

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82920**

This is to certify that: RIVER VALLEY FARMS INC
PO BOX 1368
BOISE, ID 83701

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>
2-2052	WR/DECREED	1/23/1946	2.200 cfs	N/A	N/A	116.0	SNAKE RIVER

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>
2-2052	NO	YES	NO	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>
2-2052	2-2052	2.200 cfs	N/A	N/A	116.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.200 cfs	N/A	N/A	116.0		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 15th day of April, 2019.


Manager, IDWR Western Region

Transfer No. 82920

WATER RIGHT NO. 2-2052
As Modified by Transfer No. 82920

In accordance with the approval of Transfer No. 82920, Water Right No. 2-2052 is now described as follows:

Right Holder: RIVER VALLEY FARMS INC
 PO BOX 1368
 BOISE, ID 83701

Priority Date: 1/23/1946

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

2.200 cfs

2.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L6 (SWSE)

Sec 14 Twp 05S Rge 03E OWYHEE 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	
05S	03E	13											4.0						4.0
05S	03E	13											25.0						25.0
													L 4						
05S	03E	14												4.0			27.0	37.0	68.0
																	L 6	L 7	
05S	03E	14												16.0					16.0
														L 5					
05S	03E	23	1.0																1.0
05S	03E	24						2.0											2.0

POU Total Acres: 116.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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. 2.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. The place of use does not include federal land.

Transfer No. 82920

WATER RIGHT NO. 2-2052
As Modified by Transfer No. 82920

CONDITIONS OF APPROVAL

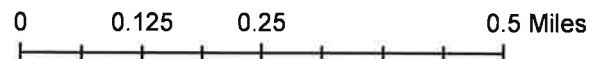
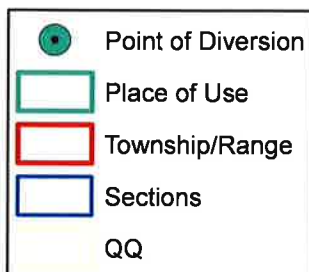
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), 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 No. 82920

Water Right(s): 2-2052

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.



DEC 31 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☒ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** River Valley Farms, Inc. Phone (208) 947-0220

2. **MAILING ADDRESS** P. O. Box 1368 City Boise

State Idaho Zip 83701 Email to the attention of wmcklveen@eberle.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 2-2052 (WD02)

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office. See Partial Decree (Attachment 1)

4. **TOTAL AMOUNT OF WATER** transferred is 2.2 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
in Attachment 2.
See map attached with POD identified. Measuring device in place and Water District 02 Office has complete information
and has inspected. POD identified on attachment has been in use for several decades. Four-inch Growsmart IM3000 full profile
magnetic flow meter installed on horizontal pipe. 4.00 inch OD steel pipe flanges up into a 6.00 inch OD steel mainline pipe.
- b. Who owns the property at the point(s) of diversion? Applicant
1 main centrifugal pump (25 HP). No VFD.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C. See answer to #6 above.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

River Valley Farms, Inc.

By: William J. McKlveen William J. McKlveen, President 12-26-18
Signature of applicant or authorized agent Print name and title if applicable Date

