

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**AMENDED**

TRANSFER OF WATER RIGHT  
TRANSFER NO. 83315

This is to certify that: LCSC ENTERPRISES LLC  
433 E LAS COLINAS BLVD STE 1290  
IRVING, TX 75039-5058

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>
35-2824	WR/DECREED	8/28/1961	0.370 cfs	75.6 af	N/A	20.8	GROUND WATER
35-7616A	WR/DECREED	6/7/1976	1.570 cfs	328.0 af	N/A	82.0	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>
35-2824	YES	YES	YES	NO	NO	NO
35-7616A	NO	NO	YES	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>
35-2824	35-14646	0.210 cfs	42.9 af	11.8	93.8	35-2824	0.160 cfs	32.7 af	N/A	9.0
35-7616A	35-7616A	1.570 cfs	328.0 af	82.0	93.8	N/A	N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>		<b>1.780 cfs</b>	<b>370.9 af</b>	<b>93.8</b>	<b>93.8</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

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 4<sup>th</sup> day of May, 2020.

  
Regional Manager

**Support Data  
In File # 35-2824**

Transfer No. 83315

**WATER RIGHT NO. 35-2824**

**As Modified by Transfer No. 83315**

In accordance with the approval of Transfer No. 83315, Water Right No. 35-2824 is now described as follows:

**Right Holder:** KIP M HUNTER  
BRANDI HUNTER  
467 S 1600 W  
PINGREE, ID 83262-1235

**Priority Date:** 8/28/1961

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	0.160 cfs	32.7 af
			0.160 cfs	32.7 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER      NENWSE      Sec 29 Twp 03S Rge 33E POWER 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	
03S	33E	29														9.0			9.0

POU Total Acres: 9.0

**CONDITIONS OF APPROVAL**

1. 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.

Transfer No. 83315

# **WATER RIGHT NO. 35-14646**

## **As Modified by Transfer No. 83315**

In accordance with the approval of Transfer No. 83315, Water Right No. 35-14646 is now described as follows:

**Right Holder:** BRANDI HUNTER  
KIP M HUNTER  
467 S 1600 W  
PINGREE, ID 83262-1235

**Priority Date:** 8/28/1961

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	0.210 cfs	42.9 af
			0.210 cfs	42.9 af

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER NESWSW Sec 14 Twp 09S Rge 28E POWER 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	
09S	28E	14									15.0	20.0	24.0	34.0			0.4		93.4
09S	28E	23		0.4															0.4

Right Acre Limit: 11.8

POU Total Acres: 93.8

### **CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 11.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7616A and 35-14646 when combined shall not exceed the irrigation of 93.8 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. 120.
4. Prior to the diversion and use of water under Transfer approval 83315, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 83315

**WATER RIGHT NO. 35-14646**  
**As Modified by Transfer No. 83315**

**CONDITIONS OF APPROVAL**

5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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. 35-7616A**  
**As Modified by Transfer No. 83315**

In accordance with the approval of Transfer No. 83315, Water Right No. 35-7616A is now described as follows:

**Right Holder:** LCSC ENTERPRISES LLC  
 433 LAS COLINAS BLVD E STE 1290  
 IRVING, TX 75039-5058

**Priority Date:** 6/7/1976

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	1.570 cfs	328.0 af
			1.570 cfs	328.0 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      NESWSW                      Sec 14 Twp 09S Rge 28E POWER 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	
09S	28E	14									15.0	20.0	24.0	34.0			0.4		93.4
09S	28E	23		0.4															0.4

Right Acre Limit: 82.0

POU Total Acres: 93.8

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 82 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7616A and 35-14646 when combined shall not exceed the irrigation of 93.8 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. 120.
4. Prior to the diversion and use of water under Transfer approval 83315, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 83315

**WATER RIGHT NO. 35-7616A**

**As Modified by Transfer No. 83315**

**CONDITIONS OF APPROVAL**

5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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 use of water within T09S, R28E, S14, NESW and NWSW is limited to the S1/2 of those quarter-quarters.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

# Attachment to Transfer Approval 83315

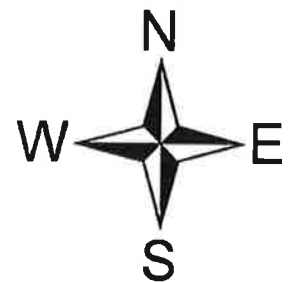
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



