

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 82747

This is to certify that: THE LINDER PROJECT LLC
3112 LOS FELIZ BLVD
LOS ANGELES, CA 90039-1507

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-4315	AJC/Beneficial Use	04/01/1948	0.34 cfs	45 af		10.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-4315	YES	NO	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-4315	63-32789	0.20 cfs	41.4 af	6.3	16.0	63-32788	0.14 cfs	N/A	N/A	N/A
COMBINED										
TOTALS		0.20 cfs	41.4 af	6.3	16.0		0.14 cfs	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of November, 20 18



PAMELA S. SKAGGS, Water Rights Section Mgr.

WATER RIGHT NO. 63-32788
As Modified by Transfer No. 82747

In accordance with the approval of Transfer No. 73833, Water Right No. 63-32788 is now described as follows.

Right Holder: THE LINDER PROJECT LLC
 3112 LOS FELIZ BLVD
 LOS ANGELES, CA 90039-1507

Priority Date: April 01, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	01/01	to 12/31	0.12 CFS
STOCKWATER	01/01	to 12/31	0.02 CFS
			0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 11 Twp 04N	Rge 01W ADA County
GROUND WATER	SESE	Sec. 11 Twp 04N	Rge 01W ADA County
GROUND WATER	L1 (NENE)	Sec. 14 Twp 04N	Rge 01W ADA County

PLACE OF USE: DOMESTIC AND STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	11																	X
04N	01W	14	X																
		L 1																	

CONDITIONS OF APPROVAL

- 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.
- The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
- The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
- Domestic use is for 3 homes.

WATER RIGHT NO. 63-32789
As Modified by Transfer No. 82747

In accordance with the approval of Transfer No. 73833, Water Right No. 63-32789 is now described as follows.

Right Holder: THE LINDER PROJECT LLC
 3112 LOS FELIZ BLVD
 LOS ANGELES, CA 90039-1507

Priority Date: April 01, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
GROUND WATER RECHARGE	01/01	to 12/31	0.07 CFS	13.0 AF
IRRIGATION	03/01	to 11/15	0.13 CFS	28.4 AF
			0.20 CFS	41.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 11 Twp 04N	Rge 01W ADA County
GROUND WATER	SESE	Sec. 11 Twp 04N	Rge 01W ADA County
GROUND WATER	L1 (NENE)	Sec. 14 Twp 04N	Rge 01W ADA County
GROUND WATER	L1 (NENE)	Sec. 14 Twp 04N	Rge 01W ADA County

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 14	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
	X																
	L 1																

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 11	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
04N 01W 14	8.0																8.0
	L 1																

Acre Limit: 6.3

Total Acres: 16.0

WATER RIGHT NO. 63-32789
As Modified by Transfer No. 82747

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. This right authorizes the diversion rate of 0.07 cfs and an annual diversion volume of 13.0 af for ground water recharge as replacement of losses caused by evaporation from ponds associated with permit 63-32601. The diversion volume is fully consumptive.
7. This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.
8. 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 lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

State of Idaho
Department of Water Resources
Attachment to Transfer 82747
63-32788

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



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

0 0.0475 0.095 0.19 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 82747
63-32789

This map depicts the GROUND WATER RECHARGE 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.

01W



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

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 82747
63-32789

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.

01W



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

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 19, 2018

THE LINDER PROJECT LLC
3112 LOS FELIZ BLVD
LOS ANGELES CA 90039-1507

Re: Transfer No: 82747
Water Right No(s): 63-32788, 63-32789

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

If you have any questions, please contact me at (208) 287-4951.

Sincerely,



Pamela S. Skaggs, Manager

Water Rights Section

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 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.: 82747
Water Right No(s): 63-32788, 63-32789

THE LINDER PROJECT LLC
3112 LOS FELIZ BLVD
LOS ANGELES CA 90039-1507

A handwritten signature in blue ink, reading "Darla Block", is positioned above a horizontal line. The signature is written in a cursive style.

Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: November 15, 2018

To: Transfer 82747

From: Clay Webster

Re: Review & Evaluation of Sufficiency of Information

The department received this application for The Linder Project LLC to make the rights reflect a transfer that was approved in December 2008. In 2009 the SRBA issued a partial decree for 63-4315 (the parent right) showing the use to be what it was prior to approved transfer 73833. This showed the right prior to the approved changes. The decree was not appealed. Transfer 73833 split water right 63-4315 into 63-32788 and 63-32789.

The transfer that was approved is what is reflected in our database. A meeting was held with western region and Bureau Chief. The department's stance was that the prior approval was the official record. However to remove ambiguity due to the timing of transfer 73833 approval and the issuance of the decree for 63-4315 this transfer will be processed with updated conditions to reflect this as the last administrative action.

The approved transfer split the domestic and stockwater uses to a separate water right (63-32788). It then split the 0.20 cfs and 45.0 af for a 10 acre irrigation portion on a separate water right (63-32789) and changed the nature of use of a 3.4 acre portion of the irrigation to ground water recharge for mitigation of the evaporation of the pond for rights 63-32601 and 63-34183 leaving 6.3 acres worth of irrigation within a 16 acre place of use. They reduced the volume associated with the change of nature of use from 15.3 af to 13.0 af to account for only transferring the consumptive portion of the water right.

Water rights 63-32601 (3.7 acre surface area) and 63-34183 (1 acre surface area) authorize the aesthetic storage for the pond at the proposed recharge (mitigation) POU.

Transfer 73833 added a point of diversion located at L1, NENE of S14, T4N, R1W. The authorized irrigation place of use (POU) was changed to show a 16 acre POU. These changes are the same changes requested on this transfer.