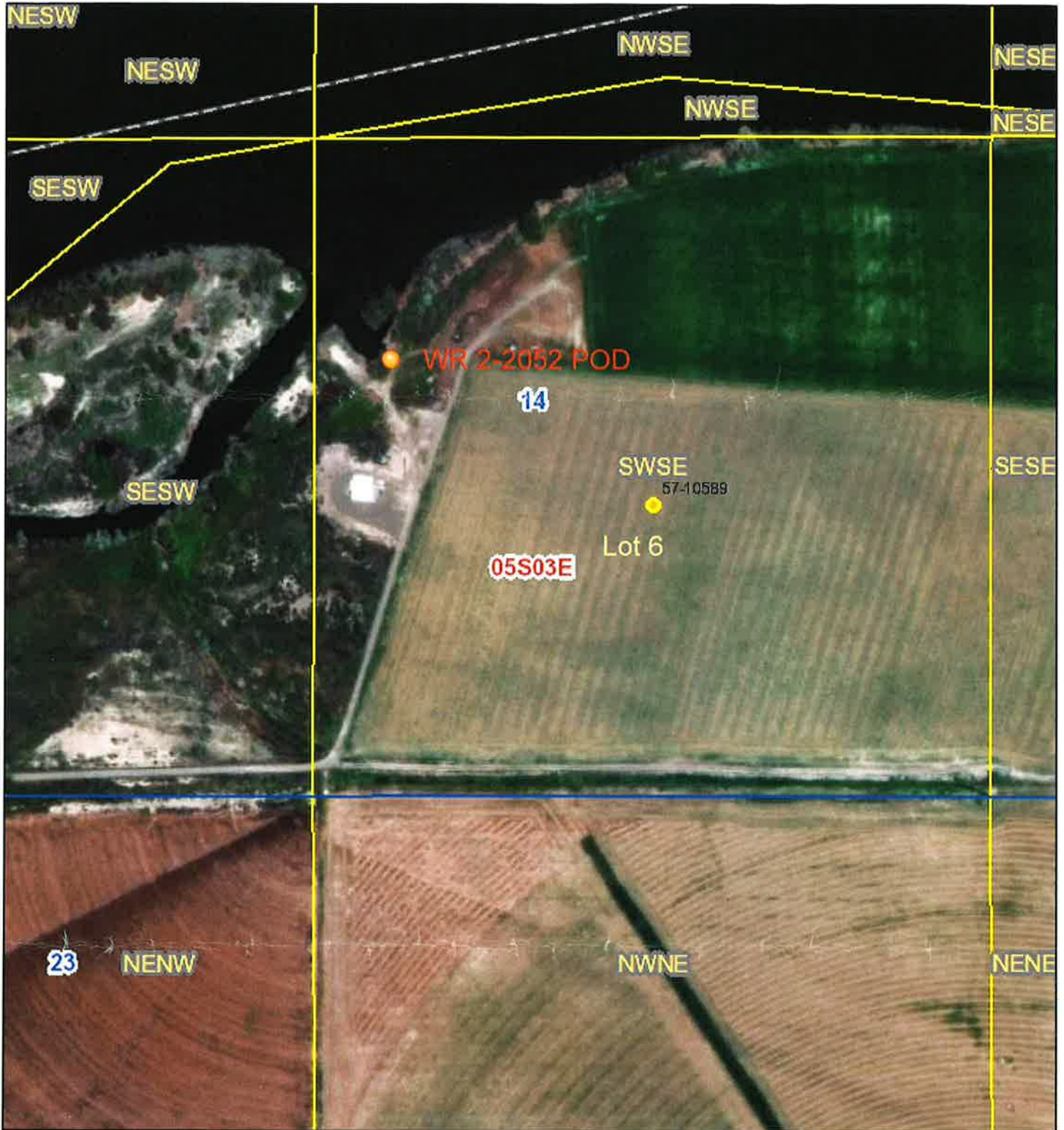
Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

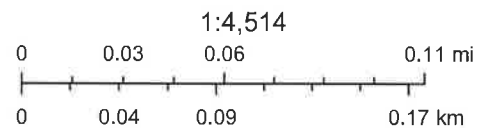
Transfer includes 5 pages of attachments. Received by AK Date 12/31/2018
Fee paid \$50.00 Date 12/31/2018 Receipted by AK Receipt # W047041
Preliminary review by AB Date 2/19/19 Active in the Water Supply Bank? Yes ☐ No ☒
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)

Water Right 2-2052



12/3/2018 2:21:12 PM

- POD - Water Rights
- Quarter Quarter
- Section
- Township/Range



ATTACHMENT 2

82920

Esri, HERE, Garmin, © OpenStreetMap contributors, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

RECEIVED
APR 09 2008
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR - 8 2008	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	For Water Right: 02-02052
_____	)	
	)	

On February 7, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 7, 2008


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 02-02052

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR - 8 2008

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: RIVER VALLEY FARMS INC
PO BOX 1368
BOISE, ID 83701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.20 CFS

PRIORITY DATE: 01/23/1946

POINT OF DIVERSION: T05S R03E S14 SWSW Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-01 TO 11-15 2.20 CFS

