

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81324

This is to certify that: RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

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>
43-2444	WR/DECREED	5/10/1956	4.920 cfs	1052.0 af	N/A	263.0	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>
43-2444	YES	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>
43-2444	43-13782	0.040 cfs	8.0 af	N/A	2.0	43-2444	4.880 cfs	1044.0 af	N/A	261.0
COMBINED TOTALS		0.040 cfs	8.0 af	N/A	2.0		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 6th day of April, 2017.


Southern Region Manager

SUPPORT DATA

Transfer No. 81324

IN FILE # 43-2444

WATER RIGHT NO. 43-2444

As Modified by Transfer No. 81324

In accordance with the approval of Transfer No. 81324, Water Right No. 43-2444 is now described as follows:

Right Holder: RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

Priority Date: 5/10/1956

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 11/01

Diversion Rate
4.880 cfs
4.880 cfs

Diversion Volume
1044.0 af
1044.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SWSWSW) Sec 7 Twp 14S Rge 27E CASSIA 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	
14S	27E	7							46.0	37.0	41.0	49.0	48.0	40.0					261.0
									L 2				L 3	L 4					

POU Total Acres: 261.0

CONDITIONS OF APPROVAL

1. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13782
As Modified by Transfer No. 81324

In accordance with the approval of Transfer No. 81324, Water Right No. 43-13782 is now described as follows:

Right Holder: MATTHEW SHULZ
 ARLENE SHULZ
 2048 E 850 S
 DECLO, ID 83323

Priority Date: 5/10/1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.040 cfs	8.0 af
			0.040 cfs	8.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 7 Twp 14S Rge 27E CASSIA 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	
14S	27E	7				2.0													2.0

POU Total Acres: 2.0

CONDITIONS OF APPROVAL

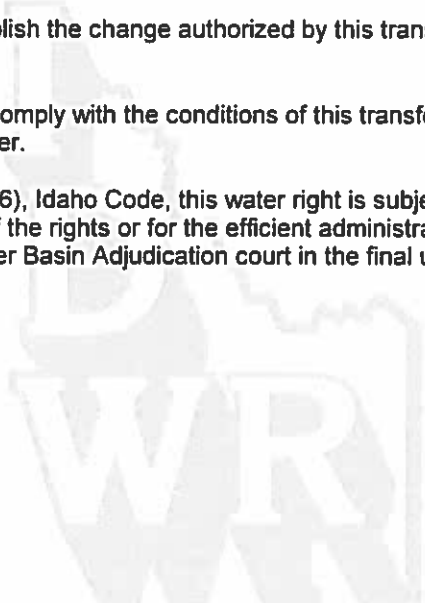
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81324

WATER RIGHT NO. 43-13782

As Modified by Transfer No. 81324

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date of the originating SRBA partial decree date of 6/28/2002.
 6. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 8. 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 # 81324
43-13782

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.



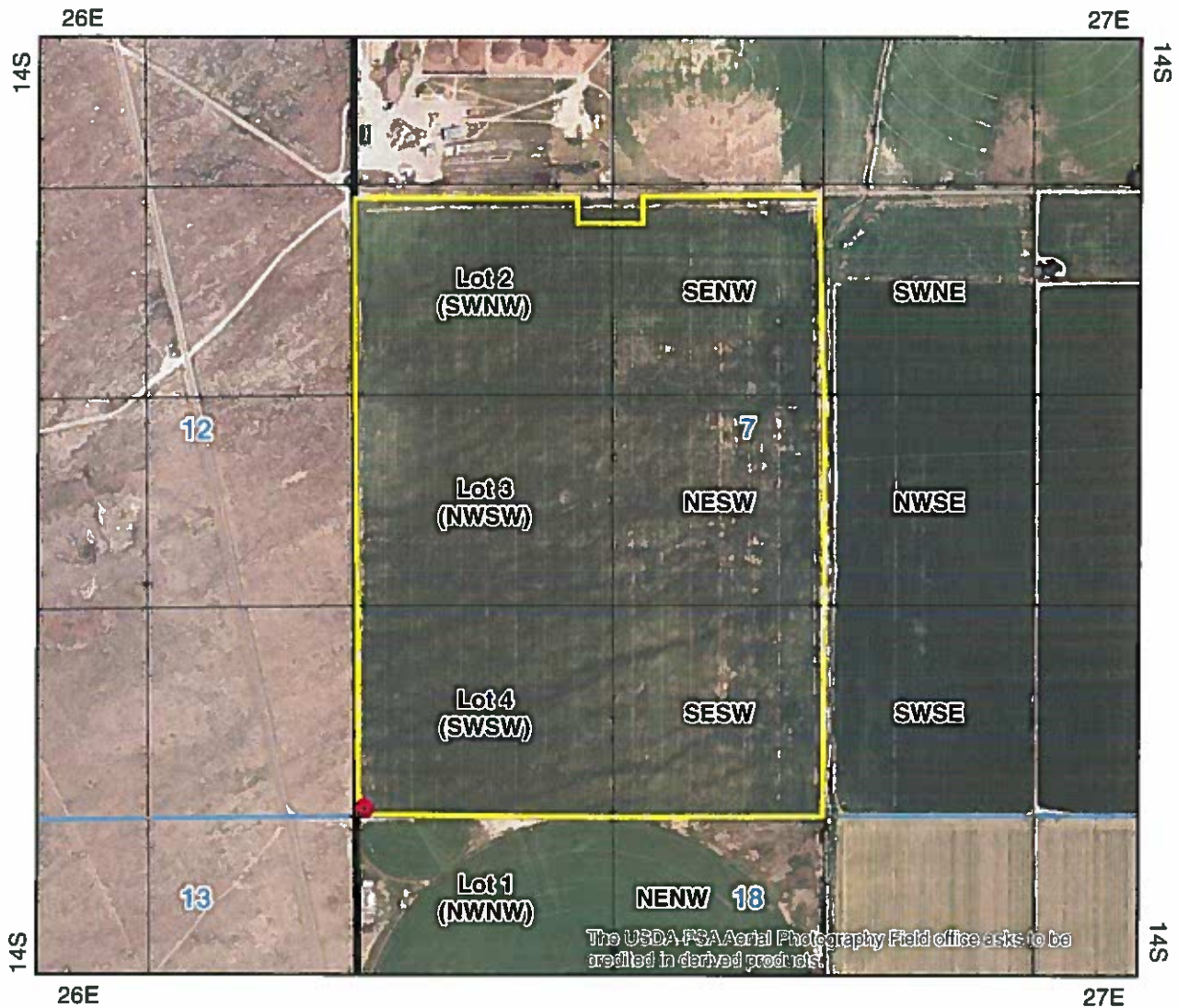
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81324
43-2444

