STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82169

This is to certify that: FRANK TIEGS LLC
PO BOX 3110
PASCO, WA 99302

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
61-12329	WR/DECREED	8/25/1976	0.240 cfs	57.6 af	N/A	14.4	GROUND WATER
61-12330	WR/DECREED	5/18/1981	1.280 cfs	288.8 af	N/A	72.2	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
61-7375	WR/DECREED	8/25/1976	3.650 cfs	894.4 af		223.6	GROUND WATER
61-7427	WR/DECREED	1/19/1981	1.310 cfs	320.0 af		80.0	GROUND WATER
61-7449	WR/DECREED	5/18/1981	9.960 cfs	2248.4 af		561.8	GROUND WATER
61-12269	WR/DECREED	2/21/1971	1.640 cfs	504.0 af	126.0	468.0	GROUND WATER
61-12290	WR/DECREED	3/24/1970	2.750 cfs	747.4 af	165.5	468.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
61-12329	NO	YES	YES	NO	NO	NO
61-12330	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
61-12329	61-12329	0.240 cfs	57.6 af	N/A	14.0	N/A	N/A	N/A	N/A	N/A
61-12330	61-12330	1.280 cfs	289.0 af	N/A	72.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**1.520 cfs**	**346.6 af**	**N/A**	**86.4**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
FILE # 61-12329

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82169

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 4th day of December, 2018.

for Chief, Water Allocation Bureau

WATER RIGHT NO. 61-12329

As Modified by Transfer No. 82169

In accordance with the approval of Transfer No. 82169, Water Right No. 61-12329 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3110
PASCO, WA 99302

Priority Date: 8/25/1976

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/15	0.240 cfs	57.6 af
				0.240 cfs	57.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L5 (NWSW)	Sec 19 Twp 04S Rge 05E	ELMORE County
GROUND WATER	NENE	Sec 30 Twp 04S Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	05E	19									14.0								14.0

POU Total Acres: 14.0

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 4.0 afa per acre at the field headgate for irrigation of the place of use.

2. Rights 61-12269, 61-12290, 61-12329, and 61-12330 when combined shall not exceed the irrigation of 377.9 acres.

3. Prior to the diversion and use of water under Transfer approval 82169, 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.

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. 161.

WATER RIGHT NO. 61-12329

As Modified by Transfer No. 82169

CONDITIONS OF APPROVAL

5. 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-25-2000.

6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 61-12330

As Modified by Transfer No. 82169

In accordance with the approval of Transfer No. 82169, Water Right No. 61-12330 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3110
PASCO, WA 99302

Priority Date: 5/18/1981

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/31	1.280 cfs	289.0 af
				1.280 cfs	289.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L5 (NWSW)	Sec 19 Twp 04S Rge 05E	ELMORE County
GROUND WATER	NENE	Sec 30 Twp 04S Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	05E	19									4.4	33.0	35.0						72.4
												L 5	L 8						

POU Total Acres: 72.4

CONDITIONS OF APPROVAL

1. Rights 61-12269, 61-12290, 61-12329, and 61-12330 when combined shall not exceed the irrigation of 377.9 acres.

2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

3. Prior to the diversion and use of water under Transfer approval 82169, 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.

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. 161.

WATER RIGHT NO. 61-12330

As Modified by Transfer No. 82169

CONDITIONS OF APPROVAL

5. 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 04/01 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.

6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 61-7375

As Modified by Transfer No. 82169

In accordance with the approval of Transfer No. 82169, Water Right No. 61-7375 is now described as follows:

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

Priority Date: 8/25/1976

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/15	3.650 cfs	894.4 af
				3.650 cfs	894.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 36 Twp 04S Rge 04E ELMORE County
GROUND WATER	NESE	Sec 36 Twp 04S Rge 04E ELMORE County
GROUND WATER	NESW	Sec 36 Twp 04S Rge 04E ELMORE County
GROUND WATER	SESE	Sec 30 Twp 04S Rge 05E ELMORE County
GROUND WATER	NENE	Sec 31 Twp 04S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	05E	30													40.0	40.0	30.9	39.0	149.9
04S	05E	31	40.0	33.7															73.7

POU Total Acres: 223.6

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. 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. 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.

WATER RIGHT NO. 61-7375

As Modified by Transfer No. 82169

CONDITIONS OF APPROVAL

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 10/15 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. 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.

WATER RIGHT NO. 61-7427

As Modified by Transfer No. 82169

In accordance with the approval of Transfer No. 82169, Water Right No. 61-7427 is now described as follows:

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

Priority Date: 1/19/1981

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/31	1.310 cfs	320.0 af
				1.310 cfs	320.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 36 Twp 04S Rge 04E	ELMORE County
GROUND WATER	NESE	Sec 36 Twp 04S Rge 04E	ELMORE County
GROUND WATER	NESW	Sec 36 Twp 04S Rge 04E	ELMORE County
GROUND WATER	SESE	Sec 30 Twp 04S Rge 05E	ELMORE County
GROUND WATER	NENE	Sec 31 Twp 04S Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	05E	31			40.0	40.0													80.0

POU Total Acres: 80.0

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

2. 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. 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.