PLACE OF USE: Irrigation Within Owyhee County

T05S R03E S13	SWSW 4.0	LOT 4	(SWSW)25.0
S14	SESW 4.0	LOT 5	(SESW)16.0
LOT 6	(SWSE)27.0	LOT 7	(SESE)37.0
S23	NENE 1.0		
S24	NWNW 2.0		
116.0 Acres Total			

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2008 APR 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 02-02052

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 02-02052 was mailed
on April 08, 2008, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

RIVER VALLEY FARMS INC
PO BOX 1368
BOISE, ID 83701

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/08/08

82920



0003361004

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003361004

Date Filed: 12/4/2018 10:13:55 AM

Entity Name and Mailing Address:

RIVER VALLEY FARMS, INC.

The file number of this entity on the records of the Idaho Secretary of State is: 0000257995

Address

PO BOX 1368

BOISE, ID 83701-1368

Entity Details:

Entity Status

Active-Good Standing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C82686

The registered agent on record is:

Registered Agent

WILLIAM J MCKLVEEN

Registered Agent

Physical Address

1111 W JEFFERSON STREET STE 53

BOISE, ID 83702

Mailing Address

Corporate Officers and Directors:

Name of individual or organization	Title	Address
WILLIAM J MCKLVEEN	President	PO BOX 1368 BOISE, ID 83701
J. BROCK CROMWELL	Secretary	PO BOX 1368 BOISE, ID 83701
RICK THOMAS	Director	PO BOX 8104 BOISE, ID 83707
MAX A EIDEN, JR.	Director	3222 CAMROSA LAND BOISE, ID 83706

The annual report must be signed by an authorized signer of the entity.

WILLIAM J. McKLVEEN

Sign Here

Signer's Capacity: REGISTERED AGENT

12/04/2018

Date

BULL-1090 12/04/2018 10:13 AM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 2-2052

Current Owner: RIVER VALLEY FARMS INC
Priority Date: 1/23/1946
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

2.2 CFS

2.2 CFS

Annual Volume

Location of Point(s) of Diversion

SNAKE RIVER

OWYHEE County

SW1/4SW1/4

Sec. 14, Twp 05S, Rge 03E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T05S R03E S13		SWSW	4.00	T05S R03E S13	Lot 4	SWSW	25.00
T05S R03E S14		SESW	4.00	T05S R03E S14	Lot 5	SESW	16.00
T05S R03E S14	Lot 6	SWSE	27.00	T05S R03E S14	Lot 7	SESE	37.00
T05S R03E S23		NENE	1.00	T05S R03E S24		NWNW	2.00
Total Acres: 116							

Conditions of Approval:

1. U42 Place of use does not include federal public lands
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 4/8/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 15, 2019

RIVER VALLEY FARMS INC
PO BOX 1368
BOISE ID 83701

Re: Transfer No.: 82920
Water Right Nos: 2-2052

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

Anna Kaiser
Anna Kaiser

For Nick Miller
Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer No.: 82920
Water Right No.: 2-2052

RIVER VALLEY FARMS INC
PO BOX 1368
BOISE ID 83701

A handwritten signature in blue ink, appearing to read "Anna Kaiser", is written over a horizontal line.

Anna Kaiser
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer No. 82920

FROM: Allen Bradbury

DATE: 02/19/2019

RE: Evaluation of Application

Summary of Application Proposal

Narrative: Transfer 82920 proposes to update the legal description for the point of diversion for water right 2-2052. The acreage is covered by water delivered from Grand View Irrigation district with water rights 2-203, 2-2034, and 2-29.

Location of Application Proposal: The proposed change is located approximately 1.5 miles East of Grandview, Idaho in Owyhee County.

Advertisement: The proposal does not physically change the point of diversion or any other elements of the water right. The application will not be advertised as it meets the requirements of § 42-221.

Summary of Information Submitted

Authority to File: The application was signed by William J. McKlveen as president of River Valley Farms Inc. The Idaho Secretary of State website confirms that Mr. McKlveen is president of River Valley Farms Inc. Tax parcel information obtained by the Department and dated 6/28/2018 show the property for the POD and POU are owned by River Valley Farms Inc. with the exception of 20 acres in T05S R03E 14 SESW and 2.0 acres in T05S R03E 24 NWNW. A \$50 fee was submitted to change the legal description of the POD location, receipt no. W047041.

