

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81265**

This is to certify that: **WILLIAM D JONES**
PO BOX 152
ALMO, ID 83318

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>
43-184	WR/DECREED	5/1/1882	1.600 cfs	N/A	80.0	319.1	RAFT RIVER
43-185	WR/DECREED	4/30/1883	1.600 cfs	N/A	80.0	333.0	RAFT RIVER
43-2479	WR/DECREED	10/12/1959	2.240 cfs	616.0 af	154.0	333.0	GROUND WATER
43-2538	WR/DECREED	10/9/1961	2.200 cfs	490.0 af	140.0	333.0	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>
43-184	NO	NO	YES	NO	NO	NO
43-185	NO	NO	YES	NO	NO	NO
43-2479	NO	NO	YES	NO	NO	NO
43-2538	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>
43-184	43-184	1.600 cfs	N/A	80.0	319.0	N/A	N/A	N/A	N/A	N/A
43-185	43-185	1.600 cfs	N/A	80.0	319.0	N/A	N/A	N/A	N/A	N/A
43-2479	43-2479	2.240 cfs	616.0 af	154.0	319.0	N/A	N/A	N/A	N/A	N/A
43-2538	43-2538	2.200 cfs	490.0 af	140.0	319.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.380 cfs	N/A	319.0	319.0		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 29TH day of March, 2017.


 Southern Region Manager
SUPPORT DATA

Transfer No. 81265

IN FILE # 43-184

WATER RIGHT NO. 43-184**As Modified by Transfer No. 81265**

In accordance with the approval of Transfer No. 81265, Water Right No. 43-184 is now described as follows:

Right Holder: WILLIAM D JONES & SONS
C/O WILLIAM D JONES
PO BOX 152
ALMO, ID 83312

Priority Date: 5/1/1882

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

1.600 cfs

1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER

SWSWSW

Sec 32 Twp 15S Rge 25E 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	
15S	25E	32												5.7	16.4		33.0	39.8	94.9
15S	25E	33							13.5		13.1	36.9	39.2	27.2			4.0		133.9
16S	25E	4											16.2	22.8			4.2		43.2
													1.4	1.3			1.2		
16S	25E	5												3.2			19.7	24.1	47.0
														1.3			1.2	1.1	

Right Acre Limit: 80.0

POU Total Acres: 319.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the authorized place of use in a single irrigation season.
2. Rights 43-184, 43-185, 43-2479, and 43-2538 when combined shall not exceed a total diversion rate of 6.38 cfs and the irrigation of 319 acres.
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 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. 43B.

Transfer No. 81265

WATER RIGHT NO. 43-184
As Modified by Transfer No. 81265

CONDITIONS OF APPROVAL

5. 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(s).
6. This right does not grant any right-of-way or easement across the land of another.
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.

WATER RIGHT NO. 43-185

As Modified by Transfer No. 81265

In accordance with the approval of Transfer No. 81265, Water Right No. 43-185 is now described as follows:

Right Holder: WILLIAM D JONES & SONS
C/O WILLIAM D JONES
PO BOX 152
ALMO, ID 83312

Priority Date: 4/30/1883

Source: RAFT RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.600 cfs

1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

RAFT RIVER

SWSWSW

Sec 32 Twp 15S Rge 25E 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	
15S	25E	32												5.7	16.4		33.0	39.8	94.9
15S	25E	33							13.5		13.1	36.9	39.2	27.2			4.0		133.9
16S	25E	4											16.2	22.8			4.2		43.2
													L 4	L 3			L 2		
16S	25E	5												3.2			19.7	24.1	47.0
														L 3			L 2	L 1	

Right Acre Limit: 80.0

POU Total Acres: 319.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the authorized place of use in a single irrigation season.
2. Rights 43-184, 43-185, 43-2479, and 43-2538 when combined shall not exceed a total diversion rate of 6.38 cfs and the irrigation of 319 acres.
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 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. 43B.

Transfer No. 81265

WATER RIGHT NO. 43-185
As Modified by Transfer No. 81265

CONDITIONS OF APPROVAL

5. 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(s).
6. This right does not grant any right-of-way or easement across the land of another.
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.