Date: 4/23/2020



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov)

**BRAD LITTLE**  
Governor

**GARY SPACKMAN**  
Director

May 4, 2020

LCSC ENTERPRISES LLC  
433 E LAS COLINAS BLVD STE 1290  
IRVING TX 75039-5058

Re: Transfer No: 83315  
Water Right No(s): 35-2824, 35-7616A

**Amended Transfer Approval Notice**

Dear Water Right Holder:

The Department of Water Resources issued a preliminary order approving Transfer 83315 (water rights 35-2824 and 35-7616A) on April 23, 2020. On May 4, 2020, the United States Bureau of Land Management ("BLM") notified the Department of an omission on the transfer approval. The Snake River Basin Adjudication Partial Decree for water right 35-7616A included the following condition: "The use of water within T09S, R28E, S14, NESW and NWSW is limited to the S1/2 of those places of use." The BLM owns the north half of the NESW and NWSW of Section 14, T09S, R28E. The BLM asked the Department to issue an amended transfer approval, maintaining the subject condition on water right 35-7616A.

Pursuant to Rule 760 of the Department's Rules of Procedure (IDAPA 37.01.01), the Department may issue an amended preliminary order (transfer approval) within 14 days after the issuance of the initial preliminary order.

The Department has issued the enclosed approved Amended 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) 525-7161.

Sincerely,



Christina Henman  
Administrative Assistant

Enclosure

CC:  
ROBERT L HARRIS  
PO BOX 50130  
IDAHO FALLS ID 83405-0130

JCH ENGINEERING & CONSULTING PLLC  
JASON C HELMS PE  
6755 N ALBERT LN  
IDAHO FALLS ID 83401

BRANDI HUNTER  
KIP M HUNTER  
467 S 1600 W  
PINGREE ID 83262-1235

THE BANK OF COMMERCE  
C/O WESTERN AG CREDIT  
PO BOX 95850  
SOUTH JORDAN UT 84095-0850

BANK OF IDAHO  
399 N CAPITAL AVE  
IDAHO FALLS ID 83402-3632

A & B IRRIGATION DISTRICT  
BURLEY IRRIGATION DISTRICT  
MILNER IRRIGATION DISTRICT  
NORTH SIDE CANAL CO LTD  
TWIN FALLS CANAL CO  
BARKER ROSHOLT & SIMPSON  
163 2ND AVE W  
PO BOX 63  
TWIN FALLS ID 83303-0063

AMERICAN FALLS RESERVOIR DISTRICT 2  
MINIDOKA IRRIGATION DISTRICT  
FLETCHER LAW OFFICE  
PO BOX 248  
BURLEY ID 83318

ABERDEEN-SPRINGFIELD CANAL COMPANY  
PARSONS BEHLE & LATIMER  
800 W MAIN STREET STE 1300  
BOISE, ID 83702

FRED PRICE  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

## 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.

## CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Amended Transfer No: 83315**

**Water Right No(s): 35-2824, 35-7616A**

LCSC ENTERPRISES LLC  
433 E LAS COLINAS BLVD STE 1290  
IRVING TX 75039-5058

ROBERT L HARRIS  
PO BOX 50130  
IDAHO FALLS ID 83405-0130

JCH ENGINEERING & CONSULTING PLLC  
JASON C HELMS PE  
6755 N ALBERT LN  
IDAHO FALLS ID 83401

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KIP M HUNTER  
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A & B IRRIGATION DISTRICT  
BURLEY IRRIGATION DISTRICT  
MILNER IRRIGATION DISTRICT  
NORTH SIDE CANAL CO LTD  
TWIN FALLS CANAL CO  
BARKER RSHOLT & SIMPSON  
163 2ND AVE W  
PO BOX 63  
TWIN FALLS ID 83303-0063

AMERICAN FALLS RESERVOIR DISTRICT 2  
MINIDOKA IRRIGATION DISTRICT  
FLETCHER LAW OFFICE  
PO BOX 248  
BURLEY ID 83318

ABERDEEN-SPRINGFIELD CANAL COMPANY  
PARSONS BEHLE & LATIMER  
800 W MAIN STREET STE 1300  
BOISE, ID 83702

FRED PRICE  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657



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Christina Henman  
Administrative Assistant