

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83184**

This is to certify that: **HIGH PLAINS LAND & LIVESTOCK LLC**
PO BOX 1428
TWIN FALLS, ID 83303-1428

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>
47-17506	WR/DECREED	11/21/1960	0.580 cfs	175.4 af	43.9	215.1	GROUND WATER
47-17507	WR/DECREED	10/25/1951	0.680 cfs	207.2 af	51.8	215.1	GROUND WATER
47-2382	WR/DECREED	12/13/1963	1.300 cfs	543.1 af	215.1	215.1	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>
47-17506	YES	YES	YES	NO	YES	YES
47-17507	YES	YES	YES	NO	YES	YES
47-2382	YES	YES	YES	NO	YES	YES

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>
47-17506	51-13136	0.010 cfs	6.1 af	N/A	N/A	47-17506	0.570 cfs	167.2 af	41.8	205.0
47-17507	51-13135	0.010 cfs	7.3 af	N/A	N/A	47-17507	0.670 cfs	197.5 af	49.4	205.0
47-2382	51-13134	0.040 cfs	19.1 af	N/A	N/A	47-2382	1.260 cfs	517.6 af	205.0	205.0
COMBINED TOTALS		0.060 cfs	26.4 af	N/A	N/A		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 13th day of December, 2019.


Southern Region Manager

SUPPORT DATA

Transfer No. 83184

IN FILE # 47-2382

WATER RIGHT NO. 47-2382**As Modified by Transfer No. 83184**

In accordance with the approval of Transfer No. 83184, Water Right No. 47-2382 is now described as follows:

Right Holder: HIGH PLAINS LAND & LIVESTOCK LLC
PO BOX 1428
TWIN FALLS, ID 83303-1428

Priority Date: 12/13/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.260 cfs	517.6 af
			1.260 cfs	517.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWSE Sec 18 Twp 09S Rge 13E TWIN FALLS 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	
09S	13E	17											40.0						40.0
09S	13E	18									32.9			32.4		30.7	32.3	36.7	165.0

Right Acre Limit: 205.0

POU Total Acres: 205.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 205.0 acres within the place of use described above in a single irrigation season.
2. Rights 47-2382, 47-17506, and 47-17507 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual maximum diversion volume of 715.1 af at the field headgate, and the irrigation of 205.0 acres..
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 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.
5. The approval of transfer 75087 redefined all of the elements of this water right, and the new use of water authorized by the transfer 75087 approval constituted the full extent of the right.

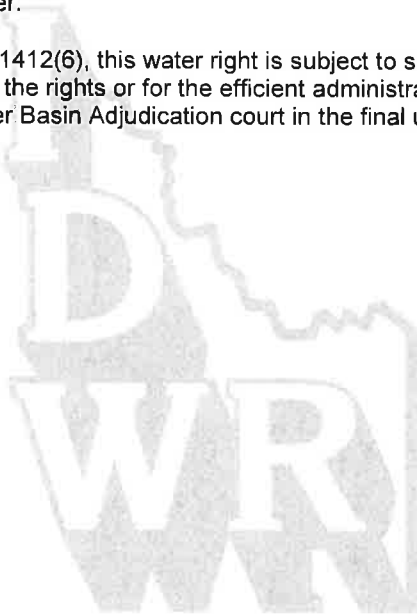
Transfer No. 83184

WATER RIGHT NO. 47-2382

As Modified by Transfer No. 83184

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 51-13134**As Modified by Transfer No. 83184**

In accordance with the approval of Transfer No. 83184, Water Right No. 51-13134 is now described as follows:

Right Holder: HIGH PLAINS LAND & LIVESTOCK LLC
PO BOX 1428
TWIN FALLS, ID 83303-1428

Priority Date: 12/13/1963

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 /1	to 12/31	0.040 cfs	19.1 af
STOCKWATER	1 /1	to 12/31	0.040 cfs	19.1 af
			0.040 cfs	19.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 1	Twp 10S Rge 12E	TWIN FALLS County
GROUND WATER	SESESW	Sec 1	Twp 10S Rge 12E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	12E	1									X			X		X	X		0.0

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	
10S	12E	1									X			X		X	X		0.0

CONDITIONS OF APPROVAL

1. Rights 51-13134, 51-13135, and 51-13136 when combined shall not exceed a total diversion rate of 0.06 cfs and a total annual maximum diversion volume of 26.4 af.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.

