, Water Right No. 36-17145 is now described as follows:

Right Holder: RBA LLC
PO BOX 370
KIMBERLY, ID 83341-0370

Priority Date: 1/25/1974

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.010 cfs

0.010 cfs

Diversion Volume

3.2 af

3.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWNE

Sec 14 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	13						2.5											2.5

Right Acre Limit: 0.8

POU Total Acres: 2.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.8 acre within the authorized place of use in a single irrigation season.
2. Rights 36-17143, 36-17144, 36-17145 & 36-17146 when combined shall not exceed a total diversion rate of 0.03 cfs, a total annual maximum diversion volume of 10.0 af at the field headgate, and the irrigation of 2.5 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 83959

WATER RIGHT NO. 36-17145

As Modified by Transfer No. 83959

CONDITIONS OF APPROVAL

5. 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 12/29/1997.
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. 36-17146

As Modified by Transfer No. 83959

In accordance with the approval of Transfer No. 83959, Water Right No. 36-17146 is now described as follows:

Right Holder: RBA LLC
PO BOX 370
KIMBERLY, ID 83341-0370

Priority Date: 4/1/1984

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	0.010 cfs	0.8 af
			0.010 cfs	0.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 14 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	13						2.5											2.5
Right Acre Limit:			0.2																
POU Total Acres:			2.5																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.2 acre within the authorized place of use in a single irrigation season.
2. Rights 36-17143 and 36-17146 when combined shall not exceed a total diversion rate of 0.01 cfs, a total annual maximum diversion volume of 4.8 af at the field headgate, and the irrigation of 1.2 acres.
3. Rights 36-17143, 36-17144, 36-17145 & 36-17146 when combined shall not exceed a total diversion rate of 0.03 cfs, a total annual maximum diversion volume of 10.0 af at the field headgate, and the irrigation of 2.5 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. 130.
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).

Transfer No. 83959

WATER RIGHT NO. 36-17146

As Modified by Transfer No. 83959

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. This right is based upon an enlargement of Right Nos. 36-17143, 36-17144, and 36-17145 pursuant to Idaho Code § 42-1426.
8. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-2600

As Modified by Transfer No. 83959

In accordance with the approval of Transfer No. 83959, Water Right No. 36-2600 is now described as follows:

Right Holder: RANDY GILLETTE
745-C N 750 W
PAUL, ID 83347
And
CINDY GILLETTE
745-C N 750 W
PAUL, ID 83347

Priority Date: 1/20/1965

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31 **Diversion Rate**
6.540 cfs
6.540 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWSE	Sec 12 Twp 08S Rge 22E	MINIDOKA County
GROUND WATER	NENWNW	Sec 13 Twp 08S Rge 22E	MINIDOKA County
GROUND WATER	SESW	Sec 13 Twp 08S Rge 22E	MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	12	39.0	37.0	40.0	40.0					37.0	39.0	35.0	38.0	40.0	40.0	40.0	40.0	465.0
08S	22E	13	40.0	37.0	40.0	37.0	38.0	36.5	40.0	40.0	40.0	40.0	36.0	39.0	38.0	40.0	39.0	37.0	617.5
08S	22E	14	23.0																23.0

Right Acre Limit: 471.0

POU Total Acres: 1105.5

CONDITIONS OF APPROVAL

- USE OF THIS RIGHT WITH RIGHT NO. 36-11412 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.54 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2163.2 AF.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 14.53 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4422 AF.
COMBINED RIGHT NOS.: 36-07046, 36-07435 & 36-11412.

Transfer No. 83959

WATER RIGHT NO. 36-2600

As Modified by Transfer No. 83959

CONDITIONS OF APPROVAL

2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 471 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND WHEN COMBINED WITH RIGHT 36-11412 IS LIMITED TO 540.8 ACRES.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1105.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-07046, 36-07435 AND 36-11412.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 36-11412, 36-07435, & 36-07046.
RIGHT NO. 36-11412 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. 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.

WATER RIGHT NO. 36-7046**As Modified by Transfer No. 83959**

In accordance with the approval of Transfer No. 83959, Water Right No. 36-7046 is now described as follows:

Right Holder: RANDY GILLETTE
745-C N 750 W
PAUL, ID 83347
And
CINDY GILLETTE
745-C N 750 W
PAUL, ID 83347

Priority Date: 12/9/1968

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/15

Diversion Rate

2.970 cfs

2.970 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER
GROUND WATER

SWSWSE
NENWNW
SENESEW

Sec 12 Twp 08S Rge 22E MINIDOKA County
Sec 13 Twp 08S Rge 22E MINIDOKA County
Sec 13 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	12	39.0	37.0	40.0	40.0					37.0	39.0	35.0	38.0	40.0	40.0	40.0	40.0	465.0
08S	22E	13	40.0	37.0	40.0	37.0	38.0	36.5	40.0	40.0	40.0	40.0	36.0	39.0	38.0	40.0	39.0	37.0	617.5
08S	22E	14	23.0																23.0

Right Acre Limit: 212.5

POU Total Acres: 1105.5

CONDITIONS OF APPROVAL

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.53 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4422 AF. COMBINED RIGHT NOS.: 36-02600, 36-07435 AND 36-11412.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 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.

