

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80116**

This is to certify that: PKD PROPERTIES LC
TLD PROPERTIES LLC
1404 E 500 N
JACKSON, ID 83350

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>
45-7182	WR/DECREED	7/22/1974	6.400 cfs	1280.0 af	N/A	320.0	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>
45-7182	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-7182	45-7182	6.400 cfs	1280.0 af	N/A	320.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.400 cfs	1280.0 af	N/A	320.0		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 14th day of July, 2015.


Southern Region Manager

WATER RIGHT NO. 45-7182**As Modified by Transfer No. 80116**

In accordance with the approval of Transfer No. 80116, Water Right No. 45-7182 is now described as follows:

Right Holder: PKD PROPERTIES LC And
TLD PROPERTIES LLC
1404 E 500 N
JACKSON, ID 83350

Priority Date: 7/22/1974

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

3/15

to

To

11/15

Diversion Rate

6.400 cfs

6.400 cfs

Diversion Volume

1280.0 af

1280.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENENE

Sec 19 Twp 12S Rge 21E CASSIA County

GROUND WATER

SWSWSE

Sec 19 Twp 12S Rge 21E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	19	40.0	39.0	39.0	40.0											3.0		161.0
12S	21E	20					39.0	40.0	40.0	40.0									159.0

POU Total Acres: 320.0

CONDITIONS OF APPROVAL

1. 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.
2. Rights 45-7062, 45-7063, and 45-7182 when combined shall not exceed a total diversion rate of 11.19 cfs.
3. Rights 45-2608B, 45-14100, 45-14101, 45-7062, 45-7063, 45-7086B, 45-7179, 45-7182, 45-13543, and 45-13544 when combined shall not exceed a total diversion rate of 26.43 cfs.
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.

WATER RIGHT NO. 45-7182

As Modified by Transfer No. 80116

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 80116, 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.
6. 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.
7. 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.
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. 80116
45-7182

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 0.175 0.35 0.7 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 15, 2015

PKD PROPERTIES LC
TLD PROPERTIES LLC
1404 E 500 N
JACKSON ID 83350

Re: Transfer No: 80116
Water Right No(s): 45-7182

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 July 15, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80116
Water Right No(s): 45-7182

PKD PROPERTIES LC
TLD PROPERTIES LLC
1404 E 500 N
JACKSON ID 83350

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

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Maline, Denise

From: Maline, Denise
Sent: Wednesday, July 15, 2015 8:54 AM
To: Brian Higgs (WD 140)
Subject: Approved Transfer 80092 & 80116
Attachments: Transfer 80116 PKD & TLD.pdf; Transfer 80092 Fed Agribusiness.pdf

Hi Brian,

For your information and records, attached is a copy of an approved Application(s) for Transfer within your district. If you have any questions, please contact this office, or the applicant.

Have a good day,

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*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 15, 2015

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

Via e-mail

Re: **APPROVED Transfer No. 80092 (Fed Agribusiness / Tugaw Ranches)**

Re: **APPROVED Transfer No. 80116 (PKD Properties LC / TLD Properties LLC)**

Dear Mr. Higgs:

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure

*** Proof of Publication ***

RECEIVED

JUL 02 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

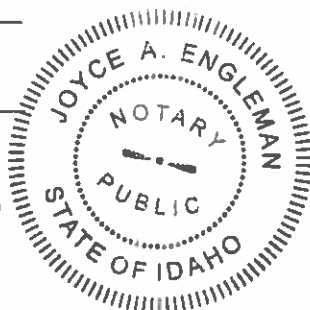
ORDER NUMBER 1982

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 25th day of June 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 6/8/19
My Commission expires: 6/8/19



PUBLISHED ON: 06/18/2015, 06/25/2015

TOTAL AD COST: 471.69

FILED ON: 6/25/2015

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

1-10631

FAULKNER BROTHERS HYDRO INC 1997 S 1875 E GOODING, ID 83330. Point of Diversion L5(SWNW) S28 T10S R21E JEROME County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: POWER

04/01 to 10/31 50 CFS

Total Diversion: 50 CFS

Date Filed: 1/12/2015

Place Of Use: POWER

T05S R12E S34 NWNW

Application authorizes existing hydroelectric generating capacity and does not propose increase or modification of existing system of diversion, conveyance or use under terms of present agreements. Published in Times News, Idaho Statesman, Post Register & Lewiston Tribune.

37-22920

FAULKNER BROTHERS HYDRO INC 1997 S 1875 E GOODING, ID 83330

Point of Diversion SESW S22 T05S R14E GOODING County

Source BIG WOOD RIVER Tributary MALAD RIVER

Point of Diversion SWNE S6 T06S R15E GOODING County

Source LITTLE WOOD RIVER Tributary MALAD RIVER

Point of Diversion L5(SWNW) S28 T10S R21E JEROME County

Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: POWER 04/01 to 10/31 50 CFS

Use: POWER 11/01 to 03/31 35 CFS

Total Diversion: 50 CFS

Date Filed: 1/12/2015

Place Of Use: POWER

T05S R12E S34 NWNW

Application authorizes existing hydroelectric generating capacity and does not propose increase or modification of existing system of diversion, conveyance or use under terms of present agreements. Published in Times News, Idaho Statesman, Post Register & Lewiston Tribune.

37-22926

BLACK CANYON BLISS LLC

615 E 300 N RUPERT, ID 83350

Point of Diversion L7(ENE) S18 T06S R13E GOODING County

Source UNNAMED STREAM Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 3/5/2015

Place Of Use: POWER

T06S R13E S18 L7(NENE) L7(NWNE)

Application is for an existing small power generating facility.

