

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81222

This is to certify that: LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING, TX 75039

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>
45-2426	WR/DECREED	12/5/1952	3.500 cfs	960.0 af	240.0	462.0	GROUND WATER
45-2484	WR/DECREED	9/7/1954	0.100 cfs	24.0 af	6.0	462.0	GROUND WATER
45-2624	WR/DECREED	7/11/1960	3.610 cfs	864.0 af	216.0	462.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

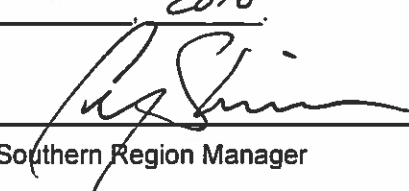
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-2426	NO	NO	NO	YES	NO	NO
45-2484	NO	NO	NO	YES	NO	NO
45-2624	NO	NO	NO	YES	NO	NO

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>
45-2426	45-2426	3.500 cfs	960.0 af	240.0	462.0	N/A	N/A	N/A	N/A	N/A
45-2484	45-2484	0.100 cfs	24.0 af	6.0	462.0	N/A	N/A	N/A	N/A	N/A
45-2624	45-2624	3.610 cfs	864.0 af	216.0	462.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.110 cfs	1848.0 af	462.0	462.0		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 10th day of November, 2016.


Southern Region Manager

SUPPORT DATA

Transfer No. 81222

IN FILE # 45-2426

WATER RIGHT NO. 45-2426**As Modified by Transfer No. 81222**

In accordance with the approval of Transfer No. 81222, Water Right No. 45-2426 is now described as follows:

Right Holder: LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING, TX 75039

Priority Date: 12/5/1952

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

3.500 cfs

3.500 cfs

Diversion Volume

960.0 af

960.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWSESW

Sec 11 Twp 12S Rge 22E CASSIA County

GROUND WATER

NWSWSW

Sec 11 Twp 12S Rge 22E CASSIA County

GROUND WATER

SWSWSW

Sec 11 Twp 12S Rge 22E 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	
12S	22E	11					40.0	39.0	39.0	38.0	38.0	39.0	36.0	35.0	40.0	40.0	39.0	39.0	462.0

Right Acre Limit: 240.0

POU Total Acres: 462.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 240 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2426, 45-2484 and 45-2624 when combined shall not exceed a total diversion rate of 7.11 cfs, a total annual maximum diversion volume of 1848 af at the field headgate, and the irrigation of 462 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 140.

Transfer No. 81222

WATER RIGHT NO. 45-2426

As Modified by Transfer No. 81222

CONDITIONS OF APPROVAL

6. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
7. Prior to the diversion and use of water under Transfer approval 81222, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
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. 45-2484
As Modified by Transfer No. 81222

In accordance with the approval of Transfer No. 81222, Water Right No. 45-2484 is now described as follows:

Right Holder: LCSC ENTERPRISES LLC
 433 E LAS COLINAS BLVD STE 1290
 IRVING, TX 75039

Priority Date: 9/7/1954

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From 03/15 **to** 11/15

Diversion Rate

0.100 cfs
 0.100 cfs

Diversion Volume

24.0 af
 24.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWSW	Sec 11 Twp 12S Rge 22E	CASSIA County
GROUND WATER	NWSWSW	Sec 11 Twp 12S Rge 22E	CASSIA County
GROUND WATER	SWSWSW	Sec 11 Twp 12S Rge 22E	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	
12S	22E	11					40.0	39.0	39.0	38.0	38.0	39.0	36.0	35.0	40.0	40.0	39.0	39.0	462.0

Right Acre Limit: 6.0

POU Total Acres: 462.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2426, 45-2484 and 45-2624 when combined shall not exceed a total diversion rate of 7.11 cfs, a total annual maximum diversion volume of 1848 af at the field headgate, and the irrigation of 462 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. 140.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 81222