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

April 27, 2017

RED ROCK FARMS LLC
2038 S HWY 81
MALTA ID 83342

Re: Transfer No: 81324
Water Right No(s): 43-2444

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

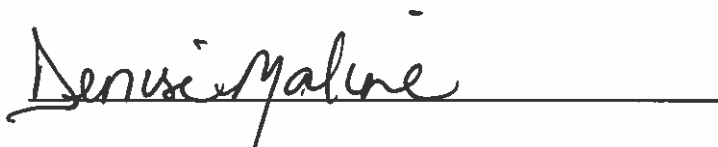
CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 81324
Water Right No(s): 43-2444

RED ROCK FARMS LLC
2038 S HWY 81
MALTA ID 83342

WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

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.

CORRECTED MEMORANDUM

Date: April 6, 2017
To: Transfer 81324 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes moving a 0.037 cfs, 2.0 acre portion from a 4.92 cfs, 263 acre irrigation ground water right (43-2444) to a proposed well and a new place of use on an adjacent property. Current and proposed PODs and POUs are located approximately 6.0 to 6.7 miles south 0.7 to 1.7 miles east of Malta.

Applicant filed the transfer to fulfill conditions of purchase agreement for a 16 acre parcel split off their former property. In the interim, the purchaser has sold the property to a new owner. That new owner has also filed a Change of Ownership for the 2.0 acre portion of the water right proposed to be moved in this transfer.

Overlap analysis indicates no overlap with other irrigation water rights at the current and proposed POUs. All PODs and POUs are located in the Raft River Critical Ground Water Management Area and Water District 143. Watermaster comments will be solicited. Applicant requested 5 years to develop system.

- **Authority to File:** Applicant has provided a copy of a quitclaim conveying two acres from water right 43-2444 to the previous land owner. A letter of consent was provided and signed by both the current and previous property owner indicating their agreement to allow the applicant to move the 2.0 acres of water to their property.
- **Water Right Validity:** Water right 43-2444 was decreed in the SRBA on 6/28/2002. Recent aerial photography indicates that the property currently associated with this water right appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81324
Water Right No: 43-2444
Applicant Name: Red Rock Farms 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: January 23, 2017

Water District 143



Nathan Erickson, Watermaster

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

ORDER NUMBER 38861

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 12th day of January 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.

Melody Xoumanivong
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/21/2017

PUBLISHED ON: 01/05/2017, 01/12/2017

TOTAL AD COST: 139.95

FILED ON: 1/12/2017

The following application(s) have been filed to appropriate the public waters of the State of Idaho

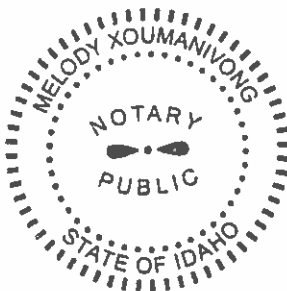
45-14500
KEVIN LARSON
1852 W 16TH ST
BURLEY, ID 83318
Point of Diversion NWSE S31 T12S R21E CASSIA County
Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/27/2016
Place Of Use: DOMESTIC
12S R21E S31 SENE
Applicant seeks to appropriate 0.04 cfs of groundwater for domestic uses from an existing well for use on a property located approximately 13.5 miles South and 12.25 miles West of the center of Burley.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81324

RED ROCK FARMS LLC, 2038 S HWY 81, MALTA, ID 83342, has filed Application No. 81324 for changes to the following water rights within CASSIA County(s): Right No(s): 43-2444. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving a 0.04 cfs, 2.0 acre portion from a 263 acre irrigation ground water right to a proposed well and a new place of use on an adjacent property. Current and proposed PODs and POUs are located approximately 6.0 to 6.7 miles south 0.7 to 1.7 miles east of Malta.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before January 23, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: January 5 and 12, 2017



OK DM 1-20-2017

RECEIVED

JAN 17 2017

DEPT OF WATER RESOUR
SOUTHERN REGION