

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80598**

This is to certify that: **ALLAN WARD**
3626 E 3990 N
KIMBERLY, ID 83341

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>
45-14338	WR/DECREED	9/15/1971	0.210 cfs	93.2 af	26.6	27.9	GROUND WATER
45-14340	WR/DECREED	6/30/1985	0.010 cfs	N/A	1.3	27.9	GROUND WATER
45-14401	WR/DECREED	9/15/1971	8,190 cfs	3472.2 af	985.0	1035.5	GROUND WATER
45-14403	WR/DECREED	6/30/1985	0.300 cfs	N/A	50.5	1035.5	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>
45-14338	NO	YES	YES	NO	YES	YES
45-14340	NO	YES	YES	NO	YES	YES
45-14401	YES	YES	NO	NO	YES	YES
45-14403	YES	YES	NO	NO	YES	YES

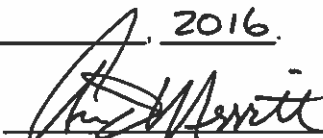
Summary Of Water Rights After the Approved Change

<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>
45-14338	45-14338	0.210 cfs	67.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
45-14340	45-14340	0.010 cfs	N/A	1.3	27.9	N/A	N/A	N/A	N/A	N/A
45-14401	45-14476	0.300 cfs	97.5 af	N/A	1.0	45-14401	7.890 cfs	3345.6 af	947.0	995.5
45-14403	45-14477	0.010 cfs	N/A	2.0	40.0	45-14403	0.290 cfs	N/A	48.5	995.5
COMBINED TOTALS		0.510 cfs	165.2 af	N/A	1.0		N/A	N/A	N/A	N/A

Rights 45-14340 and 45-14477 are relinquished through approval of Transfer # 80598

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 4th day of March, 2016.


Southern Region Manager

SUPPORT DATA

Transfer No. 80598

IN FILE # 45-14338

WATER RIGHT NO. 45-14338**As Modified by Transfer No. 80598**

In accordance with the approval of Transfer No. 80598, Water Right No. 45-14338 is now described as follows:

Right Holder: ALLAN WARD
3626 E 3990 N
KIMBERLY, ID 83341

Priority Date: 9/15/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	01/01	to 12/31	0.210 cfs	67.7 af
COMMERCIAL	01/01	to 12/31	0.210 cfs	67.7 af
			0.210 cfs	67.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 32 Twp 11S Rge 22E CASSIA 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	
11S	22E	32							X										

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	
11S	22E	32							X										

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 45-14338

As Modified by Transfer No. 80598

CONDITIONS OF APPROVAL

4. Prior to diversion and use of water under Transfer approval 80598, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. The right holder shall accomplish the change authorized by this transfer within five years 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 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.

WATER RIGHT NO. 45-14340

As Modified by Transfer No. 80598

In accordance with the approval of Transfer No. 80598, Water Right No. 45-14340 is now described as follows:

Right Holder: ALLAN WARD
3626 E 3990 N
KIMBERLY, ID 83341

Priority Date: 6/30/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.010 cfs
			0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENE	Sec 24 Twp 11S Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec 24 Twp 11S Rge 21E	CASSIA County
GROUND WATER	NENENE	Sec 30 Twp 11S Rge 22E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	32								27.9									27.9

Right Acre Limit: 1.3

POU Total Acres: 27.9

CONDITIONS OF APPROVAL

1. Right 45-14340 is relinquished through approval of Transfer # 80598.

WATER RIGHT NO. 45-14401**As Modified by Transfer No. 80598**

In accordance with the approval of Transfer No. 80598, Water Right No. 45-14401 is now described as follows:

Right Holder: LEROY JAROLIMEK And
PEGGY JAROLIMEK
605 S 600 W
BURLEY, ID 83318

Priority Date: 9/15/1971

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION
MITIGATION

From

03/15
03/15

To

to 11/15
to 11/15

Diversion Rate

7.440 cfs
0.450 cfs
7.890 cfs

Diversion Volume

3155.4 af
190.2 af
3345.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENE	Sec 24 Twp 11S Rge 21E	CASSIA County
GROUND WATER	NENESE	Sec 24 Twp 11S Rge 21E	CASSIA County
GROUND WATER	NENENE	Sec 30 Twp 11S Rge 22E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	21E	24				39.0									34.0			13.0	86.0
11S	22E	29					30.2	36.5	30.6	35.6	37.5	39.0	30.2	31.6					271.2
11S	22E	30	38.0	39.0	37.4	31.1	39.0	35.7	35.5	34.1	35.8	36.0	34.5	29.9	39.0	32.1	31.2	31.0	559.3
								L 1	L 2			L 3	L 4						
11S	22E	32					39.0	40.0											79.0

Right Acre Limit: 947.0

POU Total Acres: 995.5

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	29					X		X	X									
11S	22E	30			X	X				X	X			X		X	X		

CONDITIONS OF APPROVAL

- Right no. 45-14403 is an expansion of this right pursuant to section 42-1416B, Idaho Code.

