

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83608**

This is to certify that: **LONE PINE FARMS CANYON COUNTY LLC**
6000 BIG WILLOW RD
PAYETTE, ID 83661

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>
65-4487	WR/DECREED	1/1/1954	0.400 cfs	N/A	N/A	20.0	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>
65-4487	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>
65-4487	65-4487	0.340 cfs	17.4 af	N/A	8.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.340 cfs	17.4 af	N/A	8.2		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 31st day of March, 2020


for Chief, Water Allocation Bureau

WATER RIGHT NO. 65-4487**As Modified by Transfer No. 83608**

In accordance with the approval of Transfer No. 83608, Water Right No. 65-4487 is now described as follows:

Right Holder: LONE PINE FARMS CANYON COUNTY LLC
6000 BIG WILLOW RD
PAYETTE, ID 83661

Priority Date: 1/1/1954

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	1.2 af
IRRIGATION	03/15	to 11/15	0.160 cfs	8.1 af
STOCKWATER	01/01	to 12/31	0.140 cfs	8.1 af
			0.340 cfs	17.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L1 (NWNW) Sec 19 Twp 08N Rge 03W PAYETTE County
GROUND WATER L1 (NWNW) Sec 19 Twp 08N Rge 03W PAYETTE County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	03W	18						X											
								L 1											

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	
08N	03W	18						8.1	0.1										8.2
								L 1	L 2										

POU Total Acres: 8.2

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	03W	18												X			X		
08N	03W	19		X			X	X	X	X									
								L 1	L 2										0
08N	04W	24	X	X	X	X										X			0

Transfer No. 83608

WATER RIGHT NO. 65-4487

As Modified by Transfer No. 83608

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. 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 place of use.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 11/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. Domestic use is for 1 home.
6. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 83608

65-4487

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



- Points of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 83608

65-4487

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



- Points of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

0 0.04 0.08 0.16 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 31, 2020

LONE PINE FARMS CANYON COUNTY LLC
6000 BIG WILLOW RD
PAYETTE ID 83661

Re: Transfer No: 83608
Water Right No(s): 65-4487

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

If you have any questions, please contact me at (208) 334-2190

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', written in a cursive style.

Kensie Thorneycroft
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 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.: 83608
Water Right No(s): 65-4487

LONE PINE FARMS CANYON COUNTY LLC
6000 BIG WILLOW RD
PAYETTE ID 83661



Kensie Thorneycroft
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 83608
FROM: Shilynn Novak
DATE: March 24, 2020
RE: Evaluation of Application

Summary of Information Submitted:

Lone Pine Farms Canyon County LLC initially filed transfer no. 83608 to add an additional point of diversion for water right no. 65-4487. The applicant later filled out an application to update the stockwater, domestic, and irrigation places of use at the request of the Department. The additional POD is an additional groundwater well that will be used for stockwater, irrigation use, and domestic use. The change in POU is defining and updating the areas where stockwater, irrigation, and domestic use has been used since 2004.

The site is located approximately 5.1 miles northeast of New Plymouth, Idaho. The property lies north of Big Willow Creek which is tributary to the Payette River.

Authority to File:

Lone Pine Farms Canyon County, LLC is the applicant and Stephen T. Boschma signed the transfer application. Mr. Boschma is the manager and registered agent who may sign on behalf of the company according to the Idaho Secretary of State website.

During a 11/25/19 office visit, the applicant said that 6000 Big Willow Rd and 5592 W Kuna Rd are both accurate addresses and he receives mail at both locations.

Water Right Validity:

The partial decree for water right no. 65-4487 was issued by the SRBA on 06/28/02. The right authorizes irrigation of 10.0 acres in NWNW and 10.0 acres in SWNW for a total of 20 irrigated acres. Upon review of the beneficial use for this right using aerial imagery and Google Earth images, a total of 8.2 acres appear to be irrigated, making 11.8 acres subject to forfeiture and the rate reduced to 0.16 cfs. The irrigated acres mostly fall into the NWNW1 while the forfeited acres are mostly in the SWNW2. According to aerial images, the irrigated acres have not changed since 2004.

Correspondence with the applicant was sought via letter sent on 10/16/19 to verify the number of irrigated acres.

Appliant arrived in office 11/25/19 to discuss the letter. He understood why the irrigated acres were being forfeited and was more concerned that his livestock had water. He also verified stockwater and domestic place of use while in the office.

Overlap Analysis:

Two irrigation entities's (Lake Reservoir Company and Lower Payette Ditch Company) place of use overlap the POU. Water Right 65-4488 has a domestic POU that is in the same quarter-quarter as the updated POU boundaries, and is likely for the house outside of the POU boundary. Water Right 65-5566 for Big Willow Ranch LLC has a domestic and stockwater use in the same quarter-quarter, and is likely used outside of new POU boundary.

Other rights owned by Lone Pine Farms Canyon County LLC are from other sources besides ground water for stockwater use. 65-4490 is owned by Lone Pine but uses a different POD (groundwater well) than 65-4487.

Injury to Other Water Rights:

The additional well will be roughly 50 feet away from the original, established well. The water bearing zone for the established well is 46 to 136 feet.

Another well is approximately 0.2 miles south of the new well, but the water right (no. 65-4490) is under Lone Pine Farms Canyon County LLC. Two other rights (65-5566 and 65-4488) are approximately .7 miles away. All of which are unlikely to be affected as there will be no increase in water usage from this transfer and neither right has filed any injury claims.

