

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79965**

This is to certify that: **N RANCH LLC**
3497 E 3000N
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>
47-2333	WR/DECREED	3/29/1960	1.200 cfs	N/A	125.0	60.0	MC MULLEN CREEK

Purpose of Transfer (Changes Proposed)

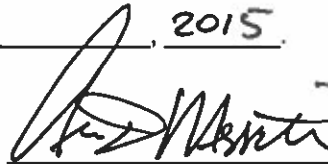
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-2333	NO	NO	YES	YES	NO	NO

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>
47-2333	47-2333	1.200 cfs	N/A	N/A	60.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.200 cfs	N/A	N/A	60.0		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 11th day of June, 2015.



Southern Region Manager

WATER RIGHT NO. 47-2333

As Modified by Transfer No. 79965

In accordance with the approval of Transfer No. 79965, Water Right No. 47-2333 is now described as follows:

Right Holder: N RANCH LLC
3497 E 3000N
KIMBERLY, ID 83341

Priority Date: 3/29/1960

Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.200 cfs
			1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

MC MULLEN CREEK	NENWNE	Sec 32 Twp 11S Rge 18E	TWIN FALLS County
MC MULLEN CREEK	SWSE	Sec 32 Twp 11S Rge 18E	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	
11S	18E	32	35.0	10.0	5.0	10.0													60.0

POU Total Acres: 60.0

CONDITIONS OF APPROVAL

1. Use of this right is combined with water from Twin Falls Canal Co.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 79965

WATER RIGHT NO. 47-2333

As Modified by Transfer No. 79965

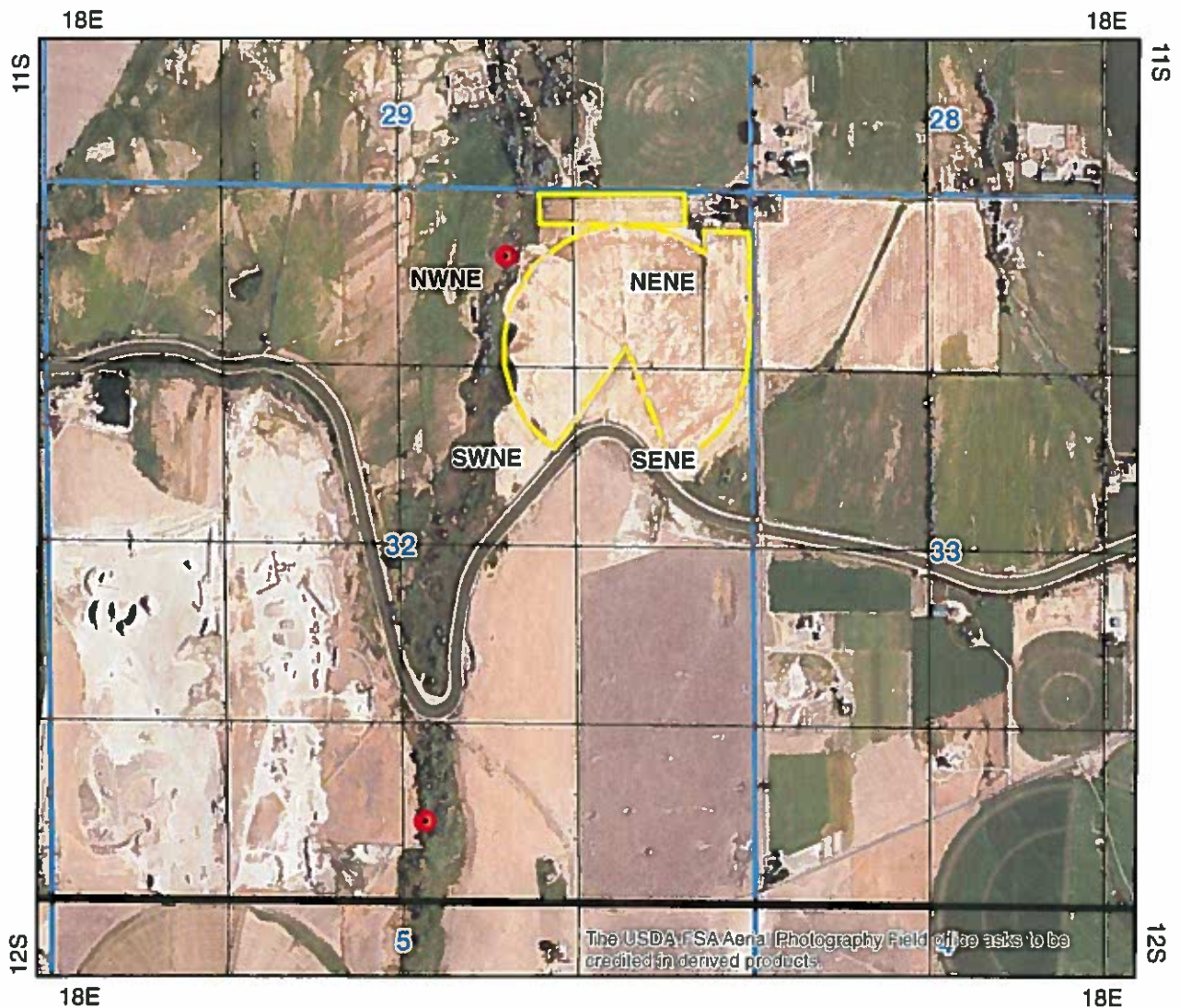
CONDITIONS OF APPROVAL

7. 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. 79965
47-2333

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 0.15 0.3 0.6 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

