

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 82122**

This is to certify that: **WEISER RANCHES LLC**  
1606 AMARAL CT  
FAIRFIELD, CA 94534

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 67-4150            | WR/DECREED          | 4/12/1957            | 3.430 cfs             | N/A                     | N/A               | 171.3              | WEISER RIVER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 67-4150               | NO           | NO         | YES        | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 67-4150                | 67-4150                          | 3.430 cfs            | N/A                    | N/A               | 171.3              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>3.430 cfs</b>     | <b>N/A</b>             | <b>N/A</b>        | <b>171.3</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 30<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

# **WATER RIGHT NO. 67-4150**

## **As Modified by Transfer No. 82122**

In accordance with the approval of Transfer No. 82122, Water Right No. 67-4150 is now described as follows:

**Right Holder:** WEISER RANCHES LLC  
1606 AMARAL CT  
FAIRFIELD, CA 94534

**Priority Date:** 4/12/1957

**Source:** WEISER RIVER

**Tributary:** SNAKE RIVER

### **BENEFICIAL USE**

IRRIGATION

### **From**

03/01

### **To**

to 11/15

### **Diversion Rate**

3.430 cfs

3.430 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

WEISER RIVER

NWSENW

Sec 2 Twp 10N Rge 05W WASHINGTON County

### **PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |    |    |      | NW   |      |      |     | SW |    |     |    | SE |    |    |     | Totals |
|-----|-----|-----|------|----|----|------|------|------|------|-----|----|----|-----|----|----|----|----|-----|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW   | SE  | NE | NW | SW  | SE | NE | NW | SW | SE  |        |
| 10N | 05W | 2   |      |    |    |      | 30.0 | 39.0 | 25.0 | 6.3 |    |    |     |    |    |    |    |     | 100.3  |
|     |     |     |      |    |    |      | L 3  | L 4  |      |     |    |    |     |    |    |    |    |     |        |
| 10N | 05W | 3   | 36.0 |    |    | 27.0 |      |      |      |     |    |    |     |    |    |    |    |     | 63.0   |
|     |     |     | L 1  |    |    |      |      |      |      |     |    |    |     |    |    |    |    |     |        |
| 11N | 05W | 34  |      |    |    |      |      |      |      |     |    |    |     |    |    |    |    | 3.0 | 3.0    |
| 11N | 05W | 35  |      |    |    |      |      |      |      |     |    |    | 5.0 |    |    |    |    |     | 5.0    |

POU Total Acres: 171.3

### **CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. 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. 67.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 82122