Transfer No. 80598

WATER RIGHT NO. 45-14401
As Modified by Transfer No. 80598

CONDITIONS OF APPROVAL

2. Rights 45-14401 and 45-14403 are used for mitigation purposes for rights 45-14402 and 45-14404 under Transfer approval 77696 (approved 3/28/2012). Pursuant to Transfer approval 80598, the irrigation uses described under rights 45-14401 and 45-14403 when combined is limited to the following schedule of allowed use beginning on the date of approval of Transfer 80598. The right holder shall file a notice of intent with the Department prior to the increased use of water under rights 45-14401 and 45-14403 when the increase according to the schedule is sought.

Years 2016 through 2021 the diversion and use of water under rights 45-14401 and 45-14403 are limited to 7.44 cfs, 3155.4 afa, and 995.5 acres with right 45-14401 being limited to 7.44 cfs, 3155.4 afa, and 947 acres and right 45-14403 being limited to 0.00 cfs, 0.0 afa, and 48.5 acres. The undiverted combined mitigation use under rights 45-14401 and 45-14403 is 0.45 cfs, 190.2 afa, and 60.0 unirrigated acres.

Years 2022 and beyond the diversion and use of water under rights 45-14401 and 45-14403 are limited to 7.89 cfs, 3345.6 afa, and 1055.5 acres with right 45-14401 being limited to 7.89 cfs, 3345.6 afa, and 1004.1 acres and right 45-14403 being limited to 0.00 cfs, 0.0 afa, and 51.4 acres.

3. Right no. 45-14403 is also diverted through point of diversion described above.
4. 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.

WATER RIGHT NO. 45-14476**As Modified by Transfer No. 80598**

In accordance with the approval of Transfer No. 80598, Water Right No. 45-14476 is now described as follows:

Right Holder: ALLAN WARD
3626 E 3990 N
KIMBERLY, ID 83341

Priority Date: 9/15/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1/1	to 12/31	0.290 cfs	94.2 af
IRRIGATION	03/15	to 11/15	0.010 cfs	3.3 af
STOCKWATER	1/1	to 12/31	0.290 cfs	94.2 af
			0.300 cfs	97.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 32 Twp 11S Rge 22E CASSIA 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	
11S	22E	32							X										0.0

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	
11S	22E	32							1.0										1.0

POU Total Acres: 1.0

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	
11S	22E	32							X										0.0

CONDITIONS OF APPROVAL

- 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. 80598

WATER RIGHT NO. 45-14476

As Modified by Transfer No. 80598

CONDITIONS OF APPROVAL

2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Prior to diversion and use of water under Transfer approval 80598, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. The right holder shall accomplish the change authorized by this transfer within five years 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 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.

WATER RIGHT NO. 45-14403**As Modified by Transfer No. 80598**

In accordance with the approval of Transfer No. 80598, Water Right No. 45-14403 is now described as follows:

Right Holder: PEGGY JAROLIMEK
LEROY JAROLIMEK
605 S 600 W
BURLEY, ID 83318

Priority Date: 6/30/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.270 cfs
MITIGATION	03/15	to 11/15	0.020 cfs
			0.290 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENE	Sec 24 Twp 11S Rge 21E CASSIA County
GROUND WATER	NENESE	Sec 24 Twp 11S Rge 21E CASSIA County
GROUND WATER	NENENE	Sec 30 Twp 11S Rge 22E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	21E	24				39.0									34.0			13.0	86.0
11S	22E	29					30.2	36.5	30.6	35.6	37.5	39.0	30.2	31.6					271.2
11S	22E	30	38.0	39.0	37.4	31.1	39.0	35.7	35.5	34.1	35.8	36.0	34.5	29.9	39.0	32.1	31.2	31.0	559.3
								L 1	L 2			L 3	L 4						
11S	22E	32					39.0	40.0											79.0

Right Acre Limit: 48.5

POU Total Acres: 995.5

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	29					X		X	X									
11S	22E	30			X	X				X	X			X		X	X		