WATER RIGHT NO. 45-2484
As Modified by Transfer No. 81222

CONDITIONS OF APPROVAL

6. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
7. Prior to the diversion and use of water under Transfer approval 81222, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
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. 45-2624**As Modified by Transfer No. 81222**

In accordance with the approval of Transfer No. 81222, Water Right No. 45-2624 is now described as follows:

Right Holder: LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING, TX 75039

Priority Date: 7/11/1960

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

3 610 cfs

3 610 cfs

Diversion Volume

864.0 af

864.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSESW	Sec 11 Twp 12S Rge 22E	CASSIA County
GROUND WATER	NWSWSW	Sec 11 Twp 12S Rge 22E	CASSIA County
GROUND WATER	SWSWSW	Sec 11 Twp 12S Rge 22E	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	
12S	22E	11					40.0	39.0	39.0	38.0	38.0	39.0	36.0	35.0	40.0	40.0	39.0	39.0	462.0

Right Acre Limit: 216.0

POU Total Acres: 462.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 216 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2426, 45-2484 and 45-2624 when combined shall not exceed a total diversion rate of 7.11 cfs, a total annual maximum diversion volume of 1848 af at the field headgate, and the irrigation of 462 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 140.

Transfer No. 81222

WATER RIGHT NO. 45-2624

As Modified by Transfer No. 81222

CONDITIONS OF APPROVAL

6. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 81222, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
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 # 81222
Rights 45-2426, 45-2484, and 45-2624

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.



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

0 0.175 0.35 0.7 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 10, 2016

LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING TX 75039

Re: Transfer No: 81222
Water Right No(s): 45-2426, 45-2484, 45-2624

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

BRIAN HIGGS WATER MASTER
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

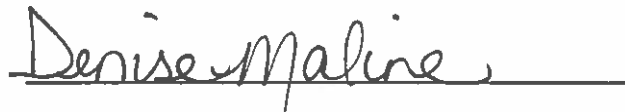
Re: Transfer No.: 81222

Water Right No(s): 45-2426, 45-2484, 45-2624

**LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING TX 75039**

**BRIAN HIGGS WATER MASTER
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318**

via e-mail

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

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

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

2 Insertions

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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81222**

LCSC ENTERPRISES LLC, 433 E LAS COLINAS BLVD STE 1290, IRVING, TX 75039; has filed Application No. 81222 for changes to the following water rights within CASSIA County(s): Right No(s). 45-2426, 45-2484, 45-2624; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well to three irrigation ground water rights (combined total 7.11 cfs) that currently utilize two existing wells as authorized points of diversion for the irrigation of 462 acres. The proposed well will be located approximately 9.9 miles north and 1.5 miles east of Oakley and is within 0.25 miles of the existing wells

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 October 24, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 6th & 13th, 2016

ORDER NUMBER 33488

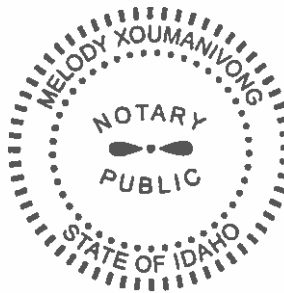
Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 13th day of October 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: 10/06/2016, 10/13/2016



RECEIVED

OCT 17 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

TOTAL AD COST: 87.57

FILED ON: 10/13/2016

✓ OK DM 10/24/2016

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Saturday, October 01, 2016 8:28 AM
To: Maline, Denise
Cc: Jaxon Higgs
Subject: Re: Comment Letter - Transfer 81222

Good morning Denise.

No comment on transfer #81222.

Thank you.

Brian

From: Maline, Denise
Sent: Friday, September 30, 2016 10:18 AM
To: Brian Higgs
Subject: Comment Letter - Transfer 81222

Good morning Brian,

Attached is a copy of Transfer #81222 for LCSC Enterprises, which is currently being processed. Please review the information and provide any necessary comments within 21 days.

Thank you in advance & have a great weekend,

Denise @ IDWR

*Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*