**WATER RIGHT NO. 67-4150**  
**As Modified by Transfer No. 82122**

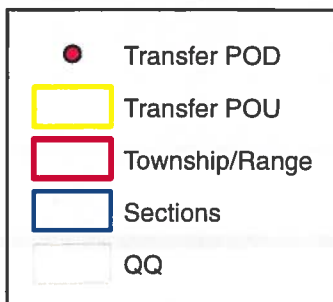
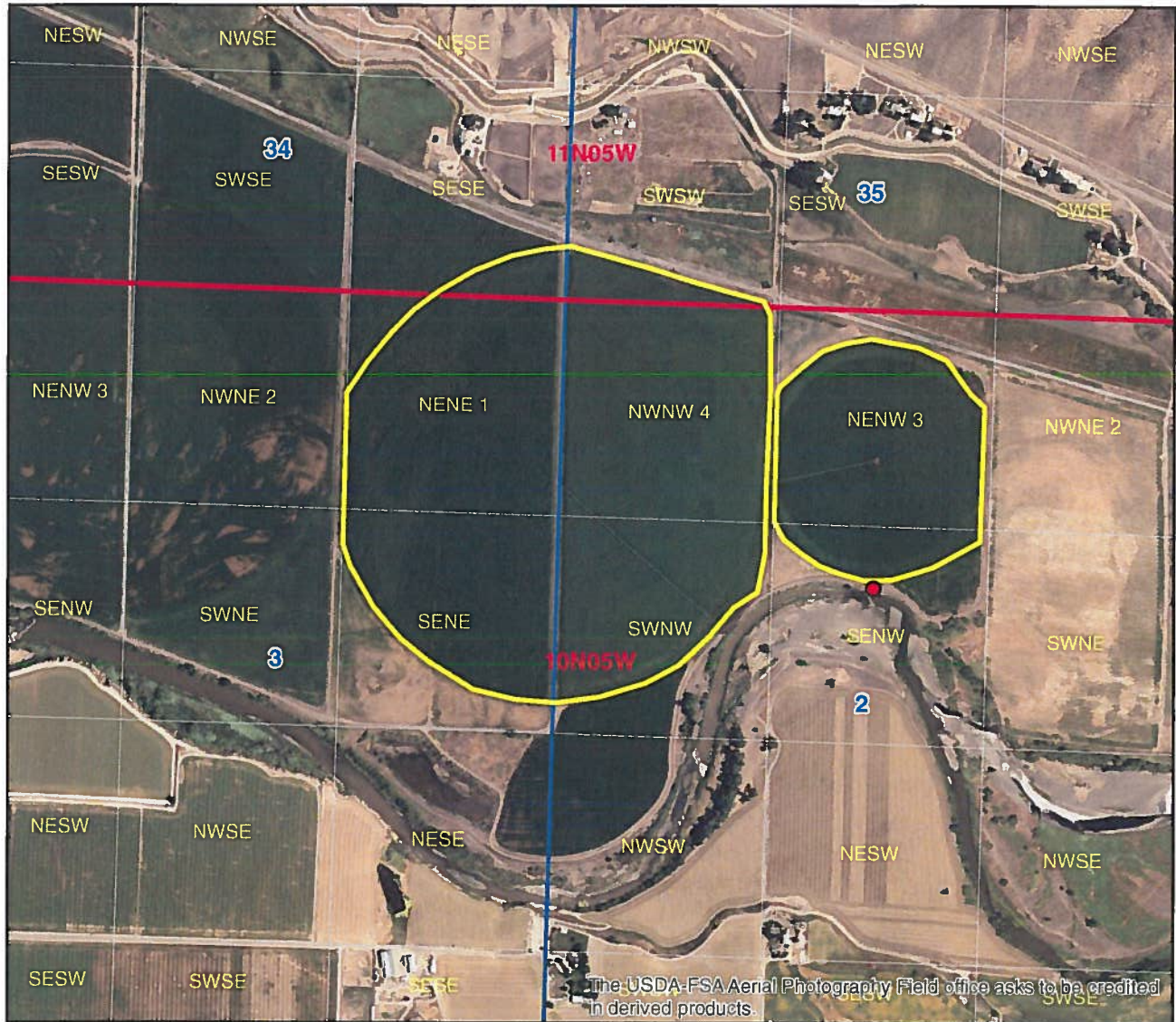
**CONDITIONS OF APPROVAL**

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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. 82122**  
Water Right(s): 67-4150

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 0.125 0.25 0.5 Miles





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](http://www.idwr.idaho.gov)

C.L. "BLTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 30, 2018

WEISER RANCHES LLC  
1606 AMARAL CT  
FAIRFIELD CA 94534

Re: Transfer No: 82122  
Water Right No(s): 67-4150

### 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) 334-2190.

Sincerely,

 Rachel Neely for :

Nick Miller  
Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706

BRANDI S. HORTON-BONNER  
WATERMASTER OF DISTRICT 67  
2297 SNAPP LN  
MIDVALE ID 83645

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 30, 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.: 82122  
Water Right No(s): 67-4150**

**WEISER RANCHES LLC  
1606 AMARAL CT  
FAIRFIELD CA 94534**

**SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706**

**BRANDI S. HORTON-BONNER  
WATERMASTER OF DISTRICT 67  
2297 SNAPP LN  
MIDVALE ID 83645**



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**Rachel Neely  
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. 82122

FROM: Phill Hummer

DATE: 04/10/2018

RE: Evaluation of Sufficiency of Information Submitted

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The transfer proposes to change the place of use to reflect the current irrigation practices. The property is located about 2.8 miles southeast of Wilder Idaho between the Weiser River and the railroad tracks.

### Summary of Information Submitted

#### **Authority to File:**

Weiser Ranches LLC is the current owner of water right no. 67-4150. Greg Amaral is listed as the manager of the company on the 2017 annual report on file with the Secretary of State. Greg Amaral has the authority to submit and sign this transfer application on behalf of Weiser Ranches LLC.

#### **Validity:**

The partial decree for this right was issued on 10/20/2008. Aerial imagery confirms irrigation has occurred at the place of use in the last 5 years. It is assumed this irrigation has occurred in connection with this water right and it is valid.

#### **Overlap Analysis:**

The point of diversion for this right is the same pump station that Weiser Ranches LLC proposes to use for application no. 67-15206. The only water rights that have a place of use that overlaps the property are those held by Weiser Irrigation District and Crane Creek Reservoir Admiration. Application no. 67-15206 proposes primary irrigation on the same land currently authorized under this right but will be outside the place of use if the transfer is approved (right no. 67-4150 to be used for the pivots and application no. 67-15206 for the corners). Water from Crane Creek Reservoir supplied for supplemental use at times when Weiser River water is unavailable.

