

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80339**

This is to certify that: **WESTERN MORTGAGE & REALTY CO**
PO BOX 3110
PASCO, WA 99302-3110

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>
36-13320	WR/DECREED	9/8/1962	0.110 cfs	26.9 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

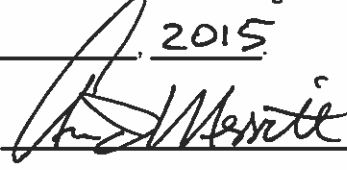
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-13320	NO	YES	YES	YES	NO	YES

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>
36-13320	36-13320	0.110 cfs	26.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.110 cfs	26.9 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of October, 2015


Southern Region Manager

WATER RIGHT NO. 36-13320**As Modified by Transfer No. 80339**

In accordance with the approval of Transfer No. 80339, Water Right No. 36-13320 is now described as follows:

Right Holder: WESTERN MORTGAGE & REALTY CO
PO BOX 3110
PASCO, WA 99302-3110

Priority Date: 9/8/1962

Source: GROUND WATER

BENEFICIAL USE

STOCKWATER
COMMERCIAL

From

1/01
01/01

to

To

12/31
to 12/31

Diversion Rate

0.110 cfs
0.110 cfs
0.110 cfs

Diversion Volume

26.9 af
26.9 af
26.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SENW
SENW

Sec 14 Twp 07S Rge 23E MINIDOKA County
Sec 14 Twp 07S Rge 23E MINIDOKA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	23E	14		X	X		X	X	X	X									0
																			0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	23E	14		X	X		X	X	X	X									

CONDITIONS OF APPROVAL

1. 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. 130.
2. Prior to diversion and use of water under Transfer approval 80339, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

Transfer No. 80339

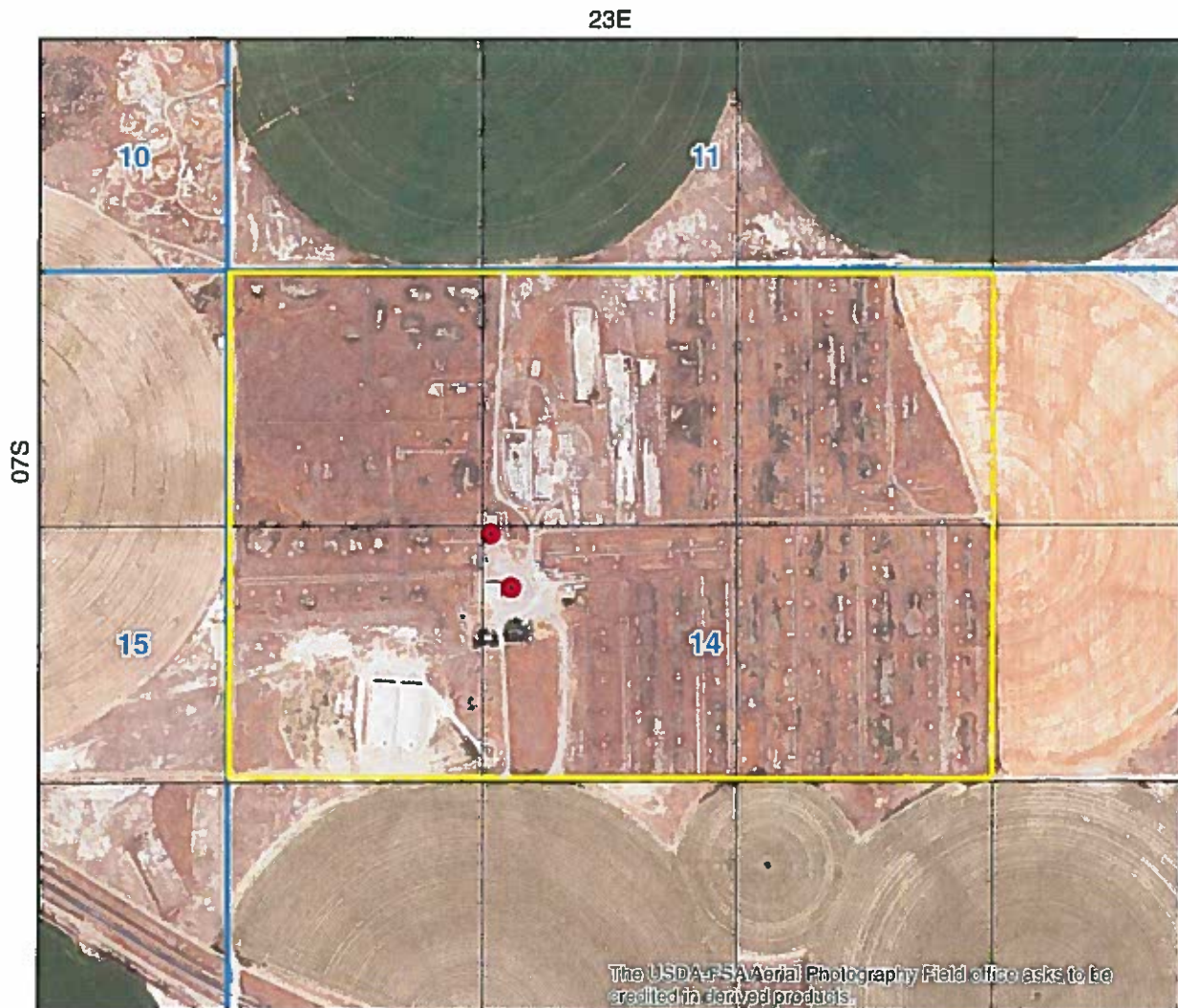
WATER RIGHT NO. 36-13320
As Modified by Transfer No. 80339

