

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82494

This is to certify that: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-8135	WR/DECREED	11/5/1983	0.060 cfs	43.4 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-8135	NO	YES	YES	NO	NO	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>
36-8135	36-8135	0.060 cfs	43.4 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	43.4 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 23rd day of May, 2019.



Southern Region Manager

WATER RIGHT NO. 36-8135**As Modified by Transfer No. 82494**

In accordance with the approval of Transfer No. 82494, Water Right No. 36-8135 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355

Priority Date: 11/5/1983

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	1/01	to 12/31	0.060 cfs	43.4 af
COMMERCIAL	01/01	to 12/31	0.060 cfs	43.4 af
			0.060 cfs	43.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (NWSW) Sec 30 Twp 07S Rge 16E GOODING 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	
07S	15E	25	X		X	X									X	X	X	X	

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	
07S	15E	25	X		X	X									X	X	X	X	

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Prior to diversion and use of water under Transfer approval 82494, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

Transfer No. 82494

WATER RIGHT NO. 36-8135

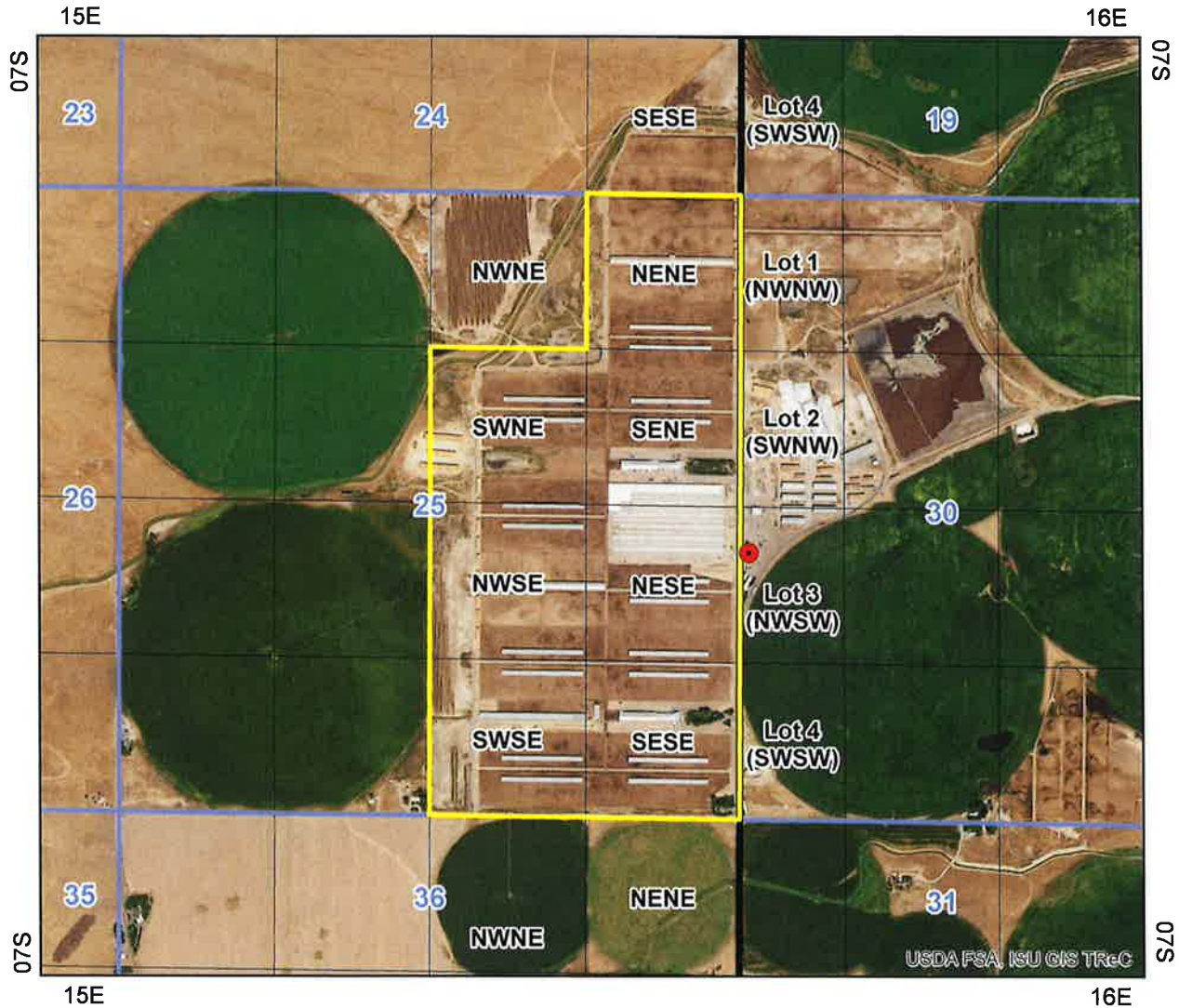
As Modified by Transfer No. 82494

CONDITIONS OF APPROVAL

4. 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.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. 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.
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 Section 42-1412(6), Idaho Code, 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 # 82494
36-8135

This map depicts the STOCKWATER & COMMERCIAL 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.



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

0 0.175 0.35 0.7 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 24, 2019

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL ID 83355

Re: Transfer No: 82494
Water Right No(s): 36-8135

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

KIMBERLY L WILLIAMS
WILLIAMS MESERVY & LARSEN LLP
PO BOX 168
JEROME ID 83338-0168

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

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

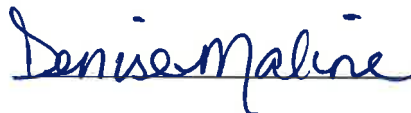
Re: Transfer No.: 82494
Water Right No(s): 36-8135

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL ID 83355

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
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JEROME ID 83338-0168

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

A handwritten signature in blue ink that reads "Denise Maline". The signature is written in a cursive style and is positioned above a horizontal line.

