

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81461**

This is to certify that: **BRANDSMA FAMILY TRUST
3424 SAGE SPRINGS RD
KIMBERLY, ID 83341**

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>
36-7336	WR/DECREED	8/8/1986	0.880 cfs	348.0 af	N/A	87.0	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>
36-7336	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-7336	36-7336	0.880 cfs	348.0 af	87.0	340.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.880 cfs	348.0 af	87.0	340.9		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 August, 2017.



Southern Region Manager

WATER RIGHT NO. 36-7336

As Modified by Transfer No. 81461

In accordance with the approval of Transfer No. 81461, Water Right No. 36-7336 is now described as follows:

Right Holder: BRANDSMA FAMILY TRUST
3424 SAGE SPRINGS RD
KIMBERLY, ID 83341

Priority Date: 8/8/1986

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/15

to

To

11/15

Diversion Rate

0.880 cfs

0.880 cfs

Diversion Volume

348.0 af

348.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENESE

Sec 19 Twp 08S Rge 18E JEROME 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	
08S	18E	19	40.0			40.0									40.0	40.0	40.0	34.0	234.0
08S	18E	20					33.3	33.6				40.0							106.9

Right Acre Limit: 87.0

POU Total Acres: 340.9

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. This right is limited to the irrigation of a specific 87 acres within the 340.9 acre place of use authorized by this right in a single irrigation season. The specific 87 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 87 acres to be irrigated within the 340.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 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.
4. 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.

Transfer No. 81461

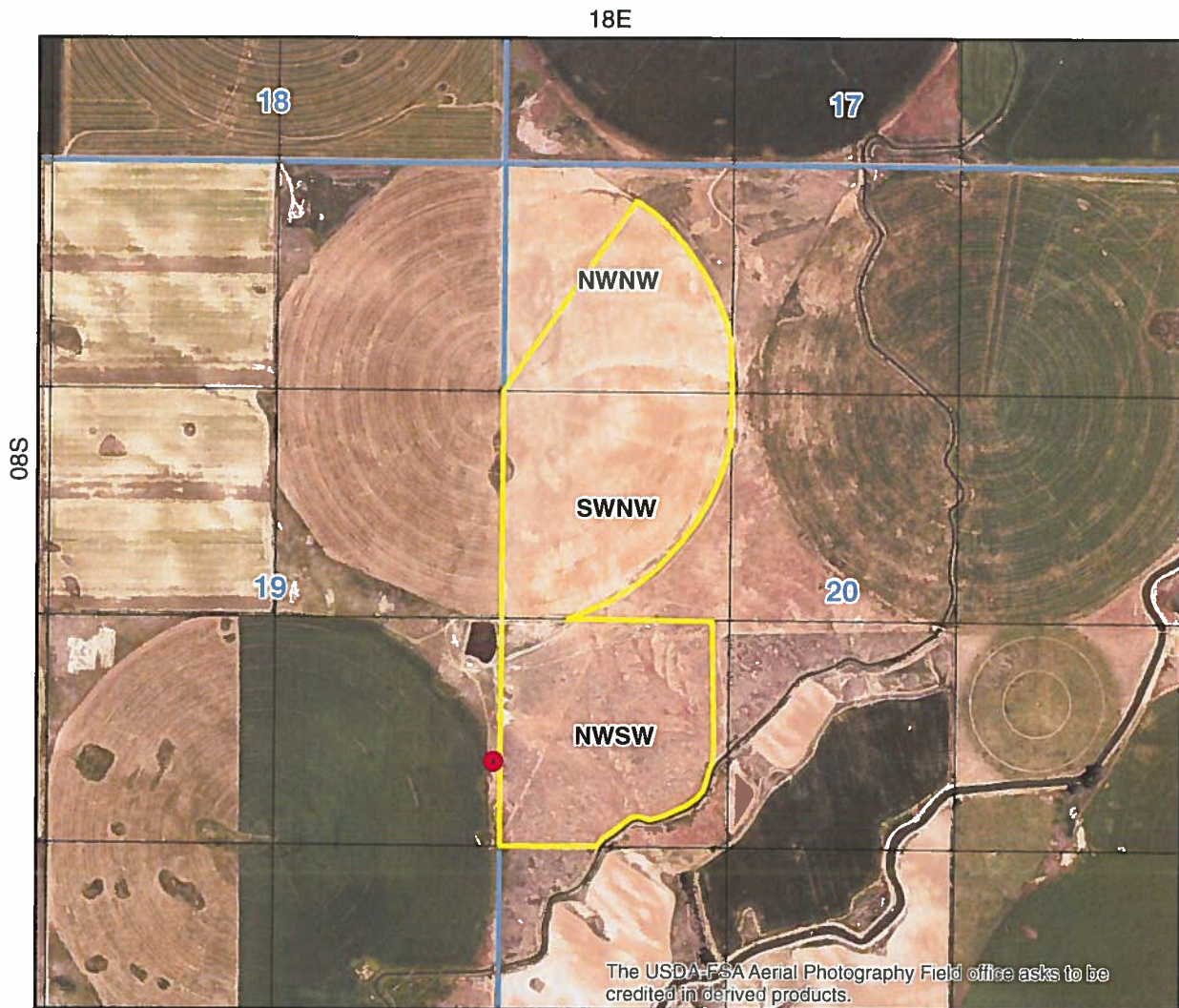
WATER RIGHT NO. 36-7336
As Modified by Transfer No. 81461