Transfer No. 83959

WATER RIGHT NO. 36-7046

As Modified by Transfer No. 83959

CONDITIONS OF APPROVAL

3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 212.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND WHEN COMBINED WITH RIGHTS 36-02600, 36-07435 AND 36-11412 TO A TOTAL OF 1105.5 ACRES.
4. 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.
5. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 36-11412, 36-02600, & 36-07435.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER RIGHT NO. 36-7435**As Modified by Transfer No. 83959**

In accordance with the approval of Transfer No. 83959, Water Right No. 36-7435 is now described as follows:

Right Holder: RANDY GILLETTE
745-C N 750 W
PAUL, ID 83347
And
CINDY GILLETTE
745-C N 750 W
PAUL, ID 83347

Priority Date: 1/25/1974

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

5.020 cfs

5.020 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER
GROUND WATER

SWSWSE
NENWNW
SENESEW

Sec 12 Twp 08S Rge 22E MINIDOKA County
Sec 13 Twp 08S Rge 22E MINIDOKA County
Sec 13 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	12	39.0	37.0	40.0	40.0					37.0	39.0	35.0	38.0	40.0	40.0	40.0	40.0	465.0
08S	22E	13	40.0	37.0	40.0	37.0	38.0	36.5	40.0	40.0	40.0	40.0	36.0	39.0	38.0	40.0	39.0	37.0	617.5
08S	22E	14	23.0																23.0

Right Acre Limit: 352.2

POU Total Acres: 1105.5

CONDITIONS OF APPROVAL

- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.53 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4422 AF.
COMBINED RIGHT NOS.: 36-02600, 36-07046 AND 36-11412.

Transfer No. 83959

WATER RIGHT NO. 36-7435
As Modified by Transfer No. 83959

CONDITIONS OF APPROVAL

2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 352.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND TO 1105.5 ACRES WHEN COMBINED WITH THE RIGHTS LISTED BELOW.
COMBINED RIGHTS 36-11412, 36-02600 & 36-07046.
4. 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.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 36-11412, 36-02600, & 36-07046.

WATER RIGHT NO. 36-11412**As Modified by Transfer No. 83959**

In accordance with the approval of Transfer No. 83959, Water Right No. 36-11412 is now described as follows:

Right Holder: CINDY GILLETTE
745-C N 750 W
PAUL, ID 83347
And
RANDY GILLETTE
745-C N 750 W
PAUL, ID 83347

Priority Date: 4/1/1984

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.830 cfs
0.830 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWSE	Sec 12 Twp 08S Rge 22E	MINIDOKA County
GROUND WATER	NENWNW	Sec 13 Twp 08S Rge 22E	MINIDOKA County
GROUND WATER	SENESEW	Sec 13 Twp 08S Rge 22E	MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	12	39.0	37.0	40.0	40.0					37.0	39.0	35.0	38.0	40.0	40.0	40.0	40.0	465.0
08S	22E	13	40.0	37.0	40.0	37.0	38.0	36.5	40.0	40.0	40.0	40.0	36.0	39.0	38.0	40.0	39.0	37.0	617.5
08S	22E	14	23.0																23.0

POU Total Acres: 1105.5

CONDITIONS OF APPROVAL

- USE OF THIS RIGHT WITH RIGHT NO.: 36-02600 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.54 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2163.2 AF.
USE OF THIS RIGHT WITH RIGHT NOS. 36-07046, 36-07435 AND 36-02600 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.53 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4422 AF.

Transfer No. 83959

WATER RIGHT NO. 36-11412

As Modified by Transfer No. 83959

CONDITIONS OF APPROVAL






2. THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. USE OF THIS RIGHT WITH RIGHT NO.: 36-02600 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 540.8 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS.: 36-07046, 36-07435 AND 36-02600 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1105.5 ACRES IN A SINGLE IRRIGATION SEASON.
4. 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.
5. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-07046, 36-07435 AND 36-02600 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. RIGHT NOS. 36-02600, 36-07435, & 36-07046 ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

State of Idaho
Department of Water Resources
Attachment to Transfer # 83959
36-17143, 36-17144, 36-17145, and 36-17146

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.

22E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 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

May 21, 2020

RBA LLC
PO BOX 370
KIMBERLY ID 83341-0370

Re: Transfer No: 83959

Water Right No(s): 36-2600, 36-7046, 36-7435, 36-11412, 36-17143, 36-17144,
36-17145, 36-17146

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

RANDY GILLETTE
CINDY GILLETTE
745-C N 750 W
PAUL ID 83347

COLUMBIA STATE BANK
506 S 10TH AVE
CALDWELL ID 83605-4157

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 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: 83959

Water Right No(s): 36-2600, 36-7046, 36-7435, 36-11412, 36-17143, 36-17144,
36-17145, 36-17146

RBA LLC
PO BOX 370
KIMBERLY ID 83341-0370

RANDY GILLETTE
CINDY GILLETTE
745-C N 750 W
PAUL ID 83347

COLUMBIA STATE BANK
506 S 10TH AVE
CALDWELL ID 83605-4157

WATER DISTRICT 130
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: May 5, 2020
To: Transfer #83959, RBA, LLC File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the point of diversion (POD) for four ground water irrigation rights with a combined flow rate of 0.03 cfs. The rights are currently authorized to divert from three wells located approximately 9.0 miles north and 2.0 miles west of Paul. After the transfer, the authorized POD will be a single existing well located approximately 1.0 mile west of the current PODs.

