

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79700**

This is to certify that: IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN, ID 83325

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>
36-2117	WR/DECREED	4/14/1951	1.970 cfs	592.4 af	148.1	499.1	GROUND WATER
36-2594	WR/DECREED	10/29/1964	0.990 cfs	N/A	148.1	499.1	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
36-7639	WR/DECREED	8/24/1976	1.450 cfs	336.0 af	84.0	486.1	GROUND WATER
36-2153B	WR/DECREED	11/27/1951	2.750 cfs	620.0 af	155.0	486.1	GROUND WATER
36-8147	WR/LICENSE	3/1/1983	1.600 cfs	320.0 af	80.0	486.1	GROUND WATER
36-8289	WR/LICENSE	6/26/1985	0.040 cfs	8.0 af	2.0	486.1	GROUND WATER
36-16947	WR/DECREED	8/24/1976	0.520 cfs	120.0 af	30.0	486.1	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>
36-2117	YES	YES	YES	NO	NO	NO
36-2594	YES	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>
36-2117	45-14467	0.170 cfs	52.0 af	13.0	1081.0	36-2117	1.800 cfs	540.4 af	135.1	486.1
36-2594	45-14468	0.090 cfs	N/A	13.0	1081.0	36-2594	0.900 cfs	N/A	135.1	486.1
COMBINED TOTALS		0.260 cfs	52.0 af	13.0	1081.0		N/A	N/A	N/A	N/A

Transfer No. 79700

SUPPORT DATA

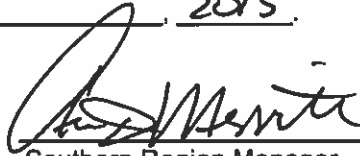
IN FILE # 36-2117

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79700

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 10th day of April, 2015.


Southern Region Manager



WATER RIGHT NO. 36-2117**As Modified by Transfer No. 79700**

In accordance with the approval of Transfer No. 79700, Water Right No. 36-2117 is now described as follows:

Right Holder: MYRON A HUETTIG AND
ELLEN M HUETTIG
1369 S 2000 E
HAZELTON, ID 83335

Priority Date: 4/14/1951

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	1.800 cfs	540.4 af
			1.800 cfs	540.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWSW	Sec 28 Twp 10S Rge 20E	JEROME County
GROUND WATER	NESESE	Sec 29 Twp 10S Rge 20E	JEROME County
GROUND WATER	NWNWSW	Sec 29 Twp 10S Rge 20E	JEROME 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	20E	28						40.0	40.0			15.1							95.1
10S	20E	29							38.0	40.0	40.0	36.0	39.0	39.0	40.0	40.0	39.0	40.0	391.0

Right Acre Limit: 135.1

POU Total Acres: 486.1

CONDITIONS OF APPROVAL

1. Rights 36-2594 and 36-2117 when combined shall not exceed a total annual maximum diversion volume of 540.4 af at the field headgate, and the irrigation of 135.1 acres.
2. Pursuant to Transfer approval 70383, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
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.130.

WATER RIGHT NO. 36-2117
As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

4. Pursuant to Transfer approval 70383, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 36-7639, 36-16947, 36-2153B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.02 cfs, nor total combined annual volume of 1944.4 af.
6. Rights 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 when combined shall not exceed a total diversion rate of 7.05 cfs.
7. 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 lands above.
8. 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. 45-14467**As Modified by Transfer No. 79700**

In accordance with the approval of Transfer No. 79700, Water Right No. 45-14467 is now described as follows:

Right Holder: ELLEN M HUETTIG AND
MYRON A HUETTIG
1369 S 2000 E
HAZELTON, ID 83335

Priority Date: 4/14/1951

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	0.170 cfs	52.0 af
			0.170 cfs	52.0 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: 13.0

POU Total Acres: 1081.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13.0 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14467 and 45-14468 when combined shall not exceed a total diversion rate of 0.26 cfs, a total annual maximum diversion volume of 52.0 af at the field headgate, and the irrigation of 13.0 acres.