WATER RIGHT NO. 43-2479**As Modified by Transfer No. 81265**

In accordance with the approval of Transfer No. 81265, Water Right No. 43-2479 is now described as follows:

Right Holder: WILLIAM D JONES & SONS
C/O WILLIAM D JONES
PO BOX 152
ALMO, ID 83312
OR
WILLIAM D JONES
PO BOX 152
ALMO, ID 83318

Priority Date: 10/12/1959

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
2.240 cfs
2.240 cfs

Diversion Volume
616.0 af
616.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (SESWSE) Sec 5 Twp 16S Rge 25E 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	
15S	25E	32												5.7	16.4		33.0	39.8	94.9
15S	25E	33							13.5		13.1	36.9	39.2	27.2			4.0		133.9
16S	25E	4											16.2	22.8			4.2		43.2
													L 4	L 3			L 2		
16S	25E	5												3.2			19.7	24.1	47.0
														L 3			L 2	L 1	

Right Acre Limit: 154.0

POU Total Acres: 319.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 154 acres within the authorized place of use in a single irrigation season.
2. Rights 43-2479 and 43-2538 when combined shall not exceed a total diversion volume of 980 af and the irrigation of 245 acres.
3. Rights 43-184, 43-185, 43-2479, and 43-2538 when combined shall not exceed a total diversion rate of 6.38 cfs and the irrigation of 319 acres.

Transfer No. 81265

WATER RIGHT NO. 43-2479
As Modified by Transfer No. 81265

CONDITIONS OF APPROVAL

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.
5. 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
6. 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(s).
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 43-2538
As Modified by Transfer No. 81265

In accordance with the approval of Transfer No. 81265, Water Right No. 43-2538 is now described as follows:

Right Holder: WILLIAM D JONES & SONS
 C/O WILLIAM D JONES
 PO BOX 152
 ALMO, ID 83312

Priority Date: 10/9/1961

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 2.200 cfs
 2.200 cfs

Diversion Volume
 490.0 af
 490.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSESW Sec 33 Twp 15S Rge 25E 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	
15S	25E	32												5.7	16.4		33.0	39.8	94.9
15S	25E	33							13.5		13.1	36.9	39.2	27.2			4.0		133.9
16S	25E	4											16.2	22.8			4.2		43.2
													L 4	L 3			L 2		
16S	25E	5												3.2			19.7	24.1	47.0
														L 3			L 2	L 1	

Right Acre Limit: 140.0

POU Total Acres: 319.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 140 acres within the authorized place of use in a single irrigation season.
2. Rights 43-2479 and 43-2538 when combined shall not exceed a total annual maximum diversion volume of 980.0 af and the irrigation of 245 acres.
3. Rights 43-184, 43-185, 43-2479, and 43-2538 when combined shall not exceed a total diversion rate of 6.38 cfs and the irrigation of 319 acres.
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. 81265