✓ OK DM 7/6/2015

✓ 45-14470

ALBION HERITAGE GROUP LLC

214 WATER TOWER CIR ALBION, ID 83311

Point of Diversion SWNWNE S12 T12S R24E CASSIA County

Source MARSH CREEK Tributary SNAKE RIVER

Use: DIVERSION TO STORAGE 11/01 to 03/31 2 CFS

Use: GROUND WATER RECHARGE FROM STORAGE 01/01 to 12/31 200 AF

Use: GROUND WATER RECHARGE STORAGE 01/01 to 12/31 200 AF

Total Diversion: 2 CFS

Date Filed: 5/18/2015

Place Of Use: GROUND WATER RECHARGE STORAGE,

GROUND WATER RECHARGE FROM STORAGE

T12S R25E S6 L4(NWNW)

Application filed to divert up to 2.0 cfs of water from Marsh Creek from 11/1 to 3/31 at a point located approximately 1.0 mile south and 0.8 mile west of Albion for Groundwater Recharge Storage and Groundwater Recharge from Storage Uses associated with two ponds to be excavated near the northwest edge of Albion.

✓ 47-17637

JEFF HINES

1926 TEAL LN BOISE, ID 83706

Point of Diversion SWNWSE S30 T08S R14E TWIN FALLS

County Source SALMON FALLS CREEK Tributary SNAKE RIVER

Use: DOMESTIC 01/01 to 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 6/4/2015

Place Of Use: DOMESTIC

T08S R14E S30 NWSE

Application for permit proposes the diversion of 0.12 cfs from Salmon Falls Creek for domestic use to allow for domestic irrigation on three separate parcels to augment current domestic water right 45-7520 which provides each parcel domestic in-house use only. Point of Diversion and place of use are located approximately 2 miles east and 7.8 miles south of the city center of Hagerman.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80092

✓ **FED AGRIBUSINESS LLC and TUGAW RANCHES LLC, 568**

W 1650 S, OAKLEY, ID 83346; has filed Application No. 80092

for changes to the following water rights within CASSIA, TWIN

FALLS County(s): Right No(s). 45-10158, 45-10164, 45-12757,

45-2057, 45-2283, 45-2321, 45-2322, 45-2338, 45-2374,

45-2380, 45-2381, 45-2384, 45-2575, 45-2589, 45-2596,

45-2626, 45-2715, 45-4212, 45-4239, 45-7156, 45-7201,

45-7456. The purpose of the transfer is to change a portion of

the above rights as follows: Application proposes changing the

authorized point of diversion locations for three ground water

irrigation rights that authorize the total diversion of 4.24 cfs from

two wells on a farm located approximately 8.5 to 9.0 miles north

and 7.0 to 8.0 miles west of Oakley. The transfer will identify

three existing wells on a nearby farm located approximately 9.0

to 10.0 miles north and 8.85 to 9.3 miles west of Oakley as

authorized points of diversion for the three ground water

irrigation rights. The transfer will also change the place of use

of 22 rights by creating a 3,101 acre permissible place of use

consisting of lands owned by Fed Agribusiness LLC and Tugaw

Ranches LLC. In total, the 22 rights will divert up to 44.58 cfs

from groundwater, Mountain Meadow Creek, Robber Gulch

Creek, and Buckhorn Creek sources for irrigation of up to 3,101

acres.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80116

✓ **PKD PROPERTIES LC and TLD PROPERTIES LLC, 1404 E**

500 N, JACKSON, ID 83350; has filed Application No. 80116

for changes to the following water rights within CASSIA

County(s). Right No(s). 45-7182. The purpose of the transfer is

to change a portion of the above rights as follows: Application

proposes to change a 317 acre portion of the place of use of a

groundwater irrigation right from a farm located approximately

10.0 to 10.5 miles north and 7.5 to 8.5 miles west of Oakley to a

farm located approximately 8.5 to 9.0 miles north and 7.0 to 8.0

miles west of Oakley. The application proposes to continue to

use an existing well located approximately 8.0 miles north and

8.0 miles west of Oakley and to add another existing well

located approximately 8.75 miles north and 7.5 miles west of

Oakley to divert up to 6.4 cfs for irrigation use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80137

✓ **EVARD LLC, 872 E PEBBLE DR, BURLEY, ID 83318; has filed**

Application No. 80137 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: Application proposes adding a new well to be drilled as

an authorized point of diversion for an irrigation groundwater

right appurtenant to a farm located approximately 17.75 to 19.5

miles north and 7.9 to 9.9 miles east of Malta. Three existing

irrigation wells and the new well to be drilled (all located on the

farm) will be utilized to divert up to 17.02 cfs for the irrigation of

1437.0 acres on the farm. Published in Times News, Idaho

Statesman, Post Register & Lewiston Tribune.

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](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx)

/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx For

additional information on new permits, please see [www.idwr.idaho.gov](http://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 July 6, 2015. The protestant must

also send a copy of the protest to the applicant. GARY

SPACKMAN, Director

Published on June 18th & 25th, 2015

✓ OK DM 7/6/2015

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Monday, June 15, 2015 9:13 AM
To: Maline, Denise
Subject: Re: Comment Letters for transfers 80092 & 80116

Hi Denise.

No comment on transfers 80092 and 80116.

Thank you.

Brian

From: [Maline, Denise](#)
Sent: Thursday, June 11, 2015 3:28 PM
To: [Brian Higgs](#)
Subject: Comment Letters for transfers 80092 & 80116

Hi Brian,

Attached is a cover letter, recommendation forms and copy of applications for transfer 80092 & 80116. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

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