WATER RIGHT NO. 45-14467
As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

3. Rights 45-14467 and 45-14468 are limited to the irrigation of a specific 13.0 acres within the 1,081.0 place of use authorized by this right in a single irrigation season. The specific 13.0 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 13.0 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.
4. 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.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 79700, 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.

WATER RIGHT NO. 36-2594**As Modified by Transfer No. 79700**

In accordance with the approval of Transfer No. 79700, Water Right No. 36-2594 is now described as follows:

Right Holder: MYRON A HUETTIG AND
ELLEN M HUETTIG
1369 S 2000 E
HAZELTON, ID 83335

Priority Date: 10/29/1964

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

0.900 cfs

0.900 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENWSW

Sec 28 Twp 10S Rge 20E JEROME County

GROUND WATER

NESESE

Sec 29 Twp 10S Rge 20E JEROME County

GROUND WATER

NWNWSW

Sec 29 Twp 10S Rge 20E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	20E	28						40.0	40.0			15.1							95.1
10S	20E	29							38.0	40.0	40.0	36.0	39.0	39.0	40.0	40.0	39.0	40.0	391.0

Right Acre Limit: 135.1

POU Total Acres: 486.1

CONDITIONS OF APPROVAL

1. Rights 36-2594 and 36-2117 when combined shall not exceed a total annual maximum diversion volume of 540.4 af at the field headgate, and the irrigation of 135.1 acres.
2. Pursuant to Transfer approval 70383, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
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.130.

WATER RIGHT NO. 36-2594

As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

4. Pursuant to Transfer approval 70383, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. The total instantaneous diversion of water from all points of diversion under Rights 36-7639, 36-16947, 36-2153B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.02 cfs, nor total combined annual volume of 1944.4 af.
6. Rights 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 when combined shall not exceed a total diversion rate of 7.05 cfs.
7. 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 lands above.
8. 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.

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WATER RIGHT NO. 45-14468
As Modified by Transfer No. 79700

In accordance with the approval of Transfer No. 79700, Water Right No. 45-14468 is now described as follows:

Right Holder: ELLEN M HUETTIG AND
 MYRON A HUETTIG
 1369 S 2000 E
 HAZELTON, ID 83335

Priority Date: 10/29/1964

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From
03/15

To
to 11/15

Diversion Rate

0.090 cfs

0.090 cfs

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: 13.0

POU Total Acres: 1081.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13.0 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14467 and 45-14468 when combined shall not exceed a total diversion rate of 0.26 cfs, a total annual maximum diversion volume of 52.0 af at the field headgate, and the irrigation of 13.0 acres.

WATER RIGHT NO. 45-14468
As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

3. Rights 45-14467 and 45-14468 are limited to the irrigation of a specific 13.0 acres within the 1,081.0 acre place of use authorized by this right in a single irrigation season. The specific 13.0 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 13.0 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.
4. 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.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 79700, 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.

WATER RIGHT NO. 36-7639**As Modified by Transfer No. 79700**

In accordance with the approval of Transfer No. 79700, Water Right No. 36-7639 is now described as follows:

Right Holder: ELLEN M HUETTIG AND/OR
MYRON A HUETTIG
1369 S 2000 E
HAZELTON, ID 83335

Priority Date: 8/24/1976

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	1.450 cfs	336.0 af
			1.450 cfs	336.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWSW	Sec 28 Twp 10S Rge 20E	JEROME County
GROUND WATER	NESESE	Sec 29 Twp 10S Rge 20E	JEROME County
GROUND WATER	NWNWSW	Sec 29 Twp 10S Rge 20E	JEROME 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	20E	28						40.0	40.0			15.1							95.1
10S	20E	29							38.0	40.0	40.0	36.0	39.0	39.0	40.0	40.0	39.0	40.0	391.0

Right Acre Limit: 84.0

POU Total Acres: 486.1

CONDITIONS OF APPROVAL

1. Use of this right is combined with water from North Side Canal Co. Ltd.
2. This right is limited to the irrigation of 84 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-7639, 36-16947, 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.02 cfs, nor total combined annual volume of 1944.4 af.
4. 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 lands above.