CONDITIONS OF APPROVAL

1. This right is an expansion of Right No. 45-14401 pursuant to Section 42-1416B, Idaho Code.

Transfer No. 80598

WATER RIGHT NO. 45-14403

As Modified by Transfer No. 80598

CONDITIONS OF APPROVAL

2. Rights 45-14401 and 45-14403 are used for mitigation purposes for rights 45-14402 and 45-14404 under Transfer approval 77696 (approved 3/28/2012). Pursuant to Transfer approval 80598, the irrigation uses described under rights 45-14401 and 45-14403 when combined is limited to the following schedule of allowed use beginning on the date of approval of Transfer 80598. The right holder shall file a notice of intent with the Department prior to the increased use of water under rights 45-14401 and 45-14403 when the increase according to the schedule is sought.

Years 2016 through 2021 the diversion and use of water under rights 45-14401 and 45-14403 are limited to 7.44 cfs, 3155.4 afa, and 995.5 acres with right 45-14401 being limited to 7.44 cfs, 3155.4 afa, and 947 acres and right 45-14403 being limited to 0.00 cfs, 0.0 afa, and 48.5 acres. The undiverted combined mitigation use under rights 45-14401 and 45-14403 is 0.45 cfs, 190.2 afa, and 60.0 unirrigated acres.

Years 2022 and beyond the diversion and use of water under rights 45-14401 and 45-14403 are limited to 7.89 cfs, 3345.6 afa, and 1055.5 acres with right 45-14401 being limited to 7.89 cfs, 3345.6 afa, and 1004.1 acres and right 45-14403 being limited to 0.00 cfs, 0.0 afa, and 51.4 acres.

3. 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.

WATER RIGHT NO. 45-14477

As Modified by Transfer No. 80598

In accordance with the approval of Transfer No. 80598, Water Right No. 45-14477 is now described as follows:

Right Holder: ALLAN WARD
3626 E 3990 N
KIMBERLY, ID 83341

Priority Date: 6/30/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.010 cfs
0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENESE	Sec 24 Twp 11S Rge 21E	CASSIA County
GROUND WATER	NESENE	Sec 24 Twp 11S Rge 21E	CASSIA County
GROUND WATER	NENENE	Sec 30 Twp 11S Rge 22E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	32							40.0										40.0

Right Acre Limit: 2.0

POU Total Acres: 40.0

CONDITIONS OF APPROVAL

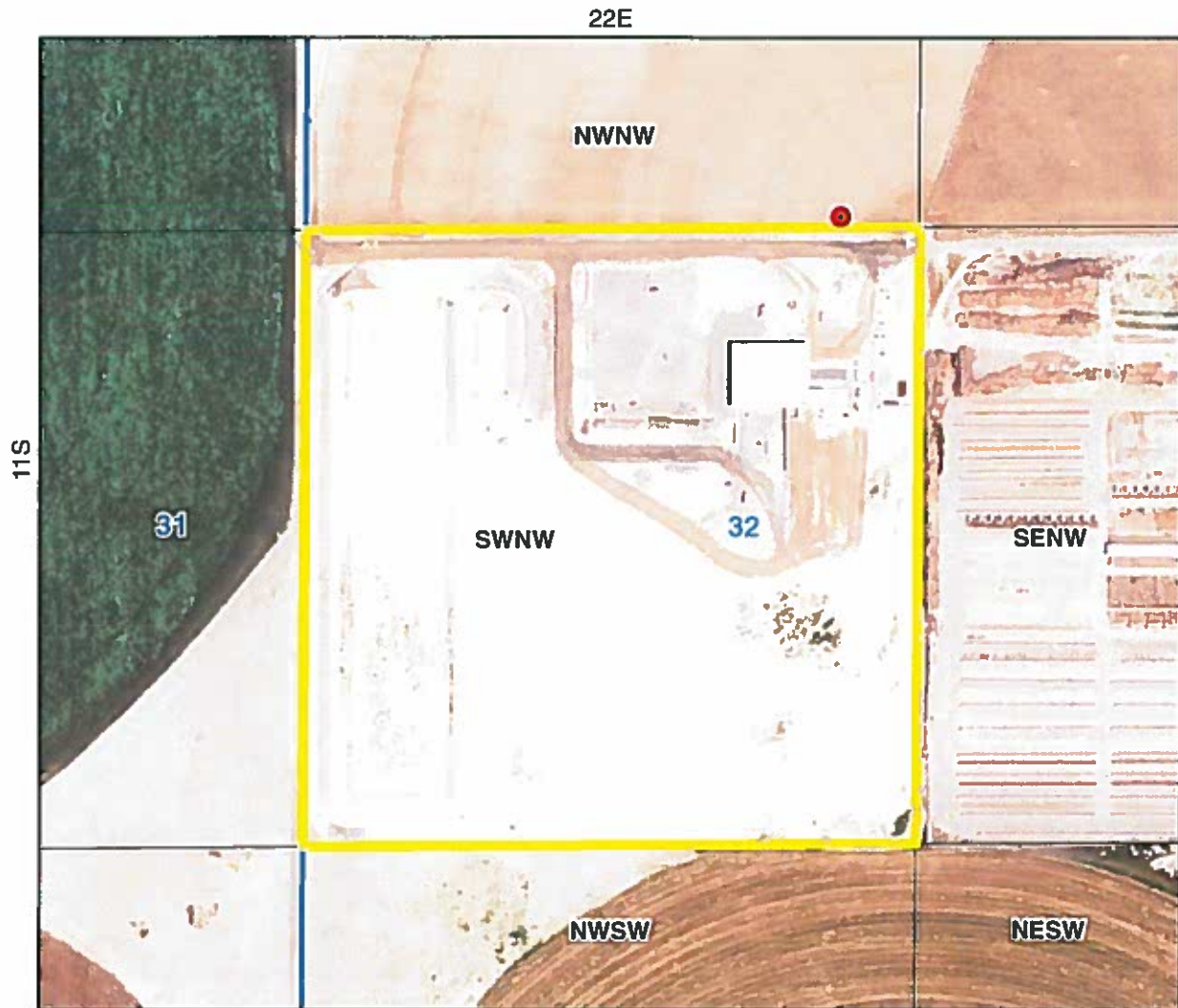
1. Right 45-14477 is relinquished through approval of Transfer # 80598.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 80598