Transfer No. 83184

WATER RIGHT NO. 51-13134

As Modified by Transfer No. 83184

CONDITIONS OF APPROVAL

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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. 47-17507**As Modified by Transfer No. 83184**

In accordance with the approval of Transfer No. 83184, Water Right No. 47-17507 is now described as follows:

Right Holder: HIGH PLAINS LAND & LIVESTOCK LLC
PO BOX 1428
TWIN FALLS, ID 83303-1428

Priority Date: 10/25/1951

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	0.670 cfs	197.5 af
			0.670 cfs	197.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWSE Sec 18 Twp 09S Rge 13E TWIN FALLS 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	
09S	13E	17											40.0						40.0
09S	13E	18								32.9			32.4		30.7	32.3	36.7		165.0

Right Acre Limit: 49.4
POU Total Acres: 205.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 49.4 acres within the place of use described above in a single irrigation season.
2. Rights 47-17506 and 47-17507 when combined shall not exceed a total diversion rate of 1.04 cfs, a total annual maximum diversion volume of 197.5 af at the field headgate, and the irrigation of 49.4 acres.
3. Rights 47-2382, 47-17506, and 47-17507 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual maximum diversion volume of 715.1 af at the field headgate, and the irrigation of 205.0 acres.
4. 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.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

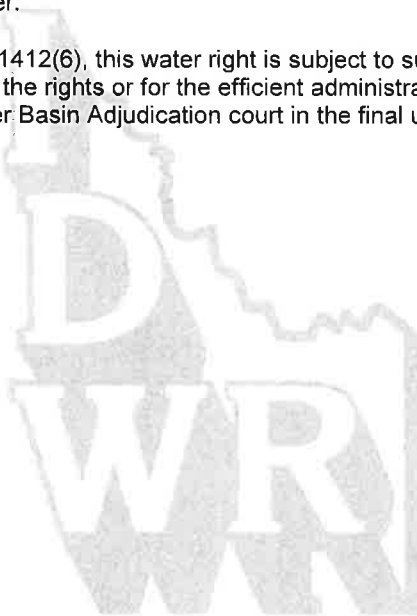
Transfer No. 83184

WATER RIGHT NO. 47-17507

As Modified by Transfer No. 83184

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 51-13135**As Modified by Transfer No. 83184**

In accordance with the approval of Transfer No. 83184, Water Right No. 51-13135 is now described as follows:

Right Holder: HIGH PLAINS LAND & LIVESTOCK LLC
PO BOX 1428
TWIN FALLS, ID 83303-1428

Priority Date: 10/25/1951

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to 12/31	0.010 cfs	7.3 af
STOCKWATER	1 /1	to 12/31	0.010 cfs	7.3 af
			0.010 cfs	7.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 1	Twp 10S Rge 12E	TWIN FALLS County
GROUND WATER	SESESW	Sec 1	Twp 10S Rge 12E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	12E	1									X			X		X	X		0.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	12E	1									X			X		X	X		0.0

CONDITIONS OF APPROVAL

1. Rights 51-13435 and 51-13436 when combined shall not exceed a total diversion rate of 0.02 cfs and a total annual maximum diversion volume of 7.3 af.
2. Rights 51-13134, 51-13135, and 51-13136 when combined shall not exceed a total diversion rate of 0.06 cfs and a total annual maximum diversion volume of 26.4 af.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

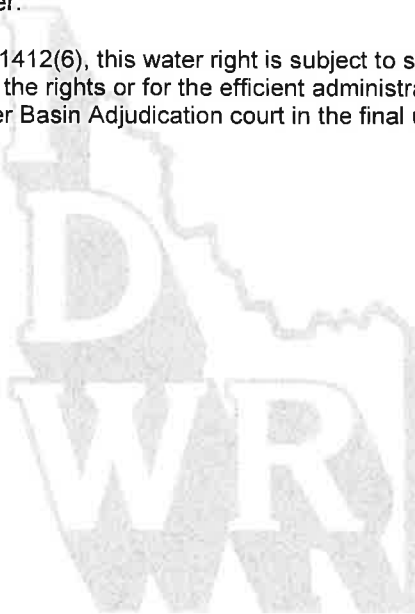
Transfer No. 83184

WATER RIGHT NO. 51-13135

As Modified by Transfer No. 83184

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within 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. 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. 47-17506**As Modified by Transfer No. 83184**