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under Transfer approval 81461, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer # 81461
36-7336

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



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

0 0.125 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

September 6, 2017

BRANDSMA FAMILY TRUST
3424 SAGE SPRINGS RD
KIMBERLY ID 83341

Re: Transfer No: 81461
Water Right No(s): 36-7336

Re: Transfer No: 81465
Water Right No(s): 36-7032

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 a large initial "C" and a stylized "S".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

HILL A BRANDSMA (*Trustee*)
ANN BRANDSMA (*Trustee*)
3424 SAGE SPRINGS RD
KIMBERLY ID 83341

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 W STE 500
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 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.: 81461
Water Right No(s): 36-7336**

**Re: Transfer No.: 81465
Water Right No(s): 36-7032**

**BRANDSMA FAMILY TRUST
3424 SAGE SPRINGS RD
KIMBERLY ID 83341**

**HILL A BRANDSMA (Trustee)
ANN BRANDSMA (Trustee)
3424 SAGE SPRINGS RD
KIMBERLY ID 83341**

**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 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.

MEMORANDUM

TO: Transfer # 81461 File

FROM: Corey Skinner

DATE: August 29, 2017

SUBJECT: Additional Filing Fee/Ownership Change

During the final review of Transfer # 81461 it was noted that the ownership of right 36-7336 is proposed to be changed via the transfer (see quitclaim deed in file). However, the additional \$25.00 filing fee was not paid with the original filing fee submittal. This day, Brockway Engineering paid the additional \$25.00 for the ownership change (see receipt # S036323).

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

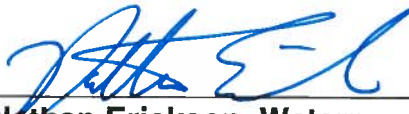
Transfer No: 81461
Water Right No: 36-7336
Applicant Name: Brandsma Family Trust

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: June 8, 2017

Water District 130



Nathan Erickson, Watermaster

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 46582

Ruby Aufderheide

(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 25 day of May 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: 05/18/2017, 05/25/2017

TOTAL AD COST: 206.88

FILED ON: 5/25/2017

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TRANSFER NO. 81461**

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**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81465**