Rights: 45-14338 and 45-14476

This map depicts the STOCKWATER and COMMERCIAL 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

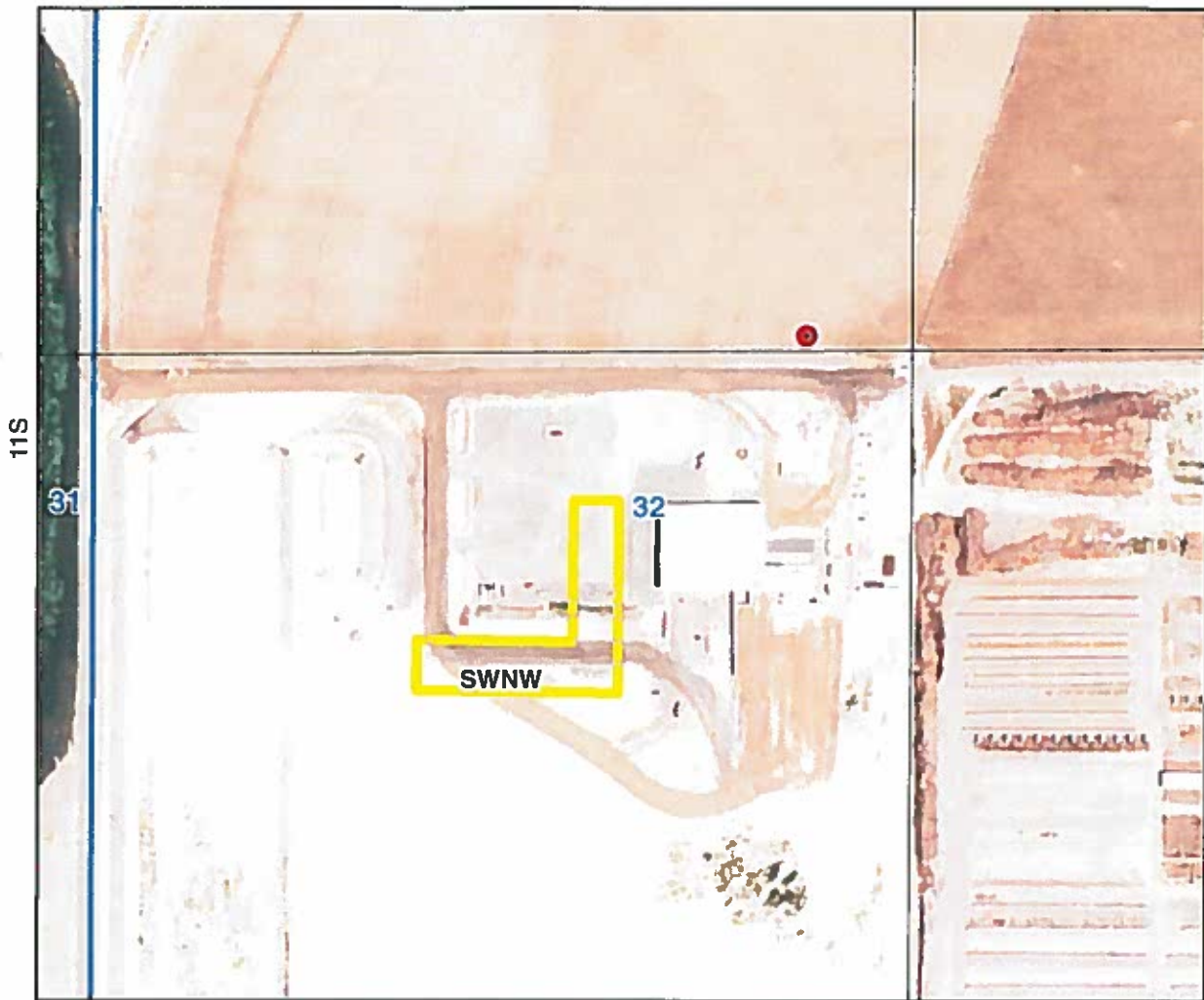
0 0.0475 0.095 0.19 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer No. 80598
45-14476