WATER RIGHT NO. 36-7639
As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. 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.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Pursuant to Transfer approval 70383, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
9. Pursuant to Transfer approval 70383, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. The right holder shall cease irrigation of .74 acre previously authorized under this right, and consolidate use of water on the remaining 84 acres.
11. 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. 36-2153B
As Modified by Transfer No. 79700

In accordance with the approval of Transfer No. 79700, Water Right No. 36-2153B is now described as follows:

Right Holder: STAR FALLS FARMS LLC
 1369 S 2000 E
 HAZELTON, ID 83335

Priority Date: 11/27/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.750 cfs	620.0 af
			2.750 cfs	620.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWSW	Sec 28 Twp 10S Rge 20E JEROME County
GROUND WATER	NESESE	Sec 29 Twp 10S Rge 20E JEROME County
GROUND WATER	NWNWSW	Sec 29 Twp 10S Rge 20E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	20E	28						40.0	40.0			15.1							95.1
10S	20E	29							38.0	40.0	40.0	36.0	39.0	39.0	40.0	40.0	39.0	40.0	391.0

Right Acre Limit: 155.0

POU Total Acres: 486.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 155 acres within the place of use described above in a single irrigation season.
2. Rights 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 when combined shall not exceed a total diversion rate of 7.05 cfs.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-7639, 36-16947, 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.02 cfs, nor total combined annual volume of 1944.4 af.
4. 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 lands above.

WATER RIGHT NO. 36-2153B
As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

5. 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.
6. Pursuant to Transfer approval 70383, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. Pursuant to Transfer approval 70383, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/3/2001.
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. 36-8147**As Modified by Transfer No. 79700**

In accordance with the approval of Transfer No. 79700, Water Right No. 36-8147 is now described as follows:

Right Holder: MYRON A HUETTIG AND
ELLEN M HUETTIG
1369 S 2000 E
HAZELTON, ID 83335

Priority Date: 3/1/1983

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	1.600 cfs	320.0 af
			1.600 cfs	320.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWSW	Sec 28 Twp 10S Rge 20E	JEROME County
GROUND WATER	NESESE	Sec 29 Twp 10S Rge 20E	JEROME County
GROUND WATER	NWNWSW	Sec 29 Twp 10S Rge 20E	JEROME 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	20E	28						40.0	40.0			15.1							95.1
10S	20E	29							38.0	40.0	40.0	36.0	39.0	39.0	40.0	40.0	39.0	40.0	391.0

Right Acre Limit: 80.0

POU Total Acres: 486.1

CONDITIONS OF APPROVAL

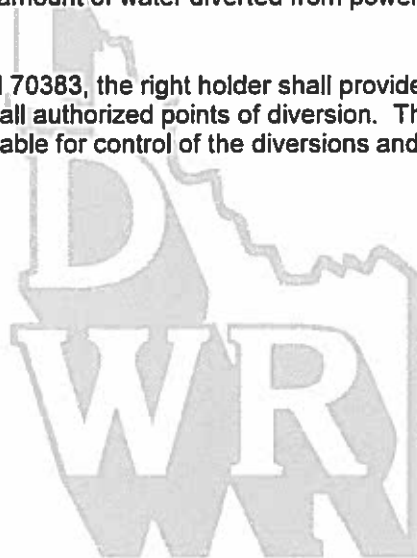
1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 when combined shall not exceed a total diversion rate of 7.05 cfs.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-7639, 36-16947, 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.02 cfs, nor total combined annual volume of 1944.4 af.
4. 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 lands above.

WATER RIGHT NO. 36-8147

As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

5. 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.
6. Pursuant to Transfer approval 70383, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. Pursuant to Transfer approval 70383, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.