WATER RIGHT NO. 61-7427

As Modified by Transfer No. 82169

CONDITIONS OF APPROVAL

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 10-25-2000.

5. Single point of diversion is located on or near the line between SESE, S30 and NENE, S31, T04S, R05E.

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.

WATER RIGHT NO. 61-7449

As Modified by Transfer No. 82169

In accordance with the approval of Transfer No. 82169, 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	From		To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to	12/31	0.040 cfs	1.2 af
IRRIGATION	04/01	to	10/31	9.920 cfs	2247.2 af
				9.960 cfs	2248.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 36 Twp 04S Rge 04E ELMORE County
GROUND WATER	NESE	Sec 36 Twp 04S Rge 04E ELMORE County
GROUND WATER	NESW	Sec 36 Twp 04S Rge 04E ELMORE County
GROUND WATER	SESE	Sec 30 Twp 04S Rge 05E ELMORE County
GROUND WATER	NENE	Sec 31 Twp 04S Rge 05E ELMORE County

PLACE OF USE: DOMESTIC

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

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
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. 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.

WATER RIGHT NO. 61-7449

As Modified by Transfer No. 82169

CONDITIONS OF APPROVAL

3. 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. 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. 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.

WATER RIGHT NO. 61-12269

As Modified by Transfer No. 82169

In accordance with the approval of Transfer No. 82169, Water Right No. 61-12269 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302-3350

Priority Date: 2/21/1971

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/31	1.640 cfs	504.0 af
				1.640 cfs	504.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L5 (NWSW)	Sec 19 Twp 04S Rge 05E	ELMORE County
GROUND WATER	NENE	Sec 30 Twp 04S Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	05E	19									40.0	40.0	40.0	40.0	28.0	40.0	40.0	40.0	308.0
												L 5	L 8						
04S	05E	30	40.0	40.0	40.0	40.0													160.0

Right Acre Limit: 126.0
POU Total Acres: 468.0

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 4.0 afa per acre at the field headgate for irrigation of the place of use.

2. This right is limited to the irrigation of a specific 126.0 acres within the 468.0 acre place of use authorized by this right in a single irrigation season. The specific 126.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 126.0 acres to be irrigated within the 468.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

3. Rights 61-12269, 61-12290, 61-12329, and 61-12330 when combined shall not exceed the irrigation of 377.9 acres.

WATER RIGHT NO. 61-12269

As Modified by Transfer No. 82169

CONDITIONS OF APPROVAL

4. Use of water under this right will 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.

5. Prior to the diversion and use of water under Transfer approval 81212, 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.

6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

7. 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.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. 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.

WATER RIGHT NO. 61-12290

As Modified by Transfer No. 82169

In accordance with the approval of Transfer No. 82169, Water Right No. 61-12290 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302-3350

Priority Date: 3/24/1970

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	4 /01	to	10/31	2.750 cfs	747.4 af
				2.750 cfs	747.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L5 (NWSW)	Sec 19 Twp 04S Rge 05E	ELMORE County
GROUND WATER	NENE	Sec 30 Twp 04S Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	05E	19									40.0	40.0	40.0	40.0	28.0	40.0	40.0	40.0	308.0
												L 5	L 8						
04S	05E	30	40.0	40.0	40.0	40.0													160.0

Right Acre Limit: 165.5
POU Total Acres: 468.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 165.5 acres within the 468 acre place of use authorized by this right in a single irrigation season. The specific 165.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 165.5 acres to be irrigated within the 468 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

2. Rights 61-12269, 61-12290, 61-12329, and 61-12330 when combined shall not exceed the irrigation of 377.9 acres.

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 61-12290

As Modified by Transfer No. 82169

CONDITIONS OF APPROVAL

4. Use of water under this right will 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.

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

6. 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 October 26, 2000.

