

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82955**

This is to certify that: MURPHY LAND CO LLC
PO BOX 3110
PASCO, WA 99302-3110

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>
61-7449	WR/DECREED	5/18/1981	9.960 cfs	2248.4 af	N/A	561.8	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>
61-7449	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>
61-7449	61-7449	9.960 cfs	2248.4 af	N/A	561.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.960 cfs	2248.2 af	N/A	561.8		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 30th day of January, 2019.


for Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7449**As Modified by Transfer No. 82955**

In accordance with the approval of Transfer No. 82955, Water Right No. 61-7449 is now described as follows:

Right Holder: MURPHY LAND CO LLC
PO BOX 3110
PASCO, WA 99302-3110

Priority Date: 5/18/1981

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC
IRRIGATION

From

01/01
04/01

to 12/31
to 10/31

Diversion Rate

0.040 cfs
9.920 cfs
9.960 cfs

Diversion Volume

1.2 af
2247.2 af
2248.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 36 Twp 04S Rge 04E	ELMORE County
GROUND WATER	SENE	Sec 36 Twp 04S Rge 04E	ELMORE County
GROUND WATER	SENW	Sec 36 Twp 04S Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec 30 Twp 04S Rge 05E	ELMORE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	04E	36	X																

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	
04S	04E	36	30.3	36.9	34.2	34.8	38.6	32.0	36.2	36.5	36.4	36.9	29.4	36.3	38.1	37.9	36.6	30.7	561.8

POU Total Acres: 561.8

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 4.0 afa per acre at the field headgate for irrigation of the lands above.
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. 161.

Transfer No. 82955

WATER RIGHT NO. 61-7449
As Modified by Transfer No. 82955

CONDITIONS OF APPROVAL

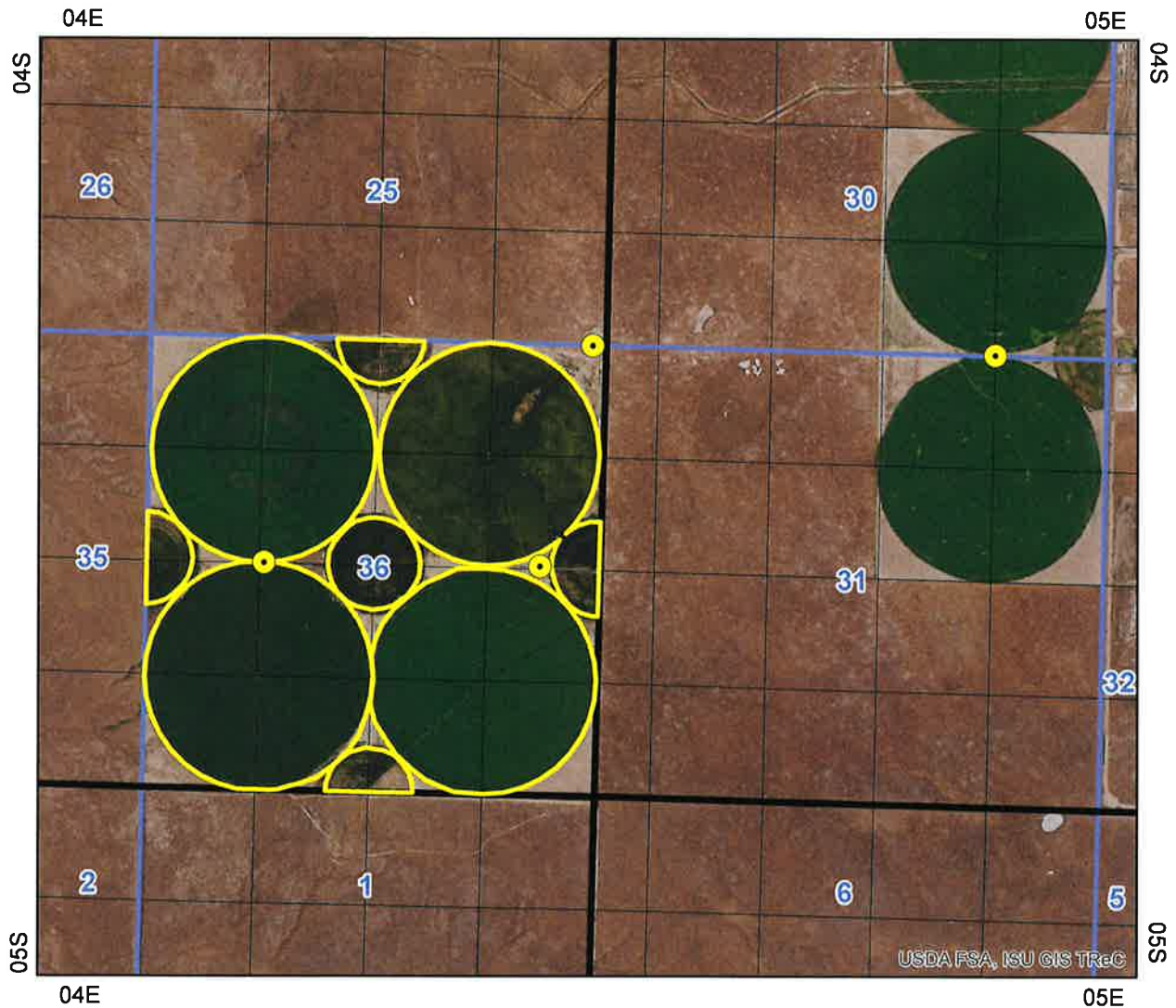
3. Prior to the diversion and use of water under Transfer approval 82955, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-26-2000.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 82955