Authority to File:

This application was signed by Casey Lynch Manager of the Linder Project LLC. They provided a Notice of Change of water right ownership along with the deed to show their authority to file.

Water Right Validity:

In 2009 the SRBA issued a partial decree for 63-4315 (the parent right) showing the use to be what it was prior to approved transfer 73833. The decree was not appealed. Transfer 73833 split water right 63-4315 into 63-32788 and 63-32789.

Injury to Other Water Rights:

This transfer application is being proposed to reflect what was previously authorized and will not change how the water has been used since the approval of transfer 73833 in 2008. No injury is anticipated.

Enlargement of Use:

A 3.4 acre portion of the irrigation use is proposed to be changed to ground water recharge leaving 6.3 acres worth of irrigation within a 16 acre place of use. The volume associated with the change of nature of use will be reduced from 15.3 af to 13.0 af to only allow the consumptive portion of the water right to be changed to the new use. There is a pond spread sheet calculation located in the permit application file for 63-34183 that shows that 9.0 af is needed for evaporative losses of the pond. Conditions were placed on

63-32601 and 63-34183 to ensure that this recharge portion of right 63-63-32789 is maintained by the right holder to mitigate for those seepage losses.

A review of landsat imagery supports irrigation of 6.3 acres in 2018.

Local Public Interest:

There are no apparent issues identified. Comments will be requested from the watermaster to identify any local public interest concerns. This application will be advertised to allow local concerns to be addressed.

Beneficial Use/Conservation of Water Resources:

This proposed transfer will not change the authorized beneficial use under these rights. The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

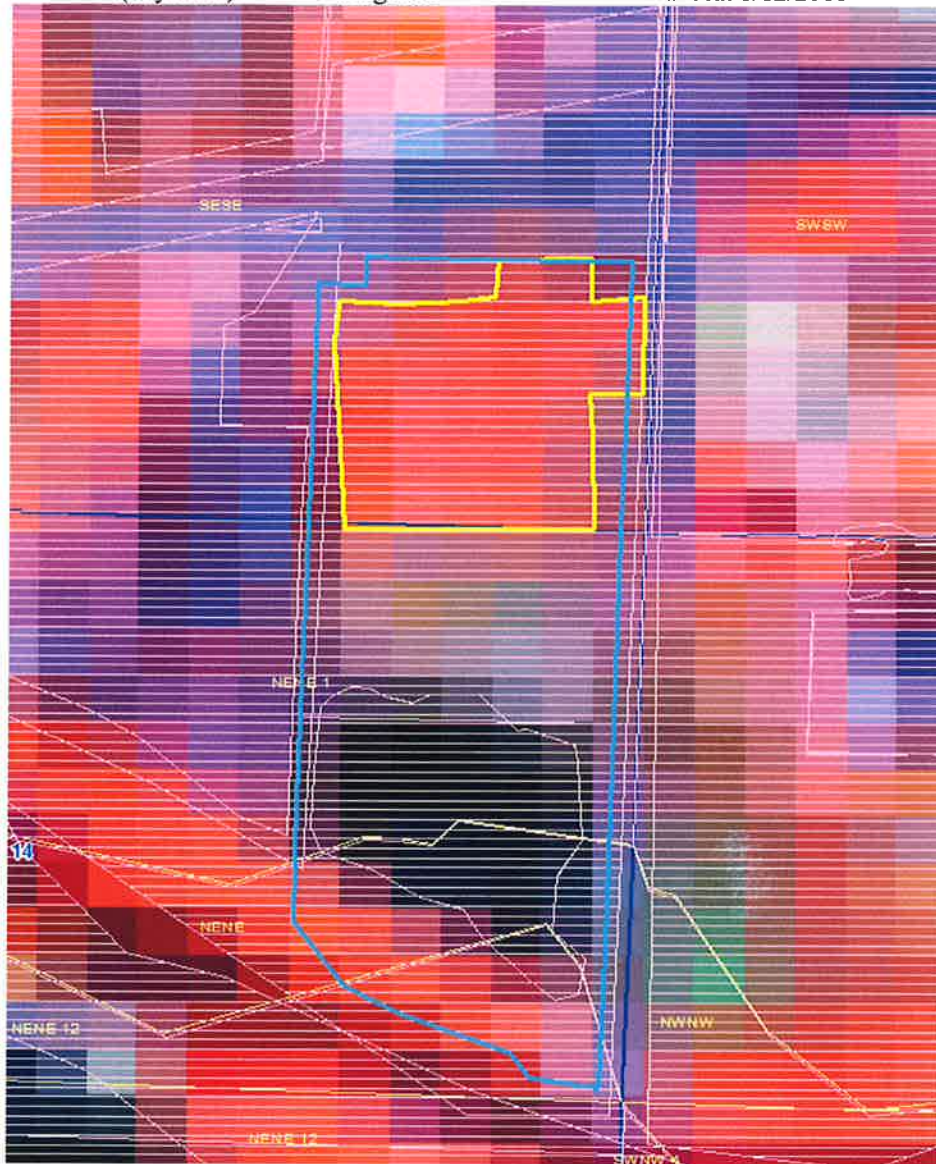
No effects are anticipated.

Effect on Agricultural Base of the Local Area:

This application should have no effect.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

6.3 Acres (in yellow) worth of irrigation in 2018 confirmed Landsat 6/12/2018



MEMORANDUM

Date: November 15, 2018
To: Transfer 82747
From: Clay Webster
Re: Legal Notice Not Required

This transfer application is to confirm prior approval for transfer 73833 as the last administrative action on the water rights. There will be no physical change nor no hydrologic changes made to these rights.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.