June 11, 2015

N RANCH LLC
JAMEY KINSEY
3497 E 3000 N
KIMBERLY ID 83341

Re: Transfer No: 79965
Water Right No(s): 47-2333

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

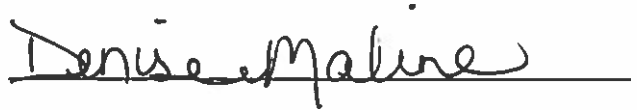
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79965
Water Right No(s): 47-2333**

**N RANCH LLC
JAMEY KINSEY
3497 E 3000 N
KIMBERLY ID 83341**

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.

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

RECEIVED
JUN 01 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

I, Janet Cranney, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 21st day of May, 2015 and ending with the issue dated 28th day of May, 2015

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Janet Cranney
Janet Cranney, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 28th day of May, 2015, before me.

Joyce Engleman

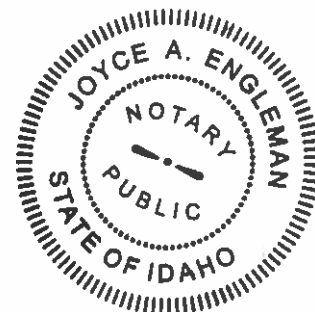
a Notary Public, personally appeared Janet Cranney,

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce A. Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho

My commission expires: 6/28/19



✓ OK DM 6/8/2015

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79965**

N RANCH LLC, 3497 E 3000N, KIMBERLY, ID 83341; has filed Application No. 79965 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-2333. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to change the place of use of a water right that allows for the diversion of 1.2 cfs of water from Mc Mullen Creek, north of the High Line Canal, for the irrigation of 60 acres. The proposed change in place of use consists of moving water from lands west of Mc Mullen Creek to a new place of use on lands east of Mc Mullen Creek, north of the Highline Canal, approximately 0.0 to 0.4 miles west and 7.0 to 7.4 miles south of the center of Kimberly. The application also proposes to describe an existing ditch diversion from Mc Mullen Creek as an additional point of diversion. This additional point of diversion is located on the west side of Mc Mullen Creek approximately 700 feet south of the High Line Canal and delivers water to the new place of use.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80039**

BOOTJACK LIMITED PARTNERSHIP, PO BOX 856, SHOSHONE, ID 83352; has filed Application No. 80039 for changes to the following water rights within LINCOLN County (s): Right No(s). 37-10146, 37-20396, 37-8361. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to add existing wells as authorized points of diversion and to modify the places of use of three water rights associated with a CAFO located along the west side of Highway 75 approximately 4.75 to 5.25 miles north of Shoshone. The changes proposed to the records will reflect the current operation of the CAFO facility. In total, three existing interconnected wells will be used to divert up to 0.15 cfs and 40.9 afa of water for the facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80058**

MATHERS RANCH INC, 3485 E 3100 N, KIMBERLY, ID 83341; has filed Application No. 80058 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-16397. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to modify a water right that currently authorizes the diversion of up to 0.96 cfs of water from Mc Mullen Creek or Cottonwood Creek for irrigation of 48 acres and stockwater use on land located approximately 7.25 to 7.6 miles south and 2.4 to 2.7 miles west of the center of Kimberly. The application will change a 36.3 acre portion of the right to groundwater recharge storage and groundwater recharge from storage uses to be associated with a reservoir located approximately 7.35 to 7.6 miles south and 2.65 to 2.9 miles west of the center of Kimberly. The application will also change a 3.4 acre portion of the right to wildlife storage use to be associated with a pond located on the Cottonwood Creek channel located approximately 7.7 miles south and 2.5 miles west of the center of Kimberly. The application will also transfer 1.0 acre of irrigation use to a new location near Mc Mullen Creek approximately 9.3 miles south and 0.4 miles west of the center of Kimberly. The application will also more accurately describe the actual locations of stockwater use on the applicant's land from the conveyance ditches from Mc Mullen Creek and Cottonwood Creek and describe the locations of injection and redirection of Mc Mullen Creek water into and from the Cottonwood Creek channel. After the proposed transfer, the water right will allow for 50.8 acre-feet of groundwater recharge storage and groundwater recharge from storage uses, 4.8 acre-feet of wildlife storage use, the continued stockwater use, and a total of 8.3 acres of irrigation (transferred one acre portion to land near Mc Mullen Creek and remaining 7.3 acres at the currently authorized place of use).

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 June 8, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on May 21st & 28th, 2015

✓ OK DM
6/8/2015