

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80043**

This is to certify that: **WICKEL LAND COMPANY, LLP**
PO BOX 219
DECLO, ID 83323

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>
45-2329B	WR/DECREED	9/30/1950	0.080 cfs	28.0 af	N/A	7.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

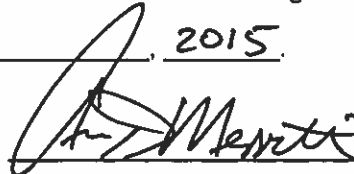
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-2329B	NO	YES	YES	NO	NO	NO

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>
45-2329B	45-2329B	0.080 cfs	28.0 af	7.0	1081.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.080 cfs	28.0 af	7.0	1081.0		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 15th day of September, 2015.



Southern Region Manager

WATER RIGHT NO. 45-2329B**As Modified by Transfer No. 80043**

In accordance with the approval of Transfer No. 80043, Water Right No. 45-2329B is now described as follows:

Right Holder: WICKEL LAND COMPANY, LLP
PO BOX 219
DECLO, ID 83323

Priority Date: 9/30/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.080 cfs	28.0 af
			0.080 cfs	28.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNE	Sec 20 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SWNE	Sec 30 Twp 10S Rge 25E	CASSIA County
GROUND WATER	SWNE	Sec 30 Twp 10S Rge 25E	CASSIA County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 10S Rge 25E	CASSIA County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 10S 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	
10S	25E	19													40.0	40.0	29.7	40.0	149.7
10S	25E	20	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.4	40.0	40.0	31.1	20.2	610.7
10S	25E	29					38.0	37.4	29.5	16.2									121.1
10S	25E	30	38.8	40.0	22.5	32.7	40.0	19.4		6.1									199.5

Right Acre Limit: 7.0

POU Total Acres: 1081.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 7.0 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2329B is limited to the irrigation of a specific 7.0 acres within the 1,081.0 place of use authorized by this right in a single irrigation season. The specific 7.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 7.0 acres to be irrigated within the 1081.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

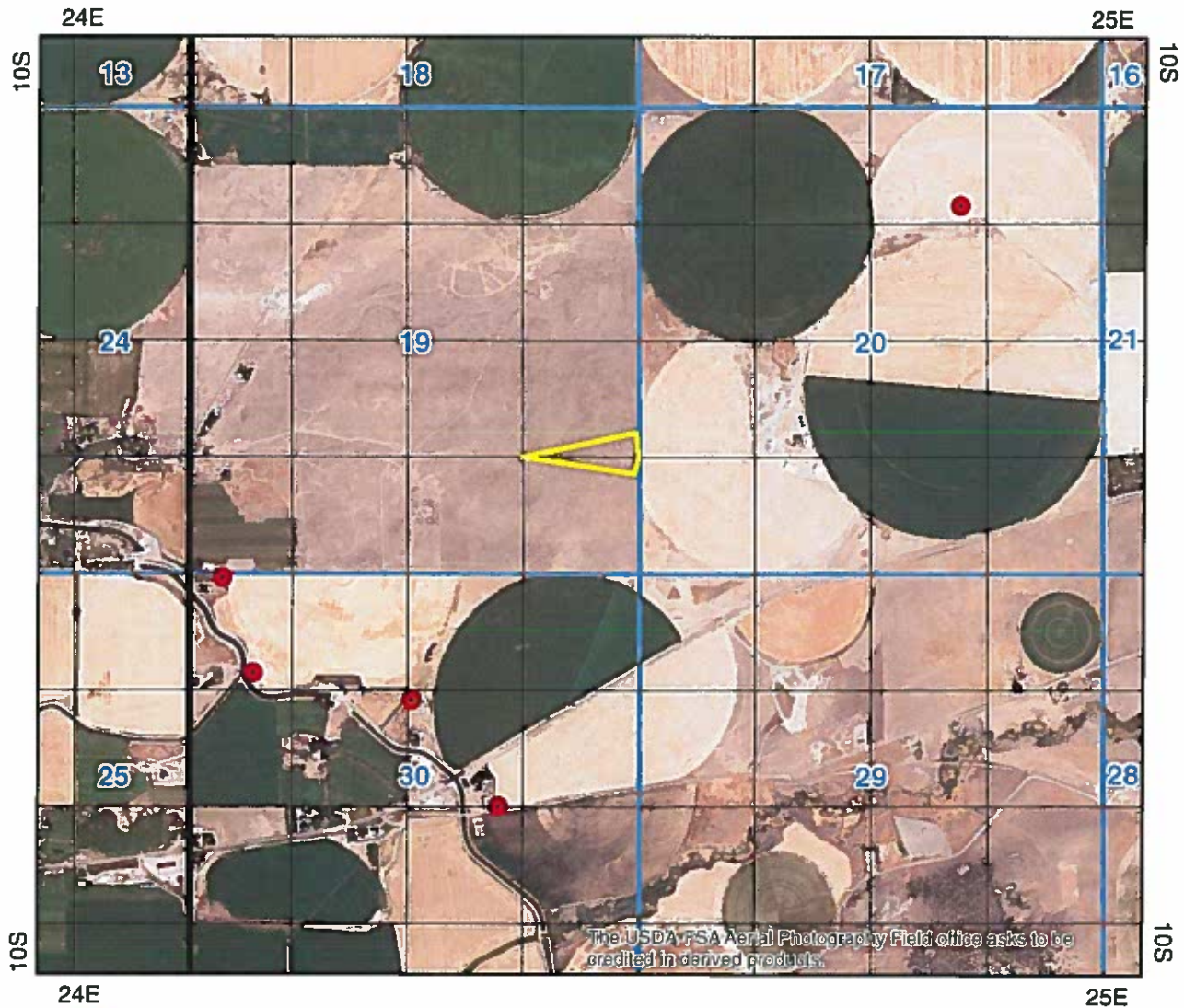
WATER RIGHT NO. 45-2329B
As Modified by Transfer No. 80043

