

**SECOND
AMENDED**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**SECOND
AMENDED**TRANSFER OF WATER RIGHT
TRANSFER NO. 81898

This is to certify that: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302

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>
2-2280	WR/DECREED	3/2/1964	0.800 cfs	180.0 af	40.0	40.0	SNAKE RIVER
2-2368	WR/DECREED	4/8/1965	9.860 cfs	2218.5 af	493.0	580.0	SNAKE RIVER
2-2422	WR/DECREED	5/12/1966	1.740 cfs	391.5 af	87.0	580.0	SNAKE RIVER
63-31977	WR/DECREED	3/29/1967	3.440 cfs	720.0 af	160.0	780.0	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>
2-2280	NO	NO	YES	NO	NO	NO
2-2368	NO	NO	YES	NO	NO	NO
2-2422	NO	NO	YES	NO	NO	NO
63-31977	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>
2-2280	2-2280	0.800 cfs	180.0 af	40.0	797.0	N/A	N/A	N/A	N/A	N/A
2-2368	2-2368	9.860 cfs	2218.5 af	493.0	797.0	N/A	N/A	N/A	N/A	N/A
2-2422	2-2422	1.740 cfs	391.5 af	87.0	797.0	N/A	N/A	N/A	N/A	N/A
63-31977	63-31977	3.440 cfs	720.0 af	160.0	797.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		15.840 cfs	3510.0 af	780.0	797.0		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 17th day of November, 2017.


Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 81898IN FILE # 2-2280

**SECOND
AMENDED**

WATER RIGHT NO. 2-2280
As Modified by Transfer No. 81898

**SECOND
AMENDED**

In accordance with the approval of Transfer No. 81898, Water Right No. 2-2280 is now described as follows:

Right Holder: FRANK TIEGS LLC
 PO BOX 3350
 PASCO, WA 99302

Priority Date: 3/2/1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 0.800 cfs
 0.800 cfs

Diversion Volume
 180.0 af
 180.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L7 (SWNE) Sec 36 Twp 01N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31					40.0	41.0	41.0	40.0									162.0
								L 1	L 2										
02N	03W	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	40.0	40.0	40.0	635.0

Right Acre Limit: 40.0
 POU Total Acres: 797.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 81898

**SECOND
AMENDED**

WATER RIGHT NO. 2-2280
As Modified by Transfer No. 81898

**SECOND
AMENDED**

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
6. Use of water under this right is subject to the provisions of an agreement and stipulation between the water right holder and protestants dated 8/3/1992.
7. The right holder shall accomplish the change authorized by this transfer within one 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.

**SECOND
AMENDED****WATER RIGHT NO. 63-31977
As Modified by Transfer No. 81898****SECOND
AMENDED**

In accordance with the approval of Transfer No. 81898, Water Right No. 63-31977 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302

Priority Date: 3/29/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.440 cfs	720.0 af
			3.440 cfs	720.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 31 Twp 02N Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31					40.0	41.0	41.0	40.0									162.0
								L 1	L 2										
02N	03W	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	40.0	40.0	40.0	635.0
Right Acre Limit:			160.0																
POU Total Acres:			797.0																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 4/29/2009.

Transfer No. 81898

**SECOND
AMENDED**

WATER RIGHT NO. 63-31977
As Modified by Transfer No. 81898

**SECOND
AMENDED**

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.

**SECOND
AMENDED**

WATER RIGHT NO. 2-2368
As Modified by Transfer No. 81898

**SECOND
AMENDED**

In accordance with the approval of Transfer No. 81898, Water Right No. 2-2368 is now described as follows:

Right Holder: FRANK TIEGS LLC
 PO BOX 3350
 PASCO, WA 99302

Priority Date: 4/8/1965

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 9.860 cfs
 9.860 cfs

Diversion Volume
 2218.5 af
 2218.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L7 (SWNE)

Sec 36 Twp 01N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31					40.0	41.0	41.0	40.0									162.0
								L 1	L 2										
02N	03W	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	40.0	40.0	40.0	635.0

Right Acre Limit: 493.0

POU Total Acres: 797.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 493 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 81898

**SECOND
AMENDED**

**WATER RIGHT NO. 2-2368
As Modified by Transfer No. 81898**

**SECOND
AMENDED**

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
6. Use of water under this right is subject to the provisions of an agreement and stipulation between the water right holder and protestants dated 8/3/1992.
7. The right holder shall accomplish the change authorized by this transfer within one 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.

**SECOND
AMENDED****WATER RIGHT NO. 2-2422
As Modified by Transfer No. 81898****SECOND
AMENDED**

In accordance with the approval of Transfer No. 81898, Water Right No. 2-2422 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302**Priority Date:** 5/12/1966**Source:** SNAKE RIVER**Tributary:** COLUMBIA RIVER**BENEFICIAL USE**
IRRIGATION**From** 03/15 **To** 11/15**Diversion Rate**
1.740 cfs
1.740 cfs**Diversion Volume**
391.5 af
391.5 af**LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER

L7 (SWNE)

Sec 36 Twp 01N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31					40.0	41.0	41.0	40.0									162.0
								L 1	L 2										
02N	03W	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	40.0	40.0	40.0	635.0

Right Acre Limit: 87.0
POU Total Acres: 797.0**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 87 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 81898

**SECOND
AMENDED**

WATER RIGHT NO. 2-2422
As Modified by Transfer No. 81898

**SECOND
AMENDED**

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
6. Use of water under this right is subject to the provisions of an agreement and stipulation between the water right holder and protestants dated 8/3/1992.
7. The right holder shall accomplish the change authorized by this transfer within one 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

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 17, 2017

FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302

Re: Transfer No: 81898

Water Right No(s): 2-2280, 2-2368, 2-2422, 63-31977

Second Amended Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed a second amended approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of amended approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,


Rachael Neely for:

Nick Miller
Regional Manager

Enclosure

CC:

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

FRANK TIEGS LLC
PO BOX 3110
PASCO WA 99302

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Second Amended Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 81898

Water Right No(s): 2-2280, 2-2368, 2-2422, 63-31977

**FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302**

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

**FRANK TIEGS LLC
PO BOX 3110
PASCO WA 99302**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.