WATER RIGHT NO. 36-8289**As Modified by Transfer No. 79700**

In accordance with the approval of Transfer No. 79700, Water Right No. 36-8289 is now described as follows:

Right Holder: STAR FALLS FARMS LLC
1369 S 2000 E
HAZELTON, ID 83335

Priority Date: 6/26/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.040 cfs
0.040 cfs

Diversion Volume
8.0 af
8.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWSW	Sec 28 Twp 10S Rge 20E	JEROME County
GROUND WATER	NESESE	Sec 29 Twp 10S Rge 20E	JEROME County
GROUND WATER	NWNWSW	Sec 29 Twp 10S Rge 20E	JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	20E	28						40.0	40.0			15.1							95.1
10S	20E	29							38.0	40.0	40.0	36.0	39.0	39.0	40.0	40.0	39.0	40.0	391.0

Right Acre Limit: 2.0

POU Total Acres: 486.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2 acres within the place of use described above in a single irrigation season.
2. Rights 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 when combined shall not exceed a total diversion rate of 7.05 cfs.
3. The total instantaneous diversion of water from all points of diversion under Rights 36-7639, 36-16947, 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.02 cfs, nor total combined annual volume of 1944.4 af.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 36-8289

As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

5. 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.
6. 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.
7. Pursuant to Transfer approval 70383, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
8. Pursuant to Transfer approval 70383, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.

WATER RIGHT NO. 36-16947 **As Modified by Transfer No. 79700**

In accordance with the approval of Transfer No. 79700, Water Right No. 36-16947 is now described as follows:

Right Holder: STAR FALLS FARMS LLC
 1369 S 2000 E
 HAZELTON, ID 83335

Priority Date: 8/24/1976

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	0.520 cfs	120.0 af
			0.520 cfs	120.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWSW	Sec 28 Twp 10S Rge 20E	JEROME County
GROUND WATER	NESESE	Sec 29 Twp 10S Rge 20E	JEROME County
GROUND WATER	NWNWSW	Sec 29 Twp 10S Rge 20E	JEROME County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	20E	28						40.0	40.0			15.1							95.1
10S	20E	29						38.0	40.0	40.0	36.0	39.0	39.0	40.0	40.0	39.0	40.0		391.0

Right Acre Limit: 30.0

POU Total Acres: 486.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 36-7639, 36-16947, 36-2153 B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.02 cfs, nor total combined annual volume of 1944.4 af.
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 lands above.
4. Use of this right is combined with water from North Side Canal Co. Ltd.

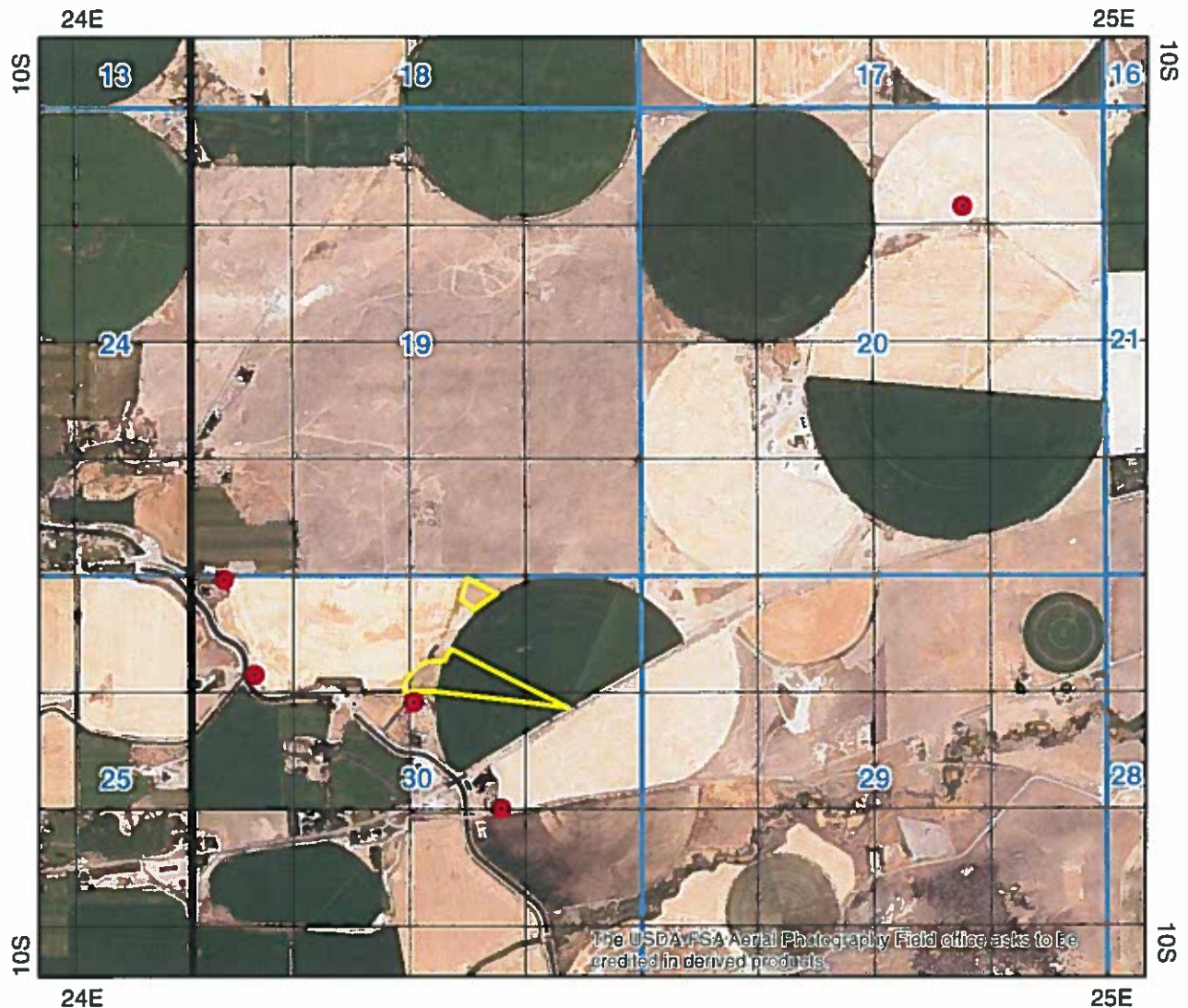
WATER RIGHT NO. 36-16947
As Modified by Transfer No. 79700