7. The diversion and use of water described in Transfer 78560 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

8. Place of use does not include federal public lands.

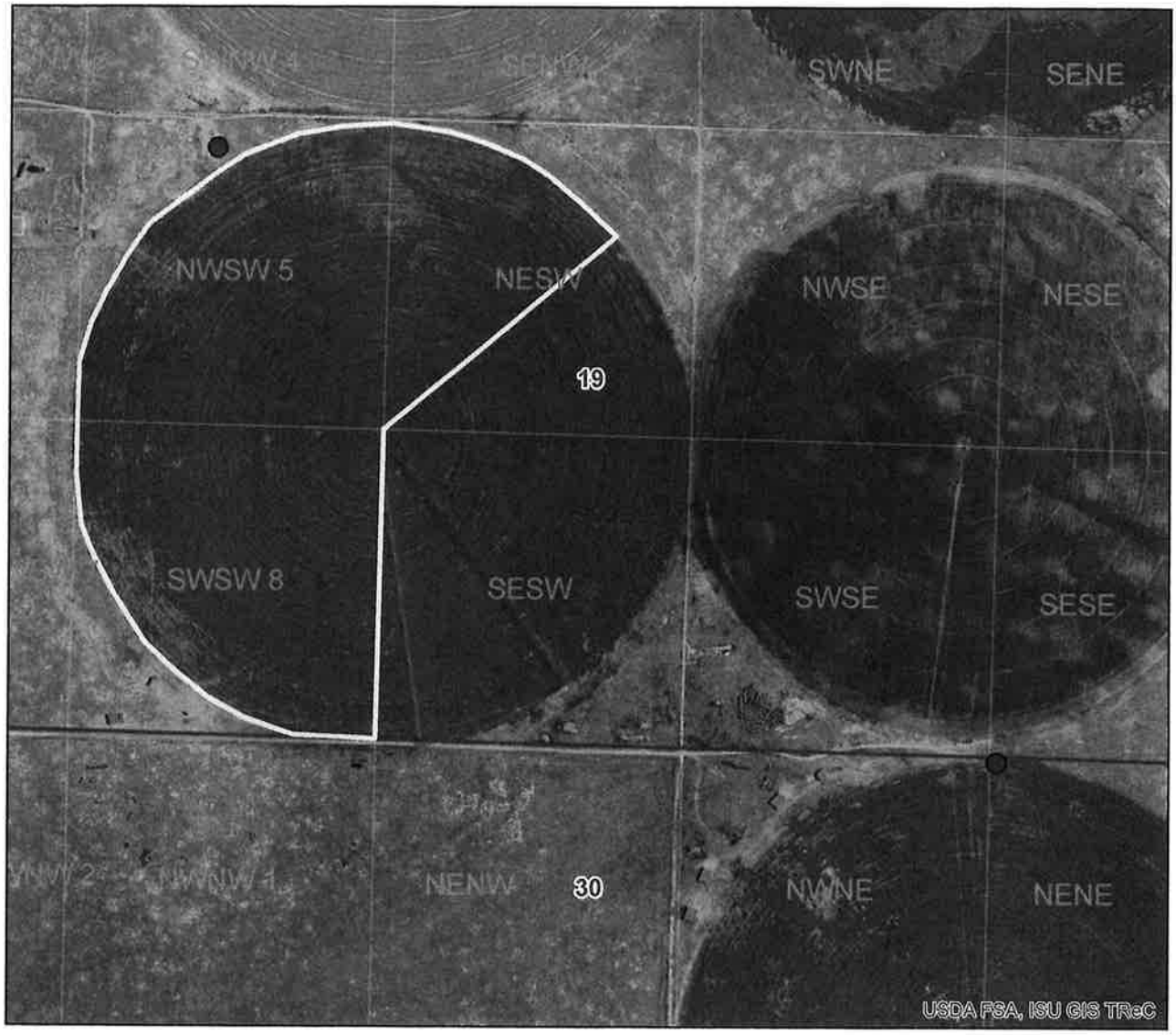
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 82169

Water Right(s): 61-12330

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.