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: October 12, 2018
To: Transfer 82494, L & S Land Holdings, LLC 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), and point of diversion (POD) of domestic/stockwater water right 36-8135 (0.06 cfs, 43.4 AF) which is currently appurtenant to a feedlot and three homes located approximately 3.9 to 4.4 miles east and 0.5 to 0.7 mile north of the intersection of Main and Idaho Streets in Wendell. The proposed place of use is a dairy located approximately 3.0 to 3.5 miles east and 0.5 to 1.5 miles north of Wendell. The current POD is located approximately 4.0 miles east and 0.6 miles north of Wendell, while the proposed POD is an existing well located approximately 3.5 miles east and 0.9 miles north of Wendell. The application proposes to retain the stockwater use and add commercial use (a misting system) to the right, while relinquishing the domestic use.

Because the application proposes changing the nature of use and changing the POD within the ESPA, the transfer was advertised, and no protests were received. Since the transfer is within Water District 130, comments were solicited from the WD-130 Watermaster. The Watermaster had no objections to the transfer.

- **Authority to File:**
The application was signed by Luis Bettencourt, who is a member of L & S Land Holdings, LLC. L & S Land Holdings, LLC is the owner of the water right involved.
- **Water Right Validity:**
The right involved in the transfer was decreed in the SRBA in 1997. Recent aerial imagery indicates that the current POU has been occupied by cattle, so forfeiture is likely not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. The POD being moved is in the adjacent model cell to the destination POD so no ESPA model analysis was necessary
- **Enlargement of Use:**
None anticipated. Overall diversion rate and volume will not change. An Application for Permit to Divert Water has been filed by the applicant to cover the domestic use relinquished from right 36-8135.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised and was not protested.
- **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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 82494
Water Right No: 36-8135
Applicant Name: L&S LAND HOLDINGS LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: September 14, 2018

Water District 130



Nathan Erickson, Watermaster

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

GINNIE GUNKEL, 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 72585

Ginnie Gunkel

(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 23 day of August in the year of 2018 before me, a Notary Public, personally appeared before me Ginnie Gunkel 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

