

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83442**

This is to certify that: **HORSESHOE BEND LLC**
PO BOX 626
RIRIE, ID 83443

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>
25-14292	WR/DECREED	2/15/1951	0.510 cfs	214.8 af	N/A	65.9	GROUND WATER
25-14296	WR/DECREED	2/7/1957	0.370 cfs	158.4 af	N/A	65.9	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>
25-14292	NO	YES	YES	NO	NO	NO
25-14296	NO	YES	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>
25-14292	25-14292	0.510 cfs	214.8 af	N/A	65.9	N/A	N/A	N/A	N/A	N/A
25-14296	25-14296	0.370 cfs	158.4 af	N/A	65.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.880 cfs	264.0 af	N/A	65.9		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 27th day of September, 2019.


Regional Manager

SUPPORT DATA

Transfer No. 83442

IN FILE # 25-14292

WATER RIGHT NO. 25-14292**As Modified by Transfer No. 83442**

In accordance with the approval of Transfer No. 83442, Water Right No. 25-14292 is now described as follows:

Right Holder: HORSESHOE BEND LLC
PO BOX 626
RIRIE, ID 83443

Priority Date: 2/15/1951

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
0.510 cfs
0.510 cfs

Diversion Volume
214.8 af
214.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L5 (NWNW) Sec 8 Twp 03N Rge 41E BONNEVILLE 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	
03N	41E	5											17.0						17.0
													L 1						
03N	41E	8					2.9	29.0	17.0										48.9
							L 5	L 5											

POU Total Acres: 65.9

CONDITIONS OF APPROVAL

1. Rights 25-14292 and 25-14296 when combined shall not exceed a total annual maximum diversion volume of 264 af at the field headgate, and the irrigation of 65.9 acres.
2. 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.
3. Point of diversion is located within Lot 2, Blk. 1, Horseshoe Bend Subdivision.
4. Place of use is located within Lots 2-6, Blk. 1; Lot 1-3, Blk. 2; Horseshoe Bend Subdivision.
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.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department

Transfer No. 83442

WATER RIGHT NO. 25-14292

As Modified by Transfer No. 83442

CONDITIONS OF APPROVAL

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. 25-14296**As Modified by Transfer No. 83442**

In accordance with the approval of Transfer No. 83442, Water Right No. 25-14296 is now described as follows:

Right Holder: HORSESHOE BEND LLC
PO BOX 626
RIRIE, ID 83443

Priority Date: 2/7/1957

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.370 cfs

0.370 cfs

Diversion Volume

158.4 af

158.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

L5 (NWNW)

Sec 8 Twp 03N Rge 41E BONNEVILLE 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	
03N	41E	5											17.0						17.0
													L 1						
03N	41E	8					2.9	29.0	17.0										48.9
							L 5	L 5											

POU Total Acres: 65.9

CONDITIONS OF APPROVAL

1. Rights 25-14292 and 25-14296 when combined shall not exceed a total annual maximum diversion volume of 264 af at the field headgate, and the irrigation of 65.9 acres.
2. 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.
3. Point of diversion is located within Lot 2, Blk. 1, Horseshoe Bend Subdivision.
4. Place of use is located within Lots 2-6, Blk. 1; Lot 1-3, Blk. 2; Horseshoe Bend Subdivision.
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.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 83442

