

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82094

This is to certify that: LAKESIDE INDUSTRIES INC
PO BOX 479
BELLEVUE, ID 83313

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>
37-8559	WR/LICENSE	8/17/1989	1.150 cfs	202.0 af	N/A	57.6	GROUND WATER

Purpose of Transfer (Changes Proposed)

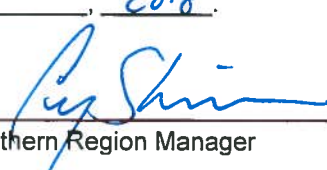
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-8559	NO	YES	YES	NO	NO	NO

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>
37-8559	37-8559	1.150 cfs	202.0 af	N/A	57.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.150 cfs	202.0 af	N/A	57.6		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 23rd day of March, 2018.


Southern Region Manager

WATER RIGHT NO. 37-8559**As Modified by Transfer No. 82094**

In accordance with the approval of Transfer No. 82094, Water Right No. 37-8559 is now described as follows:

Right Holder: LAKESIDE INDUSTRIES INC
PO BOX 479
BELLEVUE, ID 83313

Priority Date: 8/17/1989

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

to

To

10/31

Diversion Rate

1.150 cfs

1.150 cfs

Diversion Volume

202.0 af

202.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NESWSE

Sec 12 Twp 01N Rge 18E BLAINE 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	
01N	18E	12															24.0		24.0
01N	18E	13			33.6														33.6

POU Total Acres: 57.6

CONDITIONS OF APPROVAL

1. 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. 37.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
5. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.