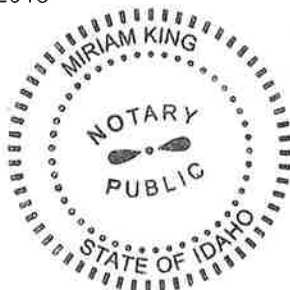
PUBLISHED ON: 08/16/2018, 08/23/2018

TOTAL AD COST: 337.83

FILED ON: 8/23/2018

** Dates should be:
01/01 to 12/31
06/18/2018

✓ OK DM 9-4-2018
(no need to re-publish)



RECEIVED

AUG 30 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

36-17131
L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355
Point of Diversion SESW S30 T07S R16E GOODING County
Source GROUND WATER Tributary
Use: DOMESTIC 0101 to 12³/₄ 0.08 CFS
Total Diversion: 0.08 CFS **
Date Filed: 6/18/2018
Place Of Use: DOMESTIC
T07S R16E S30 SESW
T07S R16E S31 NENW

Application for permit proposes to divert up to 0.08 cfs from an existing well for domestic use associated with three homes. The place of use and point of diversion are located approximately 3.9 miles east and 0.5 mile north of the intersection of Main and Idaho Streets in Wendell.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82508

HARPER VALLEY LAND LLC, 2045 E 850 S, DECLO, ID 83323; has filed Application No. 82508 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10037, 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the location of one of eight points of diversion for a 4.00 cfs portion of ten ground water irrigation rights (23.07 cfs, 1579.0 acres) from its current position approximately 7.7 miles north and 1.2 miles west of Malta. That well will be abandoned and a new well will be drilled approximately 7.6 miles north and 0.8 mile west of Malta. The transfer also proposes to modify the current 1600.0 acre permissible place of use (PPU) located approximately 7.0 to 9.5 miles north and 0.3 mile east to 1.7 miles west of Malta. Currently 1579.0 acres are irrigated within a 1600.00 acre PPU. After the transfer, 1579.0 acres will be irrigated within a 1609.1 acre PPU in order to reflect current irrigation practices.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82494

L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355; has filed Application No. 82494 for changes to the following water rights within GOODING County(s): Right No(s). 36-8135. 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), and point of diversion (POD) of domestictockwater water right 36-8135 (0.06 cfs, 43.4 AF) which is currently appurtenant to a feedlot and three homes located approximately 3.9 to 4.4 miles east and 0.5 to 0.7 mile north of the intersection of Main and Idaho Streets in Wendell. The proposed place of use is a dairy located approximately 3.0 to 3.5 miles east and 0.5 to 1.5 miles north of Wendell. The current POD is located approximately 4.0 miles east and 0.6 miles north of Wendell, while the proposed POD is an existing well located approximately 3.5 miles east and 0.9 miles north of Wendell. The application proposes to retain the stockwater use and add commercial use (a misting system) to the right, while relinquishing the domestic use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82082

✓ WESTERN MORTGAGE & REALTY CO, PO BOX 3110, PASCO, WA 99301; has filed Application No. 82082 for changes to the following water rights within BLAINE, MINIDOKA County(s): Right No(s). 36-10515, 36-10850A, 36-10863A, 36-10863B, 36-15217, 36-15264A, 36-15264B, 36-16042, 36-16309, 36-16473, 36-16816, 36-2069, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7356C, 36-7627, 36-8227. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 7,037.5 acre permissible place of use (PPU) on a farm located approximately 10.0 to 16.7 miles east and 7.6 to 13.2 miles north of Rupert for 25 rights totaling 62.97 cfs and 4,953.5 acres currently diverted from 17 wells on the farm. The application also proposes moving a 0.46 cfs and 59 acre portion of an additional right from a farm located approximately 9.7 to 10.1 miles east and 10.0 to 10.6 miles north to the 17 wells and proposed PPU. In addition, a portion of two water rights totaling 1.15 cfs and 96 acres are also proposed to be moved from a farm located 16.5 to 17.0 miles east and 8.1 to 8.7 miles north to the 17 wells and proposed PPU. In total the 28 rights will allow for the diversion of 64.58 cfs from 17 wells for the irrigation of 5,108.5 acres within the 7,037.5 acre PPU. Published in the Idaho Mountain Express on August 15th & 22nd, 2018 and August 16th & 23rd, 2018. Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights & proposed transfer, please see www.idwr.idaho.gov/ppsr/veryNewTransfers/veryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/waterManagement/waterRights/NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before September 4, 2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on August 16 & 23, 2018

→ Should read:
...and Times News
on August 16 & 23,
2018.