61-7449

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.



0 0.25 0.5 1 Miles

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



JAN 16 2019

42-222 POD - 07/18

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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)** Murphy Land Co LLC Phone 5095454545

2. **MAILING ADDRESS** PO Box 3110 City Pasco

State WA Zip 99302-3110 Email _____

- ☐ 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)** 61-7449

- ☒ 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.

4. **TOTAL AMOUNT OF WATER** transferred is 9.92 cubic feet per second and/or 2447.2 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*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SE	NE	36	04S	04E	Elmore	Ground Water	
			NE	NE	36	04S	04E	Elmore	Ground Water	
			SE	NW	36	04S	04E	Elmore	Ground Water	
			SW	SE	30	04S	05E	Elmore	Ground Water	

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:

The old well in SENE will be abandoned and a new well will be drilled in the SENE. All other existing mainlines, pivots, irrigation POU and flow meters will remain unchanged with this transfer

- b. Who owns the property at the point(s) of diversion? The applicant

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 $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

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.

Frank Tieg
Signature of applicant or authorized agent

Frank Tieg, Managing Member
Print name and title if applicable

1-18-19
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 _____ pages of attachments.

Received by CS

Date 01/06/19

Fee paid \$1,220.00 Date 01/16/19

Received by CS

Receipt # W047071

Preliminary review by _____ Date _____

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)



BROCKWAY ENGINEERING, PLLC.
GWS - Date: 1/8/2019

MURPHY LAND COLL

BRANDT FARM PODS
61-7449
NAIP 2017 AERIAL

Legend

Ext'g POD

 New POD





[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

1/8/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 61-7449

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MURPHY LAND CO LLC PO BOX 3110 PASCO, WA 99302-3110 5095454545
Original Owner	JOHN ALSIP
Original Owner	DONALD K BRANDT 203 11TH AVE S NAMPA, ID 83651 2084667821

Priority Date: 05/18/1981

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	9.92 CFS	2247.2 AFA
DOMESTIC	01/01	12/31	0.04 CFS	1.2 AFA
Total Diversion			9.96 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 36	Township 04S	Range 04E	EELMORE County
GROUND WATER	NESW	Sec. 36	Township 04S	Range 04E	EELMORE County
GROUND WATER	NESE	Sec. 36	Township 04S	Range 04E	EELMORE County
GROUND WATER	SESE	Sec. 30	Township 04S	Range 05E	EELMORE County
GROUND WATER	NENE	Sec. 31	Township 04S	Range 05E	EELMORE County

Licensed Diversion Capacity: 11.24

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	04E	36		NENE	30.3		NWNE	36.9		SWNE	34.2		SENE	34.8
				NENW	38.6		NWNW	32		SWNW	36.2		SENW	36.5
				NESW	36.4		NWSW	36.9		SWSW	29.4		SESW	36.3
				NESE	38.1		NWSE	37.9		SWSE	36.6		SESE	30.7

Place of Use Legal Description: DOMESTIC ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04S	04E	36		NENE										

Total Acres: 561.8

Conditions of Approval:

1. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-25-2000.
5. Single point of diversion is located on or near the line between SESE, S30 and NENE, S31, T04S, R05E.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 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.

