

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81643**

This is to certify that: GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

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>
43-10090	WR/DECREED	3/31/1987	0.040 cfs	14.6 af	N/A	N/A	GROUND WATER
43-10091	WR/DECREED	12/31/1979	0.040 cfs	14.6 af	N/A	N/A	GROUND WATER
43-10092	WR/DECREED	4/30/1981	0.040 cfs	14.6 af	N/A	N/A	GROUND WATER
43-10093	WR/DECREED	5/31/1979	0.040 cfs	14.6 af	N/A	N/A	GROUND WATER
43-10094	WR/DECREED	5/1/1979	0.130 cfs	14.6 af	N/A	N/A	GROUND WATER
43-10095	WR/DECREED	5/31/1980	0.040 cfs	14.6 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>
43-10090	NO	YES	YES	NO	NO	NO
43-10091	NO	YES	NO	NO	NO	NO
43-10092	NO	YES	NO	NO	NO	NO
43-10093	NO	YES	NO	NO	NO	NO
43-10094	NO	YES	NO	NO	NO	NO
43-10095	NO	YES	NO	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>
43-10090	43-10090	0.040 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-10091	43-10091	0.040 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-10092	43-10092	0.040 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-10093	43-10093	0.040 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-10094	43-10094	0.040 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-10095	43-10095	0.040 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.130 cfs	14.6 af	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 43-10090

Transfer No. 81643

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81643

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 1ST day of December, 2017.



Southern Region Manager

WATER RIGHT NO. 43-10090
As Modified by Transfer No. 81643

In accordance with the approval of Transfer No. 81643, Water Right No. 43-10090 is now described as follows:

Right Holder: GW FINANCE CO LLC
 22 N YALE RD
 DECLO, ID 83323

Priority Date: 3/31/1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.040 cfs	14.6 af
			0.040 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 24 Twp 10S Rge 27E	CASSIA County
GROUND WATER	NWNE	Sec 25 Twp 10S Rge 27E	CASSIA County
GROUND WATER	L2 (SWNW)	Sec 19 Twp 10S Rge 28E	CASSIA County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	27E	24													X				
10S	27E	25		X			X			X									
10S	28E	19							X										
									L 2										0

CONDITIONS OF APPROVAL

- Only 43-10090 includes lawn irrigation in combination with 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095.
- Rights 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095 when combined shall not exceed a total diversion rate of 0.13 cfs, a total daily maximum diversion volume of 13,000 gpd, a total annual maximum diversion volume of 14.6 af at the field headgate, and the irrigation of 0.5 acre.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-10090
As Modified by Transfer No. 81643

CONDITIONS OF APPROVAL

5. 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. 43-10091**As Modified by Transfer No. 81643**

In accordance with the approval of Transfer No. 81643, Water Right No. 43-10091 is now described as follows:

Right Holder: GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 12/31/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.040 cfs	14.6 af
			0.040 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 24 Twp 10S Rge 27E	CASSIA County
GROUND WATER	NWNE	Sec 25 Twp 10S Rge 27E	CASSIA County
GROUND WATER	L2 (SWNW)	Sec 19 Twp 10S Rge 28E	CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	27E	24													X				

CONDITIONS OF APPROVAL

- Only 43-10090 includes lawn irrigation in combination with 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095.
- Rights 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095 when combined shall not exceed a total diversion rate of 0.13 cfs, a total daily maximum diversion volume of 13,000 gpd, a total annual maximum diversion volume of 14.6 af at the field headgate, and the irrigation of 0.5 acre.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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.

Transfer No. 81643

WATER RIGHT NO. 43-10092**As Modified by Transfer No. 81643**

In accordance with the approval of Transfer No. 81643, Water Right No. 43-10092 is now described as follows:

Right Holder: GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 4/30/1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.040 cfs	14.6 af
			0.040 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 24 Twp 10S Rge 27E	CASSIA County
GROUND WATER	NWNE	Sec 25 Twp 10S Rge 27E	CASSIA County
GROUND WATER	L2 (SWNW)	Sec 19 Twp 10S Rge 28E	CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	28E	19										X							
												L 3							0