✓ ok ~~Am~~ 9-4-2018

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 72585

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	337.83
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	337.83
Fax			
Section	Legals	Start/End Dates	08/16/2018 - 08/23/2018
SubSection		Insertions	2
Category	50 Legal	Size	226
Ad Key	72585-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer Nos 82508,82494,82082	Taken By	Debi Perkins
Notes			

Ad Proof

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

36-17131
L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355
Point of Diversion SESW S30 T07S R16E GOODING County
Source GROUND WATER Tributary
Use: DOMESTIC 0101 to 12%1 0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 6/8/018
Place Of Use: DOMESTIC
T07S R16E S30 SESW
T07S R16E S31 NENW
Application for permit proposes to divert up to 0.08 cfs from an existing well for domestic use associated with three homes. The place of use and point of diversion are located approximately 3.9 miles east and 0.5 mile north of the intersection of Main and Idaho Streets in Wendell.

see note on affidavit

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**Proof of legal notice *revised*
received from Times News
8/15/2018 (2 pages)**

*✓ OK AM 8/15/2018
E-mail sent to
newspaper.*

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 72585

change the nature of use, place of use (POU), and point of diversion (POD) of domestic stockwater right 36-8135 (0.06 cfs, 43.4 AF) which is currently appurtenant to a feedlot and three homes located approximately 3.9 to 4.4 miles east and 0.5 to 0.7 mile north of the intersection of Main and Idaho Streets in Wendell. The proposed place of use is a dairy located approximately 3.0 to 3.5 miles east and 0.5 to 1.5 miles north of Wendell. The current POD is located approximately 4.0 miles east and 0.6 miles north of Wendell, while the proposed POD is an existing well located approximately 3.5 miles east and 0.9 miles north of Wendell. The application proposes to retain the stockwater use and add commercial use (a misting system) to the right, while relinquishing the domestic use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82082

WESTERN MORTGAGE & REALTY CO, PO BOX 3110, PASCO, WA 99301; has filed Application No. 82082 for changes to the following water rights within BLAINE, MINIDOKA County(s): Right No(s). 36-10515, 36-10850A, 36-10863A, 36-10863B, 36-15217, 36-15264A, 36-15264B, 36-16042, 36-16309, 36-16473, 36-16816, 36-2069, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7356C, 36-7627, 36-8227. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 7,037.5 acre permissible place of use (PPU) on a farm located approximately 10.0 to 16.7 miles east and 7.6 to 13.2 miles north of Rupert for 25 rights totaling 62.97 cfs and 4,953.5 acres currently diverted from 17 wells on the farm. The application also proposes moving a 0.46 cfs and 59 acre portion of an additional right from a farm located approximately 9.7 to 10.1 miles east and 10.0 to 10.6 miles north to the 17 wells and proposed PPU. In addition, a portion of two water rights totaling 1.15 cfs and 96 acres are also proposed to be moved from a farm located 16.5 to 17.0 miles east and 8.1 to 8.7 miles north to the 17 wells and proposed PPU. In total the 28 rights will allow for the diversion of 64.58 cfs from 17 wells for the irrigation of 5,108.5 acres within the 7,037.5 acre PPU. Published in the Idaho Mountain Express on August 15th & 22nd, 2018 and August 16th & 23rd, 2018. Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights & proposed transfer, please see www.idwr.idaho.gov/ppsr/veryNewTransfers/veryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/waterManagement/waterRights/NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before September 4, 2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on August 16 & 23, 2018

see note on affidavit

✓ *Am 8/15/2018*

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 72585

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	300.00
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	300.00
Fax			
Section	Legals	Start/End Dates	08/16/2018 - 08/23/2018
SubSection		Insertions	2
Category	50 Legal	Size	200
Ad Key	72585-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer Nos 82508,82494,82082	Taken By	Debi Perkins
Notes			

Ad Proof The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17131
L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355
Point of Diversion SESW S30 T07S R16E GOODING County
Source GROUND WATER Tributary
Use: DOMESTIC 0101 to 12% 1 0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 6/18/2018
Place Of Use: DOMESTIC
T07S R16E S30 SESW
T07S R16E S31 NENW
Application for permit proposes to divert up to 0.08 cfs from an existing well for domestic use associated with three homes. The place of use and point of diversion are located approximately 3.9 miles east and 0.5 mile north of the intersection of Main and Idaho Streets in Wendell.