CONDITIONS OF APPROVAL

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. 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).
6. Prior to the diversion and use of water under Transfer approval 80043, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 80043
Right: 45-2329B

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.



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

0 0.25 0.5 1 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

September 16, 2015

WICKEL LAND COMPANY LLP
PO BOX 219
DECLO ID 83323

Re: Transfer No: 80043
Water Right No(s): 45-2329B

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

BRIAN HIGGS WATERMASTER
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80043
Water Right No(s): 45-2329B

WICKEL LAND COMPANY LLP
PO BOX 219
DECLO ID 83323

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

BRIAN HIGGS WATERMASTER (*via e-mail*)
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above 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.

*** Proof of Publication ***

RECEIVED

SEP 10 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 6629

Ruby Aufderheide
(Legal's Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 4th 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: 6/6/19

PUBLISHED ON: 08/20/2015, 08/27/2015

TOTAL AD COST: 128.31

FILED ON: 9/4/2015

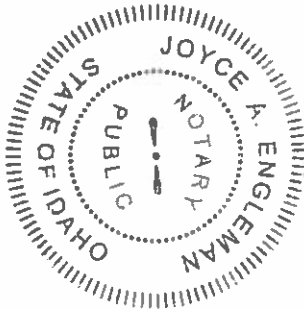
NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80041

IDAHO WATER CO LLC, 1135 VALLEY RD S, EDEN, ID 83325, has filed Application No. 80041 for changes to the following water rights within JEROME County(s): Right No(s): 36-2117, 36-2594. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 5.4 acre (0.11 cfs) portion of two ground water irrigation rights currently used on a farm located approximately 5.0 miles south of Hazelton to a farm located approximately 0.3 to 2.0 miles north and 2.5 to 4.0 miles east of Declo. The transferred rights (0.11 cfs) will be diverted from five existing wells and used to irrigate 5.4 acres within a proposed 1081 acre permissible place of use on the farm northeast of Declo.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80043

WICKEL LAND COMPANY, LLP, PO BOX 219, DECLO, ID 83323; has filed Application No. 80043 for changes to the following water rights within CASSIA County(s): Right No(s): 45-2329B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 7.0 acre (0.08 cfs) ground water irrigation right currently used on a farm located approximately 4.0 miles north and 2.5 miles east of Declo to a farm located approximately 0.3 to 2.0 miles north and 2.5 to 4.0 miles east of Declo. The transferred right (0.08 cfs) will be diverted from five existing wells and used to irrigate 7.0 acres within a proposed 1081 acre permissible place of use on the farm northeast of Declo.

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 the proposed transfers, please see www.idwr.idaho.gov/ppsr/veryNewTransfers/veryNewTransfers.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 8, 2015. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
PUBLISH: August 20 and 27, 2015



✓ SK DM 9/10/2015

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Friday, August 14, 2015 11:47 AM
To: Maline, Denise
Subject: Re: Comment Letters for transfer 80041 & 80043

Hi Denise.

No comment on either of these transfers.

Thank you.

Brian

From: [Maline, Denise](#)
Sent: Thursday, August 13, 2015 1:28 PM
To: [Brian Higgs](#)
Subject: Comment Letters for transfer 80041 & 80043

Brian,

Attached is a cover letter, recommendation forms and copies of applications for transfer 80041 (Idaho Water Co) & 80043 (Wickel Land Co). Please review the information and provide any necessary comments within 21 days. Please feel free to contact our office if you have any questions regarding this information.

Thank you in advance,

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