CONDITIONS OF APPROVAL

1. Only 43-10090 includes lawn irrigation in combination with 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095.
2. Rights 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095 when combined shall not exceed a total diversion rate of 0.13 cfs, a total daily maximum diversion volume of 13,000 gpd, a total annual maximum diversion volume of 14.6 af at the field headgate, and the irrigation of 0.5 acre.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-10092
As Modified by Transfer No. 81643

CONDITIONS OF APPROVAL

5. 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. 43-10093**As Modified by Transfer No. 81643**

In accordance with the approval of Transfer No. 81643, Water Right No. 43-10093 is now described as follows:

Right Holder: GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 5/31/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.040 cfs	14.6 af
			0.040 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 24 Twp 10S Rge 27E	CASSIA County
GROUND WATER	NWNE	Sec 25 Twp 10S Rge 27E	CASSIA County
GROUND WATER	L2 (SWNW)	Sec 19 Twp 10S Rge 28E	CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	28E	19							X										
								L 2											0

CONDITIONS OF APPROVAL

1. Only 43-10090 includes lawn irrigation in combination with 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095.
2. Rights 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095 when combined shall not exceed a total diversion rate of 0.13 cfs, a total daily maximum diversion volume of 13,000 gpd, a total annual maximum diversion volume of 14.6 af at the field headgate, and the irrigation of 0.5 acre.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-10093
As Modified by Transfer No. 81643

CONDITIONS OF APPROVAL

5. 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. 43-10094**As Modified by Transfer No. 81643**

In accordance with the approval of Transfer No. 81643, Water Right No. 43-10094 is now described as follows:

Right Holder: GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 5/1/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.040 cfs	14.6 af
			0.040 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 24 Twp 10S Rge 27E	CASSIA County
GROUND WATER	NWNE	Sec 25 Twp 10S Rge 27E	CASSIA County
GROUND WATER	L2 (SWNW)	Sec 19 Twp 10S Rge 28E	CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	28E	19							X										
									L 2										0

CONDITIONS OF APPROVAL

- Only 43-10090 includes lawn irrigation in combination with 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095.
- Rights 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095 when combined shall not exceed a total diversion rate of 0.13 cfs, a total daily maximum diversion volume of 13,000 gpd, a total annual maximum diversion volume of 14.6 af at the field headgate, and the irrigation of 0.5 acre.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-10094

As Modified by Transfer No. 81643

CONDITIONS OF APPROVAL

5. 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. 43-10095**As Modified by Transfer No. 81643**

In accordance with the approval of Transfer No. 81643, Water Right No. 43-10095 is now described as follows:

Right Holder: GW FINANCE CO LLC
22 N YALE RD
DECLO, ID 83323

Priority Date: 5/31/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.040 cfs	14.6 af
			0.040 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 24 Twp 10S Rge 27E	CASSIA County
GROUND WATER	NWNE	Sec 25 Twp 10S Rge 27E	CASSIA County
GROUND WATER	L2 (SWNW)	Sec 19 Twp 10S Rge 28E	CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	28E	19							X										
									L 2										0

CONDITIONS OF APPROVAL

1. Only 43-10090 includes lawn irrigation in combination with 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095.
2. Rights 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095 when combined shall not exceed a total diversion rate of 0.13 cfs, a total daily maximum diversion volume of 13,000 gpd, a total annual maximum diversion volume of 14.6 af at the field headgate, and the irrigation of 0.5 acre.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-10095
As Modified by Transfer No. 81643