Enlargement of Use:

No enlargement is expected. The right will be reduced by 11.8 acres and reduced to 0.16 cfs for irrigation use, so actual irrigated acres are less than originally licensed. Although there is a reduction in irrigated acres and rate of irrigation, the volume (8.1 af) will remain the same. The original volume decreed was 8.1 af for 20 irrigated acres. The irrigation use down to 8.2 acres still limits the use to less than 1.0 af/acre. It is reasonable to expect the volume be consolidated to the new POU of 8.2 acres.

The stockwater use is not acre dependent so the amount of water will remain the same. Domestic POU has been updated to show the home also remain the same. The property appears to have remained the same size and likely has used the the same amount of water since 2004.

There was no information prior to the decree regarding system capacity limits, so it will be assumed the system produced 0.40 cfs pre-transfer. Post-transfer the user should be able to divert 0.34 cfs for all 3 uses, maintaining volume limits.

No forms of complaints for injury to water rights have been issued to the department for this area.

Local Public Interest:

There has been no apparent changes within the new place of use according to aerial imagery since 2004. No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

08N03W18 - POU Comparison

Process	BasinSequence	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	TotalAcres
Water Right	65-5566	BIG WILLOW RANCH LLC; PENCE JR, THOMAS F	GROUND WATER	DOMESTIC																X	

08N03W19 - POU Comparison

Process	BasinSequence	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	TotalAcres
Water Right	65-4487	BARKER, CLIFFORD; BIG WILLOW RANCH LLC; LONE PINE FARMS CANYON COUNTY LLC ; SCHWARZ, J G; SCHWARZ, KRISTIN	GROUND WATER	DOMESTIC					X												
Water Right	65-4487	BARKER, CLIFFORD; BIG WILLOW RANCH LLC; LONE PINE FARMS CANYON COUNTY LLC ; SCHWARZ, J G; SCHWARZ, KRISTIN	GROUND WATER	IRRIGATION						10	10										20
Water Right	65-4490	BARKER & SON INC; BIG WILLOW RANCH LLC; LONE PINE FARMS CANYON COUNTY LLC ; SCHWARZ, J G; SCHWARZ, KRISTIN	GROUND WATER	DOMESTIC							X										
Water Right	65-4490	BARKER & SON INC; BIG WILLOW RANCH LLC; LONE PINE FARMS CANYON COUNTY LLC ; SCHWARZ, J G; SCHWARZ, KRISTIN	GROUND WATER	STOCKWATER							X										

08N04W24 - POU Comparison

Process	BasinSequence	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	TotalAcres
Water Right	65-18528	BARKER, SHIRLEY J	GROUND WATER	DOMESTIC								X									
Water Right	65-18528	BARKER, SHIRLEY J	GROUND WATER	STOCKWATER								X									
Water Right	65-2620	PENCE JR, THOMAS F	GROUND WATER	IRRIGATION											20	19					39
Water Right	65-4488	BARKER, DARRELLE; MUNN, MARIE H	GROUND WATER	DOMESTIC														X			

MAR 02 2020

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Payette }

Melissa Swetland

Of Payette, Payette County, Idaho, being
First duly sworn, deposes and says:

- 1) That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not party to the above entitled action.
- 2) That I am the representative of the Independent Enterprise, a weekly newspaper published in the County of Payette and State of Idaho; that the said newspaper is in general circulation in the said County of Payette, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
- 3) That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
02/19/2020 02/26/2020Legal # 265274
WATER RIGHTS 65-4487
L-265274Melissa SwetlandState of Idaho }
County of Payette }

On this 26th day of February in the year 2020
Before me a Notary Public personally appeared.
Melissa Swetland, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Yvonne Dee Lee
Notary Public for Idaho
Residing at Payette County
My Commission expires *

November 4, 2025

YVONNE DEE LEE
Notary Public - State of Idaho
Commission Number 62548
My Commission Expires Nov 4, 2025

The following application
has been filed to
appropriate the public
waters of the State of Idaho:

NOTICE OF
PROPOSED CHANGE OF
WATER RIGHT

TRANSFER NO. 83608

LONE PINE FARMS

CANYON COUNTY LLC,

6000 Big Willow Rd,

Payette ID 83661; has

filed Application No.

83608 for changes to the

following water rights

within PAYETTE County

(s): Right No(s). 65-4487;

to see a full description of

these rights and the pro-

posed transfer, please see

www.idwr.idaho.gov/apps/

wr/QueryNewTransfers/

QueryNewTransfers.aspx.

The purpose of the transfer

is to change a portion of the

above rights as follows: The

purpose of the transfer is to

add an additional point of

diversion (groundwater well)

and update the locations of

place of use for water right

no. 65-4487. The new well

is the primary source for all

uses and the old well used

as emergency backup with a

switch to run one or the

other. Water will be used at

the current place of use

approx. 5.1 miles NE of

New Plymouth, ID, off Big

Willow Rd.

For additional information

concerning the property

location, contact Western

Region office at

(208) 334-2190; or for a full

description of the right(s) or

proposed transfer(s), please

see www.idwr.idaho.gov.

Protests may be submitted

based on the criteria of

Idaho Code § 42-222. Any

protest against the

proposed change(s) must be

filed with the Director, Dept.

of Water Resources, West-

ern Region, 2735 Airport

Way, Boise, ID 83705

together with a protest fee of

\$25.00 for each application

on or before 03/09/2020.

The protestant must also

send a copy of the protest to

the applicant.

GARY SPACKMAN, Director

Published on 2/19/2020

and 2/26/2020

Legal Number 265274
February 19, 26, 2020✓ok
KT
3/10/2020