

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82032

This is to certify that: ALONZO B LEAVELL
PO BOX 54
GOODING, ID 83330

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>
37-21717	WR/DECREED	1/1/1958	0.047 cfs	30.5 af	N/A	N/A	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>
37-21717	YES	YES	YES	YES	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>
37-21717	36-17123	0.024 cfs	15.3 af	N/A	N/A	37-21717	0.023 cfs	15.2 af	N/A	N/A
COMBINED TOTALS		0.024 cfs	15.3 af	N/A	N/A		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 22nd day of January, 2018.


Southern Region Manager

SUPPORT DATA

IN FILE # 37-21717

Transfer No. 82032

WATER RIGHT NO. 37-21717**As Modified by Transfer No. 82032**

In accordance with the approval of Transfer No. 82032, Water Right No. 37-21717 is now described as follows:

Right Holder: ALONZO B LEAVELL
PO BOX 54
GOODING, ID 83330

Priority Date: 1/1/1958

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
STOCKWATER

From

01/01
01/01

to

To

12/31
12/31

Diversion Rate

0.023 cfs
0.023 cfs
0.023 cfs

Diversion Volume

8.5 af
6.7 af
15.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWSE

Sec 31 Twp 05S Rge 15E GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	31			X											X			

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	31			X											X			

CONDITIONS OF APPROVAL

1. Stockwater and commercial uses are at a feedlot.
2. 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. 36-17123**As Modified by Transfer No. 82032**

In accordance with the approval of Transfer No. 82032, Water Right No. 36-17123 is now described as follows:

Right Holder: ALONZO B LEAVELL
PO BOX 54
GOODING, ID 83330

Priority Date: 1/1/1958

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
STOCKWATER

From

01/01
01/01

To

to 12/31
to 12/31

Diversion Rate

0.024 cfs
0.024 cfs
0.024 cfs

Diversion Volume

8.6 af
6.7 af
15.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 9 Twp 09S Rge 17E JEROME County
GROUND WATER SWNW Sec 9 Twp 09S Rge 17E JEROME County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	9						X	X			X							0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	9						X	X			X							0.0

CONDITIONS OF APPROVAL

1. Pursuant to transfer #82032, this right shall not be diverted prior to 1/1/2020.
2. Commercial and stockwater uses are associated with a dairy facility.
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. 130.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 82032

