

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79773**

This is to certify that: **SALMON FALLS FARM LLC**
160904 JUANITA DR NE STE 269
KENMORE, WA 98028

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>
47-17187	WR/DECREED	11/30/1960	8.480 cfs	N/A	N/A	749.2	SALMON FALLS CREEK
47-7075A	WR/DECREED	7/23/1969	3.020 cfs	604.0 af	151.0	757.0	SALMON FALLS CREEK
47-7136A	WR/DECREED	2/1/1972	2.000 cfs	640.0 af	160.0	757.0	SALMON FALLS CREEK

Purpose of Transfer (Changes Proposed)

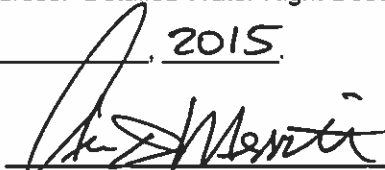
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-17187	NO	NO	YES	NO	NO	NO
47-7075A	NO	NO	YES	NO	NO	NO
47-7136A	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-17187	47-17187	8.480 cfs	N/A	439.2	749.2	N/A	N/A	N/A	N/A	N/A
47-7075A	47-7075A	3.020 cfs	604.0 af	151.0	749.2	N/A	N/A	N/A	N/A	N/A
47-7136A	47-7136A	2.000 cfs	640.0 af	160.0	749.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.490 cfs	N/A	749.2	749.2		N/A	N/A	N/A	N/A

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

Dated this 14th day of August, 2015.


Southern Region Manager

SUPPORT DATA

Transfer No. 79773

IN FILE # 47-7075A

WATER RIGHT NO. 47-17187
As Modified by Transfer No. 79773

In accordance with the approval of Transfer No. 79773, Water Right No. 47-17187 is now described as follows:

Right Holder: SALMON FALLS FARM LLC
 160904 JUANITA DR NE STE 269
 KENMORE, WA 98028

Priority Date: 11/30/1960

Source: SALMON FALLS CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 8.480 cfs
 8.480 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON FALLS CREEK NENW Sec 26 Twp 09S Rge 13E TWIN FALLS 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	
09S	13E	22	13.1		36.0	40.0			40.0	40.0	40.0				36.0	38.0		28.0	311.1
09S	13E	23					8.8	13.1	40.0	21.2		35.0							118.1
09S	13E	27					40	40	40	40	40	40	40	40					320

Right Acre Limit: 439.2

POU Total Acres: 749.2

CONDITIONS OF APPROVAL

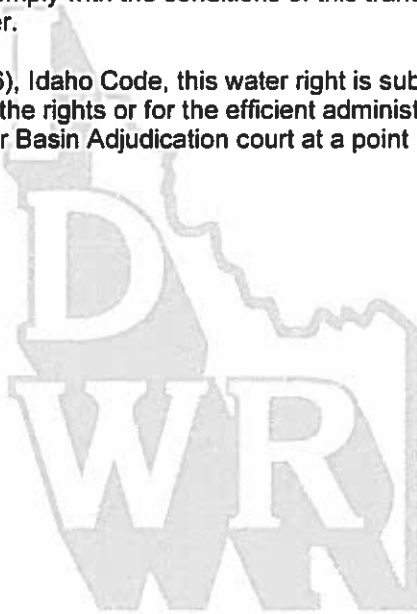
1. This right is limited to the irrigation of 439.2 acres within the authorized place of use in a single irrigation season.
2. Rights 47-7136A, 47-7075A and 47-17187 when combined shall not exceed a total diversion rate of 11.49 cfs and the irrigation of 749.2 acres.
3. Use of water under this right 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.47G.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.

Transfer No. 79773

WATER RIGHT NO. 47-17187
As Modified by Transfer No. 79773

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
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.



WATER RIGHT NO. 47-7075A
As Modified by Transfer No. 79773

In accordance with the approval of Transfer No. 79773, Water Right No. 47-7075A is now described as follows:

Right Holder: SALMON FALLS FARM LLC
 160904 JUANITA DR NE STE 269
 KENMORE, WA 98028

Priority Date: 7/23/1969

Source: SALMON FALLS CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	3.020 cfs	604.0 af
			3.020 cfs	604.0 af

