

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81982**

This is to certify that: 7J LAND LLC
1583 E 1740 S
MALTA, ID 83342

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>
43-13611	WR/DECREED	4/30/1872	0.290 cfs	N/A	N/A	126.8	CASSIA CREEK
43-13613	WR/DECREED	4/30/1873	0.280 cfs	N/A	N/A	126.8	CASSIA CREEK
43-13615	WR/DECREED	4/30/1879	0.970 cfs	N/A	N/A	126.8	CASSIA CREEK
43-13617	WR/DECREED	4/1/1894	1.430 cfs	N/A	N/A	126.8	CASSIA CREEK
43-13619	WR/DECREED	4/27/1910	0.160 cfs	N/A	53.5	126.8	SIDE HILL SPRINGS

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>
43-13611	NO	NO	YES	YES	NO	NO
43-13613	NO	NO	YES	YES	NO	NO
43-13615	NO	NO	YES	YES	NO	NO
43-13617	NO	NO	YES	YES	NO	NO
43-13619	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>
43-13611	43-13611	0.290 cfs	N/A	N/A	126.8	N/A	N/A	N/A	N/A	N/A
43-13613	43-13613	0.280 cfs	N/A	N/A	126.8	N/A	N/A	N/A	N/A	N/A
43-13615	43-13615	0.970 cfs	N/A	N/A	126.8	N/A	N/A	N/A	N/A	N/A
43-13617	43-13617	1.430 cfs	N/A	N/A	126.8	N/A	N/A	N/A	N/A	N/A
43-13619	43-13619	0.160 cfs	N/A	53.5	126.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.130 cfs	N/A	N/A	126.8		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 43-13611

Transfer No. 81982

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81982

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 19th day of April, 2018.



Southern Region Manager



WATER RIGHT NO. 43-13611
As Modified by Transfer No. 81982

In accordance with the approval of Transfer No. 81982, Water Right No. 43-13611 is now described as follows:

Right Holder: 7J LAND LLC
 1583 E 1740 S
 MALTA, ID 83342

Priority Date: 4/30/1872

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

0.290 cfs

0.290 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK	NENESE	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NWNWSE	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NENWSW	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NENESW	Sec 24 Twp 13S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

POU Total Acres: 126.8

CONDITIONS OF APPROVAL

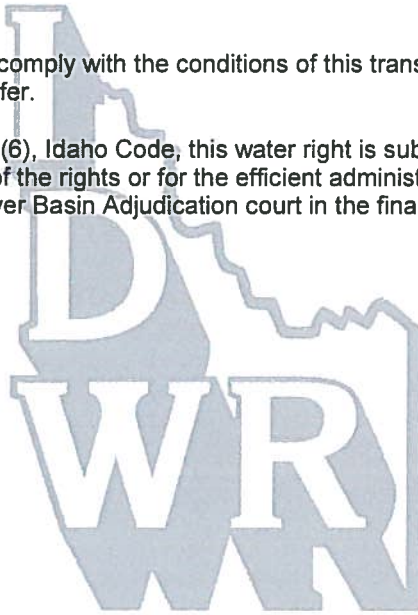
1. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

Transfer No. 81982

WATER RIGHT NO. 43-13611
As Modified by Transfer No. 81982

CONDITIONS OF APPROVAL

6. The place of use does not include federal land.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 43-13613**As Modified by Transfer No. 81982**

In accordance with the approval of Transfer No. 81982, Water Right No. 43-13613 is now described as follows:

Right Holder: 7J LAND LLC
1583 E 1740 S
MALTA, ID 83342

Priority Date: 4/30/1873

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

0.280 cfs

0.280 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK	NENESE	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NWNWSE	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NENWSW	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NENESW	Sec 24 Twp 13S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

