

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80697

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>
61-7263	WR/DECREED	4/1/1976	2.400 cfs	660.0 af	165.0	631.0	GROUND WATER
61-7264A	WR/DECREED	6/10/1976	10.740 cfs	2225.0 af	446.0	631.0	GROUND WATER
61-7264B	WR/DECREED	6/10/1976	0.400 cfs	90.0 af	20.0	631.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

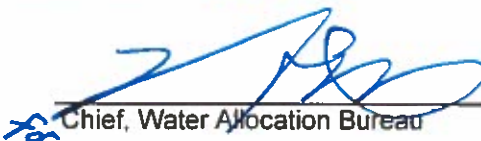
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-7263	NO	YES	NO	NO	NO	NO
61-7264A	NO	YES	NO	NO	NO	NO
61-7264B	NO	YES	NO	NO	NO	NO

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>
61-7263	61-7263	2.400 cfs	660.0 af	165.0	631.0	N/A	N/A	N/A	N/A	N/A
61-7264A	61-7264A	10.740 cfs	2225.0 af	446.0	631.0	N/A	N/A	N/A	N/A	N/A
61-7264B	61-7264B	0.400 cfs	90.0 af	20.0	631.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.540 cfs	2975.0 af	631.0	631.0		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 24th day of March, 2017.


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 61-7263

Transfer No. 80697

WATER RIGHT NO. 61-7263**As Modified by Transfer No. 80697**

In accordance with the approval of Transfer No. 80697, Water Right No. 61-7263 is now described as follows:

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

Priority Date: 4/1/1976

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to 10/31

To**Diversion Rate**

2.400 cfs

2.400 cfs

Diversion Volume

660.0 af

660.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (SESW) Sec 31 Twp 02S Rge 05E ELMORE County
GROUND WATER L3 (SESW) Sec 31 Twp 02S Rge 05E ELMORE County
GROUND WATER L4 (NWNW) Sec 6 Twp 03S Rge 05E ELMORE 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	
02S	05E	31	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
													L4	L3			L2	L1	
02S	05E	32						39.0	39.0										78.0
03S	05E	6					39.0	43.0	45.0	38.0									165.0
							L3	L4	L5										

Right Acre Limit: 165.0

POU Total Acres: 631.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 165.0 acres within the place of use described above in a single irrigation season.
2. Rights 61-7247B, 61-7263, 61-7264A and 61-7264B when combined shall not exceed a total diversion rate of 11.36 cfs and a volume of 2975.0 af.
3. Rights 61-7263, 61-7264A and 61-7264B when combined shall not exceed the irrigation of 631 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. 80697

WATER RIGHT NO. 61-7263

As Modified by Transfer No. 80697

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. 161.
6. Prior to the diversion and use of water under Transfer approval 80697, 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. 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 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-25-2000.
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. 61-7264A**As Modified by Transfer No. 80697**

In accordance with the approval of Transfer No. 80697, Water Right No. 61-7264A is now described as follows:

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

Priority Date: 6/10/1976

Source: GROUND WATER

BENEFICIAL USE

	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	1 270 cfs	218.0 af
IRRIGATION	03/15	to 11/15	9 470 cfs	2007.0 af
STOCKWATER	01/01	to 12/31	1 270 cfs	218.0 af
			10 740 cfs	2225.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L3 (SESW)	Sec 31 Twp 02S Rge 05E	ELMORE County
GROUND WATER	L3 (SESW)	Sec 31 Twp 02S Rge 05E	ELMORE County
GROUND WATER	L4 (NWNW)	Sec 6 Twp 03S Rge 05E	ELMORE County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	05E	31	X	X	X	X					X	X	X	X	X	X	X	X	
													L4	L3			L2	L1	
02S	05E	32						X	X										
03S	05E	6					X	X	X	X									
							L3	L4	L5										

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	
02S	05E	31	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
													L4	L3			L2	L1	
02S	05E	32						39.0	39.0										78.0
03S	05E	6					39.0	43.0	45.0	38.0									165.0
							L3	L4	L5										

Right Acre Limit: 446.0

POU Total Acres: 631.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	05E	31		X	X														

Transfer No. 80697

WATER RIGHT NO. 61-7264A
As Modified by Transfer No. 80697

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 446.0 acres within the place of use described above in a single irrigation season.
2. Rights 61-7247B, 61-7263, 61-7264A and 61-7264B when combined shall not exceed a total diversion rate of 11.36 cfs and a volume of 2975.0 af.
3. Rights 61-7263, 61-7264A and 61-7264B when combined shall not exceed the irrigation of 631 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.
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. 161.
6. Prior to the diversion and use of water under Transfer approval 80697, 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Water diverted for commercial use under this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
9. Commercial use is for a dairy located within W1/2NE, S31, T02S, R05E.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 61-7264B**As Modified by Transfer No. 80697**