The proposed transfer is in Water District 130 and Watermaster comments were solicited; the Watermaster did not oppose the transfer. Because the transfer involved a change of POD in the ESPA, it was advertised and public comment was sought. No protests were received.

- **Authority to File:**
The Department's database indicates that water rights 36-17143, 36-17144, 36-17145, and 36-17146 are owned by the applicant, RBA, LLC. The application was signed by Mike Jurak, who is a member of the LLC.
- **Water Right Validity:**
The water rights were decreed in the SRBA, and it appears that irrigation may have occurred on the ground in recent years.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **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

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 100647

Ruby Aufderheide

(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 23rd day of April in the year of 2020 before me, a Notary Public, personally appeared before me Ruby Aufderheide 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: 5/8/2020



Section: Legals

Category: 50 Legal

PUBLISHED ON: 04/16/2020, 04/23/2020

TOTAL AD COST: 157.41

FILED ON: 4/23/2020

The following application(s) have been filed to appropriate the public waters of the State of Idaho: **37-23224**

JOHN N INFANGER
DEBRA A INFANGER
1241 MAIN ST
GOODING, ID 83330-1813
Point of Diversion SESE S36 T05S R14E GOODING County
Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 03-17-2020
Place Of Use: DOMESTIC
T05S R14E S36 SESE
Application for permit proposes to divert up to 0.15 cfs from an existing well for domestic purposes associated with 14 homes (9 of these 14 homes currently have an authorized in-house domestic use only authorized under water right 37-20800). Place of use and point of diversion are located approximately 1.2 miles west and 0.2 miles north of the intersection of 7th Ave and Hwy 46 in Gooding. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83959**

RBA LLC, PO BOX 370, KIMBERLY, ID 83341-0370 has filed Application No. 83959 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-17143, 36-17144, 36-17145, 36-17146. The purpose of the transfer is to change a portion of the above rights as follows:

Application for transfer proposes to change the point of diversion (POD) for four ground water irrigation rights with a combined flow rate of 0.03 cfs. The rights are currently authorized to divert from three wells located approximately 9.0 miles north and 2.0 miles west of Paul. After the transfer, the authorized POD will be a single existing well located approximately 1.0 mile west of the current PODs.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 **May 4, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on April 16th & 23rd, 2020

RECEIVED

APR 27 2020

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

✓ dm 5/1/2020

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 83959
Water Right No: 36-17143, etc
Applicant Name: RBA 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: April 13, 2020

Water District 130



Nathan Erickson, Watermaster

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 100647

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	157.41
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	157.41
Fax			
Section	Legals	Start/End Dates	04/16/2020 - 04/23/2020
SubSection		Insertions	2
Category	50 Legal	Size	102
Ad Key	100647-1	Salesperson(s)	Ruby Aufderheide
Keywords	Application Permit no. 37-23224	Taken By	Sherri Davis
Notes			

Ad Proof The following application(s) have been filed to appropriate the public waters of the State of Idaho: **37-23224**
 JOHN N INFANGER
 DEBRA A INFANGER
 1241 MAIN ST
 GOODING, ID 83330-1813
 Point of Diversion SESE S36 T05S R14E GOODING County
 Source GROUND WATER Tributary
 Use: DOMESTIC 01/01 to 12/31 0.15 CFS
 Total Diversion: 0.15 CFS
 Date Filed: 03-17-2020
 Place Of Use: DOMESTIC
 T05S R14E S36 SESE
 Application for permit proposes to divert up to 0.15 cfs from an existing well for domestic purposes associated with 14 homes (9 of these 14 homes currently have an authorized in-house domestic use only authorized under water right 37-20800). Place of use and point of diversion are located approximately 1.2 miles west and 0.2 miles north of the intersection of 7th Ave and Hwy 46 in Gooding. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83959

RBA LLC, PO BOX 370, KIMBERLY, ID 83341-0370 has filed Application No. 83959 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-17143, 36-17144, 36-17145, 36-17146. The purpose of the transfer is to change a portion of the above rights as follows:

Application for transfer proposes to change the point of diversion (POD) for four ground water irrigation rights with a combined flow rate of 0.03 cfs. The rights are currently authorized to divert from three wells located approximately 9.0 miles north and 2.0 miles west of Paul. After the transfer, the authorized POD will be a single existing well located approximately 1.0 mile west of the current PODs.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 **May 4, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on April 16th & 23rd, 2020

Proof of legal notice received
from Times News 4/9/2020

✓ *BM* 4-10-2020