POU Total Acres: 126.8

CONDITIONS OF APPROVAL

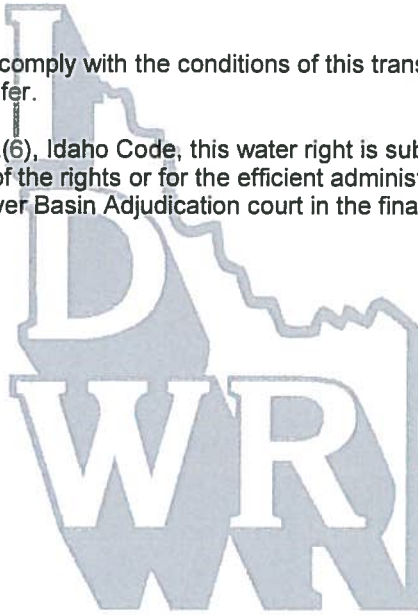
1. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

Transfer No. 81982

WATER RIGHT NO. 43-13613
As Modified by Transfer No. 81982

CONDITIONS OF APPROVAL

6. The place of use does not include federal land.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 43-13615 **As Modified by Transfer No. 81982**

In accordance with the approval of Transfer No. 81982, Water Right No. 43-13615 is now described as follows:

Right Holder: 7J LAND LLC
 1583 E 1740 S
 MALTA, ID 83342

Priority Date: 4/30/1879

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
 0.970 cfs
 0.970 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK	NENESE	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NWNWSE	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NENWSW	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NENESW	Sec 24 Twp 13S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

POU Total Acres: 126.8

CONDITIONS OF APPROVAL

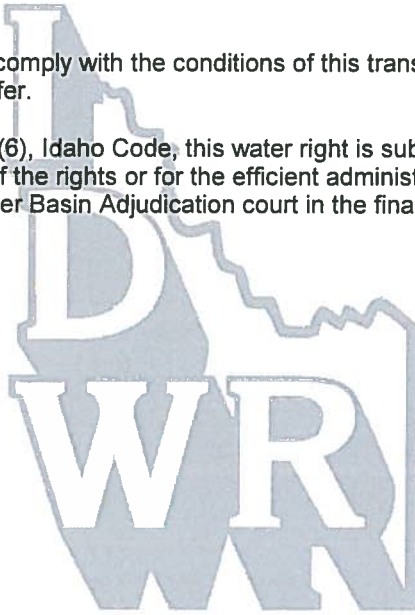
1. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

Transfer No. 81982

WATER RIGHT NO. 43-13615
As Modified by Transfer No. 81982

CONDITIONS OF APPROVAL

6. The place of use does not include federal land.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 43-13617
As Modified by Transfer No. 81982

In accordance with the approval of Transfer No. 81982, Water Right No. 43-13617 is now described as follows:

Right Holder: 7J LAND LLC
 1583 E 1740 S
 MALTA, ID 83342

Priority Date: 4/1/1894

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

1.430 cfs

1.430 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK	NENESE	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NWNWSE	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NENWSW	Sec 23 Twp 13S Rge 25E	CASSIA County
CASSIA CREEK	NENESW	Sec 24 Twp 13S Rge 25E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

POU Total Acres: 126.8

CONDITIONS OF APPROVAL

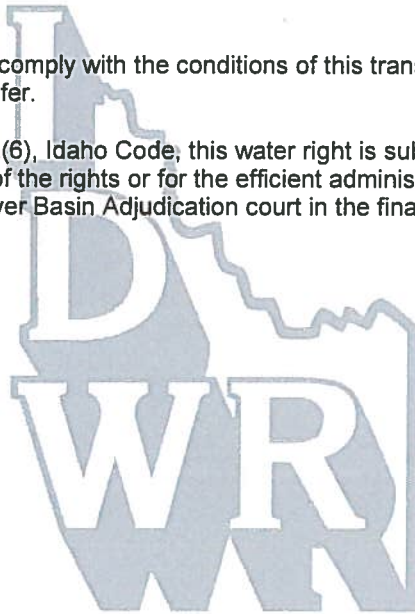
1. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