In accordance with the approval of Transfer No. 83184, Water Right No. 47-17506 is now described as follows:

Right Holder: HIGH PLAINS LAND & LIVESTOCK LLC
PO BOX 1428
TWIN FALLS, ID 83303-1428

Priority Date: 11/21/1960

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	0.570 cfs	167.2 af
			0.570 cfs	167.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWSE Sec 18 Twp 09S Rge 13E TWIN FALLS 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	
09S	13E	17											40.0						40.0
09S	13E	18									32.9			32.4		30.7	32.3	36.7	165.0

Right Acre Limit: 41.8

POU Total Acres: 205.0

CONDITIONS OF APPROVAL

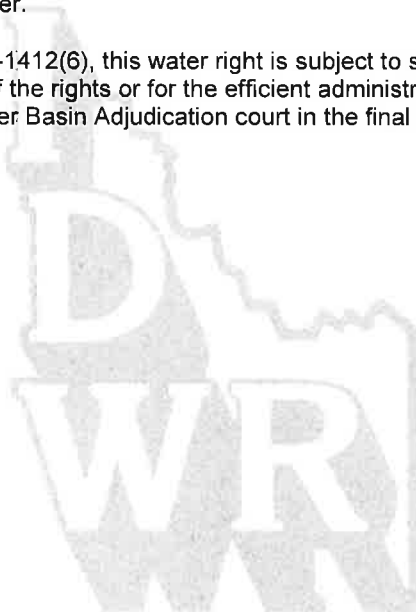
1. This right is limited to the irrigation of 41.8 acres within the place of use described above in a single irrigation season.
2. Rights 47-17506 and 47-17507 when combined shall not exceed a total diversion rate of 1.04 cfs, a total annual maximum diversion volume of 197.5 af at the field headgate, and the irrigation of 49.4 acres.
3. Rights 47-2382, 47-17506, and 47-17507 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual maximum diversion volume of 715.1 af at the field headgate, and the irrigation of 205.0 acres.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. 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.

Transfer No. 83184

WATER RIGHT NO. 47-17506
As Modified by Transfer No. 83184

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 51-13136**As Modified by Transfer No. 83184**

In accordance with the approval of Transfer No. 83184, Water Right No. 51-13136 is now described as follows:

Right Holder: HIGH PLAINS LAND & LIVESTOCK LLC
PO BOX 1428
TWIN FALLS, ID 83303-1428

Priority Date: 11/21/1960

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
STOCKWATER

From

1 /1
1 /1

To

to 12/31
to 12/31

Diversion Rate

0.010 cfs
0.010 cfs
0.010 cfs

Diversion Volume

6.1 af
6.1 af
6.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESW Sec 1 Twp 10S Rge 12E TWIN FALLS County
GROUND WATER SESESW Sec 1 Twp 10S Rge 12E TWIN FALLS County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	12E	1									X			X		X	X		0.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	12E	1									X			X		X	X		0.0

CONDITIONS OF APPROVAL

1. Rights 51-13435 and 51-13436 when combined shall not exceed a total diversion rate of 0.02 cfs and a total annual maximum diversion volume of 7.3 af.
2. Rights 51-13134, 51-13135, and 51-13136 when combined shall not exceed a total diversion rate of 0.06 cfs and a total annual maximum diversion volume of 26.4 af.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

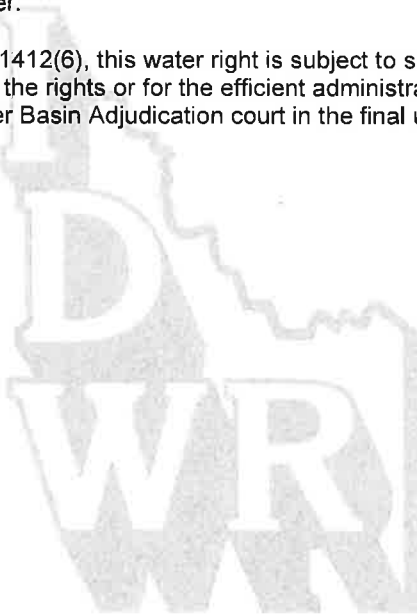
Transfer No. 83184

WATER RIGHT NO. 51-13136

As Modified by Transfer No. 83184

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within 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. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer # 83184
51-13134, 51-13135, and 51-13136