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

22E



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

0 0.035 0.07 0.14 Miles

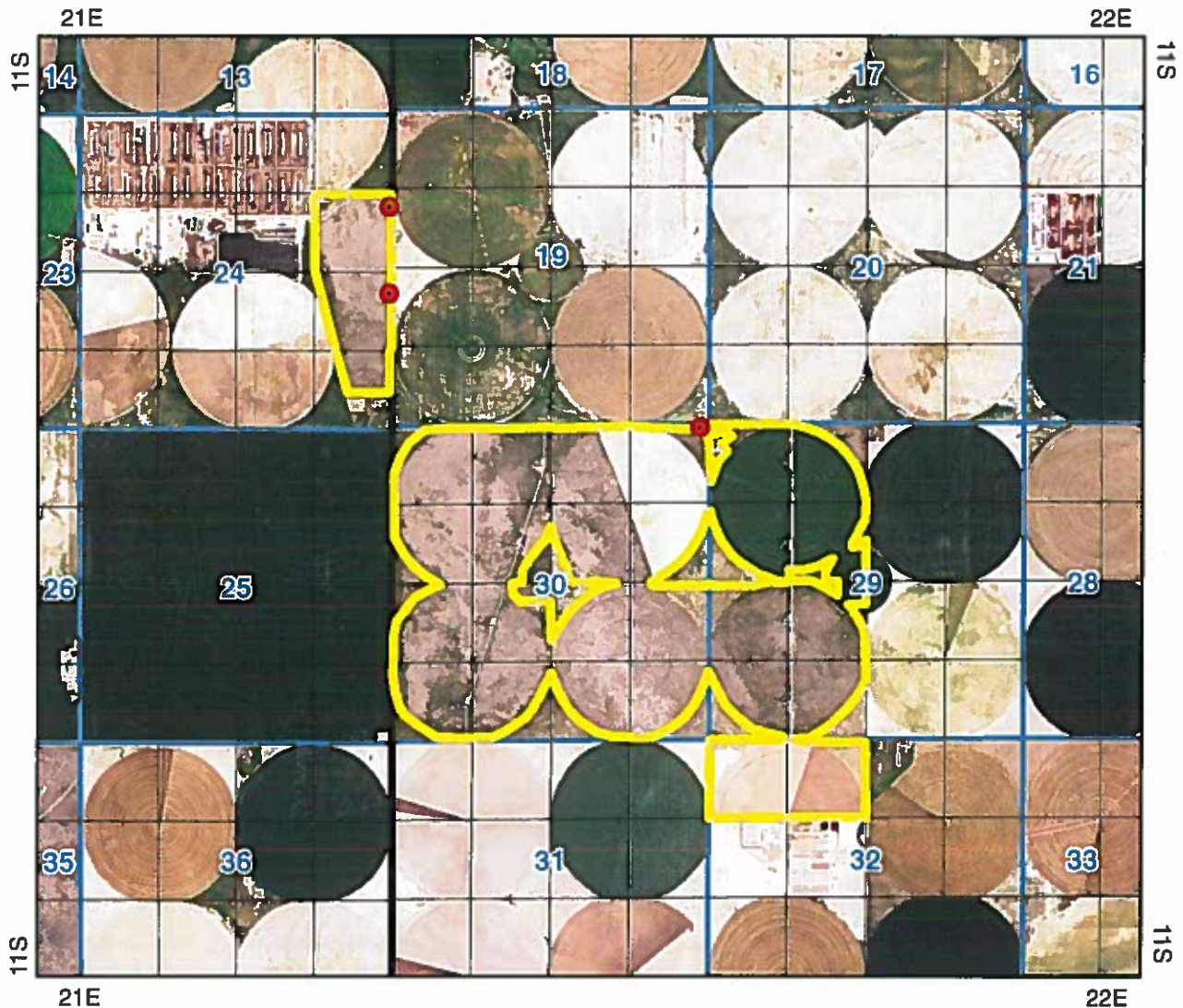


State of Idaho
Department of Water Resources

Attachment to Transfer No. 80598

Rights: 45-14401 and 45-14403

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



0 0.35 0.7 1.4 Miles

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

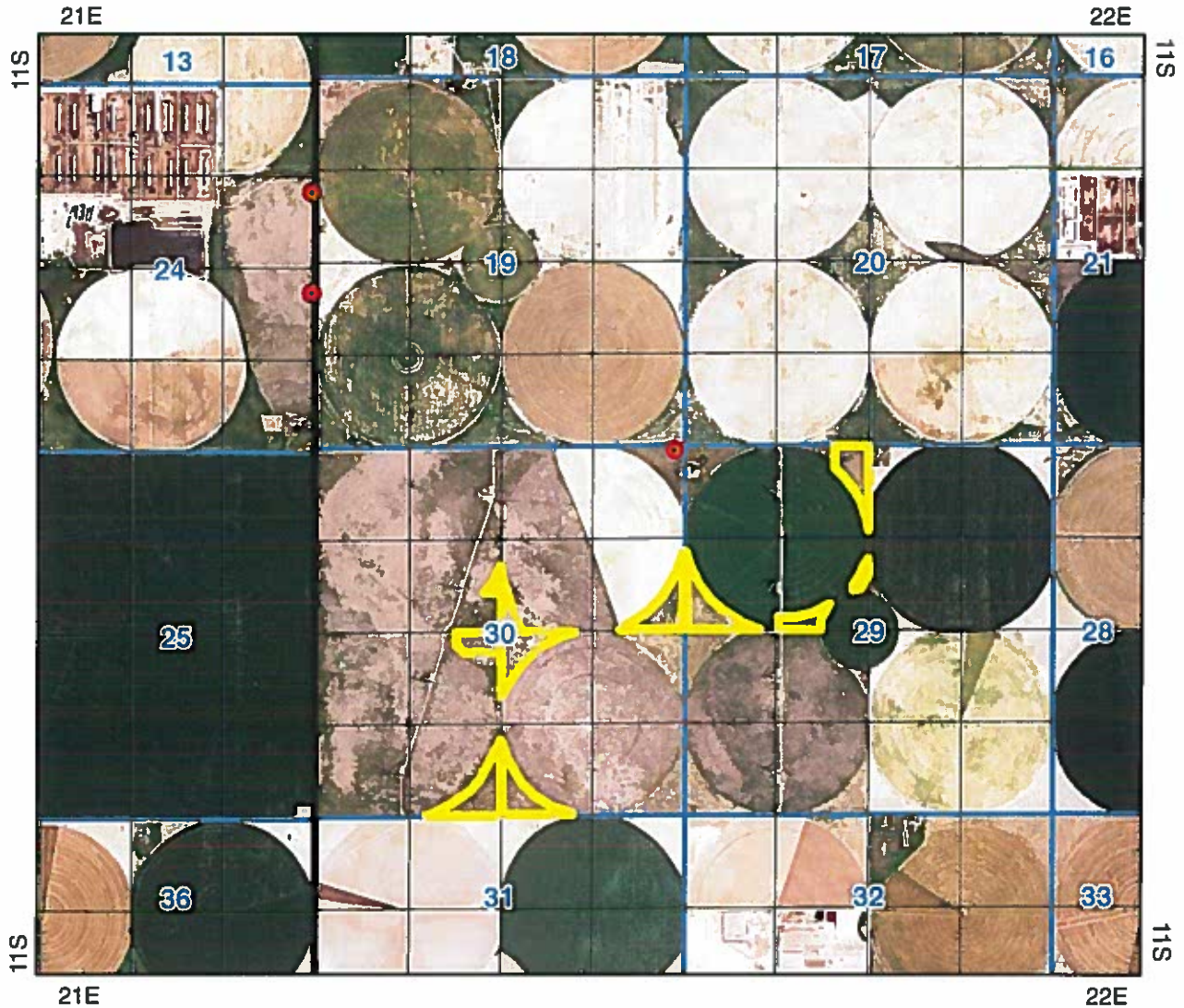


State of Idaho
Department of Water Resources

Attachment to Transfer No. 80598

Rights: 45-14401 and 45-14403

This map depicts the MITIGATION 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 0.3 0.6 1.2 Miles



3/4/2016

Page 1 of 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-14477

3/4/2016

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

3/4/2016

Priority Date: 6/30/1985
Basis: Deceased
Status: Abandoned

Page 1 of 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-14340

3/4/2016

Dates and Other Information

Decreed Date: 5/13/2005

State or Federal: S

Water District Number: 140

Mitigation Plan: False

Combined Use Limits

Rate

0.210

45-14338 ,45-14340

Volume

93.2

Acres

27.9

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 4, 2016

ALLAN WARD
3626 E 3990 N
KIMBERLY ID 83341

Re: Transfer No: 80598
Water Right No(s): 45-14338, 45-14340, 45-14401, 45-14403