Transfer No. 81982

WATER RIGHT NO. 43-13617
As Modified by Transfer No. 81982

CONDITIONS OF APPROVAL

6. The place of use does not include federal land.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 43-13619

As Modified by Transfer No. 81982

In accordance with the approval of Transfer No. 81982, Water Right No. 43-13619 is now described as follows:

Right Holder: 7J LAND LLC
1583 E 1740 S
MALTA, ID 83342

Priority Date: 4/27/1910

Source: SIDE HILL SPRINGS **Tributary:** CASSIA CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
0.160 cfs
0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

SIDE HILL SPRINGS NESESW Sec 24 Twp 13S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

Right Acre Limit: 53.5

POU Total Acres: 126.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 53.5 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.
3. 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. 43C.
4. 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).
5. 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.

Transfer No. 81982

WATER RIGHT NO. 43-13619
As Modified by Transfer No. 81982

CONDITIONS OF APPROVAL

6. The place of use does not include federal land.
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 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.

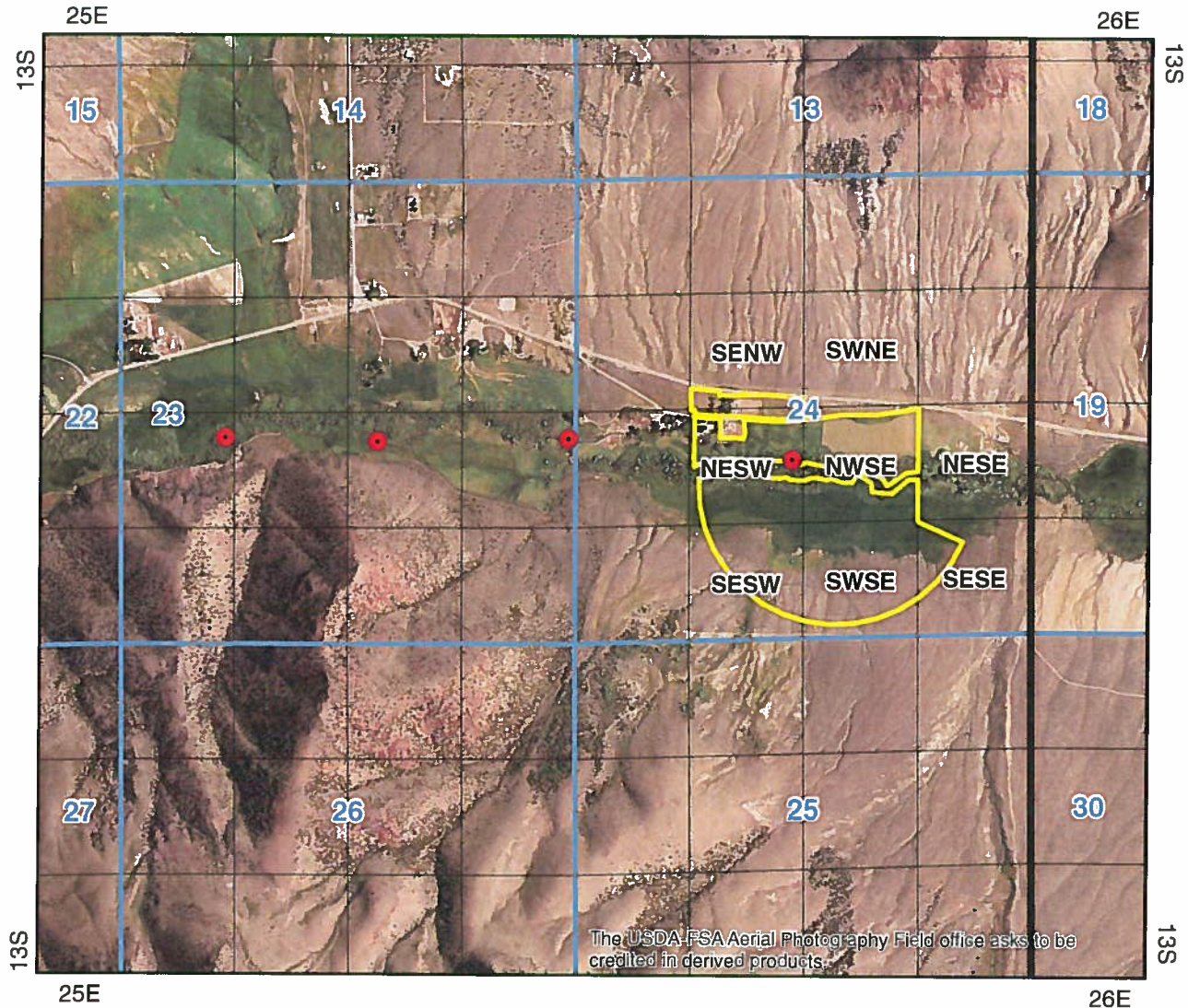


State of Idaho
Department of Water Resources

Attachment to Transfer # 81982

43-13611, 43-13613, 43-13615, and 43-13617

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



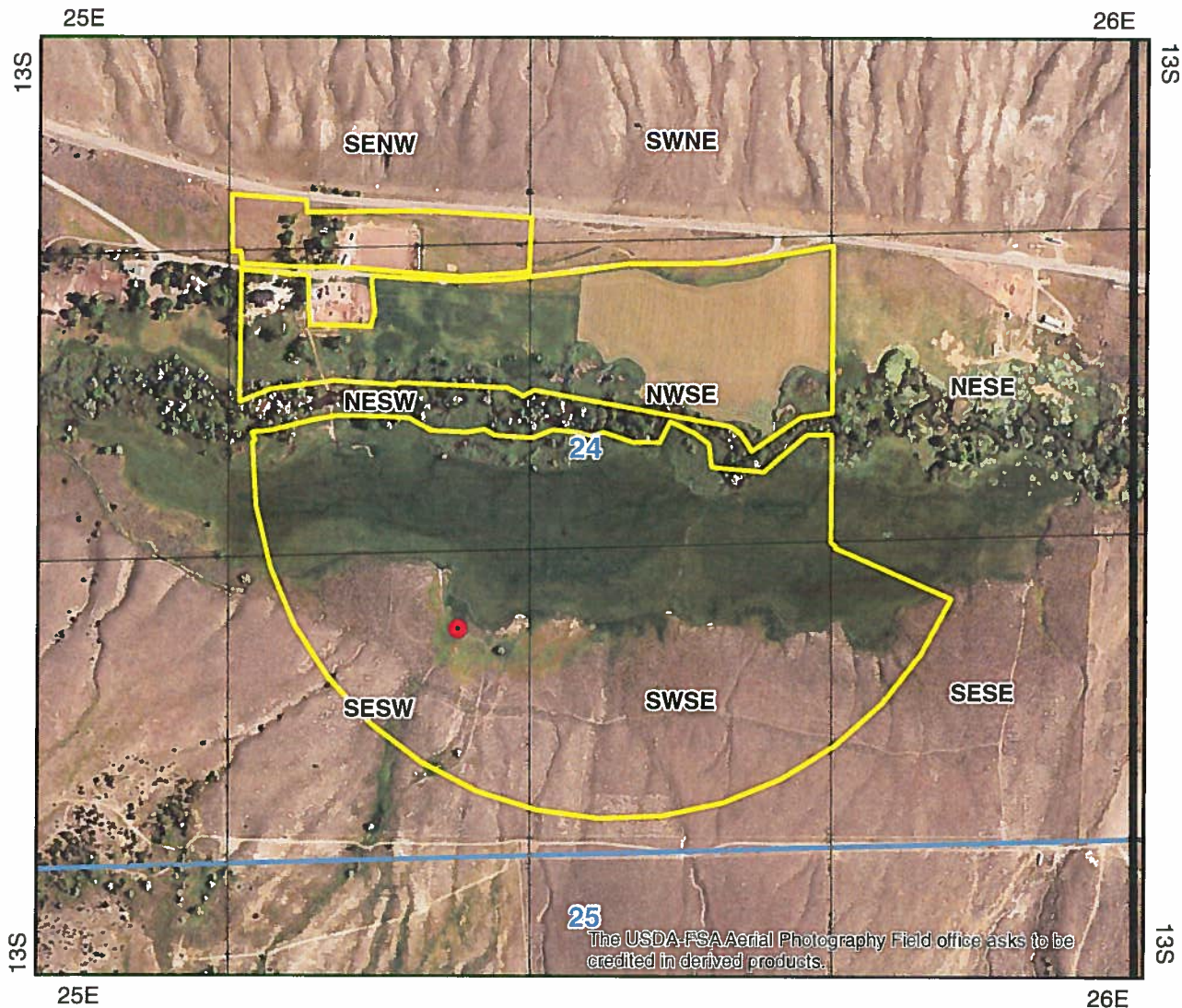
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.25 0.5 1 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81982
43-13619

