

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82824

This is to certify that: L1 LTD PARTNERSHIP
C/O LAVAR NEWMAN
2943 N 800 E
MONTEVIEW, ID 83435

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>
31-2404	WR/DECREED	1/31/1963	2.310 cfs	539.0 af	N/A	154.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
31-2404	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
31-2404	31-2404	2.310 cfs	539.0 af	N/A	154.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.310 cfs	539.0 af	N/A	154.0		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 21st day of May, 2019.


Clay Webster, Water Rights Supervisor

WATER RIGHT NO. 31-2404**As Modified by Transfer No. 82824**

In accordance with the approval of Transfer No. 82824, Water Right No. 31-2404 is now described as follows:

Right Holder: L1 LTD PARTNERSHIP
C/O LAVAR NEWMAN
2943 N 800 E
MONTEVIEW, ID 83435

Priority Date: 1/31/1963

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

2.310 cfs

2.310 cfs

Diversion Volume

539.0 af

539.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (NWNW) Sec 2 Twp 08N Rge 33E JEFFERSON County
GROUND WATER SWSW Sec 2 Twp 08N Rge 33E JEFFERSON 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	
08N	33E	2							4.7		38.9	38.7	38.6	33.1					154.0

POU Total Acres: 154.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. 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. 110.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82824