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 "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

MATTHEW W THOMPSON
1993 TAMARACK LOOP
TWIN FALLS ID 83301

LEROY JAROLIMEK
PEGGY JAROLIMEK
605 S 600 W
BURLEY ID 83318

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

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80598

Water Right No(s): 45-14338, 45-14340, 45-14401, 45-14403

**ALLAN WARD
3626 E 3990 N
KIMBERLY ID 83341**

**MATTHEW W THOMPSON
1993 TAMARACK LOOP
TWIN FALLS ID 83301**

**LEROY JAROLIMEK
PEGGY JAROLIMEK
605 S 600 W
BURLEY ID 83318**

**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 horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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

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 16519

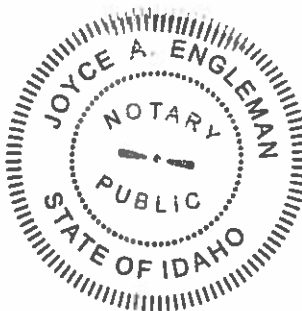
Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 28th day of Jan 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.

Joyce A. Engleman
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6/28/19

PUBLISHED ON: 01/21/2016, 01/28/2016



TOTAL AD COST: 224.34

FILED ON: 1/28/2016

NOTICE OF PROPOSED CHANGE OF WATER RIGHT ✓
TRANSFER NO. 79490