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



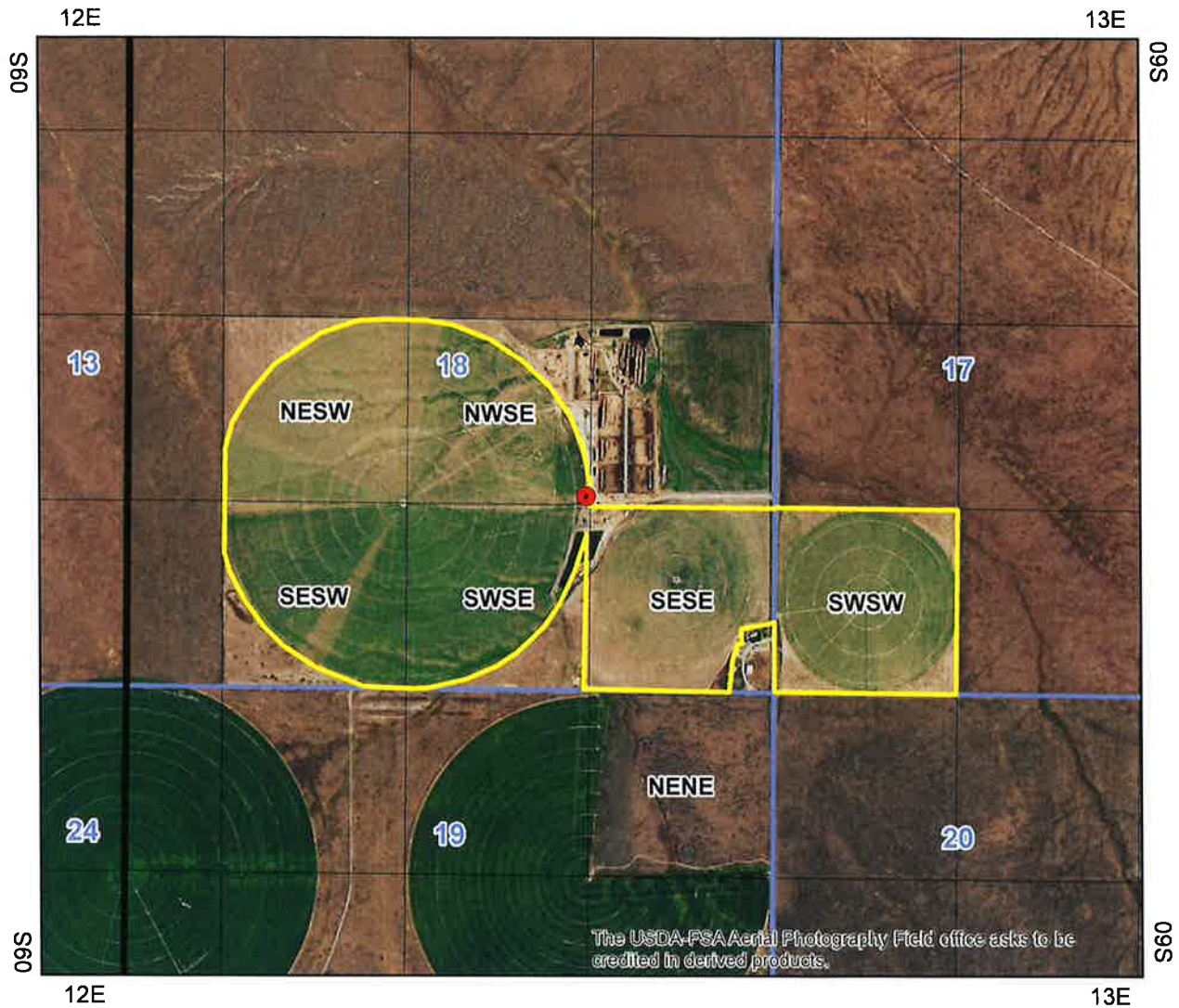
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 83184
47-2382, 47-17506, and 47-17507

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



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

0 0.15 0.3 0.6 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

December 20, 2019

HIGH PLAINS LAND & LIVESTOCK LLC
PO BOX 1428
TWIN FALLS ID 83303-1428

Re: Transfer No: 83182
Water Right No(s): 47-2382, 47-17506, 47-17507

Re: Transfer No: 83184
Water Right No(s): 47-2382, 47-17506, 47-17507

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

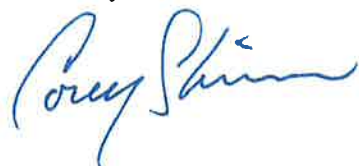
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