LOCATION OF POINT(S) OF DIVERSION

SALMON FALLS CREEK NENW Sec 26 Twp 09S Rge 13E TWIN FALLS 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	
09S	13E	22	13.1		36.0	40.0			40.0	40.0	40.0				36.0	38.0		28.0	311.1
09S	13E	23					8.8	13.1	40.0	21.2		35.0							118.1
09S	13E	27					40	40	40	40	40	40	40	40					320

Right Acre Limit: 151.0

POU Total Acres: 749.2

CONDITIONS OF APPROVAL

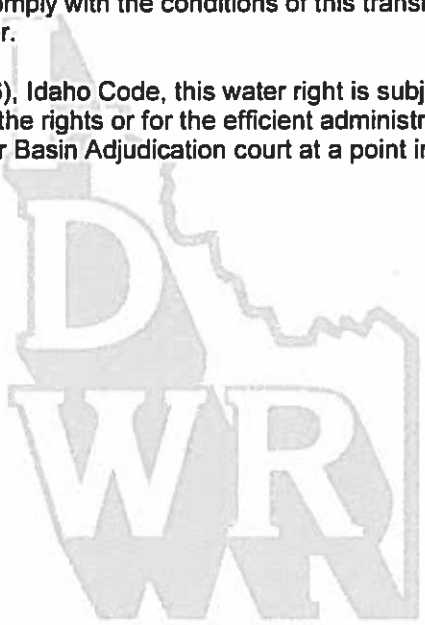
1. This right is limited to the irrigation of 151 acres within the authorized place of use in a single irrigation season.
2. Rights 47-7136A, 47-7075A and 47-17187 when combined shall not exceed a total diversion rate of 11.49 cfs and the irrigation of 749.2 acres.
3. Use of water under this right will 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.47G.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.

Transfer No. 79773

WATER RIGHT NO. 47-7075A
As Modified by Transfer No. 79773

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
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.



WATER RIGHT NO. 47-7136A
As Modified by Transfer No. 79773

In accordance with the approval of Transfer No. 79773, Water Right No. 47-7136A is now described as follows:

Right Holder: SALMON FALLS FARM LLC
 160904 JUANITA DR NE STE 269
 KENMORE, WA 98028

Priority Date: 2/1/1972

Source: SALMON FALLS CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	2.000 cfs	640.0 af
			2.000 cfs	640.0 af

LOCATION OF POINT(S) OF DIVERSION

SALMON FALLS CREEK NENW Sec 26 Twp 09S Rge 13E TWIN FALLS 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	
09S	13E	22	13.1		36.0	40.0			40.0	40.0	40.0				36.0	38.0		28.0	311.1
09S	13E	23					8.8	13.1	40.0	21.2		35.0							118.1
09S	13E	27					40	40	40	40	40	40	40	40					320

Right Acre Limit: 160.0

POU Total Acres: 749.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 47-7136A, 47-7075A and 47-17187 when combined shall not exceed a total diversion rate of 11.49 cfs and the irrigation of 749.2 acres.
3. 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. 47G.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.