In accordance with the approval of Transfer No. 80697, Water Right No. 61-7264B is now described as follows:

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

Priority Date: 6/10/1976

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 3/15 **To** 11/15

Diversion Rate
0.400 cfs
0.400 cfs

Diversion Volume
90.0 af
90.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (SESW) Sec 31 Twp 02S Rge 05E ELMORE County
GROUND WATER L3 (SESW) Sec 31 Twp 02S Rge 05E ELMORE County
GROUND WATER L4 (NWNW) Sec 6 Twp 03S Rge 05E ELMORE 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	
02S	05E	31	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
													L4	L3			L2	L1	
02S	05E	32						39.0	39.0										78.0
03S	05E	6					39.0	43.0	45.0	38.0									165.0
							L3	L4	L5										

Right Acre Limit: 20.0
POU Total Acres: 631.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
2. Rights 61-7247B, 61-7263, 61-7264A and 61-7264B when combined shall not exceed a total diversion rate of 11.36 cfs and a volume of 2975.0 af.
3. Rights 61-7263, 61-7264A and 61-7264B when combined shall not exceed the irrigation of 631 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.

WATER RIGHT NO. 61-7264B

As Modified by Transfer No. 80697

CONDITIONS OF APPROVAL

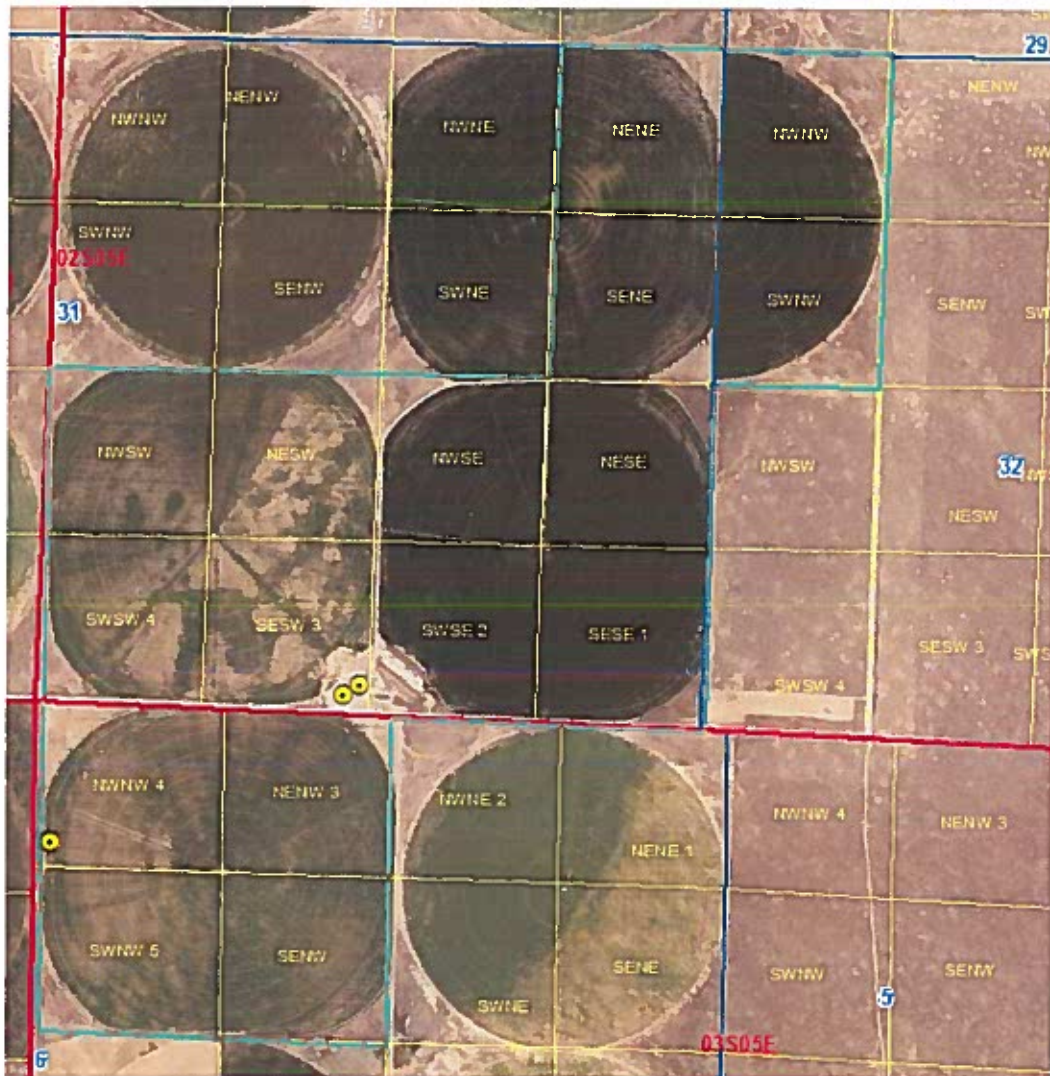
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 161.
6. Prior to the diversion and use of water under Transfer approval 80697, 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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