TSK ENTERPRISES LLC
GARY L FUNDERBURG
255 BLUE LAKES BLVD N PMB 617
TWIN FALLS ID 83301

BRIGHTHOUSE LIFE INSURANCE CO
C/O METROPOLITAN LIFE INSURANCE COMPANY
10801 MASTIN ST STE 930
OVERLAND PARK KS 66210-1677

MC FINNEY AGRI FINANCE LLC
PO BOX 1598
TWIN FALLS ID 83303-1598

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2019 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: 83182

Water Right No(s): 47-2382, 47-17506, 47-17507

Re: Transfer No: 83184

Water Right No(s): 47-2382, 47-17506, 47-17507

HIGH PLAINS LAND & LIVESTOCK LLC
PO BOX 1428
TWIN FALLS ID 83303-1428

TSK ENTERPRISES LLC
GARY L FUNDERBURG
255 BLUE LAKES BLVD N PMB 617
TWIN FALLS ID 83301

BRIGHTHOUSE LIFE INSURANCE CO
C/O METROPOLITAN LIFE INSURANCE COMPANY
10801 MASTIN ST STE 930
OVERLAND PARK KS 66210-1677

MC FINNEY AGRI FINANCE LLC
PO BOX 1598
TWIN FALLS ID 83303-1598



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: December 11, 2019
To: Transfer #83184, High Plains Land and Livestock, LLC Transfer File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the nature of use, place of use (POU), points of diversion (POD), and period of use for a 0.06 cfs, 10.1 acre portion of irrigation water rights 47-2382, 47-17506, and 47-17507 which currently irrigate land located approximately 3.0 miles north and 10.9 miles west of the intersection of Main Street and Broadway Avenue in Buhl. The application proposes to change the nature of use and POU of these rights from irrigation during the irrigation season to year-round stockwater and commercial use at a CAFO located approximately 1.2 miles south and 12.0 miles west of Buhl. The transfer proposes changing the POD for the converted portion from the currently authorized irrigation well to two existing wells associated with the CAFO facility.

Because the transfer proposes changing the nature of use, period of use, place of use, and points of diversion within the Blue Gulch Critical Ground Water Area, the transfer was advertised. No protests were received.

This transfer moves water from IDWR Basin 47 south into Basin 51, so the split portions of the three base rights have been renumbered with Basin 51 prefix numbers.

The existing rights at the CAFO are 51-7373 (0.57 cfs, stockwater, commercial) and 51-7374 (0.47 cfs, stockwater, commercial).

The amount of water moving into the CAFO is 33.3 AF. In converting from irrigation to stockwater and commercial use, a consumptive use value is used instead of the 3.49 AF/acre available under the combined volume limit for the three rights (this value is less than the standard field headgate requirement of 4.0 in the area). In this case, it is derived from interpolating the evapotranspiration estimates between the Castleford and Hagerman National Weather Service sites and is based on Grass Pasture, high management, which is the crop that has been grown on the dry-up acres (FSA-578 form and maps included with application), and that value is 3.3 acre-feet/acre. The applicant proposes drying up 10.1 acres, so the volume removed from irrigation, 35.2 AF, will yield a volume moved to the CAFO of 33.3 AF.

Use of the 3.3 acre-feet/acre value was questioned by Southern Region and the representative responded by providing additional information in support of their reasoning. Southern Region then requested review of the situation by the IDWR State office. Their response was supportive of the Southern Region position that an efficiency factor should be applied to the authorized diversion volume of 3.49 AF/acre. The efficiency factor of 75% was based on the upper end of University of Idaho irrigation efficiencies for wheel line irrigation systems of the type used on the dried-up acres in this transfer. Application of the 75% factor to the authorized diversion volume of 3.49 AF/acre for the rights yields a consumptive use conversion of 2.62 AF/acre, instead of the 3.3 AF/acre, so the volume available to the feedlot in this transfer is 26.4 AF (10.1 acres at 2.62 AF/acre).

- **Authority to File:**

In the IDWR data base, High Plain Land & Livestock is shown as the owner of the land and water rights at the location where the water is being transferred from, and the CAFO where the water is being moved to. The application was signed by David Gandolfo, a member of High Plains Land and Livestock, LLC. The annual report form from the Idaho Secretary of State showing this is included with the application.