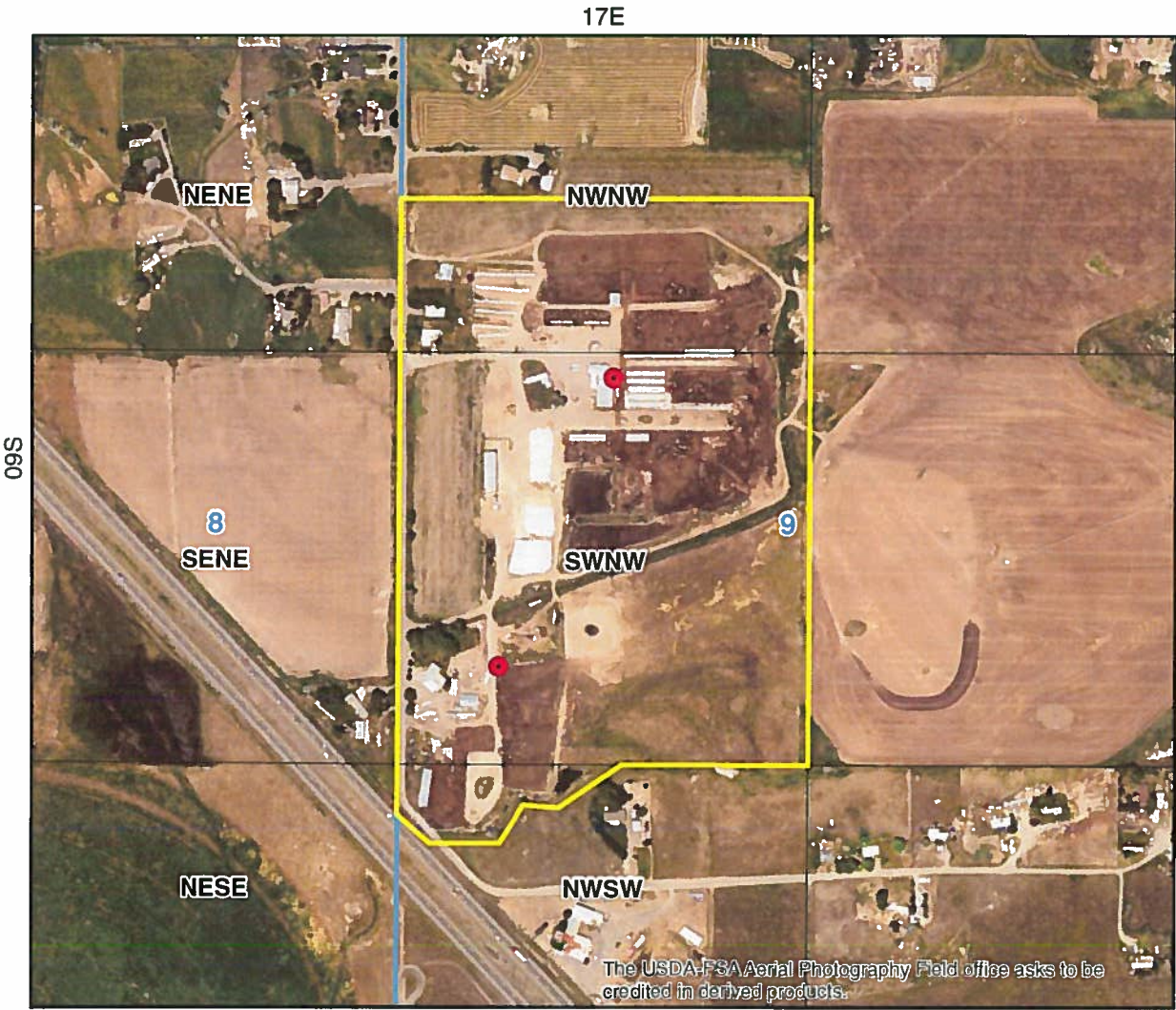
WATER RIGHT NO. 36-17123
As Modified by Transfer No. 82032

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 82032, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
9. The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 # 82032
36-17123

This map depicts the COMMERCIAL & 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 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 22, 2018

ALONZO B LEAVELL
PO BOX 54
GOODING ID 83330

Re: Transfer No: 82032
Water Right No(s): 37-21717

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:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE STE 500
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 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.: 82032
Water Right No(s): 37-21717

ALONZO B LEAVELL
PO BOX 54
GOODING ID 83330

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE STE 500
TWIN FALLS ID 83301

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: January 18, 2018
To: Transfer 82032 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes transferring 0.024 cfs (15.3 acre feet) portion from a commercial/stockwater ground water right and moving it to two existing wells and a new place of use (POU) at an existing dairy facility. Proposed points of diversion (PODs) and POU are located approximately 1.8 to 2.0 miles east and 4.2 to 4.5 miles south of the intersection of Main St and Lincoln Ave in Jerome. Current POD and POU are located approximately 0.3 to 0.5 miles west and 1.3 to 1.5 miles north of the intersection of Hwy 26 and Hwy 46 in Gooding.

Water right transfer is within the Eastern Snake Plain Aquifer and the applicant's consultant ran the ESPA model delaying use of the transferred 15.3 afa at the new facility until 1/1/2020. The resulting model analysis indicated no mitigation would be required. Department staff ran the ESPA model analysis utilizing the same parameters and verified the consultant's findings. A condition will be placed on the transferred portion indicating pumping of the transferred portion shall not commence prior to 1/1/2020.