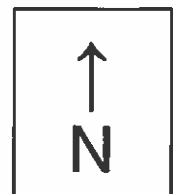
Attachment to Water Right Transfer No. 80697

61-7263, 61-7264A and 61-7264B

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



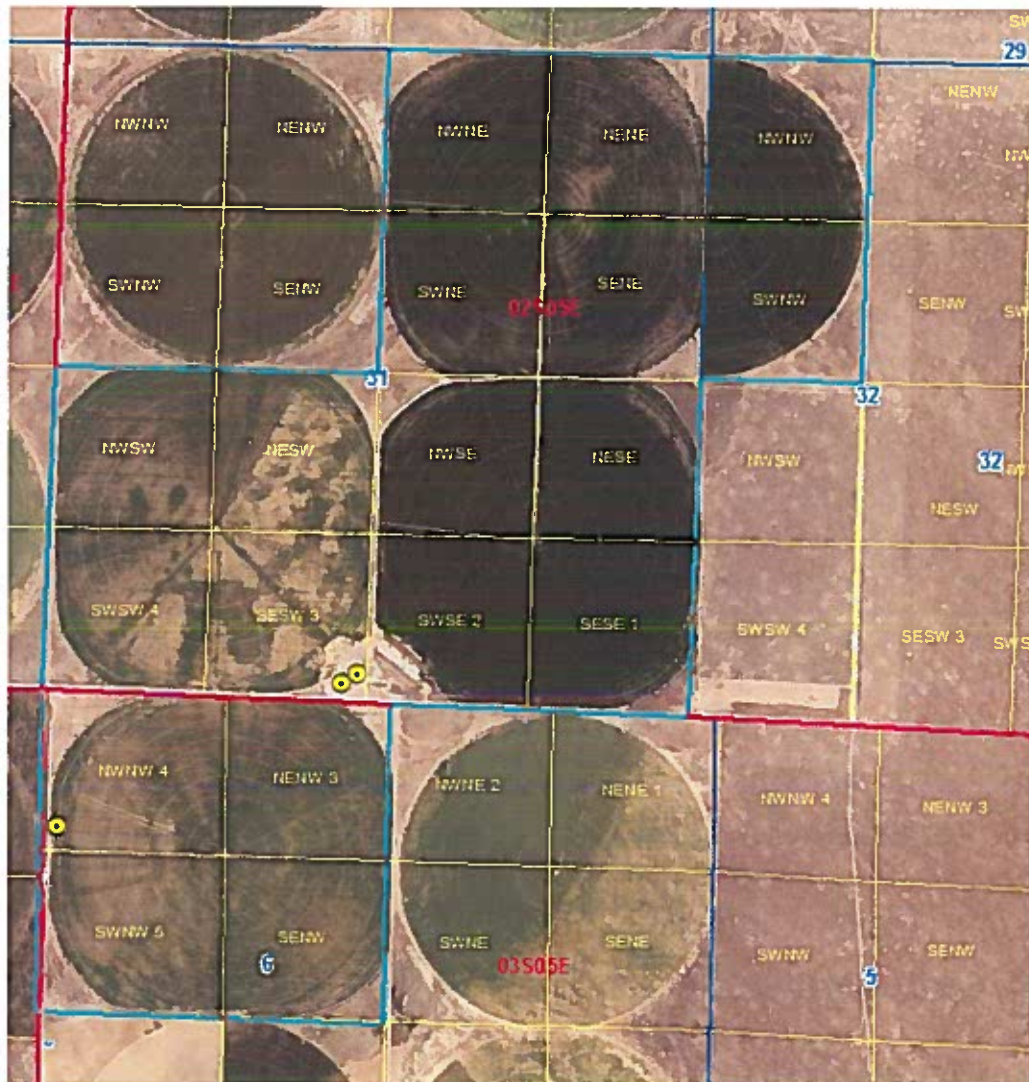
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



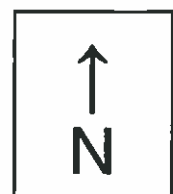
State of Idaho
Department of Water Resources
Attachment to Water Right Transfer No. 80697