WATER RIGHT NO. 43-2538

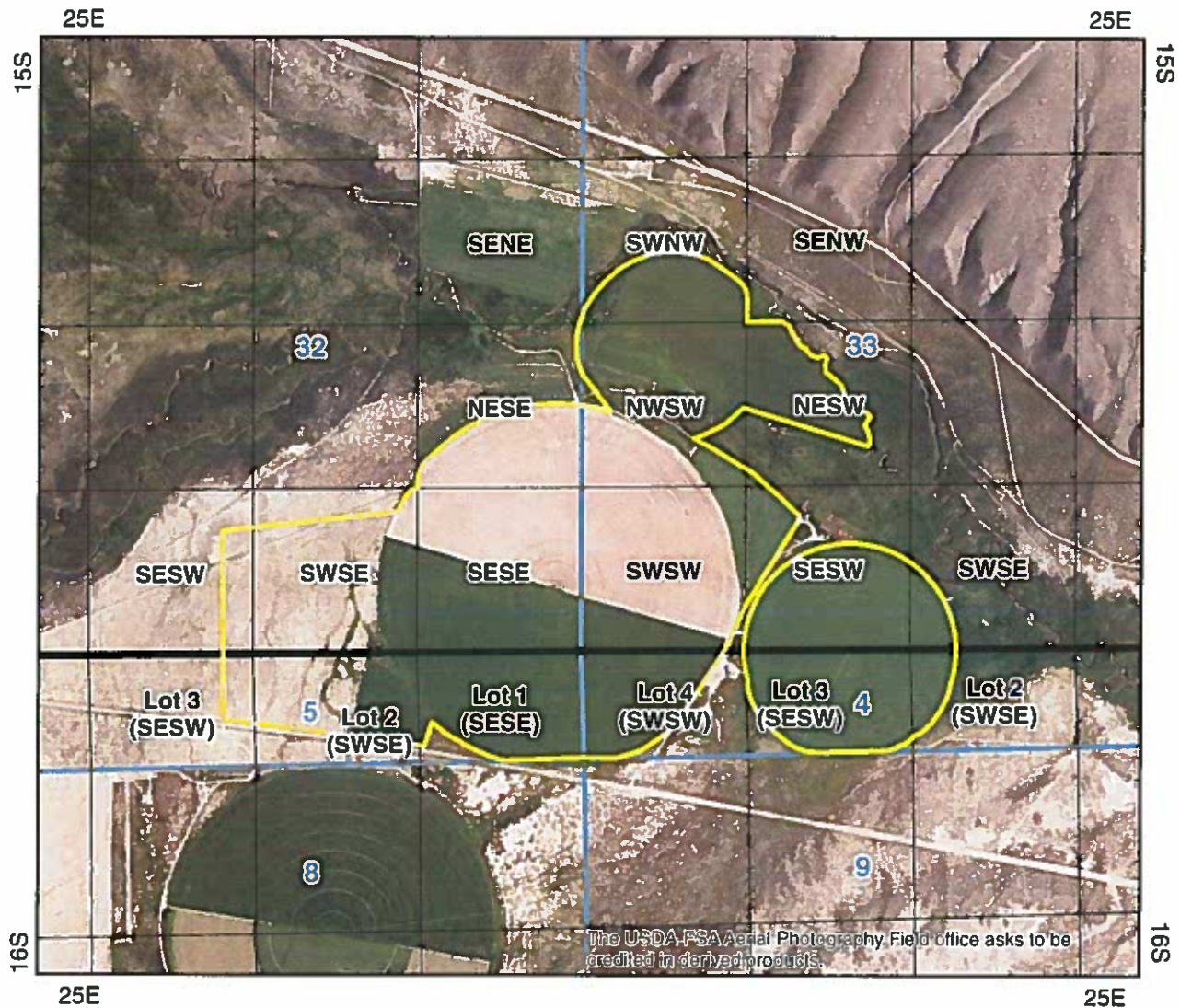
As Modified by Transfer No. 81265

CONDITIONS OF APPROVAL

5. 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.
6. 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(s).
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 # 81265
43-184, 43-185, 43-2479, and 43-2538

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.



-  Place Of Use Boundary
-  Townships
-  PLS Sections



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

March 31, 2017

WILLIAM D JONES
PO BOX 152
ALMO ID 83318

Re: Transfer No: 81265
Water Right No(s): 43-184, 43-185, 43-2479, 43-2538

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:

WILLIAM D JONES & SONS
PO BOX 152
ALMO ID 83318

WATER WELL CONSULTANTS
JAXON HIGGS
355 W 500 S
BURLEY ID 83318

WATER DISTRICT 43B
RICK NEFF
PO BOX 55
MALTA ID 83342-0055

WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 81265

Water Right No(s): 43-184, 43-185, 43-2479, 43-2538

**WILLIAM D JONES
WILLIAM D JONES & SONS
PO BOX 152
ALMO ID 83318**

**WATER WELL CONSULTANTS
JAXON HIGGS
355 W 500 S
BURLEY ID 83318**

via e-mail

**WATER DISTRICT 43B
RICK NEFF
PO BOX 55
MALTA ID 83342-0055**

**WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858**

via e-mail

A handwritten signature in black ink, reading "Denise Maline", is written over a 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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81265
Water Right No: 43-184, etc.
Applicant Name: William D Jones

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: February 14, 2017

Water District 143


Nathan Erickson, Watermaster