- **Water Right Validity:**
Right 47-2382 was decreed in the SRBA in 2009, and rights 47-17506 and 47-17507 were decreed in the SRBA in 2007. Aerial imagery appears to show recent irrigation, so forfeiture is likely not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated. The 10.1 acres being transferred will be dried up and not irrigated.
- **Local Public Interest:**
No issues anticipated. The application was advertised with no protests.
- **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.

MEMORANDUM

To: Jim Bitzenburg, Angie Grimm
From: Manuel Rauhut
Date: August 7, 2019
Re: Transfers 83182 & 83184

Overview:

The table below provides an overview of the water rights associated with the proposed transfer.

WR#	Diversion Rate (cfs)	Diversion Rate Limit (cfs)	Volume (afa)	Volume Limit (afa)	POU (acres)	POU Limit (acres)
47-2382	1.34	1.34	568.4	568.4	225.1	170.9
47-17506	0.59	1.08	183.6	216.8	45.9	54.2
47-17507	0.69		216.8		54.2	
Combined	-	2.42	-	785.2	-	225.1

- Authorized annual diversion volume: 785.2 acre-feet/225.1 acres = 3.49 acre-feet/acre
- Authorized daily diversion volume: 2.42 cfs = 4.80 acre-feet/day
- Precipitation deficit at Hagerman (Grass Pasture-high management): 1,121 mm (3.68 feet)
- Precipitation deficit at Castleford (Grass Pasture-high management): 939 mm (3.08 feet)
 - Interpolated for the location 1,006.6 mm (3.30 feet)

The applicant hired JCH Engineering & Consulting, PLLC (JCH), who performed an analysis of consumptive water use proposed by transfer for water rights 47-2382, 47-17506, and 47-17507 (Transfer 83132 and 83184). The analysis was prompted by the February 6, 2019 letter from IDWR to High Plains Land & Livestock LLC (owner). In the letter IDWR addresses a potential enlargement concern with the proposed volume included with the transfer application. The applications proposed a consumptive use volume of 3.30 acre-ft per acre, which corresponds to the interpolated precipitation deficit at this location obtained through ETIdaho. The authorized annual diversion volume of 3.49 acre-feet per acre is below the normally allowed 4.0 acre-feet per acre in that area and is insufficient to meet the Consumptive Irrigation Requirement for pasture (assuming irrigation inefficiencies). This proposed annual volume of 3.30 acre-feet/acre is 95% of the authorized diversion volume of 3.49 acre-feet/acre. As stated in the letter, studies show that the efficiency of wheel-line irrigation systems is generally between 60-75%. Assuming the higher figure of 75% to the authorized rate of 3.49 acre-feet/acre would result to an amount of 2.62 acre-feet/acre. JCH's analysis shows that there could be feasible circumstances where essentially all the water applied to a crop is considered consumptive and supports this with simulations conducted with the Irrigation Scheduler Mobile tool developed at WSU.

Conclusions:

The analysis provided by JCH supports the premise that yield reduction due to water stress can have a minor effect (5%) when compared to crops given an unlimited amount of water. The simulations were based on an application efficiency of 75% (25% loss), which JCH acknowledges is considered typical for wheel and hand line irrigation systems. The analysis is not specific to the fields in question. A review of aerial imagery (NAIP and Google Earth) and Landset photos show that the field in question (yellow outline) was irrigated in 2017 and in 2018 (see Attachment). The Landsat image photo of 2018 shows that the field is being irrigated, but at what appears to be less intensity

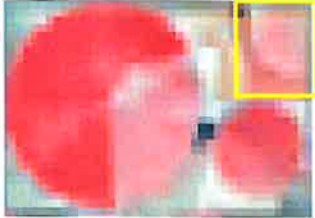
as the adjacent fields that share the water rights described above. The infrared image also shows significant variability within the field itself. This observation is supported by the NAIP image of 2017, which shows the southern half of the field thrives significantly more than the northern half. The drainage that passes through the field also appears to be an area of potential runoff. Given the field specific conditions, which show significant spatial variability of crop success, and potential areas of runoff, it is unlikely that the Irrigation Mobile Tool will yield accurate crop yield for this particular field. Although a stressed crop may have some increment of increased water uptake when water becomes available, one also has to consider that the soil profile may be dry and hydrophobic during irrigation events, which could promote runoff and water availability in the root zone, there may be a lesser plant canopy, which would increase evaporative losses. There are simply too many variables to conclusively deduce that a very high percentage of available water would be used consumptively. Furthermore, wheel line irrigation systems have been shown to have efficiencies as low as 40% and as high as 75% (some studies indicate ranges between 60 and 75 percent, see February 6, 2019 letter). Irrigation system efficiency and historic limitation on diversion volume together must be taken into account when assessing historic consumptive use.