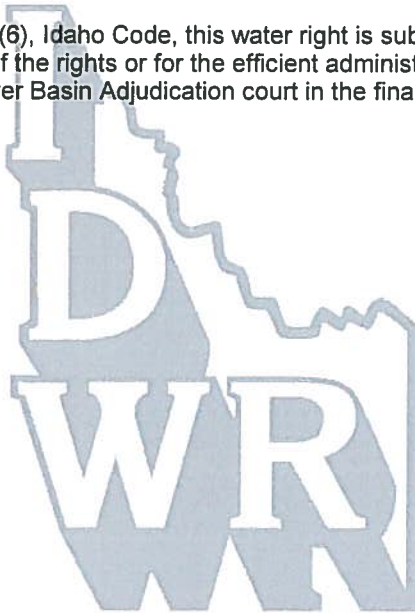
Transfer No. 82094

WATER RIGHT NO. 37-8559

As Modified by Transfer No. 82094

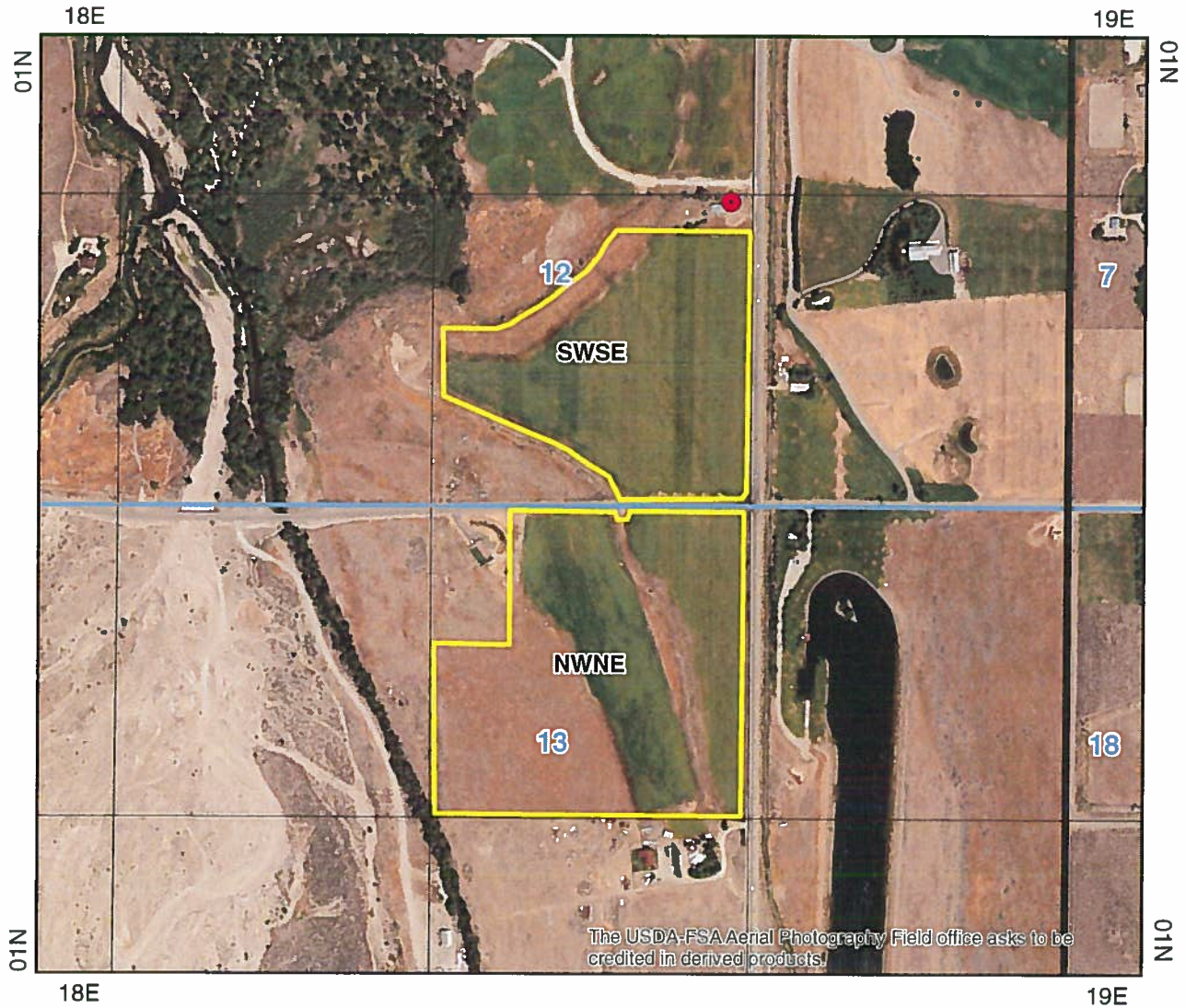
CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one 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 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 # 82094
37-8559

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

March 26, 2018

LAKESIDE INDUSTRIES INC
PO BOX 479
BELLEVUE ID 83313

Re: Transfer No: 82093
Water Right No(s): 37-2747

Re: Transfer No.: 82094
Water Right No(s): 37-8559

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:

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83702-2139

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST
SHOSHONE ID 83352

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 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.: 82093
Water Right No(s): 37-2747

Re: Transfer No.: 82094
Water Right No(s): 37-8559

LAKESIDE INDUSTRIES INC
PO BOX 479
BELLEVUE ID 83313

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83702-2139

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST
SHOSHONE ID 83352

via e-mail



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: March 12, 2018
To: Lakeside Industries, Inc., transfer #82094 file
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) and the point of diversion (POD) for irrigation ground water right 37-8559 (1.15 cfs) which currently irrigates 57.6 acres located approximately 5.8 to 6.1 miles south and 0.3 to 0.7 mile west of the intersection of Main Street and Elm Street in Bellevue. The new 57.6 acre POU will be located approximately 2.4 to 2.9 miles south and 0.3 to 0.5 mile east of Bellevue. The current POD is located approximately 5.9 miles south and 0.4 mile west of Bellevue, while the proposed POD is an existing well located approximately 2.4 miles south and 0.5 mile east of Bellevue.

The proposed transfer involves moving a POD and POU approximately 3.5 miles and was advertised and subject to protest. No protests were filed.

This transfer application is a companion to transfer #82093 which moves the POD and POU of right 37-2747 to the POU and POD of 37-8559.

The proposed transfer is in Water District 37 and Watermaster comments were solicited. No Watermaster comments were received.