CONDITIONS OF APPROVAL

3. 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.
4. 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 diversion(s).
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. 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.
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 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.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 80339
36-13320

This map depicts the STOCKWATER & 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
- Quarter Quarters

0 0.1 0.2 0.4 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

October 29, 2015

WESTERN MORTGAGE & REALTY CO
PO BOX 3110
PASCO WA 99302-3110

Re: Transfer No: 80339
Water Right No(s): 36-13320

Re: Transfer No: 80474
Water Right No(s): 36-13319

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", with a stylized flourish at the end.

Allen Merritt
Southern Regional Manager

Enclosure

cc:

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

NATHAN ERICKSON WATERMASTER
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80339
Water Right No(s): 36-13320

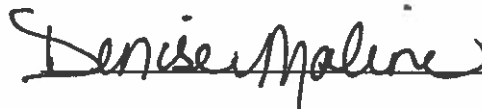
Re: Transfer No: 80474
Water Right No(s): 36-13319

WESTERN MORTGAGE & REALTY CO
PO BOX 3110
PASCO WA 99302-3110

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

NATHAN ERICKSON WATERMASTER
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

Via hand-delivery

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

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer File # 80339

FROM: Corey Skinner

DATE: October 27, 2015

SUBJECT: Proposed Sale of Property and Split of System

Transfer # 80339 proposes changing the point of diversion (and adding a point of diversion), changing the place of use, and adding commercial use to right 36-13320. These changes are made to reflect how right 36-13320 has actually been used for several years. During the final regional processing of transfer # 80339, Greg Sullivan (the consultant who prepared the application) informed the Department that there was a pending sale of a portion of the property which will result in a split of the system and water right 36-13320. It is anticipated that the north well described by Transfer # 80339 will be conveyed via the sale to the buyer and that the south well will be retained by Western Mortgage & Realty Co. (the current owner of right 36-13320 and the transfer # 80339 applicant). Mr. Sullivan indicated that he anticipated that a notice of change of water right ownership would be filed with IDWR after transfer # 80339 is approved.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: T# 80339
Water Right No: 36-13320
Applicant Name: Western Mortgage & Realty CO.

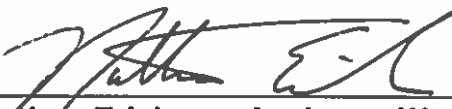
Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

This water right will be required to have a measuring device. Although the flow rate and volume fall under the standard measurement amount, the proposed transfer adds an additional use that cannot be quantified without measurement. Please make sure the appropriate condition is added to the water right.