- Transfer POD
- Transfer POU
- Township/Range
- Sections
- QQ

0 0.075 0.15 0.3 Miles

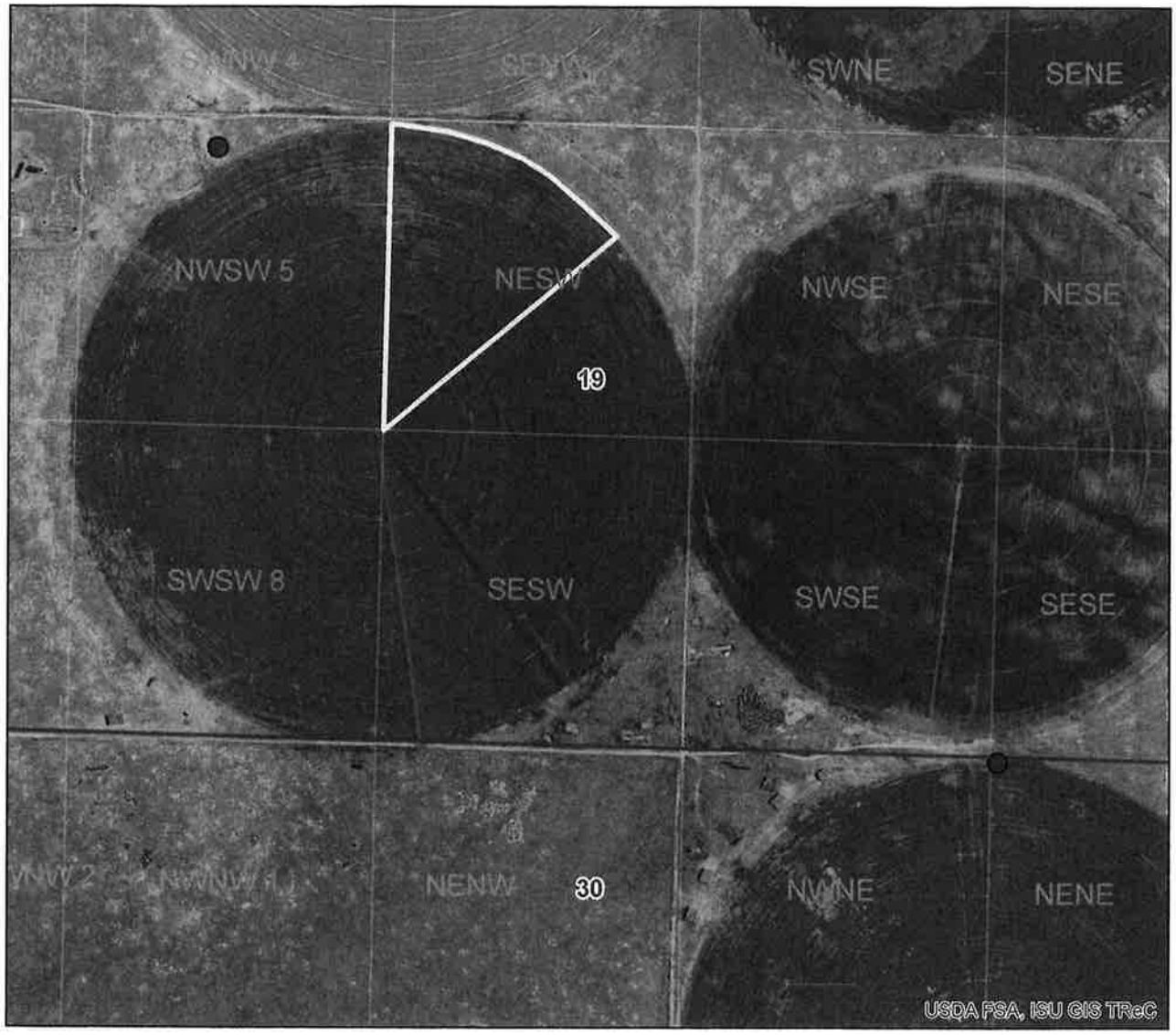
N

State of Idaho
Department of Water Resources

Attachment to Transfer No. 82169

Water Right(s): 61-12329

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.



- Transfer POD
- Transfer POU
- Township/Range
- Sections
- QQ

0 0.075 0.15 0.3 Miles

N

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 4, 2018

FRANK TIEGS LLC
PO BOX 3110
PASCO WA 99302

Re: Transfer No.: 82169
Water Right Nos: 61-7375, 61-7427, 61-7449, 61-12269, 61-12290, 61-12329, 61-12330

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) 334-2

Sincerely,

Anna Kaiser
Anna Kaiser For

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 December 4, 2018 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.: 82169
Water Right No(s).: 61-7375, 61-7427, 61-7449, 61-12269, 61-12290, 61-12329, 61-12330

FRANK TIEGS LLC
PO BOX 3110
PASCO WA 99302

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. 82169

FROM: Phill Hummer

DATE: 10/18/2018

RE: Evaluation of Application

The transfer application proposes to split and change the ownership of portions of water rights no. 61-7375 and 61-7449. The transfer also proposes to change the place of use and points of diversion for those split portions. The amounts to be transferred are based on the quitclaim deed submitted with the application. The split and ownership change was completed prior to advertisement and approval of the transfer application per current processing policy.

The proposed new place of use is about 12 miles southwest of Mountain Home, near the intersection of State Highway 167 and Liberator St.

Contact person for the applicant is Greg Sullivan with Brockway Engineering.

Deviations from Transfer Policy Standards

A non-standard amendment process was used during the processing of this application. It began with the initial request for information letter (05/18/2018) sent to the application's representative in an attempt to get an amended application that would fix some obvious errors. The main issue with the transfer application was that the ownership split and the rate proposed to be transferred were different amounts, with the amount to be transferred 0.01 cfs less that what shown on the ownership split. Approving the transfer application as originally submitted would create new rights as splits through the transfer process leaving rights in the remaining amount of 0.01 cfs at the original place of use. It took a series of emails and phone calls to communicate this with Mr. Sullivan. Additional problems occurred when Mr. Sullivan submitted individual pages of the transfer application that were amended but were not approved by the applicant via initial or signature.

The application that was advertised was a mixture of the information submitted on the original form and pages amended by Nick Miller (regional manager, western) and confirmed to be accurate by the applicant's representative. These amended pages include:

- Part 1 section B.2 confirming the total rate to be transferred as 1.52 cfs.
- Part 2 section B.2 confirming the location of right no. 61-7449 before it is transferred.
- Part 2 section B confirming the right no. 61-7375 is correct and confirming the location before it is transferred.