WATER RIGHT NO. 25-14296

As Modified by Transfer No. 83442

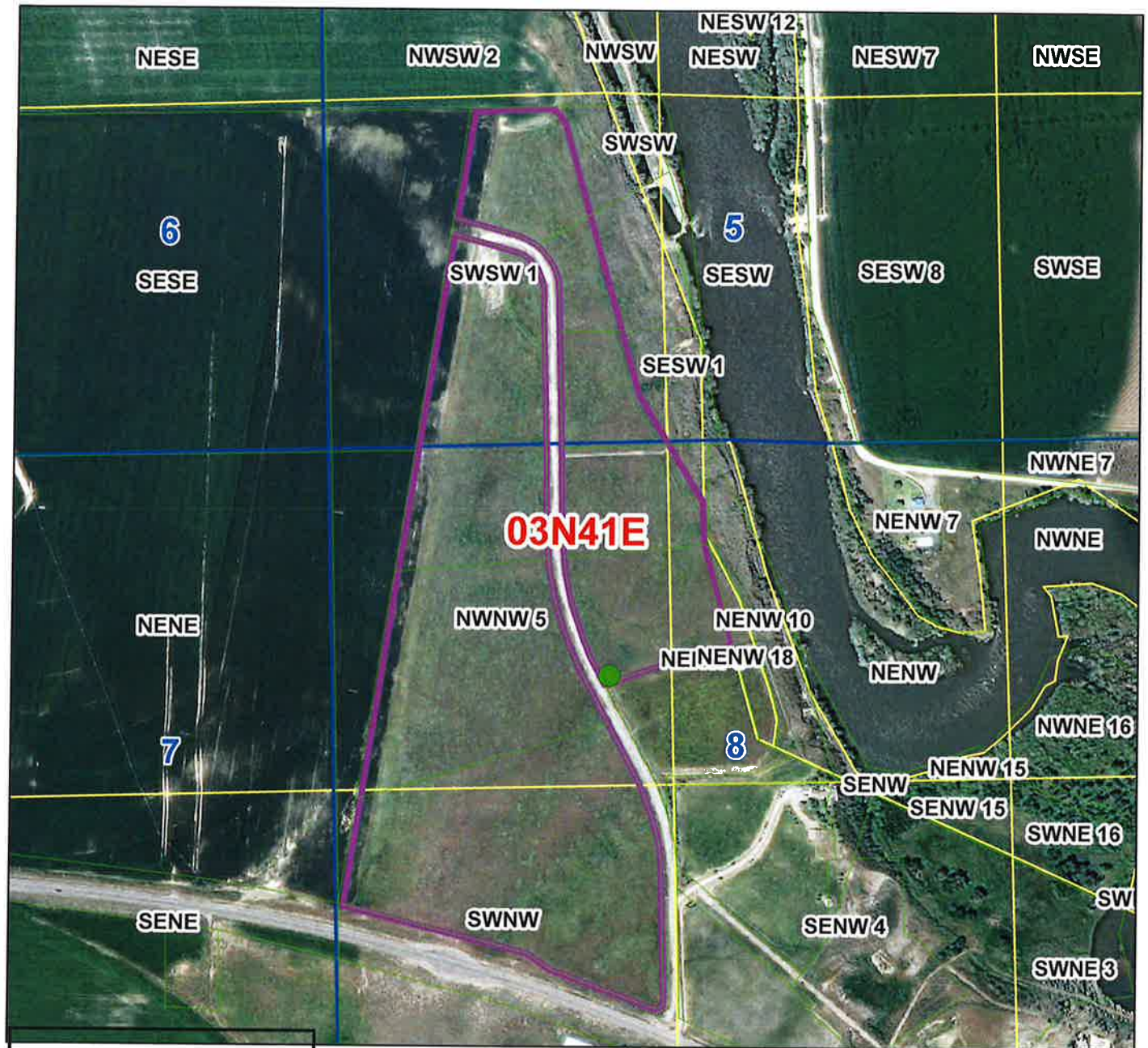
CONDITIONS OF APPROVAL

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.



Attachment to Transfer Approval 83442

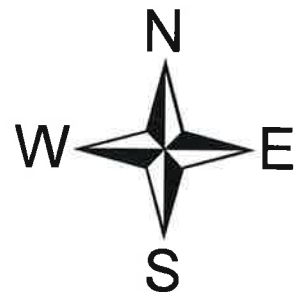
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 395 790 1,580 Feet



Date: 9/27/2019



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 • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 27, 2019

HORSESHOE BEND LLC
PO BOX 626
RIRIE ID 83443

Re: Transfer No: 83442
Water Right No(s): 25-14292, 25-14296

Transfer Approval Notice

Dear Water Right Holder:

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) 525-7161.

Sincerely,

Christina Henman
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.

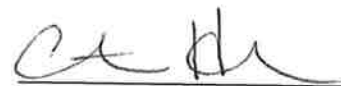
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 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.: 83442
Water Right No(s): 25-14292, 25-14296

HORSESHOE BEND LLC
PO BOX 626
RIRIE ID 83443

A handwritten signature in black ink, appearing to read 'CH', is written over a horizontal line.

Christina Henman
Administrative Assistant

MEMORANDUM

Date: August 5, 2019
To: Transfer 83442
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and update the place of use for water rights 25-14292 and 25-14296. The transfer was amended to change the place of use to match the physical irrigation configuration.

Authority to File:

The applicant, Horseshoe Bend, LLC, is the new owner of the property of the proposed point of diversion and existing place of use, according to documents submitted with the application. Boyd Foster, authorized agent for Horseshoe Bend, signed the application. Bonneville County parcels map confirms that Horseshoe Bend, LLC is the property owner of the proposed point of diversion and proposed place of use.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2005. Review of 2009, 2013 and 2017 aerial photography shows irrigation on the proposed place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights do not appear be injured by the proposed changes. The proposed point of diversion is located less than 1/2 mile from the existing point of diversion. The proposed POD is located in an adjacent ESPA Model cell to the existing POD. Therefore, no transfer tool analysis is required. The quantity authorized to be diverted will not change as a result of the transfer. The transfer was advertised and no protests were received. The proposed POD is not in a water district.

Enlargement of Use:

The proposed change does not appear to result in enlargement because neither the rate, volume nor irrigated acres will increase as a result of the transfer. There are no overlapping water rights on the current place of use. Combined limit conditions will be carried forward in the approval.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

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 The Post Register

RECEIVED
JUL 29 2019
Department of Water Resources
Eastern Region

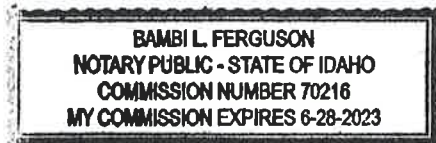
State of Idaho
County of Bonneville

I, ~~Dawn Giannini~~ or Collins Crapo, first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under ad number: **158894** for **2** consecutive (days) weeks, between **07/18/2019** and **07/25/2019**, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, this 25th day of July 2019



Notary Public
My commission expires: 06/28/2023

_____ attached jurat _____

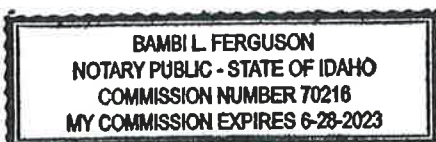
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 25th day of July 2019, before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires: 06/28/2023

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHT**

TRANSFER NO. 83442

HORSESHOE BEND LLC, PO BOX 626, RIRIE, ID 83443; has filed Application No. 83442 for changes to the following water rights within BONNEVILLE County(s): Right No(s). 25-14292, 25-14296; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov / apps / wr / QueryNewTransfers / QueryNewTransfers.aspx](http://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: change point of diversion. The point of diversion is in Lot 5 (NWNW) Sec 8 T3N R41E for 0.88 cfs from ground water. The place of use remains the same. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before August 5, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 18 and 25, 2019
(158894 - 42771)