Transfer No. 79773

WATER RIGHT NO. 47-7136A
As Modified by Transfer No. 79773

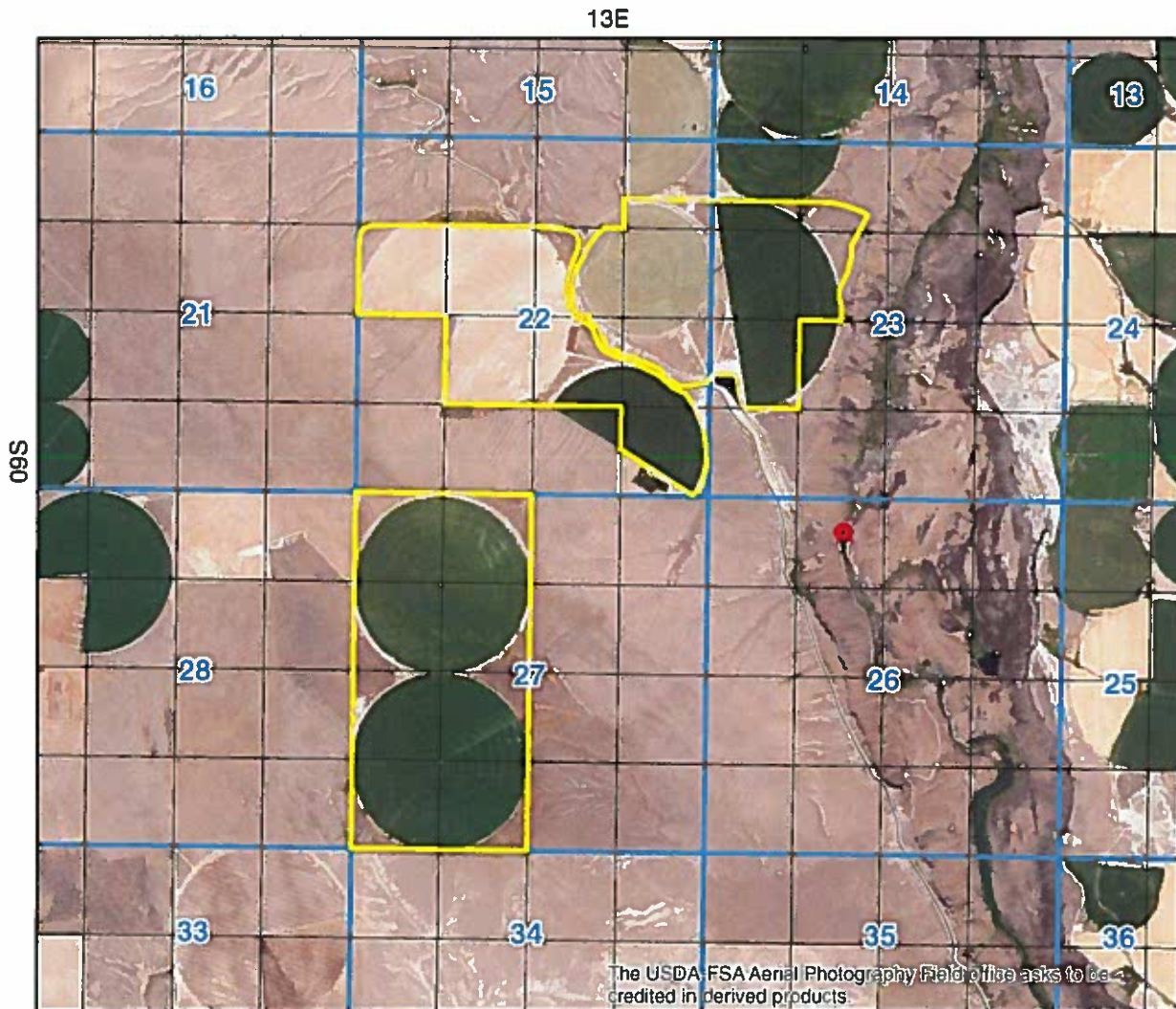
CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
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. 79773
Rights: 47-7075A, 47-7136A and 47-17187

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 0.325 0.65 1.3 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

August 14, 2015

SALMON FALLS FARM LLC
160904 JUANITA DR NE STE 269
KENMORE WA 98028

Re: Transfer No: 79773
Water Right No(s): 47-7075A, 47-7136A, 47-17187

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 distinct "M".

Allen Merritt
Southern Regional Manager

Enclosure

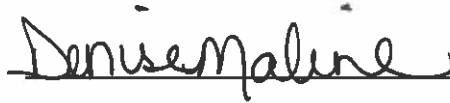
CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79773

Water Right No(s): 47-7075A, 47-7136A, 47-17187

**SALMON FALLS FARM LLC
160904 JUANITA DR NE STE 269
KENMORE WA 98028**

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

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 14, 2015

CHARLES RUNYON WATERMASTER
WATER DISTRICT # 47G
716B E 4900 N
BUHL, ID 83316

Re: **APPROVED** Transfer No. 79773 (Salmon Falls Farm LLC)

Dear Mr. Runyon:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

MEMORANDUM

TO: Transfer # 79773 File

FROM: Corey Skinner

DATE: August 13, 2015

SUBJECT: Combined Use Limit on Part 2As of Application

This transfer was originally data entered and drafted while an ownership change/split of right 47-17187 was occurring. The right had been split and amounts adjusted accordingly but at the time the transfer was data entered and drafted the conditions had not yet been updated as part of the ownership change processing. The conditions should have read when rights 47-17187, 47-7075A, and 47-7136A are combined they are limited to 11.49 cfs rather than the 11.64 cfs as reflected on the Part 2As of the application. As of this date, prior to approval of transfer # 79773, the IDWR water right records in the database reflect a correct combined use limit of 11.49 cfs.

MEMORANDUM

Date: August 13, 2015
To: Transfer 79773
From: James Bitzenburg
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Transfer only changes the POU of contiguous ground on the farm.