These amendments were not incorporated into the actual transfer application because Mr. Sullivan did not submit the changes as part of a complete application and had not gotten the applicant's signature. The application was advertised without receiving the applicant's direct written approval because the changes made were fixes to typographical errors and the risk of any objections were very low. It was assumed Mr. Sullivan understands the applicant's intent and is acting in the interest of the applicant.
Following advertisement of the application I realized that I had not processed the ownership split of either parent right properly. The place of use of right no. 61-7449 was not reduced by the portions claimed by Frank Tiegs LLC. Part of the issue with this split was that the number of acres to be removed was listed incorrectly on the

transfer application. The sum total of the acres listed on page 9 is only 72 acres. I sent Mr. Sullivan an email on 10/18/2018 that explained the problem and requested an amended acres list for this right. The corrected list was received via email on 10/22/2018. Water right no. 61-12330 was corrected outside of the transfer process so that the transfer approval document shows the correct number of acres to be transferred. A corrected ownership split was not sent to the applicant or the owner of the remaining portion because the transfer change will the record of the transferred water right and the remaining portion of the split is owned by the transfer applicant (see the following authority to file section for ownership details). This corrected list was also submitted separately and not part of an actual amended application, for the same reasons it was not added to the actual application form.

Summary of Information Submitted

Authority to File:
The transfer application includes an ownership split and the quitclaim deed that shows the change of ownership was included. The quitclaim deed was signed by Murphy Land Co. LLC as the grantor and Frank Tiegs LLC as the grantee. A warranty deed included with the application shows Murphy Land Co. LLC is the owner of the property at the place of use of the parent water rights, and is the owner of those rights according to Department records. Therefore, they have the authority to convey ownership of these water rights. The Secretary of State webpage shows Frank Tiegs is the authorized member of Murphy Land Co

Franks Tiegs signed the transfer application, they are listed as the sole member of Frank Tiegs LLC. They have the authority to submit the application on behalf of the company. This transfer application is documenting the change of right ownership from one company to another and from one farm to another but both companies and properties are owned by the same person.

Water Right Validity:
The application proposed to transfer the corner portions around the pivots within the place of use. Aerial imagery as recent as 2017 shows irrigation has occurred in the areas that are obvious pivots, including the smaller pivots located in between the larger ones. Landsat imagery dated August 08, 2017 (attached) shows some irrigation may have occurred in the areas in between the pivots, including the corners which are the acres to be transferred. Additionally, the warranty deed submitted with the application shows Murphy Land Co LLC became the owner of the property in June of 2016. Photographs submitted with the application from a site visit in 2017 shows pipes and sprinklers in those corner areas. The photos submitted with the application support the argument that at least some beneficial use of those areas has resumed.

Injury to Other Water Rights:
The portions that are proposed to be transferred are within the Mountain Home Ground Water Management Area but the points of diversion of the parent rights are also within the management area. Additionally, the rights at the original place of use and at the proposed place of use are within Water District 161 and are subject to the measurement order and regulation by the watermaster of the District. Similarly, the proposed place of use is within the Trust Water boundary but the diversion systems authorized by the parent rights are also within the Trust Water area. The wells proposed to be used are about 2 miles distance from the wells currently used for the parent rights. If the use of water is not enlarged than the amount of water used on an annual basis will be the same following approval as the amount used historically. For these reasons injury to trust water and other water users of District 161 is unlikely.

Enlargement of Use:
The headgate requirement is the same at the proposed new place of use and the combined limit condition (R64) will carry over to the split portions. The parent rights nos. 61-7375 and 61-7449 are conditioned with a combined limit for the rate and volume. However, both the rate and volume in the condition are the sum total of the rates and volumes on the face of the rights. This means that the condition is not actually limiting. The full extent of the

amount of water on the face of the split portions can be diverted and the annual amount would most likely be the same following the transfer application as had been used historically.
The proposed place of use for this transfer is that portion of the property currently irrigated using a Water Supply Bank rental for 0.016 cfs per acre, or 0.02 cfs per acre using the department rounding standards. The portions to be transferred are also equal to 0.02 cfs per acre after rounding so the amount used will be the same following the transfer as the amount used under the rental. The rental will not be necessary once the transfer is approved and it is scheduled to end on 12/31/2018.
Neither of the parent rights are supplemental and the proposed split will not be supplemental either. There are no stacking issues associated with the proposed transfer.

Local Public Interest:
The proposed place of use is entirely private land so there are no access or land use requirement issues. The watermaster of Water District 161 did not provide comment so it is assumed there are no water district issues associated with the proposed changes. This application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:
The proposed diversion system includes irrigation through the use of pivots which are typically more efficient than alternative systems. Additionally, establishing a water right for the long term use of water is better than irrigating through a continual rental of water from the water supply bank. 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

Water Right Overlap
The transfer application proposes to move the portions split from right nos. 61-7449 and 61-7375 from that system into another existing diversion system. The proposed new points of diversion for both split rights are existing wells in the NENE of section 30 and (5)NWSW of section 19, township 04S, range 05E. These wells are authorized POD's for rights nos. 61-12269 and 61-12290 (both authorize irrigation use). The places of use of 61-12329 and 61-12330 will overlap the places of use on the face of rights 61-12269 and 61-12290 following approval. However, rights 61-12269 and 61-12290 are limited to the irrigation of specific acres within the authorized place of use by condition 206. The POU shapes in the department database for these rights show the specific acres are not the same ground proposed to be irrigated by rights 61-12329 and 61-12330. There is no combined limit for rate or volume on either right 61-12269 or 61-12290. Since there is no direct acre overlap it is not necessary to put a rate or volume combined limit on either of these rights or on rights 61-12329 and 61-12330 even though these two rights will be diverted using the same existing diversion system. However, the place of use on the face of the four rights will overlap so condition X35 should be added to rights 61-12329 and 61-12330 and it should be updated on 61-12269 and 61-12290 to clearly define the actual total irrigable acres.