Dates:

Licensed Date:

Decreed Date: 10/26/2000

Permit Proof Due Date: 9/1/1986

Permit Proof Made Date: 7/9/1982

Permit Approved Date: 9/10/1981

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 05/18/1981

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND/OR

Water District Number: 161

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit:

Combined Volume Limit: 3809.2

Combined Rate Limit: 16.44

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

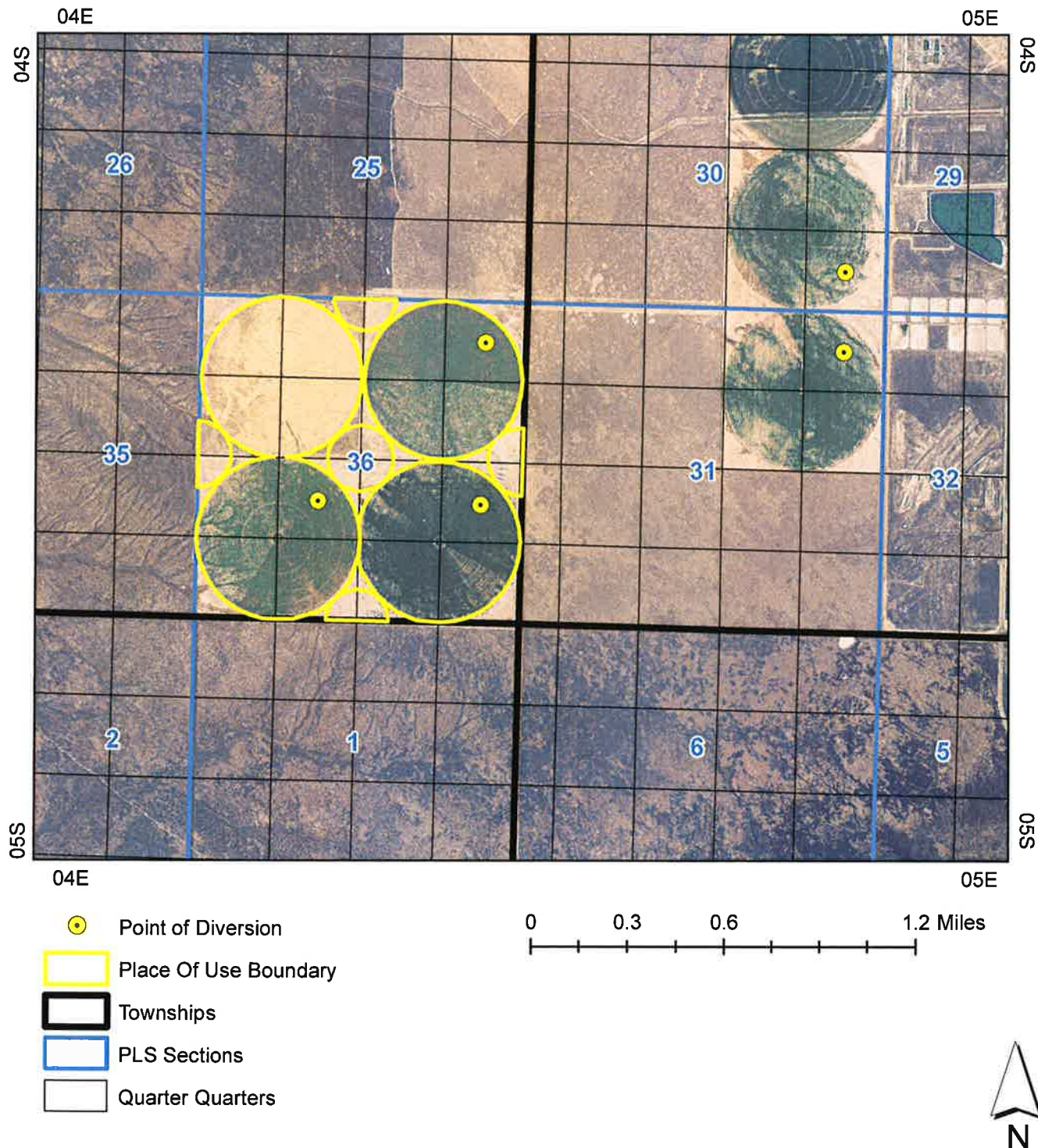
Mitigation Plan: False

State of Idaho
Department of Water Resources

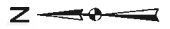
Water Right 61-7449

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



No. W 98607		Due no later than Dec 31, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. MURPHY LAND COMPANY, LLC TIM TIPPETT PO BOX 3110 PASCO WA 99302-3110		STEVEN SCHOSSBERGER 1205 IRON EAGLE DR STE B EAGLE ID 83616	
				3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
MEMBER	FRANK TIEGS	PO BOX 3110	PASCO	WA	USA 99302
5. Organized Under the Laws of: ID W 98607		6. Annual Report must be signed.* Signature: Tim Tippet Name (type or print): Tim Tippet Date: 01/16/2018 Title: Vice President			
Processed 01/16/2018		* Electronically provided signatures are accepted as original signatures.			



- Legend**
- Ext'g POD
 - New POD

MURPHY LAND CO LLC

BRANDT FARM PODS
61-7449
NAIP 2017 AERIAL





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

January 30, 2019

MURPHY LAND CO LLC
PO BOX 31120
PASCO WA 99302-3110

Re: Transfer No.: 82955
Water Right No. 61-7449

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 Kable

 Nick Miller
Regional Manager

Enclosure

CC:

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

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 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.: 82955
Water Right No.: 61-7449

MURPHY LAND CO LLC
PO BOX 31120
PASCO WA 99302-3110

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



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. 82955
FROM: Patrick Kelly
DATE: 1/16/19
RE: Evaluation of Application

Summary of Information Submitted

Transfer No, 82955 proposes to drill one new well as a replacement as well as change the points of diversion to better reflect the actual locations of existing wells. Irrigation methods or changes to the place of use are not proposed. The farm is located 2 miles west of the Mountain Home Air Force Base.

Greg Sullivan of Brockway Engineering is the representative in Twin Falls at (208)736-8543.

The department received a drilling permit application January 3, 2019. The new well is proposed to be drilled in the SENE QQ. 61-7449 does not recognize this QQ so the transfer application was made.

