

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81586**

This is to certify that: **CALL FARMS PARTNERSHIP
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS, ID 83211**

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>
41-10075	WR/DECREED	4/1/1976	0.310 cfs	131.0 af	N/A	801.3	GROUND WATER
41-7008	WR/DECREED	1/2/1973	1.300 cfs	550.0 af	618.0	801.3	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>
41-10075	NO	YES	NO	NO	NO	NO
41-7008	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>
41-10075	41-10075	0.310 cfs	131.0 af	183.3	801.3	N/A	N/A	N/A	N/A	N/A
41-7008	41-7008	1.300 cfs	550.0 af	618.0	801.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.300 cfs	550.0 af	801.3	801.3		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 29th day of September, 2017.



Southern Region Manager

SUPPORT DATA

IN FILE # 41-7008

Transfer No. 81586

WATER RIGHT NO. 41-10075
As Modified by Transfer No. 81586

In accordance with the approval of Transfer No. 81586, Water Right No. 41-10075 is now described as follows:

Right Holder: CALL FARMS PARTNERSHIP
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS, ID 83211

Priority Date: 4/1/1976

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 4/01 **To** 10/31

Diversion Rate
0.310 cfs
0.310 cfs

Diversion Volume
131.0 af
131.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 25 Twp 09S Rge 28E POWER 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	
09S	28E	26	1.2	18.0	15.0		33.0	1.5	3.2	17.0	41.0	26.0	41.0	40.0		27.0	18.0		281.9
09S	28E	27	25.0	41.0	41.0	30.0	23.0	24.0	17.0	37.0	19.0	31.0	9.0	13.0	29.0	27.0	21.0	33.0	420.0
09S	28E	34	24.0	6.2			12.0												42.2
09S	28E	35		2.2			17.0	38.0											57.2

Right Acre Limit: 183.3

POU Total Acres: 801.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 183.3 acres within the authorized place of use in a single irrigation season.
2. Rights 41-7008 and 41-10075 when combined shall not exceed a total diversion rate of 1.30 cfs, a total annual maximum diversion volume of 550.0 af at the field headgate, and the irrigation of 801.3 acres.
3. This right is based upon an enlargement of Right No. 41-7008 pursuant to Section 42-1426, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81586

WATER RIGHT NO. 41-10075

As Modified by Transfer No. 81586

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
6. 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.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 41-7008

As Modified by Transfer No. 81586

In accordance with the approval of Transfer No. 81586, Water Right No. 41-7008 is now described as follows:

Right Holder: CALL FARMS PARTNERSHIP
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS, ID 83211

Priority Date: 1/2/1973

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
4/01

To
to 10/31

Diversion Rate
1.300 cfs
1.300 cfs

Diversion Volume
550.0 af
550.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 25 Twp 09S Rge 28E POWER 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	
09S	28E	26	1.2	18.0	15.0		33.0	1.5	3.2	17.0	41.0	26.0	41.0	40.0		27.0	18.0		281.9
09S	28E	27	25.0	41.0	41.0	30.0	23.0	24.0	17.0	37.0	19.0	31.0	9.0	13.0	29.0	27.0	21.0	33.0	420.0
09S	28E	34	24.0	6.2			12.0												42.2
09S	28E	35		2.2			17.0	38.0											57.2

Right Acre Limit: 618.0

POU Total Acres: 801.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 618.0 acres within the authorized place of use in a single irrigation season.
2. Rights 41-7008 and 41-10075 when combined shall not exceed a total diversion rate of 1.30 cfs, a total annual maximum diversion volume of 550.0 af at the field headgate, and the irrigation of 801.3 acres.
3. Right No. 41-10075 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81586