The POD shape for right no. 61-12269 incorrectly showed 1 of the PODs in the NWNW of section 25 township 04S, range 05E, the information in the water right record and the decree verifies this is not correct. I corrected the error by updating the shape so that this POD is in the (5)NWSW of section 19, township 04S, range 05E.

Water Supply Bank
The applicant has an active rental agreement (no. 226) beginning 06/01/2018 and scheduled to end 12/31/2018. It is my understanding further rentals will no longer be necessary when the transfer is approved.

Discussion

The number of acres and the total volume were rounded per current department policy so that the approval will be slightly different than the what is proposed on the application form.

Water right no. 61-7427 should be added as an associated right and the following changes should be made to the conditions of water right no. 61-7375, 61-7451, and 61-7449:

- WB4 should be removed. Normally the combined limit would be reduced by the portions split and transferred out of the system. In this case the rate and volume amounts are additive and not limiting. There is no real purpose for the condition and therefore reducing the "limits" and keeping the condition on the right would not provide any administrative benefit.

Pre-Split				
61-7375	61-7449	61-7427	Combined Limit	Added Total
3.89 cfs	11.24	1.31	16.44	16.44
952 af	2537.2	320	3809.2	3809.2

The following changes should be made to the conditions of water right nos. 61-12329 and 61-12330:

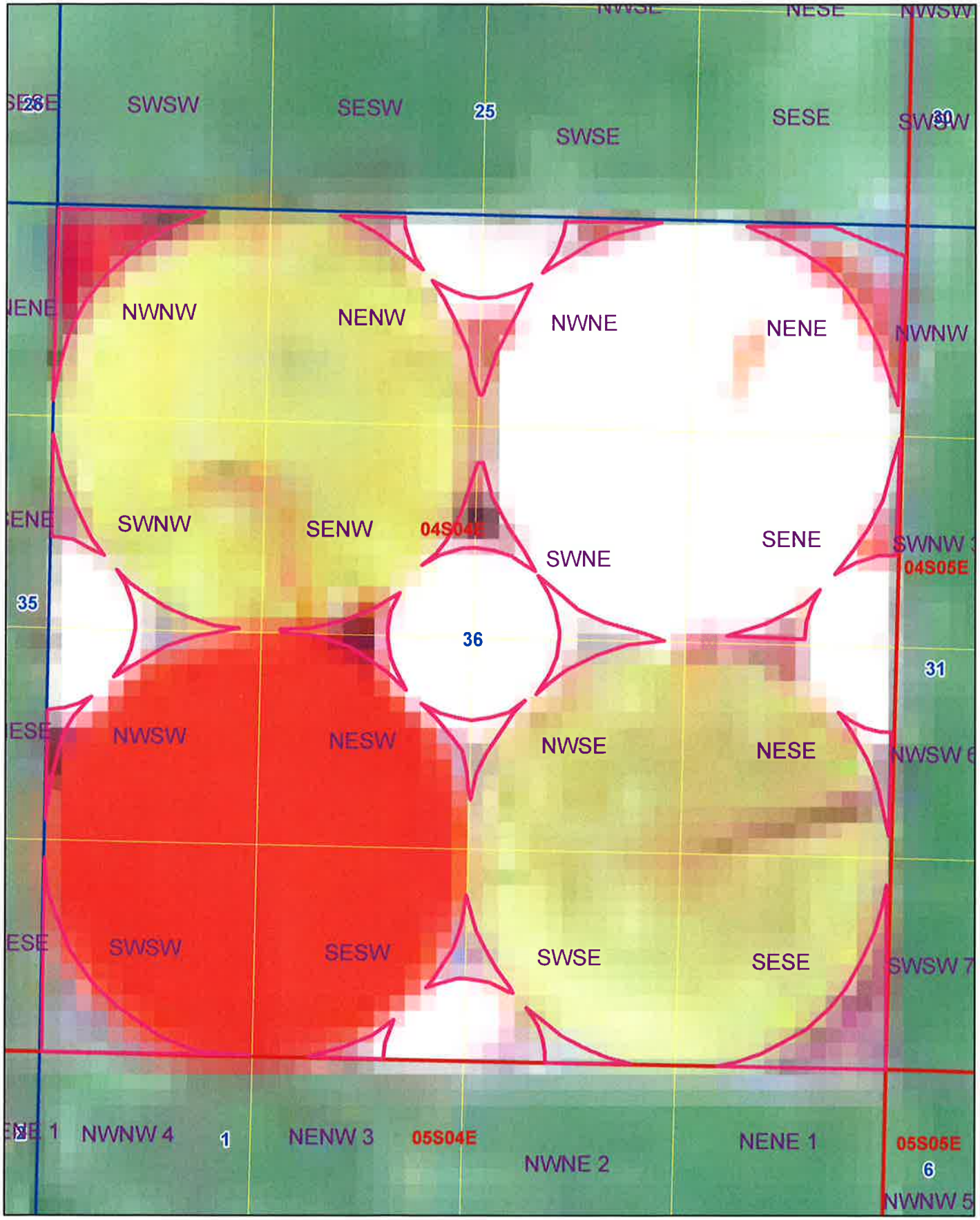
- R05 should be added since the POD's are within WD161.
- 01Q and T17 should be replaced by 214 per WD161.
- Remove the text condition specifying the old POD location.
- Update R64 to the current language.
- X35 should be added with rights 61-12329 and 61-12330, for a combined limit of 377.9 acres.