Authority to File: The application was filed in the name of Murphy Land Co LLC and was signed by a Mr. Frank Tiegs. According to ID SOS records for this company, Mr. Tiegs is the Member. Murphy Land Co LLC owns all of the land associated with the farm.

Water Right Validity: 61-7449 was decreed 10/26/2000. Review of 2017 aerial imagery shows fully irrigated lands associated with the POU. Concerns over validity are not present at this time.

Overlap Analysis: Place of use comparison tool finds no other rights associated with the 61-7449 farm. No other rights should be considered.

Injury to Other Water Rights: None anticipated. Changes to irrigation methods or place of use are not proposed. At the time of this review, there are no other farms within the 0.5 mile radius. The nearest beneficial use is irrigation owned by Frank Tiegs and Murphy Land Company LLC.

Enlargement of Use: None anticipated. 61-7449 will continue to be limited to a total diversion of 9.92 cfs and 2,248.4 af on 561.8 acres. Replacement wells are not considered to be enhancement of the source.

Local Public Interest: Review staff has no information that would compromise the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

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

Summary: Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

January 10, 2019

Patrick Kelly
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-508

RECEIVED

JAN 16 2019

WATER RESOURCES
WESTERN REGION

Re: Murphy Land Co LLC

Dear Mr. Kelly:

Murphy Land Company LLC desires to drill a replacement well. A point of diversion transfer has been prepared and is attached to this letter. This transfer will provide IDWR with updated locations for the PODs associated with water right 61-7449.

The attached transfer proposes to identify 4 authorized PODs for 61-7449. The attached supporting map correctly identifies the locations of the 4 PODs. Several of the PODs are close to QQ lines and have been identified in the wrong QQ since 61-7449 was decreed. No other aspect of 61-7449 will be changing with this transfer.

The well currently identified in the NESE of Section 36 is actually in the SENE of Section 36. This well will be abandoned and a replacement well is proposed to be drilled in the SENE of Section 36.

There is an existing 6 inch mainline that connects the well in the NENE Sec 36 with the well located in the SWSE Sec 30. All of the wells located in Section 36 are connected by buried mainlines.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Frank Tiegs

Enc: Transfer Application, Aerial Maps, Brockway Engineering Check #15111 for \$1,220.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

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