61-7264A

This map depicts the **COMMERCIAL** place of use boundary for this Transfer 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



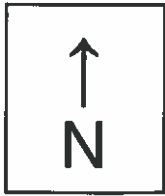
State of Idaho
Department of Water Resources
Attachment to Water Right Transfer No. 80697

61-7264A

This map depicts the **STOCKWATER** place of use boundary for this Transfer 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



RECEIVED

FEB 11 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80697MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Frank Tiegs LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☐ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Frank Tiegs LLC Phone 509-545-4545

Mailing address PO Box 3350 Pasco, WA 99302 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan Phone 208-736-8543

Mailing address 2016 N Washington St Ste 4 Twin Falls, Id 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

Frank Tiegs Managing Member
Print Name and Title if applicable

2/4/16
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.

This transfer will remove one well as an authorized POD and add a new irrigation well for a total of three PODs. The POU will not be changing at this time. The ownership of these water rights will be updated with this transfer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	61-7263	2.4/660	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	61-7264A	9.47/2007	Irrigation	3/15 to 11/15	Ground Water
☐ ☐		1.27/218	Stock/Com	1/01 to 12/31	Ground Water
☒ ☐	61-7264B	0.4/90	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 13.54 cfs and/or 2975 acre-feet.

2. Total amount of water proposed to be transferred or changed 13.54 cubic feet per second and/or 2975 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SE	SW	31	2S	5E	Elmore	Ground Water	Well 1
			SE	SW	31	2S	5E	Elmore	Ground Water	Well 2
			NW	NW	6	3S	5E	Elmore	Ground Water	Well 3

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing wells and delivery system

- b. Who owns the property at the point(s) of diversion? Frank Tiegs LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No Change

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: N/A

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-7263

Current Owner: ORCHARD RANCH LLC
RODGER JOHNSON

Priority Date: 4/1/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.4 CFS	660 AF
	<u>Total Diversion</u>	2.4 CFS	660 AF

Location of Point(s) of Diversion

GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 6,	Twp 03S,	Rge 05E B.M.
ELMORE County				
GROUND WATER	L3(SE1/4SE1/4SW1/4)	Sec. 31,	Twp 02S,	Rge 05E B.M.
ELMORE County				
GROUND WATER	NW1/4NE1/4	Sec. 31,	Twp 02S,	Rge 05E B.M.
ELMORE County				

Place of Use

IRRIGATION Within ELMORE County

T02S R05E S31	NENE	39.00	T02S R05E S31	SENE	40.00
T02S R05E S31	NESW	40.00	T02S R05E S31	NWSW	40.00
T02S R05E S31	Lot 4 SWSW	39.00	T02S R05E S31	Lot 3 SESW	33.00
T02S R05E S31	NESE	40.00	T02S R05E S31	NWSE	40.00
T02S R05E S31	Lot 2 SWSE	35.00	T02S R05E S31	Lot 1 SESE	42.00
T02S R05E S32	NWNW	39.00	T02S R05E S32	SWNW	39.00
T03S R05E S6	Lot 3 NENW	39.00	T03S R05E S6	Lot 4 NWNW	43.00
T03S R05E S6	Lot 5 SWNW	45.00	T03S R05E S6	SENW	38.00

Total Acres: 631

Page _____ of _____

Conditions of Approval:

1. WB4 The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X27 This right is limited to the irrigation of 165.0 acres within the place of use described above in a single irrigation season.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. O1Q After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. X35 Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
8. X61 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 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-25-2000.
9. R64 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 lands above.
10. T08 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. O46 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Decreed Date: 10/26/2000

pg. 7 80697

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-7264A

Current Owner: RODGER JOHNSON
ORCHARD RANCH LLC

Priority Date: 6/10/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	1.27 CFS	218 AF
COMMERCIAL	01/01 to 12/31	1.27 CFS	218 AF
IRRIGATION	03/15 to 11/15	9.47 CFS	2007 AF
	<u>Total Diversion</u>	10.74 CFS	2225 AF

Location of Point(s) of Diversion

GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 6,	Twp 03S,	Rge 05E B.M.
ELMORE County				
GROUND WATER	L3(SE1/4SE1/4SW1/4)	Sec. 31,	Twp 02S,	Rge 05E B.M.
ELMORE County				
GROUND WATER	NW1/4NE1/4	Sec. 31,	Twp 02S,	Rge 05E B.M.
ELMORE County				