Dated: September 25, 2015

Water District 130



Nathan Erickson, Assistant Watermaster

*** Proof of Publication ***

RECEIVED

SEP 21 2015

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

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

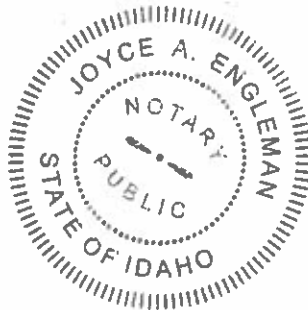
ORDER NUMBER 8077

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 10th day of Sept in the year of 2015 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: 09/03/2015, 09/10/2015

TOTAL AD COST: 323.28
FILED ON: 9/10/2015

✓ OK AM 9-22-2015

The following application(s) have been filed to appropriate the public waters of the State of Idaho

47-17639
TWIN FALLS SCHOOL DISTRICT #411
201 MAIN AVE W
TWIN FALLS, ID 83301-6103
Point of Diversion NESESW S28 T10S R17E TWIN FALLS County Source GROUND WATER Tributary
Use: COOLING 01/01 to 12/31 0.38 CFS
Use: HEATING 01/01 to 12/31 0.38 CFS
Total Diversion: 0.38 CFS
Date Filed: 7/2/2015
Place Of Use: HEATING, COOLING
T10S R17E S28 SESW
The application seeks to appropriate 0.379 cfs of groundwater for heating and cooling uses associated with the new South Hills Middle School to be built north of East 3600 North Rd. and 0.43 miles east of Washington St. South, on the south side of Twin Falls. A new well will be drilled at the site and water will be diverted, used, and reinjected at the site.

47-17645
CITY OF TWIN FALLS
TROY VITEK
324 HANSEN ST E
TWIN FALLS, ID 83301
Point of Diversion NESW S33 T09S R17E TWIN FALLS County Source GROUND WATER Tributary
Use: INDUSTRIAL 01/01 to 12/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 8/13/2015
Place Of Use: INDUSTRIAL
T09S R17E S33 NESW
Application for permit seeks to divert 0.06 cfs for industrial use from a new well in the Snake River Canyon located 0.6 mile west and 0.4 mile north of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. Water will be used for industrial purposes in an odor control facility for the City of Twin Falls wastewater collection system and then discharged to the Snake River.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80315

OAK VALLEY LAND CO LLC, 468 S 800 W, BURLEY, ID 83318; has filed Application No. 80315 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14307, 45-14309, 45-14311. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes drilling a new well for commercial and stockwater uses at a new dairy facility located approximately 5.4 to 6.0 mi. south and 6.0 to 6.5 mi. west of the Overland and Main St. intersection in Burley. The new well and two existing wells will divert up to 1.61 cfs and 337.4 AF for uses associated with the new dairy.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80339

WESTERN MORTGAGE & REALTY CO, PO BOX 3110, PASCO, WA 99302-3110; has filed Application No. 80339 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-13320. The purpose of the transfer is to change a portion of the above rights as follows: The application proposes adding commercial use as a beneficial use to an existing 0.11 cfs stock water right, moving the existing point of diversion to an existing well in an adjacent 40 acre tract (approximately 800 feet away), adding an existing well as a second point of diversion in the previously mentioned 40 acre tract, and changing the place of use to adjacent lands to reflect actual locations of use on property located approximately 13.5 miles north and 3.5 miles west of Rupert.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80346**

✓
SAND SPRINGS LP, PO BOX 8, DUNDEE IL 60118, has filed Application No. 80346 for changes to the following water rights within GOODING County(s). Right No(s) 36-15159, 36-16858, 36-2016, 36-7136, 36-7163, 36-7452, 36-7453. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 1556.6 acre permissible place of use for a water right that allows for the diversion of 3.30 cfs from springs tributary to Sand Springs Creek, two water rights that allow for the diversion of 2.84 cfs from Sand Springs Creek, and four water rights that allow for the diversion of 10.63 cfs of groundwater. The proposed permissible place of use is located on property approximately 3.2 to 4.7 miles south and 4.9 to 7.3 miles west of the center of Wendell. The application also proposes to add the existing point of diversion from Sand Springs Creek as an authorized point of diversion for the water right that currently allows for the diversion of water from springs tributary to Sand Springs Creek. This added point of diversion is located downstream of where the springs flow into Sand Springs Creek. The application proposes using up to 16.77 cfs from the various rights sources to irrigate up to 1,013.0 acres within the proposed 1556.6 acre permissible place of use.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/Wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 21, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 3rd & 10th, 2015

✓ OK DM 9-22-2015