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.



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

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 20, 2018

7J LAND LLC
1583 E 1740 S
MALTA ID 83342-8649

Re: Transfer No: 81982
Water Right No(s): 43-13611, 43-13613, 43-13615, 43-13617, 43-13619

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) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

WATER DISTRICT 43C
ROGER MUSSER
917 PARK LN
POCATELLO ID 83201

CERTIFICATE OF SERVICE

I hereby certify that on April 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.: 81982

Water Right No(s): 43-13611, 43-13613, 43-13615, 43-13617, 43-13619

**7J LAND LLC
1583 E 1740 S
MALTA ID 83342-8649**

**WATER DISTRICT 43C
ROGER MUSSEY
917 PARK LN
POCATELLO ID 83201**



**Denise Maline
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

Date: April 19, 2018
To: 7 J Land, LLC transfer #81982 file
From: Jim Bitzenburg
Re: Update to fee memo

Upon review, a revision of the fees charged for this transfer is necessary. Since the four Cassia Creek rights could, in their entirety, be diverted from the new POD being added to the existing Cassia Creek PODs, their additive flow rate of 2.97 cfs, should be used in the fee calculation. The Side Hill Springs right is not changing its POD, but 20.1 acres out of the 126.8 acre POU will change, so $20.1/126.8 \times 0.16$ cfs (Side Hill Springs flow rate) equals 0.03 cfs, and when added to the 2.97 cfs from the amount changing on the Cassia Creek rights, it results in a basic fee for the transfer, based on 3.00 cfs, of \$660.00. The charge for the five changes of ownership is \$125 ($\$25 \times 5$), so the transfer total should be \$785.00. A fee of \$865 was originally charged, so a refund of the \$80.00 overpayment will be initiated from the State office.

Bitzenburg, James

From: Bitzenburg, James
Sent: Thursday, April 19, 2018 3:34 PM
To: Marston, Sascha
Subject: Request of a refund for overpayment of fees

Sascha-

I am processing a transfer (#81982) for 7 J Land, LLC, which was submitted on 1/3/2018. I miscalculated their fee and overcharged them by \$80.00. Could you issue a \$80.00 refund to 7 J Land, LLC for the overpayment? The receipt number is S036517 dated 1/3/2018, check #3526. The address for 7 J Land, LLC is:

7 J LAND LLC
1583 E 1740 S
MALTA ID 83342

Let me know if you need anything more and thank you for your help.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

MEMORANDUM

Date: March 12, 2018
To: Transfer 81982, 7 J Land, LLC File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to modify the place of use (POU) for four Cassia Creek water rights and one Side Hill Springs right which currently irrigate a total of 126.8 acres with a combined flow rate of 3.13 cfs on ground located approximately 5.4 to 6.0 miles west and 1.9 to 2.4 miles south of Malta. The new POU will be on contiguous ground in the same general area. The four Cassia Creek rights will retain their three present PODs and will add a new POD on Cassia Creek located approximately 5.8 miles west and 2.1 miles south of Malta. The single POD for the Side Hill Springs right will not change.