Recommendation:

Assuming that water stress does increase the consumptive use of a crop, it is acceptable to apply the upper end of wheel line irrigation system efficiency (75%) to the 3.49 acre-feet/acre allowance, which corresponds to 2.62 acre-feet/acre.

Aerial Photograph Review:

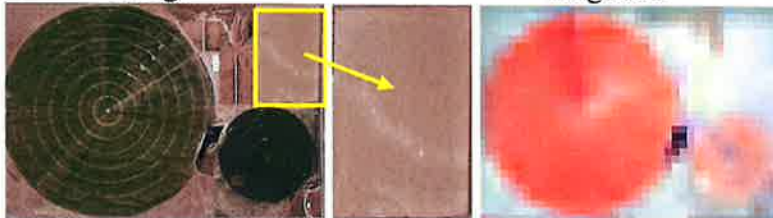
6/12/2018 Landsat shows that some irrigation occurred on the field to be dried up.



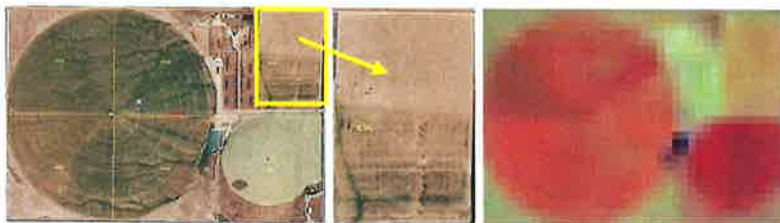
2017 (ArcMAP): Area to be dried up appears to be irrigated, most likely with a wheel-line. Note that on the southern half of the field it appears that areas are seasonally flooded and may experience runoff during irrigation. The 6/9/2017 Landsat image also shows that the area was irrigated.



6/8/2016 (Google Earth): Area to be dried up does not appear to be irrigated. The 6/22/2016 Landsat image confirms that there was no irrigation in 2016.



2015 (ArcMAP): Southern half of the field is marginally irrigated. As in the 2017 imagery there appear to be areas that seasonally flooded. The 5/3/2015 Landsat image also confirms that irrigation was minimal.



6/1/2014 (Landsat): Area to be dried up does not appear to be irrigated.



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 86475

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 13 day of June in the year of 2019 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.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5.10.22

Section: Legals

Category: 50 Legal

PUBLISHED ON: 06/06/2019, 06/13/2019

TOTAL AD COST: 163.23

FILED ON: 6/13/2019



**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83182**

HIGH PLAINS LAND & LIVESTOCK LLC, PO BOX 1428, TWIN FALLS, ID 83303-1428; has filed Application No. 83182 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17506, 47-17507, 47-2382. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, place of use (POU), points of diversion (POD), and period of use for a 0.06 cfs, 10.0 acre portion of irrigation water rights 47-2382, 47-17506, and 47-17507 which currently irrigate land located approximately 3.0 miles north and 10.9 miles west of the intersection of Main Street and Broadway Avenue in Buhl. The application proposes to change the nature of use and POU of these rights from irrigation during the irrigation season to year-round stockwater use at a CAFO located immediately adjacent to the currently irrigated land. The transfer proposes changing the POD for the converted portion from the currently authorized irrigation well to an existing well associated with the CAFO facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
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For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see research.idwr.idaho.gov/apps/waterrights/Query-NewTransfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **June 24, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 6th & 13th, 2019

✓ OK BM 6/21/2019

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 86475

**Proof of legal notice received
from Times News 6/3/2019**

✓ *DM* 6/3/2019

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	163.23
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	163.23
Fax			
Section	Legals	Start/End Dates	06/06/2019 - 06/13/2019
SubSection		Insertions	2
Category	50 Legal	Size	106
Ad Key	86475-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer Nos 83182 & 83184	Taken By	Ruby Aufderheide
Notes			

Ad Proof

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