WATER RIGHT NO. 41-7008

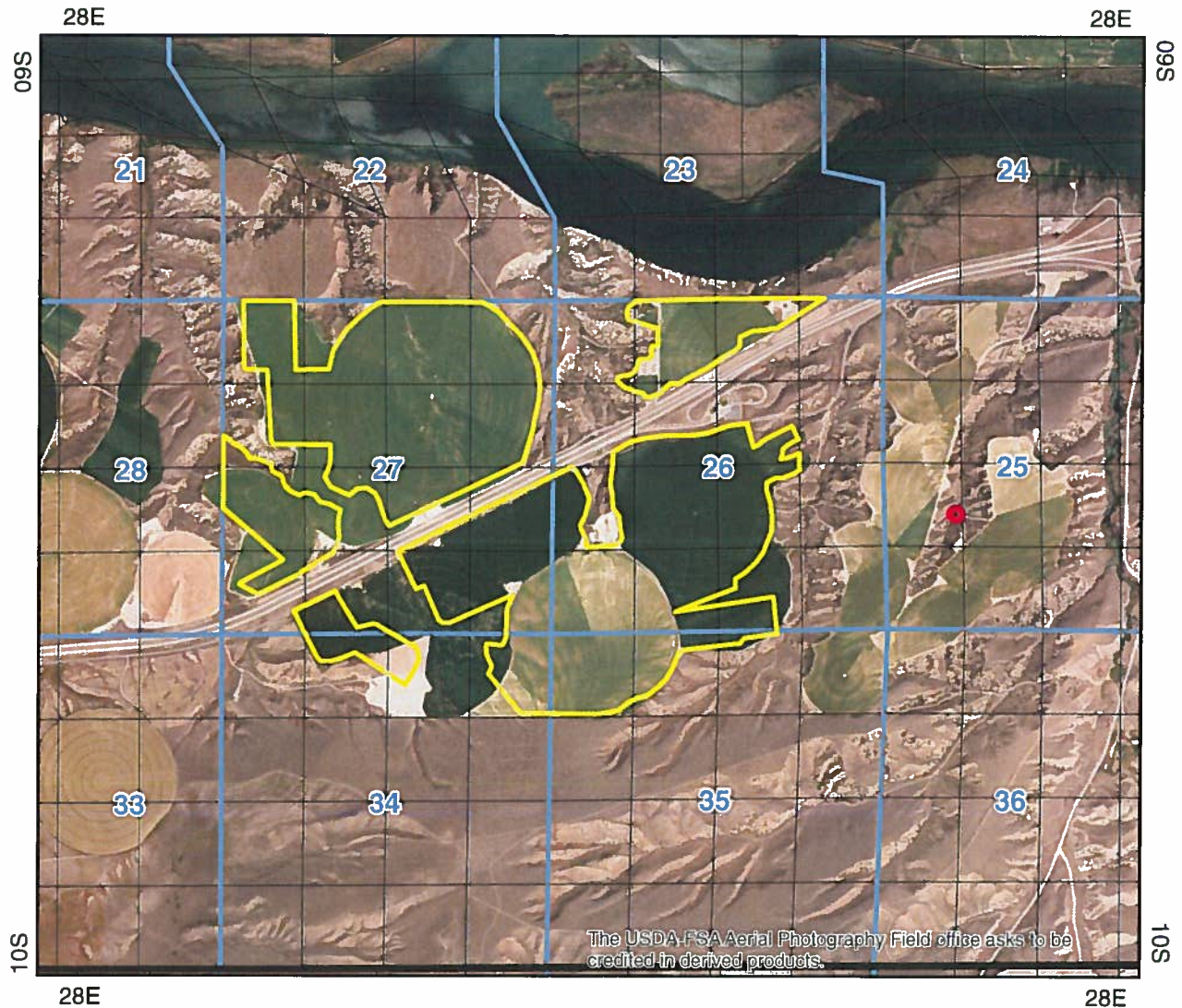
As Modified by Transfer No. 81586

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
6. 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.
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
Attachment to Transfer # 81586
41-7008 & 41-10075

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



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

0 0.35 0.7 1.4 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

October 2, 2017

CALL FARMS PARTNERSHIP
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS ID 83211

Re: Transfer No: 81586
Water Right No(s): 41-7008, 41-10075

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 cursive script, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 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.: 81586
Water Right No(s): 41-7008, 41-10075

CALL FARMS PARTNERSHIP
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS ID 83211



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.

RECEIVED

AUG 14 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

That he is the Publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterrupted and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for successive weekly issues thereof, the date of the first publication being the 28th day of June 2017 and the date of the last publication being the 5th day of July 2017.

Signed

Brett Crompton

State of Idaho

County of Power

On this 5th day of July in the year of 2017, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Debbie Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: July 25, 2022

Proposed change
of water right

Published June 28, July 5, 2017
in The Power County Press.

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 81586

CALL FARMS PARTNER-SHIP, C/O EVAN CALL, 4371 COLDWATER RD, AMERICAN FALLS, ID 83211; has filed Application No. 81586 for changes to the following water rights within POWER County(s): Right No(s). 41-10075, 41-7008; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Applicant proposes changing the point of diversion for 1.3 cfs of groundwater for irrigation from a well located approximately 12.4 miles south and 15.4 miles west of the city center of American Falls to an existing well located approximately 12.4 miles south and 13.8 miles west of the city center of American Falls.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before July 17, 2017. The protest must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
Published on June 28th & July 5th, 2017

8-14-2017
✓
Brett Crompton