The transfer was advertised (no protests were received) because it proposed adding a POD on a surface water source, and since it is located on Cassia Creek, comments were sought from the Watermaster of Water District 43C. The watermaster had no objections to the transfer.

- **Authority to File:**

The application was signed by Jeffery Gregersen, the manager of 7 J Land, LLC. The Annual Report Form (see transfer file) for the LLC confirms that he is the manager.

- **Water Right Validity:**

All of the rights involved in the transfer were decreed in the SRBA in 2002. Deeds have been submitted with the transfer to change the water right ownership of the rights from Kodi and/or Jeffery Gregersen to 7 J Land, LLC.

- **Injury to Other Water Rights:**

None anticipated or foreseen. Written approval letters from the other right holders in the shared ditch which the four Cassia Creek rights currently divert from are included in the transfer file.

- **Enlargement of Use:**

None anticipated. Irrigated acreage is not increasing.

- **Local Public Interest:**

No issues anticipated. The transfer was advertised and was not protested.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**

None Anticipated

- **Effect of the Agricultural Base of the Area:**

None Anticipated

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.

MEMORANDUM

Date: March 8, 2018
To: Application for Transfer, #81982, 7 J Land, LLC File
From: Jim Bitzenburg
Re: Correction of acre limit on table for right 43-13619

In the process of reviewing the water rights for the transfer, it was noted that the acre limit in the acre limit table had not been updated to reflect a split in a previous change of ownership. The acre limit condition had been updated.

**** Proof of Publication ****

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

ORDER NUMBER 62248

Ruby Aufderheide

(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 22 day of Feb in the year of 2018 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Noelle R. Smith

Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6.13.2023

PUBLISHED ON: 02/15/2018, 02/22/2018

TOTAL AD COST: 102.12
FILED ON: 2/22/2018

NOELLE R. SMITH
Notary Public
State of Idaho

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81982**

7J LAND LLC, 1583 E 1740 S, MALTA, ID 83342; has filed Application No. 81982 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13611, 43-13613, 43-13615, 43-13617, 43-13619; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to modify the place of use (POU) for four Cassia Creek water rights and one Side Hill Springs right which currently irrigate a total of 126.8 acres with a combined flow rate of 3.13 cfs on ground located approximately 5.4 to 6.0 miles west and 1.9 to 2.4 miles south of Malta. The new POU will be on contiguous ground in the same general area. The four Cassia Creek rights will retain their three present points of diversion (POD) and will add a new POD on Cassia Creek located approximately 5.8 miles west and 2.1 miles south of Malta. The single POD for the Side Hill Springs right will not change.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **March 5, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on February 15th & 22nd, 2018

RECEIVED

MAR 01 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK AM 3/5/2018

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

FEB 15 2018

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 81982

Water Right No(s): 43-13611, etc.

Transfer Applicant's Name: 7J LAND LLC
1583 E 1740 S
MALTA, ID 83342

Water master's Recommendation:

- a) X 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 12th day of February, 2018

Water District No. 43C


Water master's Signature

Roger D. Musser
Printed Name

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 62248

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	102.12
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	102.12
Fax			
Section	Legals	Start/End Dates	02/15/2018 - 02/22/2018
SubSection		Insertions	2
Category	50 Legal	Size	64
Ad Key	62248-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer No 81982 7J Land LLC	Taken By	Ruby Aufderheide
Notes			

Ad Proof

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81982

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GARY SPACKMAN, Director

Published on February 15th & 22nd, 2018

✓ OK AM 2/12/2018. E-mail sent to newspaper.

**Proof of legal notice received
from Times News 2/12/2018**