BRANDSMA FAMILY TRUST, 3424 SAGE SPRINGS RD, KIMBERLY, ID 83341; has filed Application No. 81465 for changes to the following water rights within JEROME County(s): Right No(s). 36-7032. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a 340.9 acre permissible place of use (PPU) and keep the existing point of diversion (POD) and place of use (POU) of a 2.56 cfs and 233 acre ground water right on a farm located approximately 6.5 to 7.25 miles east and 0.5 to 1.0 miles south of the center of Jerome. A companion transfer (81461) proposes to irrigate a separate 87 acres within the same proposed PPU from the same POD.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81558**

IDAHO AGRI INVESTMENTS LLC, PO BOX 609, TURNER, ME 04282; has filed Application No. 81558 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14007. The purpose of the transfer is to change a portion of the above rights as follows: The application proposes to add a point of diversion (POD) consisting of a new well to be drilled for a 4.96 cfs ground water right. The new well will be located on a farm located approximately 2.8 to 3.0 miles west and 5.0 to 5.2 miles south of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81615**

W 4 DAIRY, 116 N RIVER ISLAND DR, RUPERT, ID 83350; has filed Application No. 81615 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16810. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to convert a 33.6 acre portion 0.33 cfs of a ground water irrigation right located on a farm approximately 13.5 to 14.0 miles due north of the City of Rupert to stockwater and commercial use for a proposed new dairy facility, located on the same farm. The diversion of the 0.33 cfs will be from a new well to be drilled at the dairy site.

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 June 5, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: May 18 and 25, 2017



✓ OK DM 6/2/2017

RECEIVED

MAY 30 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

Return Service Requested

RECEIVED

MAY 17 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION



Transfer: 81461/36-7336
81465/36-7032

BRANDSMA FAMILY TRUST
3424 SAGE SPRINGS RD
KIMBERLY ID 83341-5078

.. 9326010683212389

83361-5858

T 841 NFE 1700C16I0005/12/17
RETURN TO SENDER
BRANDSMA
TEMPORARILY AWAY
RETURN TO SENDER
BC: 83301585825 *0636-08155-12-45

sent again w/out "Return Service". (Post office might forward.)

DM
5-17-2017

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 46582

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

PO Number
Rate Legal Notice
Order Price 206.88
Amount Paid 0.00
Amount Due 206.88

Section Legals
SubSection
Category 50 Legal

Start/End Dates 05/18/2017 - 05/25/2017
Insertions 2
Size 136

Ad Key 46582-1
Keywords Brandsma, Id Agri, W4 Dairy

Salesperson(s) Ruby Aufderheide
Taken By Ruby Aufderheide

Notes

Ad Proof

**Proof of legal notice
received from Times News
5/15/2017 (4 pages total)**

✓ OK AM 5.16.2017

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 46582

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GARY SPACKMAN, Director

PUBLISH: May 18 and 25, 2017



Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 46582

Publication

Online

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 46582-1

Keywords Brandsma, Id Agri, W4 Dairy

Notes

Ad Proof

PO Number

Rate Legal Notice

Order Price 206.88

Amount Paid 0.00

Amount Due 206.88

Start/End Dates 05/18/2017 - 05/25/2017

Insertions 2

Size 136

Salesperson(s) Ruby Aufderheide

Taken By Ruby Aufderheide



Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 46582

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IDAHO AGRI INVESTMENTS LLC, PO BOX 609, TURNER, ME 04282; has filed Application No. 81558 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14007. The purpose of the transfer is to change a portion of the above rights as follows: The application proposes to add a point of diversion (POD) consisting of a new well to be drilled for a 4.96 cfs ground water right. The new well will be located on a farm located approximately 2.8 to 3.0 miles west and 5.0 to 5.2 miles south of Murtaugh.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81615

W 4 DAIRY, 116 N RIVER ISLAND DR, RUPERT, ID 83350; has filed Application No. 81615 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16810. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to convert a 33.6 acre portion 0.33 cfs of a ground water irrigation right located on a farm approximately 13.5 to 14.0 miles due north of the City of Rupert to stockwater and commercial use for a proposed new dairy facility, located on the same farm. The diversion of the 0.33 cfs will be from a new well to be drilled at the dairy site.

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 June 5, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

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