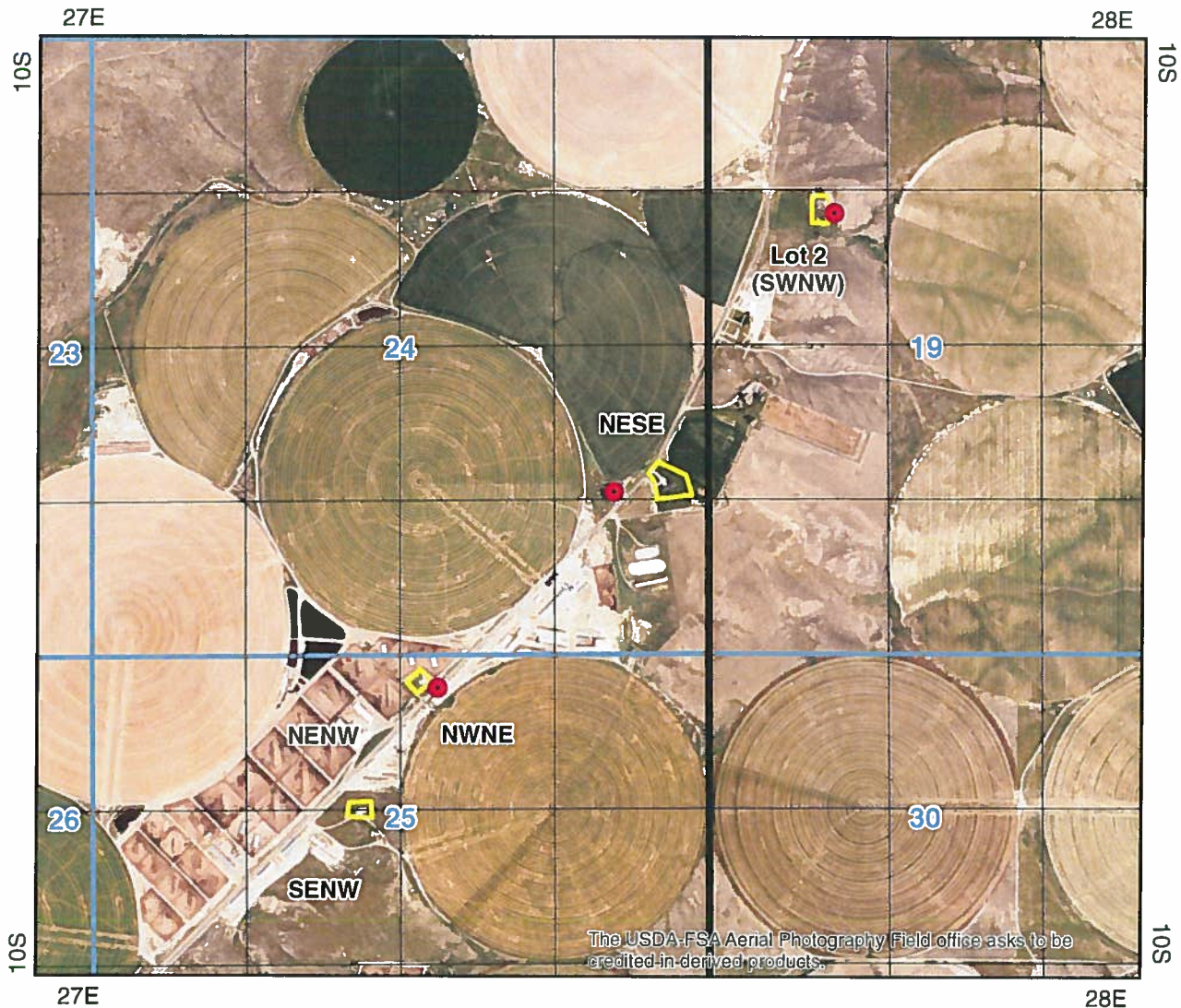
CONDITIONS OF APPROVAL

5. 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 # 81643
43-10090

This map depicts the DOMESTIC 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 0.175 0.35 0.7 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81643
43-10091

This map depicts the DOMESTIC 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 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81643
43-10092

This map depicts the DOMESTIC 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 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81643
43-10093

This map depicts the DOMESTIC 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 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81643
43-10094

This map depicts the DOMESTIC 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

State of Idaho
Department of Water Resources
Attachment to Transfer # 81643
43-10095

This map depicts the DOMESTIC 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 0.125 0.25 0.5 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

December 4, 2017

GW FINANCE CO LLC
22 N YALE RD
DECLO ID 83323

Re: Transfer No: 81643
Water Right No(s): 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, 43-10095

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.