Place of Use

Page _____ of _____

STOCKWATER Within ELMORE County

T02S R05E S31	NWNE	T02S R05E S31	SWNE
---------------	------	---------------	------

COMMERCIAL Within ELMORE County

T02S R05E S31		NENE	T02S R05E S31		NWNE
T02S R05E S31		SWNE	T02S R05E S31		SENE
T02S R05E S31		NESW	T02S R05E S31		NWSW
T02S R05E S31	Lot 4	SWSW	T02S R05E S31	Lot 3	SESW
T02S R05E S31		NESE	T02S R05E S31		NWSE
T02S R05E S31	Lot 2	SWSE	T02S R05E S31	Lot 1	SESE
T02S R05E S32		NWNW	T02S R05E S32		SWNW
T03S R05E S6	Lot 3	NENW	T03S R05E S6	Lot 4	NWNW
T03S R05E S6	Lot 5	SWNW	T03S R05E S6		SENW

IRRIGATION Within ELMORE County

T02S R05E S31		NENE	39.00	T02S R05E S31		SENE	40.00
T02S R05E S31		NESW	40.00	T02S R05E S31		NWSW	40.00
T02S R05E S31	Lot 4	SWSW	39.00	T02S R05E S31	Lot 3	SESW	33.00
T02S R05E S31		NESE	40.00	T02S R05E S31		NWSE	40.00
T02S R05E S31	Lot 2	SWSE	35.00	T02S R05E S31	Lot 1	SESE	42.00
T02S R05E S32		NWNW	39.00	T02S R05E S32		SWNW	39.00
T03S R05E S6	Lot 3	NENW	39.00	T03S R05E S6	Lot 4	NWNW	43.00
T03S R05E S6	Lot 5	SWNW	45.00	T03S R05E S6		SENW	38.00

Total Acres: 631

Page _____ of _____

Conditions of Approval:

1. WB4 The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. X35 Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
6. T08 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. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
9. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
10. X27 This right is limited to the irrigation of 446.0 acres within the place of use described above in a single irrigation season.
11. Commercial use is for a dairy located within W1/2NE, S31, T02S, R05E.
12. R65 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 lands above.
13. 01Q After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Decreed Date: 10/26/2000

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-7264B

Current Owner: ORCHARD RANCH LLC
RODGER JOHNSON

Priority Date: 6/10/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

3/15 to 11/15

0.4 CFS

90 AF

Total Diversion

0.4 CFS

90 AF

Location of Point(s) of Diversion

GROUND WATER

L3(SE1/4SE1/4SW1/4)

Sec. 31, Twp 02S, Rge 05E B.M.

ELMORE County

GROUND WATER

L4(SW1/4NW1/4NW1/4)

Sec. 6, Twp 03S, Rge 05E B.M.

ELMORE County

GROUND WATER

NW1/4NE1/4

Sec. 31, Twp 02S, Rge 05E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T02S R05E S31		NENE	39.00	T02S R05E S31		SENE	40.00
T02S R05E S31		NESW	40.00	T02S R05E S31		NWSW	40.00
T02S R05E S31	Lot 4	SWSW	39.00	T02S R05E S31	Lot 3	SESW	33.00
T02S R05E S31		NESE	40.00	T02S R05E S31		NWSE	40.00
T02S R05E S31	Lot 2	SWSE	35.00	T02S R05E S31	Lot 1	SESE	42.00
T02S R05E S32		NWNW	39.00	T02S R05E S32		SWNW	39.00
T03S R05E S6	Lot 3	NENW	39.00	T03S R05E S6	Lot 4	NWNW	43.00
T03S R05E S6	Lot 5	SWNW	45.00	T03S R05E S6		SENW	38.00

Total Acres: 631

pg 11

80697

Page _____ of _____

Conditions of Approval:

1. C15 ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
2. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER 68468 SHALL NOT EXCEED 11.36 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 2975.0 AF.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-07247B, 61-07263 & 61-7264A.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL MEASURE THE DIVERSION OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.

Decreed Date: 8/15/2002

19.12 80697

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains 15 pages and 0 attachments.

Received by AS Date 2/11/16 Preliminary check by CE Date 1-19-17.