Water right nos. 61-12269 and 61-12290 should be added as associated rights and the following changes should be made to the conditions:

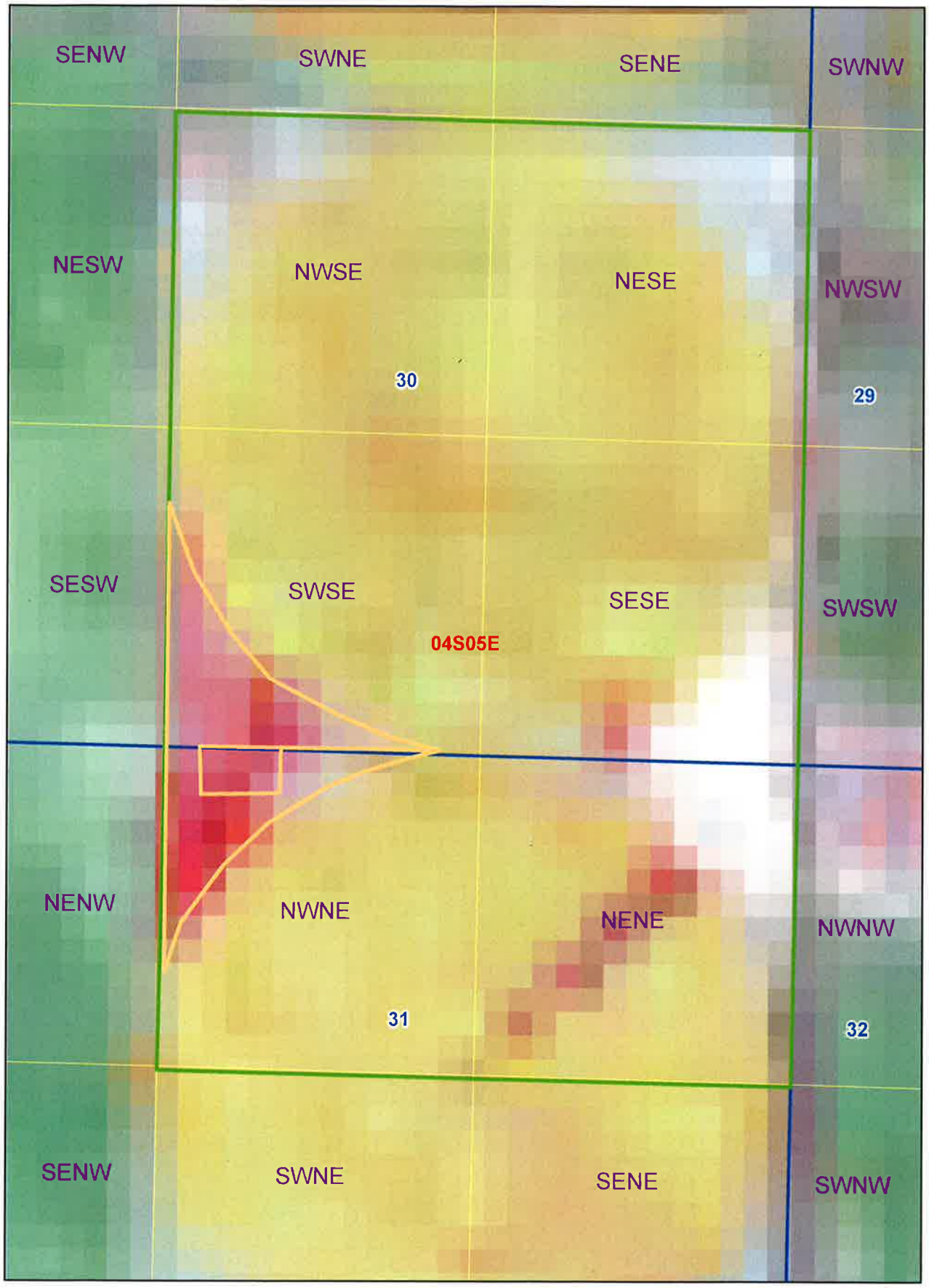
- Condition X35 should be update to include rights 61-12329 and 61-12330 because the proposed place of use for these rights overlaps the place of use on the face of rights 61-12329 and 61-12330.

