

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81078

This is to certify that: **ARLO P LLOYD**
2227 ELBA ALMO RD
ELBA, 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>
43-4132	WR/DECREED	10/19/1928	0.770 cfs	N/A	N/A	13.2	BLACK SAND HOLLOW CREEK

Purpose of Transfer (Changes Proposed)

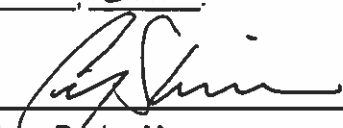
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>PQU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-4132	NO	NO	YES	NO	NO	NO

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>
43-4132	43-4132	0.770 cfs	N/A	N/A	13.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.770 cfs	N/A	N/A	13.2		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 25th day of November, 2016.



Southern Region Manager

WATER RIGHT NO. 43-4132**As Modified by Transfer No. 81078**

In accordance with the approval of Transfer No. 81078, Water Right No. 43-4132 is now described as follows:

Right Holder: ARLO P LLOYD
2227 ELBA ALMO RD
ELBA, ID 83342

Priority Date: 10/19/1928

Source: BLACK SAND HOLLOW CREEK **Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.770 cfs
STOCKWATER	01/01	to 12/31	0.030 cfs
			0.770 cfs

LOCATION OF POINT(S) OF DIVERSION

BLACK SAND HOLLOW CREEK SESESW Sec 16 Twp 14S Rge 25E 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	25E	17									13.2								13.2

POU Total Acres: 13.2

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	
14S	25E	17									X								

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for stock water use is not a determination of historical beneficial use.
2. The quantity of water under this right for stock water use shall not exceed 13,000 gallons per day.
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 lands above.
4. The flow rate quantity above includes .51 cfs for conveyance loss between the point of diversion and the field headgate.

Transfer No. 81078

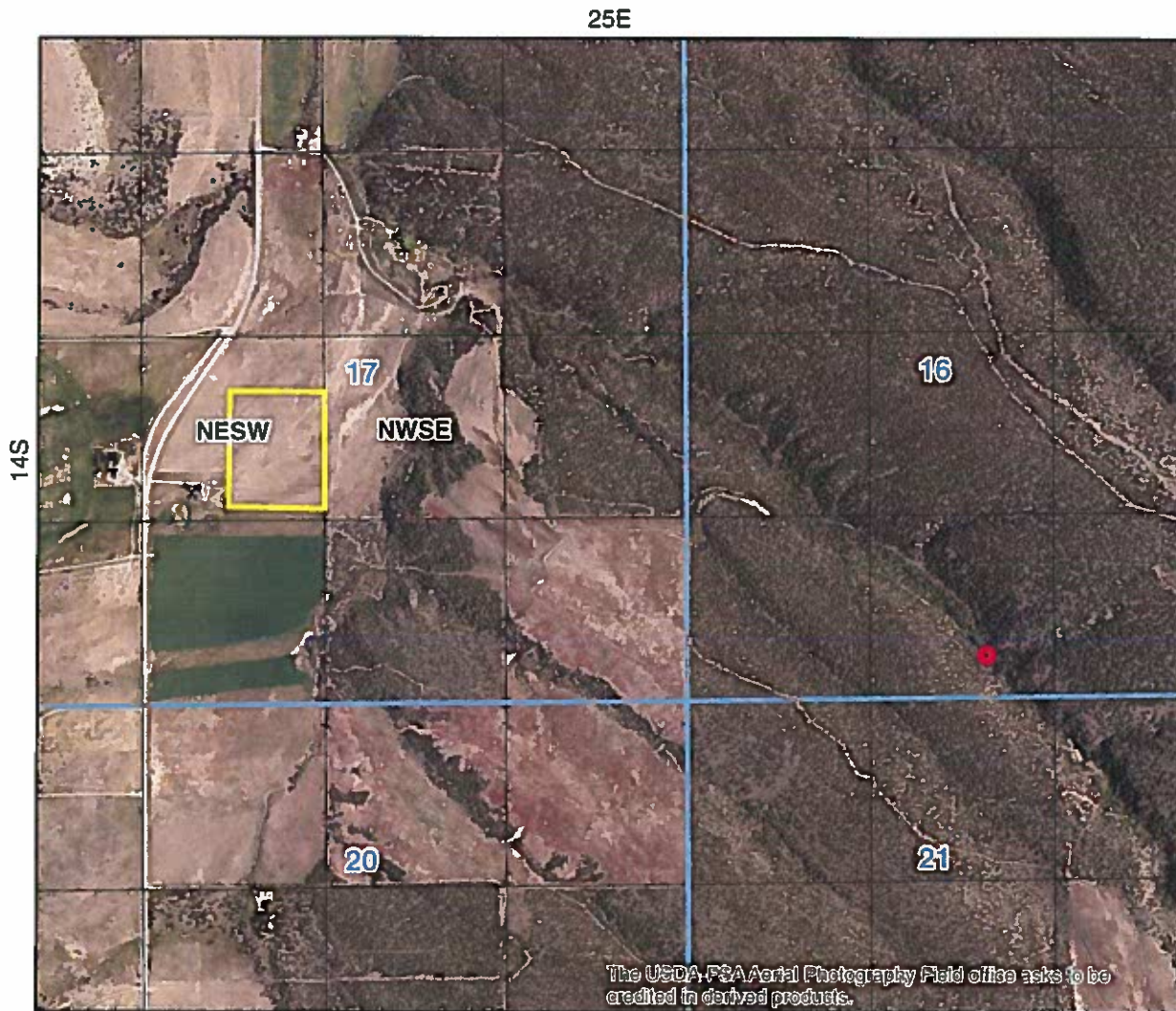
WATER RIGHT NO. 43-4132
As Modified by Transfer No. 81078