Water Right Validity/Historical Beneficial Use: This water right was decreed on 04/08/2008. Originally, water right 2-2052 was licensed by the State Reclamation Engineer on June 9, 1952 with a priority date of 01/23/1946. The engineer's report notes a beneficial use of 125 acres. In 1989, a claim was filed with the Department for 116 acres. The 1951 report of engineer locates the POD in SWSW 14 T5S R3E Lot 5. Aerial imagery from the Department indicate the POD at SWSE 14 T5S R3E Lot 6 as far back as 1990. Review of aerial imagery shows irrigation within the last 5 years, therefore, forfeiture is not a concern. Also, WMIS data for #1001419 has data for 2016-2018 at the POD. Historically, water right 2-2052 has been put to beneficial use for irrigation of agricultural property. This proposal only proposes to change the legal description of the POD, no change in beneficial use is proposed.

Overlap Analysis: The place of use is overlapped with a surface water right from Grandview Irrigation District. No other overlaps were noted for POD or POU.

Injury to Other Water Rights: None anticipated, the legal description of T05S R03E Sec 14 SWSW will change to T05S R03E Sec 14 SWSE Lot 6. Physically, the points two are about ¼ mile apart and there are no other POD's between them. There are no actual changes to the physical system at the point-of-diversion or the point of use.

Enlargement of Use: None are anticipated since it is only a POD change to the legal description of the actual diversion location from the source. No physical changes are proposed.

Local Public Interest: No issues were identified. The water master of WD02 responded by email that he had no concerns related to the POD adjustment, on 2/21/19. It is within the local public interest to allow the correction of the POD legal description.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho by continuing to irrigate agricultural lands.

Summary of Application Approval / Denial

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

The proposal does not physically change the point of diversion or any other elements of the water right. The application will not be advertised as it meets the requirements of § 42-221. Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Bradbury, Allen

From: Whitney, Rob
Sent: Thursday, February 21, 2019 8:07 AM
To: Bradbury, Allen
Cc: Erling, Jes
Subject: RE: WD 2 Watermaster Recommendations

Allan,

I believe these applications are in response to WD02 requesting that the WR owners file them to make the paper POD consistent with the actual POD. I'll let Jes confirm and weigh in. If this is the case, WD02 does not have any concerns related to these POD adjustments. If you still want the WM recommendation forms completed, we can do that.

RW

PS

Did Cindy Yenter get in touch with you?

From: Bradbury, Allen
Sent: Wednesday, February 20, 2019 4:44 PM
To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Subject: WD 2 Watermaster Recommendations

Hi Rob,

I'm emailing you in reference to two POD transfers in Water District 2. Transfer 82881 (WR#2-7048) for Colyer Herefords Inc. and 82920 (WR#2-2052) for River Valley Farms Inc. I've attached the applications and watermaster recommendation forms.

I would appreciate any comments that you might have for our file. Please email the watermaster recommendations back to me.

Thanks,

Allen Bradbury

*Water Resource Agent, Sr.
IDWR-Western Region
(208) 334-2190*

RIVER VALLEY FARMS, INC.

POST OFFICE BOX 1368
BOISE, IDAHO 83701

RECEIVED

DEC 31 2018

WATER RESOURCES
WESTERN REGION

December 27, 2018

VIA REGULAR MAIL

Idaho Department of Water Resources
Western Region
2735 West Airport Way
Boise, Idaho 83705-5082

Attn: Nick Miller

Re: *Application for Transfer of Water Right
River Valley Farms, Inc.*

Dear Sir or Madam:

Attached is our Application for Transfer of Water Right – Point(s) of Diversion, together with our check in the amount of \$50 for the filing fee.

This application is made per the request from Jes Erling.

If you have any questions, please contact me via email at wmcklveen@eberle.com or by phone at (208) 947-3220.

Thank you for your attention to this matter and for Jes' assistance.

Very truly yours,

A handwritten signature in blue ink that reads "William J. McKlveen, Pres".

William J. McKlveen

WJM
Enclosures

cc: Jes Erling (w/enclosures) (via email)
00727985.000