DAVID MARK HOBSON, 24 S 700 W, BURLEY, ID 83318, has filed Application No. 79490 for changes to the following water rights within CASSIA County(s): Right No(s): 45-14433, 45-14434, 45-14435. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 156.4 acre permissible place of use and adding a second point of diversion to three ground water rights. The transfer allows for the irrigation of 84.5 acres within the permissible place of use located approximately 6.0 to 6.5 mi. west and 1.3 to 1.8 mi. south of the intersection of Main and Overland in Burley. The transfer is adding an existing well on a neighboring farm located approximately 5.5 mi west and 1.25 mi south of the intersection of Main and Overland in Burley. The three water rights will allow for the diversion of up to 0.8 cfs from the two existing points of diversion.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT ✓
TRANSFER NO. 80562

EVARD LLC, 872 E PEBBLE DR, BURLEY, ID 83318, has filed Application No. 80562 for changes to the following water rights within CASSIA County(s): Right No(s): 43-13741. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes converting a 49 acre portion of an irrigation groundwater right to commercial and stockwater uses associated with a new dairy facility. The new dairy is being constructed on a farm located approximately 2.9 to 5.1 miles north and 21.1 to 23.0 east of the City of Declo. Six existing wells (one primary and five back up) will divert up to 0.58 cfs and 107.4 AF for the new dairy operation.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT ✓
TRANSFER NO. 80598