Fee paid \$1,540⁰⁰ Date 2/11/16 Received by CJ Receipt # WD43884

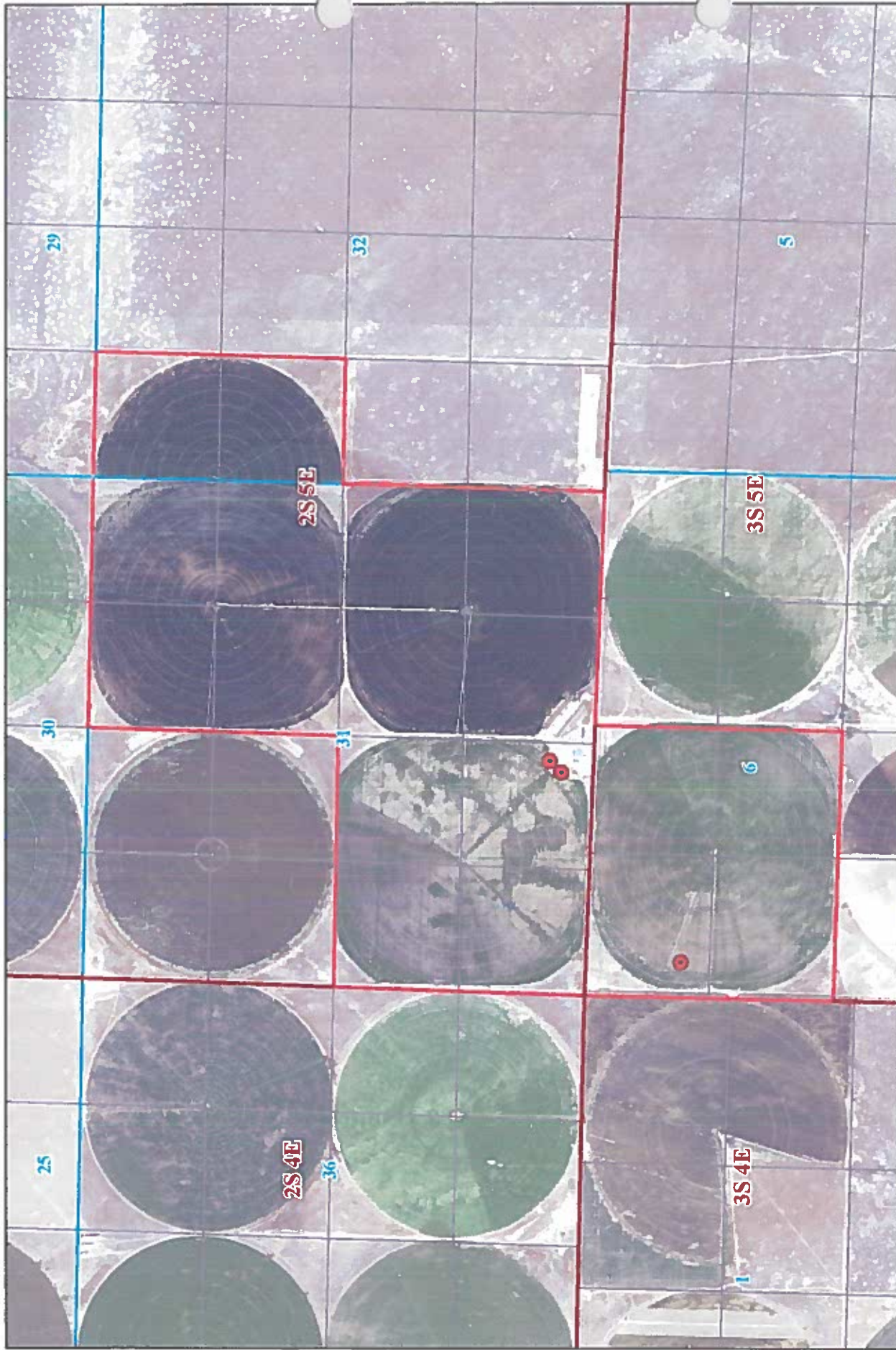
Add'l fee paid Date Received by Receipt #

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Fig 13 80697

No. W 122003		Due no later than Feb 29, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)		
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. FRANK TIEGS, L.L.C. FRANK TIEGS PO BOX 3110 PASCO WA 99302		RICHARD F GOODSON 877 MAIN ST STE 1000 BOISE ID 83702		
				3. New Registered Agent Signature:*		
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	FRANK TIEGS	6610 W COURT ST STE B	PASCO	WA	USA	99301
MANAGER	FRANK TIEGS	6610 W COURT ST STE B	PASCO	WA	USA	99301
5. Organized Under the Laws of: WA W 122003		6. Annual Report must be signed.*				
		Signature: Tim Tippet		Date: 01/14/2016		
		Name (type or print): Tim Tippet		Title: Authorized Agent		
Processed 01/14/2016		* Electronically provided signatures are accepted as original signatures.				

pg. 14 80097



ORCHARD RANCH LLC

TRANSFER MAP 2016
NAIP 2015 AERIAL



- Legend
- OR_NEW_POD'S
 - Place_of_Use
 - Sections
 - ladesc



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 24, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302

Re: Transfer No: 80697
Water Right No(s): 61-7263, 61-7264A , 61-7264B

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.

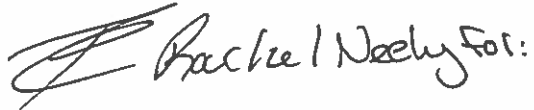
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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)334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Miller", with a stylized flourish at the end.