- **Authority to File:**

The Department's database indicates that the water right involved is owned by the applicant, Lakeside Industries, Inc. The application was signed by Michael J. Lee, the president of Lakeside Industries, Inc. See attachment from the Idaho Secretary of State office, *Annual Report Form*. ArcMap data indicates that the property at both locations is owned by the applicant.

- **Water Right Validity:**

Based on recent aerial imagery, forfeiture of the irrigation right does not appear to be an issue.

- **Injury to Other Water Rights:**

None anticipated or foreseen. The flow rate, acreage irrigated, and volume are very similar to that of the right which is currently appurtenant to the proposed POU and POD and is being moved to the POD and POU being vacated by 37-8559. The change is being made to have an earlier priority date at the current place of use of 37-8559.

- **Enlargement of Use:**

None anticipated. The flow rate, volume, and acreage irrigated will be the same at the proposed POD and POU as they are at the existing POU and POD.

- **Local Public Interest:**

No issues anticipated. The application was advertised.

- **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.

RECEIVED

FEB 20 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

PAM MORRIS, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 7th day of

February, 20 18, and the date of the last publication was on the 14th day of February, 20 18

Subscribed and sworn to before me this 14 day of Feb, 20 18

Connie N. Johnson
NOTARY PUBLIC

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS

P.O. Box 1014

Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5Number of Lines in Notice 105Number of Insertions 2

Lines tabular at 9.0 cents/pica

105 Lines straight at \$96.60 8.0 cents/pica105 Subsequent lines at \$84.53 7.0 cents/picaTOTAL COST \$181.13

COPY OF NOTICE

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

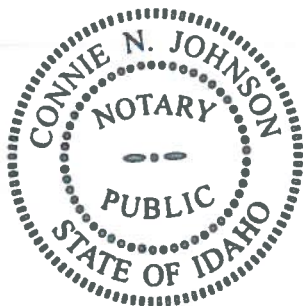
BILL TO

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 82093

LAKESIDE INDUSTRIES INC, PO BOX 479, BELLEVUE, ID 83313; has filed Application No. 82093 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2747. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and the point of diversion (POD) for irrigation ground water right 37-2747 (1.06 cfs) which currently irrigates 56.0 acres located approximately 2.4 to 2.9 miles south and 0.3 to 0.5 mile east of the intersection of Main Street and Elm Street in Bellevue. The new 56.0 acre POU will be located approximately 5.8 to 6.1 miles south and 0.3 to 0.7 mile west of Bellevue. The current POD is located approximately 2.4 miles south and 0.5 mile east of Bellevue, while the proposed POD is an existing well located approximately 5.9 miles south and 0.4 mile west of Bellevue.

→
over

✓ OK PM 2/28/2018



**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 82094**

LAKESIDE INDUSTRIES INC, PO BOX 479, BELLEVUE, ID 83313; has filed Application No. 82094 for changes to the following water rights within BLAINE County(s): Right No(s). 37-8559. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and the point of diversion (POD) for irrigation ground water right 37-8559 (1.15 cfs) which currently irrigates 57.6 acres located approximately 5.8 to 6.1 miles south and 0.3 to 0.7 mile west of the intersection of Main Street and Elm Street in Bellevue. The new 57.6 acre POU will be located approximately 2.4 to 2.9 miles south and 0.3 to 0.5 mile east of Bellevue. The current POD is located approximately 5.9 miles south and 0.4 mile west of Bellevue, while the proposed POD is an existing well located approximately 2.4 miles south and 0.5 mile east of Bellevue.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 82108**

PICABO LIVESTOCK CO, PO BOX 688, PICABO, ID 83348; has filed Application No. 82108 for changes to the following water rights within BLAINE County(s): Right No(s). 37-426B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving the point of diversion (POD) for a 1.05 cfs Silver Creek irrigation right approximately 4.5 miles downstream to a location adjacent to the existing 28.0 acre place of use (POU). Proposed POD is located approximately 2.2 miles west and 1 mile north of Picabo.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. 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 together with a protest fee of \$25.00 for each application on or before **February 26, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
FEB. 7 & 14, 2018**



✓ OK AM 2/23/2018