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. 43C.
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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 81078
43-4132

This map depicts the IRRIGATION & STOCKWATER 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 0.15 0.3 0.6 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

November 25, 2016

ARLO P LLOYD
2227 ELBA ALMO RD
ELBA ID 83342

Re: Transfer No: 81078
Water Right No(s): 43-4132

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

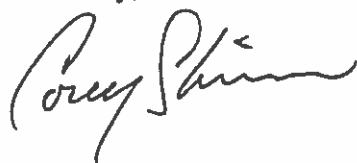
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

LUKE H MARCHANT
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

ROGER MUSSER WATER MASTER
WATER DISTRICT 43C
917 PARK LN
POCATELLO ID 83201

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 81078
Water Right No(s): 43-4132**

**ARLO P LLOYD
2227 ELBA ALMO RD
ELBA ID 83342**

**LUKE H MARCHANT
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130**

**ROGER MUSSER WATER MASTER
WATER DISTRICT 43C
917 PARK LN
POCATELLO ID 83201**

A handwritten signature in cursive script, 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.



Proof of Publication **



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

RECEIVED

AUG 29 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

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 30176

Ruby Aufderheide

(Legals Clerk)

T# 80639

T# 81053

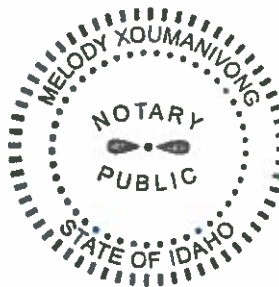
T# 81078

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 25th day of August in the year of 2016 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: 08/18/2016, 08/25/2016

TOTAL AD COST: 233.07

FILED ON: 8/25/2016

✓ OK DM 9-1-2016

RECEIVED

AUG 29 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80639

EAST VALLEY CATTLE LLC, 471 N 300 W, JEROME, ID 83338, has filed Application No. 80639 for changes to the following water rights within CASSIA County(s): Right No(s) 43-13449, 43-13451, 43-13452, 43-13453, 43-13455, 43-13457, 43-13459, 43-13461, 43-13463, 43-13491, 43-13493, 43-13495, 43-13497, 43-13499, 43-13501, 43-13503, 43-13505, 43-13507, 43-13509, 43-13511. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, place of use (POU), points of diversion (POD), and period of use for a 1.75 cfs, 212.4 acre portion of irrigation water right 43-13452 which currently irrigates 329.4 acres within a 9204.0 acre permissible place of use located approximately 6.8 to 14.3 miles north and 2.5 to 8.4 miles east of Malta. The application proposes to change the nature of use and POU of these rights from irrigation during the irrigation season to year-round stockwater/commercial use at a CAFO located approximately 4.8 to 5.8 miles east and 7.5 to 8.5 miles north of Malta. The transfer proposes changing the POD for the converted portion from the currently authorized irrigation wells to eight wells to be associated with the CAFO facility. The transfer also proposes to add five existing points of diversion to the three currently authorized CAFO wells for the nineteen rights currently appurtenant to the CAFO. The twenty rights will allow for the total diversion of 4.61 cfs from eight authorized PODs for the CAFO facility.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81053

D. JAY HARPER and JEANETTE W HARPER, 1926 S 2350 E, MALTA, ID 83342; has filed Application No. 81053 for changes to the following water rights within CASSIA County(s): Right No(s) 43-13749, 43-13750, 43-13751, 43-13752, 43-13753, 43-13754, 43-13755, 43-13756, 43-13757, 43-13758, 43-13759, 43-13760, 43-13761, 43-13762. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing two ground water points of diversion located approximately 1.3 miles east and 5.0 miles south and 1.7 miles east and 5.4 miles south of Malta to two existing points of diversion located approximately 1.3 miles east and 4.0 miles south and 1.7 miles east and 4.5 miles south of Malta for three water rights used for the irrigation of 20 acres. In addition the application proposes to add an existing point of diversion for 11 rights from Raft River. The new authorized Raft River point of diversion is located approximately 1.2 miles east and 4.1 miles south of Malta. In total, the three ground water rights and 11 Raft River rights will allow for the diversion of up to 0.44 cfs for the irrigation of 20 acres.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81078

ARLO P LLOYD, 2227 ELBA ALMO RD, ELBA, ID 83342; has filed Application No. 81078 for changes to the following water rights within CASSIA County(s): Right No(s) 43-4132. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the place of use of a stockwater and irrigation right for 13.2 acres, from land located approximately 7.4 miles south and 9.3 miles west of Malta to land located approximately 7.1 miles south and 9.8 miles west of Malta. The existing point of diversion from Black Sand Hollow Creek, located approximately 7.95 miles south and 8.65 miles west of Malta will continue to divert 0.77 cfs of water for stockwater and the irrigation of 13.2 acres at the new place of use.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before September 6, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: August 18 and 25, 2016

✓ OK DM 9-1-2016

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED
AUG 22 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 81078

Water Right No(s): 43-4132

Transfer Applicant's Name: ARLO P LLOYD
2227 ELBA ALMO RD
ELBA, ID 83342

Water master's Recommendation:

- a) X I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 20 day of Aug., 2016

Water District No. 43C


Water master's Signature

Roger D. Musser
Printed Name