No protests were filed and no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

Validity Review WR No. 61-7449/61-12330
Landsat Imagery: p41r30_l8_20170812_b564.sid



Validity Review WR No. 61-7375
Landsat Imagery: p41r30_l8_20170812_b564.sid



Hummer, Phill

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, October 22, 2018 1:10 PM
To: Miller, Nick; Hummer, Phill
Subject: RE: transfer 82169
Attachments: Part 2 61-7449.pdf

See the attached pdf file.

From: Miller, Nick [mailto:Nick.Miller@idwr.idaho.gov]
Sent: Monday, October 22, 2018 12:21 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>; Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: RE: transfer 82169

Greg,

Sorry to jump in, but Phill is out today and I'll also admit I thought things were squared away, so I looked into it. I'll let Phill chime in when he gets back tomorrow if I am misinterpreting what he needs. However, I looked at the file and I think I see what he is getting at. The "description of the portion being moved" lists a total of 72.2 in the rightmost column, but the actual sum of the acres in each tract totals 72.0. I think all of us overlooked the fact that these numbers don't sum to 72.2. I think you will need to adjust the acreages listed on Page 9 so the total is 72.2.

Hope that helps clarify things.

Nick.

From: Greg Sullivan [mailto:greg.sullivan@brockwayeng.com]
Sent: Monday, October 22, 2018 9:14 AM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: RE: transfer 82169

Phil,

I'll admit I haven't looked at this transfer for months because I thought our last round of discussions finalized what IDWR needed for this transfer. But right now I am confused.

The original transfer that was submitted back in January of this year identified 72.2 acres being transferred from water right 61-7449. After several months of IDWR reviewing the application, I was instructed by you that 72.2 acres was not the right amount. An amended Part 2 for 61-7449 was submitted to you identifying 72.0 acres. I want to say that was sometime in August. Now that it is October, you are telling me that I need to identify 72.2 acres again. Well, I already have identified 72.2 acres when the original transfer application was submitted to your office.

Please clarify the stance of IDWR.
This transfer could have been approved months ago if IDWR is truly looking for 72.2 acres.
All the information that you have requested is already on your desk.
If you really need me to resubmit the original Part 2 for 72.2 acres. I can scan it the original again and send it to you.
Below is the calculations that I used back in January to calculate the transfer amounts for this transfer.

Water Right	Amount		Transfer Amount		Remaining Amount	
	cfs	acre-ft	cfs	acre-ft	cfs	acre-ft
61-7375	3.89	952.0	0.24	57.6	3.65	894.4
Total	3.89	952	**0.235**	**57.6**	3.65	894.4
	238	acres	**14.4**	**acres**	223.6	acres

Total Acres	**634.0**	
CFS	**11.20**	
AFA	**2536.0**	4
Acres sold/ Transfering	**72.2**	
	0.1138801 %	

Water Right	Amount		Transfer Amount		Remaining Amount	
	cfs	acre-ft	cfs	acre-ft	cfs	acre-ft
61-7449	11.20	2536.0	1.28	288.8	9.92	2247.2
Total	11.20	2536	**1.275**	**288.8**	9.92	2247.2
	634	acres	**72.2**	**acres**	561.8	acres

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Hummer, Phill [mailto:Phill.Hummer@idwr.idaho.gov]
Sent: Thursday, October 18, 2018 4:14 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: transfer 82169

Hi Greg,

I am working on finalizing the transfer for Frank Tiegs LLC and I discovered another error on the application form. The issue is on page 9 where it lists the number of acres right no. 61-7449 should be reduced by. The total of the numbers shown is 72. In order to reduce this right properly and complete the transfer application I need to have an amended page 9 with an acres list that sums to 72.2 acres.

Phill Hummer
Water Resource Agent, Sr.
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

Rev. 01/15

Received 10/22/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 61-7449

1. amount 1.28/288.8 (cfs/ac-ft) for Irrigation purposes from 4/01 to 10/15
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	04E	36	6.7	3.1	5.8	4.2	1.4	8	3.8	3.5	3.6	3.1	10.6	3.7	0.9	2.1	3.4	8.3	72.2

Total Acres (for irrigation use) 72.2

RECEIVED
AUG 02 2018
WATER RESOURCES
WESTERN REGION

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

July 31, 2018

Phill Hummer
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-508

Re: Frank Tiegs, LLC Transfer 82169

Dear Mr. Hummer:

Thank you for your correspondence and review of Transfer 82169. I believe all of the necessary corrections have been made to the application. At this time I am attaching a signed signature page for Transfer 82169.

Please continue to process and advertise Transfer 82169 so that the water involved in this transfer can be utilized in the 2019 irrigation season.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Frank Tiegs
Enc: Transfer Application Signature Page

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

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

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506