#### **Injury and Enlargement of Use:**

The transfer application proposes to move the authorized acres from land no longer accessible to a different portion of their property. The total number of irrigated acres will remain the same and the right will continue to be primary with delivered supplemental water. The application does not propose changes that would cause an enlargement of the right. The point of diversion is not changing so there are no priority date issues associated with an upstream movement of POD. The right will continue to be regulated by the watermaster of water district 67 and the watermaster for that district does not oppose this application. The applicant indicated they are in the process of complying with the measurement and controlling works order dated 11/30/2017.

**Local Public Interest:**

The application proposes changes that are consistent with 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.**

**Discussion**

The following conditions should be added to the right if it is approved:

- T07 and T08 are standard conditions added to transfer.
- R65 to make the rate and headgate restrictions clear.
- R43 because a measurement order has been issued for that area.
- R05 because the right is within district 67.

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
County of Washington )ss.

Sarah Boles, being duly sworn,  
deposes and says:

That she is the clerk of  
THE WEISER SIGNAL AMERICAN, a weekly newspaper  
published at Weiser, in the County of Washington and State of  
Idaho; that said paper has been and is in general circulation in  
the county aforesaid, and in the vicinity of Weiser; that the ad-  
vertisement, a copy of which is attached hereto, was published in

said newspaper once a week for two consecutive weeks in  
the regular and entire issue of said paper during the period and  
time of publication, and was published in the newspaper proper  
and not in a supplement; that said paper has been established  
and regularly published for more than seventy-eight consecutive  
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 7, 2018 and ending  
with the issue of March 14, 2018

Sarah Boles  
Fees, \$ 154.18

Subscribed and sworn to before me this 14

date of March 2018

Stephanie McDaniel  
Notary Public, residing at Weiser, Idaho.

My commission expires 09-14-18



No.

The following applications have been filed to appropriate the  
public waters of the State of Idaho:

67-15206  
WEISER RANCHES LLC ✓ OK RN 3/30/18  
1606 AMARAL CT  
FAIRFIELD, CA 94534  
Point of Diversion SENW S2 T10N R05W WASHINGTON  
County Source WEISER RIVER Tributary SNAKE RIVER  
Use: IRRIGATION 03/01 to 11/15 0.9 CFS  
Total Diversion: 0.9 CFS  
Date Filed: 1/24/2018  
Place of Use: IRRIGATION  
T10N R05W S2 L3(NENW) L4(NWNW) SWNW SENW  
NWSW  
T10N R05W S3 SWNE SENE NESE  
Total Acres: 45 ✓ OK RN 3/30/18

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 82122

WEISER RANCHES LLC, 1606 AMARAL CT, FAIR-  
FIELD, CA 94534; has filed Application No. 82122 for  
changes to the following water rights within WASHINGTON  
County(s): Right No(s). 67-4150. The transfer application  
proposes to change the place of use of water right no. 67-4150  
to reflect current irrigation practices. The property is located  
about 4.5 kilometers southeast of Weiser, Idaho between the  
Weiser River and the railroad tracks.

Permits will be subject to all prior water rights. For additional  
information concerning the property location, contact West-  
ern Region office at 208-334-2190; or for a full description  
of the right(s) or proposed transfer (s) please see [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Protests may be submitted based on the criteria of  
Idaho Code §§ 42-203A and 42-222. Any protest against the  
approval of the application(s) must be filed with the Direc-  
tor, Dept. of Water Resources, Western Region, 2735 Airport  
Way, Boise, ID 83705 together with a protest fee of \$25.00  
for each application on or before 3/26/2018. The protestant  
must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/7/2018 and 3/14/2018

10-2S

RECEIVED

MAR 30 2018

WATER RESOURCES  
WESTERN REGION

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MAR 05 2018  
WATER RESOURCES  
WESTERN REGION

State of Idaho  
Department Of Water Resources

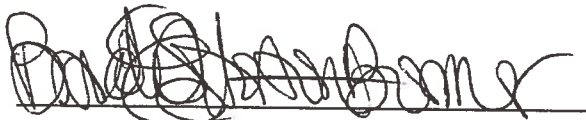
**WATERMASTER RECOMMENDATION FORM**

**Water District #** 67 (Weiser River)  
**Application #** 82122 (Transfer Application)  
**Applicant Name** Weiser Ranches, LLC

**Watermaster Recommendation:**

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

Dated this 5 day of March, 2018



Watermaster Signature

Brandi S. Horton-Bonner

Printed Name