Overlap analysis indicates that this water right currently shares a POD with water right 37-11199 (0.07 cfs commercial/stockwater/domestic) in the NWSE of Sec 31, Twp 05S, Rge 15E and overlaps with the POU in this same tract. According to the consultant, the well in the NWSE only diverts water for right 37-21717 and is a separate system from the wells and POU used for water right 37-11199. The transferred portion will overlap stockwater/domestic ground water right 36-15271, stockwater/commercial ground water right 36-17114 and stockwater/domestic ground water right 36-11081 at the proposed POU and PODs. All PODs and POU are within Water District 130 and watermaster comments were solicited and the watermaster does not oppose approval of this application.

- **Authority to File:** IDWR records indicate the applicant currently owns the water right and the properties at the current location. A copy of a water right sale and purchase agreement has been provided indicating the purchaser's agreement to transfer the 0.024 cfs portion of water right 37-21717 to the JT Land LLC dairy. A copy of a warranty deed was provided in a previous transfer (#81865) indicating JT Land LLCs ownership of the lands at the proposed POU.
- **Water Right Validity:** Water right 37-21717 was decreed in the SRBA on 9/24/2010. Estimates of water use from 2010-2017 were provided by the consultant along with an affidavit from the owner and power records to support evidence of the validity of this water right.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.

- **Local Public Interest:**
No issues anticipated. Application is subject to public notice.
- **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 on Agricultural Base of the Local Economy:**
None Anticipated.

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

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 82032
Water Right No: 37-21717
Applicant Name: ALONZO LEAVEALL

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: January 12, 2018

Water District 130



Nathan Erickson, Watermaster

*** * 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 59262

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 28 day of Dec. in the year of 2017 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.

Walter Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-13-2023

PUBLISHED ON: 12/21/2017, 12/28/2017

TOTAL AD COST: 203.97

FILED ON: 12/28/2017

NOELLE R. SMITH
Notary Public
State of Idaho

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82026**

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344; has filed Application No. 82026 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 1-7072, 45-13642, 45-13644, 45-13910, 45-13914, 45-2320, 45-2326, 45-2443, 45-4102. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creating a 4130 acre permissible place of use (PPU) for 6 irrigation ground water rights, one Snake River right, one right diverted from an unnamed stream, and one waste water right for a total 30.76 cfs that will be limited to the irrigation of 2233.7 acres from 2018 to 2020 and then limited to the irrigation of 2254.7 acres in 2021 and beyond. There will be no changes to the points of diversion (PODs). The Snake River right is diverted approximately 7.8 miles east and 1.9 miles north of Murtaugh. The PPU and remainder of PODs are located approximately 2.9 to 7.5 miles east and 0.6 to 5.2 miles south of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82032**

ALONZO B LEAVELL, PO BOX 54, GOODING, ID 83330; has filed Application No. 82032 for changes to the following water rights within GOODING County(s): Right No(s). 37-21717. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes transferring 0.024 cfs (15.3 acre feet) portion from a commercial/stockwater ground water right and moving it to two existing wells and a new place of use (POU) at an existing dairy facility. Proposed points of diversion (PODs) and POU are located approximately 1.8 to 2.0 miles east and 4.2 to 4.5 miles south of the intersection of Main St and Lincoln Ave in Jerome. Current POD and POU are located approximately 0.3 to 0.5 miles west and 1.3 to 1.5 miles north of the intersection of Hwy 26 and Hwy 46 in Gooding.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82002**

NATURE RIDGE HOLDINGS LLC, 872 E PEBBLE DR, BURLEY, ID 83318; has filed Application No. 82002 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13741. 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 points of diversion (POD) for a 2.68 cfs, 226.6 acre portion of irrigation ground water right 43-13741 which currently irrigates 1388.0 acres within a 1390.0 place of use located approximately 15.5 to 17.5 miles east and 1.4 miles north to 0.3 miles south of the junction of Interstate Highways 84 and 86 east of Burley. The transferred portion will be moved into an existing 3469.7 acre permissible place of use (PPU) located approximately 2.5 to 6.2 miles east and 1.8 to 3.4 miles south of the I-84/86 junction. The transfer proposes changing the PODs for the transferred portion from the currently authorized wells to five wells associated with the proposed place of use.

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 **January 8, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: December 21 and 28, 2017

RECEIVED

JAN 02 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK AM
1-4-2018