82508
HARPER VALLEY LAND LLC, 2045 E 850 S, DECLO, ID 83323; has filed Application No. 82508 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10037, 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the location of one of eight points of diversion for a 4.00 cfs portion of ten ground water irrigation rights (23.07 cfs, 1579.0 acres) from its current position approximately 7.7 miles north and 1.2 miles west of Malta. That well will be abandoned and a new well will be drilled approximately 7.6 miles north and 0.8 mile west of Malta. The transfer also proposes to modify the current 1600.0 acre permissible place of use (PPU) located approximately 7.0 to 9.5 miles north and 0.3 mile east to 1.7 miles west of Malta. Currently 1579.0 acres are irrigated within a 1600.00 acre PPU. After the transfer, 1579.0 acres will be irrigated within a 1609.1 acre PPU in order to reflect current irrigation practices.

82494
L & S LAND HOLDINGS LLC, 2930 S 2300 E, WENDELL, ID 83355; has filed Application No. 82494 for changes to the following water rights within GOODING County(s): Right No(s). 36-8135. 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), and point of diversion (POD) of domestic stockwater water right 36-8135 (0.06 cfs, 43.4 AF) which is currently appurtenant to a feedlot and three homes located approximately 3.9 to 4.4 miles east and 0.5 to 0.7 mile north of the intersection of Main and Idaho Streets in Wendell. The proposed place of use is a dairy located approximately 3.0 to 3.5 miles east and 0.5 to 1.5 miles north of Wendell. The current POD is located approximately 4.0

**Proof of legal notice
received from Times News
8/15/2018 (2 pages)
needs corrected**

"Transfer No.... please add back in"

"Transfer No.... please add back in"

*Am 8-15-2018
sent to newspaper*

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 72585

miles east and 0.6 miles north of Wendell, while the proposed POD is an existing well located approximately 3.5 miles east and 0.9 miles north of Wendell. The application proposes to retain the stockwater use and add commercial use (a misting system) to the right, while relinquishing the domestic use.

82082

WESTERN MORTGAGE & REALTY CO, PO BOX 3110, PASCO, WA 99301; has filed Application No. 82082 for changes to the following water rights within BLAINE, MINIDOKA County(s): Right No(s). 36-10515, 36-10850A, 36-10863A, 36-10863B, 36-15217, 36-15264A, 36-15264B, 36-16042, 36-16309, 36-16473, 36-16816, 36-2069, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7356C, 36-7627, 36-8227. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 7,037.5 acre permissible place of use (PPU) on a farm located approximately 10.0 to 16.7 miles east and 7.6 to 13.2 miles north of Rupert for 25 rights totaling 62.97 cfs and 4,953.5 acres currently diverted from 17 wells on the farm. The application also proposes moving a 0.46 cfs and 59 acre portion of an additional right from a farm located approximately 9.7 to 10.1 miles east and 10.0 to 10.6 miles north to the 17 wells and proposed PPU. In addition, a portion of two water rights totaling 1.15 cfs and 96 acres are also proposed to be moved from a farm located 16.5 to 17.0 miles east and 8.1 to 8.7 miles north to the 17 wells and proposed PPU. In total the 28 rights will allow for the diversion of 64.58 cfs from 17 wells for the irrigation of 5,108.5 acres within the 7,037.5 acre PPU. Published in the Idaho Mountain Express on August 15th & 22nd, 2018 and August 16th & 23rd, 2018.

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GARY SPACKMAN, Director

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"Transfer No..." please
add back in

→ Should read ... and
Times News on

DM
8-15-2018