ALLAN WARD, 2844 ROCKY RD, BURLEY, ID 83318, has filed Application No. 80598 for changes to the following water rights within CASSIA County(s): Right No(s): 45-14338, 45-14340, 45-14401, 45-14403. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 0.51 cfs portion of two groundwater irrigation rights to stockwater and commercial uses associated with a proposed beef abattoir (slaughterhouse). The two rights currently authorize the irrigation of 64.6 acres on a farm located approximately 7.65 to 7.9 miles south and 5.5 to 6.0 miles west of the center of Burley. The proposed abattoir will be located on the farm and the transferred portions of the two groundwater rights will be diverted from a new well to be drilled at the farm site to provide water for the facility.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT ✓
TRANSFER NO. 80620

FRED HAWKER, 361 W 400 S, BURLEY, ID 83318, has filed Application No. 80620 for changes to the following water rights within CASSIA County(s): Right No(s): 45-256B, 45-284A, 45-286A. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding a new point of diversion to three surface water rights that allow for the diversion of up to 5.77 cfs of water from Howell Creek. The new proposed point of diversion is located approximately 0.3 miles upstream from a currently authorized point of diversion on Howell Creek and will provide additional elevation for an existing irrigation gravity flow system. The new proposed point of diversion will be located approximately 3.5 miles south and 1.5 miles east of Albion.

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 February 8, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: January 21 and 28, 2016

✓ OK DM 2/4/2016

RECEIVED

FEB 04 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION



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

January 28, 2016

ALLAN WARD
3626 E 3990 N
KIMBERLY, ID 83341

RE: Transfer 80598
Water Right No(s). 45-14338, 45-14340, 45-14401, 45-14403

Dear Mr. Ward:

IDWR recently sent correspondence to you, related to your application for transfer which is currently being processed. This letter was returned by the Post Office due to an incorrect address on the transfer application. The letter, dated January 13th, is enclosed for your reference.

Please note that your address has now been updated to the address above, per a Change of Ownership on a separate matter, received earlier this month. Your pending application for transfer has been updated accordingly as well.

Please feel free to contact our office if you have any questions regarding this information.

Sincerely,

Denise Maline
Administrative Assistant
Southern Region

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5851

Return Services Requested

RECEIVED

JAN 27 2016

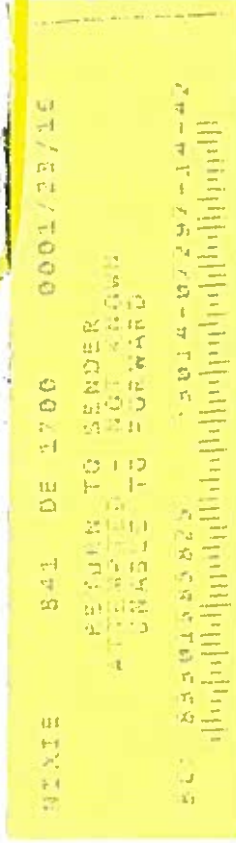
DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer 80598
45-14338, etc.

Advertising Acknowledgement
letter → sent again 1/28/2016

*Hasn't lived here
for 4 yrs!*

ALLAN WARD
2844 ROCKY RD
BURLEY, ID 83318-3332



Current → 3626 E 3990 N
Kimberly, Id 83341

for change of ownership completed 1/20/2016



Contact Information

Last Name WARD
First name ALLAN
Street Address 3626 E 3990 N
City KIMBERLY
State ID
ZIP 83341
Mobile Phone (208)431-2116
Date Changed 1/20/2016
User Name tfawcett
Reason Change of Address
Location see 47-17107

Close

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 16519

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	224.34
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	224.34
Fax			
Section	Legals	Start/End Dates	01/21/2016 - 01/28/2016
SubSection		Insertions	2
Category	50 Legal	Size	148
Ad Key	16519-1	Salesperson(s)	Ruby Aufderheide
Keywords	Hobson, Evard, Ward, Hawker	Taken By	Ruby Aufderheide
Notes			

Ad Proof

**Proof of legal notice received
from Times News January 14, 2016
(4 total pages)**

dm

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GARY SPACKMAN, Director

PUBLISH: January 21 and 28, 2016

✓ OK DM 1/14/2016

E-mail sent to
newspaper.

Customer Ad Proof

#Error

Publication	Online		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	224.34
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	224.34
Fax			
Section	Legals	Start/End Dates	01/21/2016 - 01/28/2016
SubSection		Insertions	2
Category	50 Legal	Size	148
Ad Key	16519-1	Salesperson(s)	Ruby Aufderheide
Keywords	Hobson, Evard, Ward, Hawker	Taken By	Ruby Aufderheide
Notes			

Ad Proof



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