Nick Miller

Western Regional Manager

Enclosure

CC:

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

NICK MILLER
WATERMASTER OF DISTRICT 161
IDWR WESTERN REGION

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80697

Water Right No(s): 61-7263, 61-7264A , 61-7264B

**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**

**NICK MILLER
WATERMASTER OF DISTRICT 161
IDWR WESTERN REGION**



**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.

MEMORANDUM

TO: Transfer No. 80697
FROM: Rachel Sommer
DATE: March 20, 2017
RE: Evaluation of Application

Summary of Application Proposal

The following proposal is to be met following a transfer approval in the name of Frank Tiegs LLC. The purpose of this transfer is to abandon and remove one well from a delivery system consisting of three wells and to construct a new well for the same delivery system. The well to be abandoned is located in the NWNE of T02S, R05E, Sec31; the proposed well will be located in L3(SESW) of T02S, R05E, Sec31. The changes will be made to groundwater water rights 61-7263, 61-7264A, and 61-7264B and will affect 13.54 cfs.

Location of Application Proposal

The proposal is located south of NW Cinder Butte Rd between Simco Rd and I-84 in Elmore County.

Summary of Information Submitted

Authority to File:

On February 11, 2016 an ownership change was filed with the Department to change the right holder on record to Frank Tiegs LLC. Upon the Departments request a Warranty Deed was submitted on March 15, 2017 and a Quitclaim Deed was submitted on March 17, 2017. The Warranty Deed shows possessorship of the property being conveyed from Pioneer Exchange Accommodation Titleholder LLC to Murphy Land Company LLC. The Quitclaim Deed shows possessorship of the water rights in this transfer being conveyed from Murphy Land Company LLC to Frank Tiegs LLC. The Departments records have been updated and reflect Frank Tiegs LLC as the current owner of rights 61-7263, 61-7264A, and 61-7264B. Application for Transfer No. 80697 was submitted on February 11, 2016 in the name of Frank Tiegs LLC and was signed by Frank Tiegs, the sole member and manager.

Water Right Validity:

The following rights were decreed in the SRBA:

-61-7263, priority date 10/26/2000; 61-7264A, priority date 10/26/2000; 61-7264B, priority date 8/15/2002. Rights presumed valid; beneficial use confirmed via imagery from 2015 aerial imagery.

Overlapping POU/POD:

POU overlap – Rights 61-7262, 61-7264A, and 61-7264B have overlapping irrigation components; analysis attached.

POD overlap – Rights 61-7262, 61-7264A, and 61-7264B share a system consisting of three wells. Conditions listed on rights 61-7247B, 61-7262, 61-7264A, and 61-7264B explain the four rights share a well located in L4(NWNW) of T03S, R05E, Sec 6. The combined use limitations listed on each right will be maintained until the owner of 61-7247B submits a transfer to remove the right from the system.

Miscellaneous:

- Combined use limitations for rights 61-7262, 61-7264A, and 61-7264B will be added with an irrigation limitation of 631 acres to ensure no enlargements will take place.
- A condition on rights 61-7247B, 61-7262, 61-7264A, and 61-7264B describes a limitation of 11.36 cfs, and another condition describes limitations of 11.36 cfs and 2975.0 af under Transfer 80697. To clarify the two conditions they will be summarized under one condition to describe the limitations of 11.36 cfs and 2975.0 af.

- Right 61-7264B does not include condition 206 limiting the use to a specific 20 acres within the 631 acre PPU. Because 206 is not included, the POU shape will be modified to illustrate the 631 acre PPU shape rights 61-7264B and 61-7264A share.
- Other combined use limitations will be modified on the rights to include an irrigation limitation of 631 acres to ensure no enlargements will take place.

Injury to Other Water Rights:

There should be no injury to other water rights under this transfer as long as the new right holder abides by the amount of water that is appurtenant to this property.

Enlargement of Use:

No enlargement should occur under the proposed transfer application. The application proposes to change the diversion points and no new irrigation water is sought under the proposal.

Local Public Interest:

It is within the local public interest to allow property owners to develop their property as long as the application is processed without issues.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Legal Notice:

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Summary of Application Approval / Denial

The application is consistent with criteria of I. C. § 42-222 and should be processed. Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Sommer, Rachel

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, March 17, 2017 2:55 PM
To: Sommer, Rachel
Subject: RE: 80697 Transfer
Attachments: Water Right Quit Claim Deed Signed.pdf

RECEIVED

MAR 17 2017

**WATER RESOURCES
WESTERN REGION**

Rachel

See attached Quit Claim Deed. It took a little longer than I thought to get this one signed.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

Sommer, Rachel

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Wednesday, March 15, 2017 8:21 AM
To: Sommer, Rachel
Subject: RE: 80697 Transfer
Attachments: Orchard Farm Warranty Deed to Murphy Land Company 2016.pdf

RECEIVED
MAR 15 2017
WATER RESOURCES
WESTERN REGION

Sorry, Try this one.