WATER RIGHT NO. 31-2404

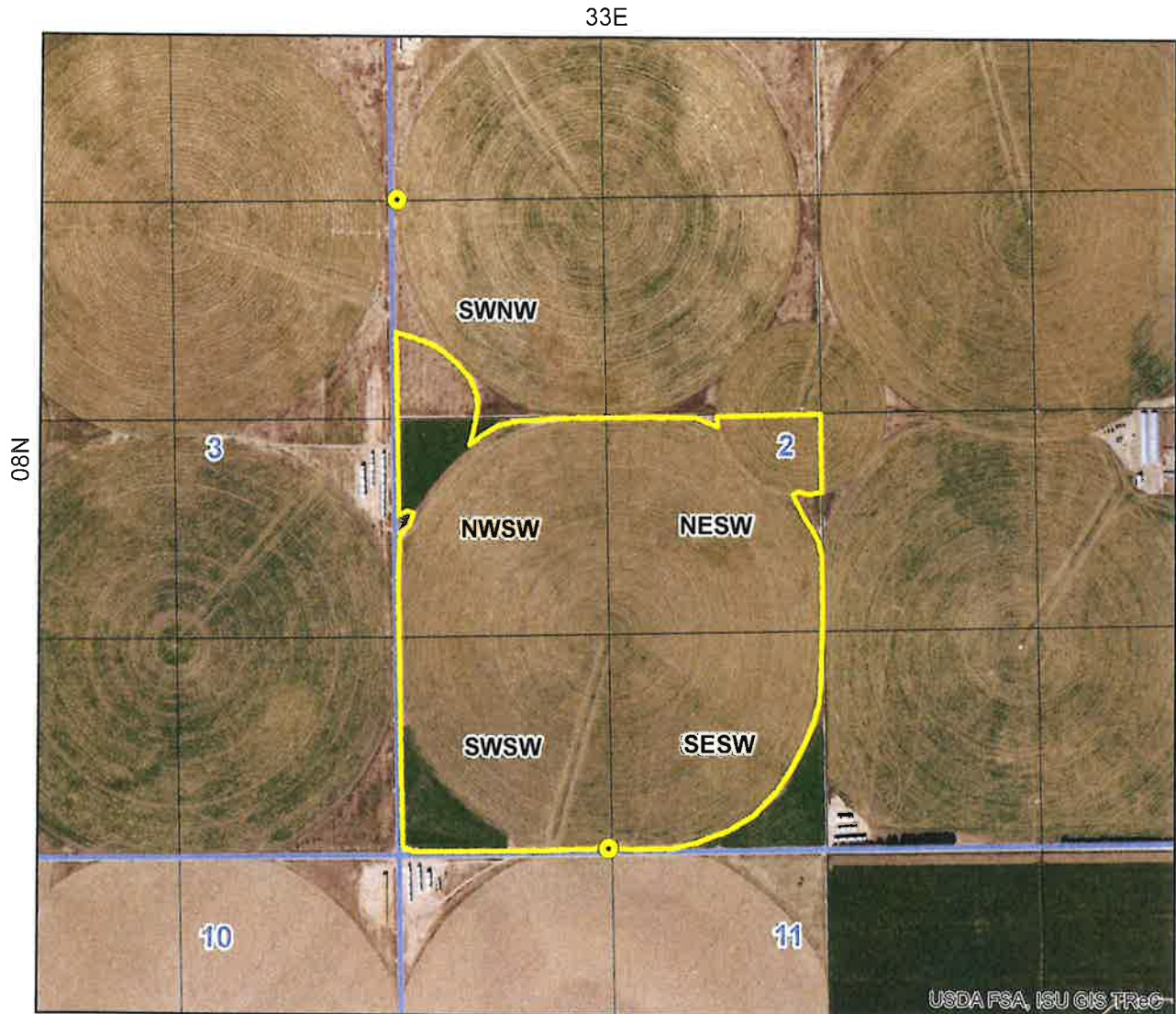
As Modified by Transfer No. 82824

CONDITIONS OF APPROVAL

6. 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.
7. Prior to the diversion and use of water under Transfer approval 82824, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

State of Idaho
Department of Water Resources
Attachment to Transfer 82824
Water Right 31-2404

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



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

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 22, 2019

L1 LTD PARTNERSHIP
C/O LAVAR NEWMAN
2943 N 800 E
MONTEVIEW ID 83435

Re: Transfer No: 82824
Water Right No(s): 31-2404

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) 287-4800.

Sincerely,

A handwritten signature in dark ink, appearing to read "Clay Webster", with a horizontal line extending to the right.

Clay Webster

Water Rights Supervisor

Enclosure

c:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC
WATER DISTRICT #110

CERTIFICATE OF SERVICE

I hereby certify that on May ²⁴~~23~~ 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.: 82824
Water Right No(s): 31-2404

L1 LTD PARTNERSHIP
C/O LAVAR NEWMAN
2943 N 800 E
MONTEVIEW ID 83435

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402

WATER DISTRICT #110
BLAKE JORDON
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402



Darla Block
Technical Records Specialist

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.

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)

) ss

County of Jefferson

I, Gerri McMinn of The Jefferson Star, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the

Change of Water
Right Newman

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for 2 consecutive issues, the first publication having been made on 04/17/2019 and the last publication having been made on 04/24/2019. Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Gerri McMinn

On this 24th day of April
in the year of 2019, before me, a Notary Public,
personally appeared

Gerri McMinn

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Beth Crossley
Notary Public of Idaho
Residing at Idaho Falls
My commission expires _____

RECEIVED

MAY 08 2019

DEPT OF WATER RESOURCES

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 82824

L1 LTD PARTNERSHIP, C/O LAVAR NEWMAN
2943 N 800 E, MONTEVIEW, ID 83435; has
filed Application No. 82824 for changes to the fol-
lowing water rights within JEFFERSON County
(s): Right No(s). 31-2404; The purpose of the
transfer is to change a portion of the above rights
as follows:

to change a portion of right 31-2404 to add a
new well for irrigation of 154 acres on a neighbor-
ing family parcel owned by LTD3 Limited Partner-
ship. The southern part of the transfer POU is lo-
cated on McCrary Rd & .37 miles from the Clark
County line to the North SW & NW, Sec. 9, T08N,
R33E.

For additional information concerning the prop-
erty location, contact IDWR State office at (208)
287-4800; or for a full description of the transfer,
please see [http://www.idwr.idaho.gov/water-
rights/transfers/search.html](http://www.idwr.idaho.gov/water-rights/transfers/search.html)

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 De-
partment of Water Resources, 322 E Front St, PO
Box 83720, Boise ID 83720-0098 together with a
protest fee of \$25.00 for each application on or
before 5/6/2019. The protestant must also send a
copy of the protest to the applicant.

GARY SPACKMAN, Director
Published in the Jefferson Star, Rigby, Idaho,
April 17 and 24, 2019. (144574)

RECEIVED
APR 12 2019
DEPT OF WATER RESOURCES

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 82824

Water Right No(s): 31-2404

Transfer Applicant's Name: L1 LTD PARTNERSHIP
C/O LAVAR NEWMAN
2943 N 800 E
MONTEVIEW ID 83435

Water master's Recommendation:

- a) X I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 4 day of April, 2019

Water District No. 110

Blake Jordan
Water master's Signature

Blake Jordan
Printed Name

SCANNED
MAY 24 2019

Block, Darla

From: Block, Darla
Sent: Friday, May 24, 2019 9:06 AM
To: Jordan, Blake
Subject: Emailing: Approved Transfer 82824.pdf, Approved Transfer 82825 .pdf
Attachments: Approved Transfer 82824.pdf; Approved Transfer 82825 .pdf

Your message is ready to be sent with the following file or link attachments:

Approved Transfer 82824.pdf
Approved Transfer 82825 .pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.