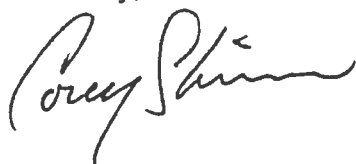
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2017 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.: 81643

Water Right No(s).: 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, 43-10095

**GW FINANCE CO LLC
22 N YALE RD
DECLO ID 83323**

via hand-delivery

**WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W 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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81643
Water Right No: 43-10090, etc.
Applicant Name: GW Finance CO LLC

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: November 13, 2017

Water District 143



Nathan Erickson, Watermaster

MEMORANDUM

Date: October 30, 2017
To: Transfer 81643, GW Finance, LLC Domestic Transfer File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the points of diversion (POD) for six ground water domestic rights which are diverted and used approximately 13.8 to 14.6 miles east and 2.0 to 3.0 miles south of the intersection of Interstate Highways 84 and 86 east of Burley. The six rights have a combined diversion rate of 0.13 cfs and after the proposed transfer, will share three PODs.

The purpose of the transfer is to separate the domestic system from an existing CAFO system.

The transfer is located within the Raft River Critical Ground Water Area, so it was advertised. Since it is within Water District 143, comments were solicited from the WD-143 Watermaster.

The domestic rights included in the transfer are: 43-10090, 43-10091, 43-10092, 43-10093, 43-10094, and 43-10095.

- **Authority to File:**

The water rights involved were in the name of Webb Brothers Land and Livestock, LLC pre-transfer. Deeds have been supplied with the transfer which will transfer ownership of the rights to GW Finance. All of the tax parcels under the rights have been deeded to GW Finance except the land under 43-10090, which will remain in the name of Scott Webb. A well and water sharing agreement was included in the application to allow Scott Webb to use the well, but the right will be in the name of GW Finance. The application was signed by Todd Webb, a member of GW Finance, LLC. The annual report form from the Idaho Secretary of State showing this is included with the application.

- **Water Right Validity:**

The six rights involved were all decreed in the SRBA in June of 2002. Forfeiture would be very difficult to determine in this circumstance, and is likely not an issue.

- **Injury to Other Water Rights:**

None anticipated or foreseen. The transfer merely splits the domestic system from the stock/commercial system.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No issues anticipated. The application was advertised with no protests.

- **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.

**** 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 55072

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 12 day of Oct 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.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5-10-22

PUBLISHED ON: 10/05/2017, 10/12/2017

TOTAL AD COST: 169.05

FILED ON: 10/12/2017

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81639**

✓ GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 81639 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13070, 43-13072, 43-13157. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, place of use (POU), points of diversion (POD), and period of use for a 0.36 cfs, 21.0 acre portion of irrigation water right 43-13157 which currently irrigates 53.0 acres within a 4326.1 acre permissible place of use located approximately 12.8 to 15.2 miles east and 0.2 to 6.7 miles south of the intersection of Interstate Highways 84 and 86 east of Burley. The application proposes to change the nature of use and POU of this right from irrigation during the irrigation season to year-round stockwater/commercial use at a CAFO located approximately 13.4 to 14.3 miles east and 2.5 to 3.3 miles south of the Interstate 84 and 86 intersection. The transfer proposes changing the POD for the converted portion from the currently authorized irrigation wells to two existing wells associated with the CAFO facility, in addition to adding a new well. The transfer also proposes to remove three of five existing points of diversion from the two rights currently appurtenant to the CAFO, and add the new well. The three rights will allow for the total diversion of 0.63 cfs from three authorized PODs for the CAFO facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81643**

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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 October 23, 2017. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
PUBLISH: October 5 and 12, 2017



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OCT 16 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK Am 10/23/2017

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 55072

Publication

Times News

Contact ID DEPARTMENT OF WATER RESOURCES

Address 1 650 ADDISON AVE W, STE 500

Address 2

City St Zip TWIN FALLS ID 83301

Phone 2087363033

Fax

Section Legals

SubSection

Category 50 Legal

Ad Key 55072-1

Keywords NOTICE OF PROPOSED CHANGE OF W

Notes

Ad Proof

PO Number

Rate

Legal Notice

Order Price

169.05

Amount Paid

0.00

Amount Due

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Start/End Dates

10/05/2017 - 10/12/2017

Insertions

2

Size

110

Salesperson(s)

Ruby Aufderheide

Taken By

Ruby Aufderheide

Proof of legal notice received
from Times News 10/2/2017
(4 total pages)

✓ OK DM
10-2-2017.
E-mail sent to
newspaper.

Customer Ad Proof

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GARY SPACKMAN, Director

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A handwritten blue checkmark and signature are located to the right of the text. The signature appears to be 'DM'.

Customer Ad Proof

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