Greg

From: Sommer, Rachel [<mailto:Rachel.Sommer@idwr.idaho.gov>]
Sent: Wednesday, March 15, 2017 8:02 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: RE: 80697 Transfer

Greg,

The only document attached to your email was the Quitclaim Deed draft.

Rachel

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Wednesday, March 15, 2017 7:24 AM
To: Sommer, Rachel <Rachel.Sommer@idwr.idaho.gov>
Subject: RE: 80697 Transfer

Rachel,

See attached Warrant Deed for the property. I should be able to get you the quit claim deed for the water rights today.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

Sommer, Rachel

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, March 14, 2017 9:48 AM
To: Sommer, Rachel
Subject: RE: 80697 Transfer

RECEIVED

MAR 14 2017

**WATER RESOURCES
WESTERN REGION**

Rachel,

I called and talked with my client and this is the situation. The property has been purchased by Murphy Land Company LLC from Orchard Ranch and Roger Johnson. However, the water rights are supposed to be owned by Frank Tiegs LLC. That is why the transfer is in the name of Frank Tiegs LLC.

I realize that you need a warranty deed but my question is from who?

Would it be appropriate to have a quit claim deed prepared and signed that would convey the water rights from Murphy Land Company (property owner) to Frank Tiegs LLC (water right owner)?

I can get that signed and have a copy of it in your email by the end of today.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

Sommer, Rachel

RECEIVED

From: Sommer, Rachel
Sent: Tuesday, March 14, 2017 8:29 AM
To: 'Greg Sullivan'
Subject: 80697 Transfer
Attachments: Transfer 80697 - Frank Tiegs LLC.pdf

MAR 14 2017

**WATER RESOURCES
WESTERN REGION**

Good Morning Greg Sullivan,

The purpose of this email is to request additional documentation pertaining to transfer application 80697 submitted on February 11, 2016 in the name of Frank Tiegs LLC. Please submit the following item.

1. A warranty deed or quit claim deed showing the conveyance of the property involved in the above referenced transfer to Frank Tiegs LLC.

Please let me know if you have questions.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705

Sommer, Rachel

From: Miller, Nick
Sent: Friday, January 27, 2017 5:37 PM
To: Sommer, Rachel
Subject: RE: Application for Transfer
Attachments: Watermaster Recommendation Form_80697.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Here is my comment form.

From: Sommer, Rachel
Sent: Thursday, January 26, 2017 11:58 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: Application for Transfer

January 26, 2017

NICK MILLER
WATER DISTRICT #161

RE: Application for Transfer No. 80697

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. Please review the attached application, complete the attached recommendation form, and return to me by **February 9, 2017**. IDWR will assume you do not object to this application if a timely response is not received.

Please contact me if you have any questions regarding this matter.

Sincerely,
Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705

State of Idaho
Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

RECEIVED

JAN 27 2017

**WATER RESOURCES
WESTERN REGION**

Water District # 161 - Mtn Home Area
Application # 80697
Applicant Name Frank Tiegs

Watermaster Recommendation:

- a) ☐ I do not oppose approval of this application.
b) ☒ I do not oppose approval of this application if it is conditioned as follows:
Measuring devices on points of diversion.

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☒ Additional comments:
Well in NWNE Section 31 should be properly abandoned if it will be unused.

Dated this 27th day of January, 2017



Watermaster Signature

Nick Miller

Printed Name



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 11 2016

WATER RESOURCES
WESTERN REGION

February 10, 2016

Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-508

Re: Frank Tiegs LLC

Dear Mr. Miller:

The enclosed ownership change for Frank Tiegs LLC for a three ground water rights located west of Mountain Home, Idaho. The application pertains to water rights 61-7263, 61-7264A and 61-7264B.

Also attached to this letter is a water right transfer for 61-7263, 61-7264A and 61-7264B to add a point of diversion and remove a point of diversion. No other aspects of the water rights will be changing at this time.

The well removed as an authorized point of diversion will properly be abandoned after the transfer is approved by IDWR.

Please do not hesitate to call with any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: Jim McClelland

Enc: Transfer Application, Aerial Maps, Warranty Deed, Notice of Change in Ownership for 61-7263, 61-7264A, 61-7264B, Brockway Engineering Check # 13171 for \$1,615.00

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506