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. 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.
8. Pursuant to Transfer approval 70383, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. Pursuant to Transfer approval 70383, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
10. The right holder shall cease irrigation of .26 acre previously authorized under this right, and consolidate use of water on the remaining 30 acres.
11. 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. 79700
Rights: 45-14467 and 45-14468

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 0.225 0.45 0.9 Miles

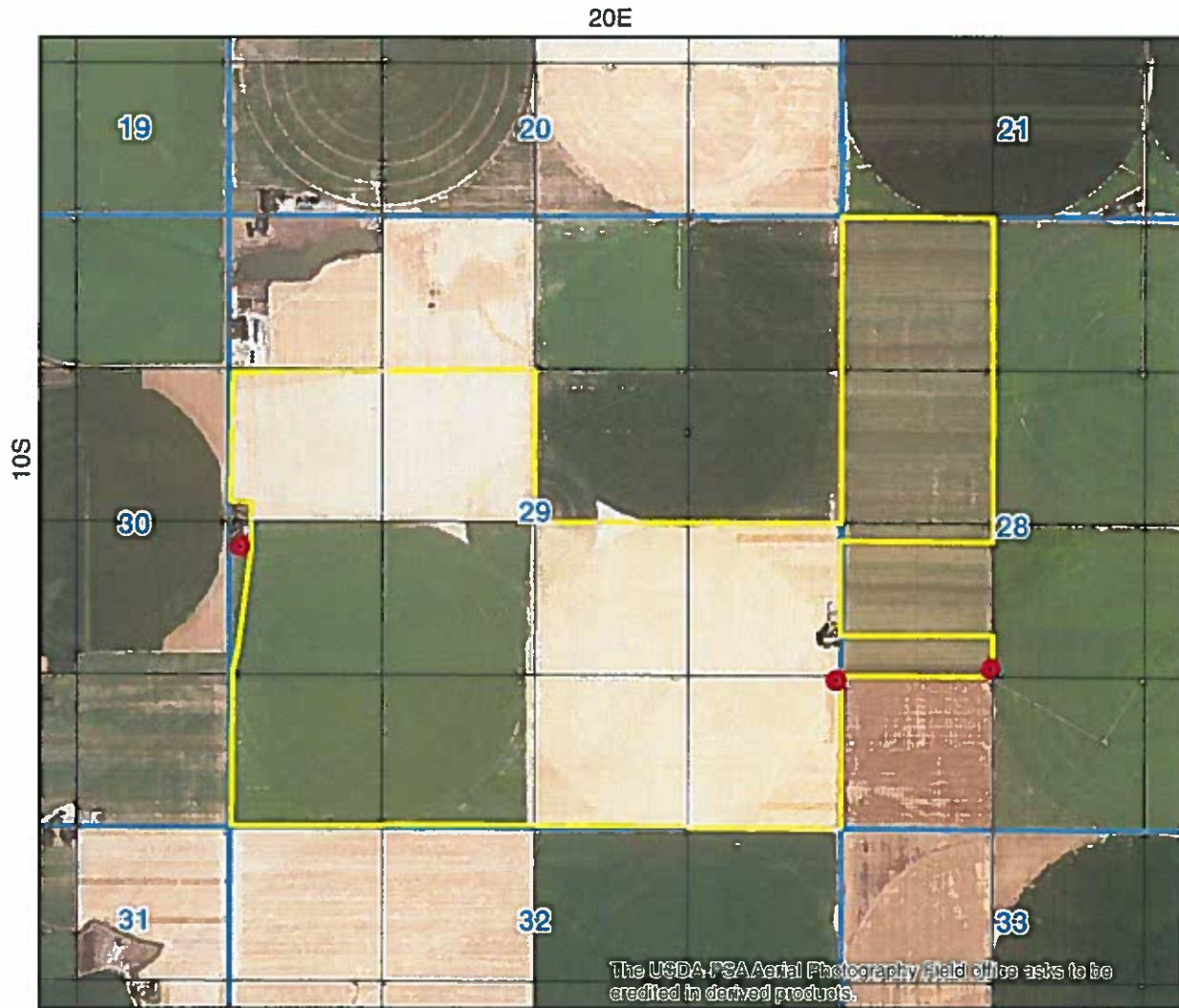


State of Idaho
Department of Water Resources

Attachment To Transfer No. 79700

Rights: 36-2117, 36-2594, 36-7639, 36-2153B, 36-8147, 36-8289 and 36-16947

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

April 14, 2015

IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325

Re: Transfer No: 79700
Water Right No(s): 36-2117, 36-2153B, 36-2594, 36-7639, 36-8147, 36-8289,
36-16947

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 cursive "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

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

MYRON A HUETTIG
ELLEN M HUETTIG
STAR FALLS FARMS LLC
1369 S 2000 E
HAZELTON ID 83335

CERTIFICATE OF SERVICE

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

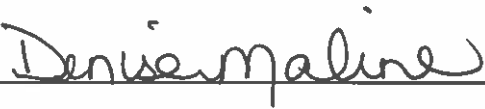
Re: Transfer No.: 79700

**Water Right No(s): 36-2117, 36-2153B, 36-2594, 36-7639, 36-8147, 36-8289,
36-16947**

**IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325**

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

**MYRON A HUETTIG
ELLEN M HUETTIG
STAR FALLS FARMS LLC
1369 S 2000 E
HAZELTON ID 83335**

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.

Maline, Denise

From: Maline, Denise
Sent: Tuesday, April 14, 2015 4:03 PM
To: 'Brian Higgs'
Subject: Approved transfers for Wickel & Idaho Water Co.
Attachments: Transfer 79775 Wickel.pdf, Transfer 79700 Idaho Water Co.pdf

Hi Brian,

Attached are copies of (2) approved transfers within your district. Please contact our office if you have any questions.

Have a good evening,

Denise @ IDWR



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

April 14, 2015

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

Via e-mail

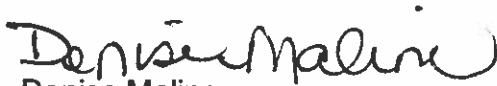
Re: **APPROVED Transfer No. 79700 (Idaho Water Company)**
Re: **APPROVED Transfer No. 79775 (Wickel Land Company)**

Dear Mr. Higgs:

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,


Denise Maline
Administrative Assistant

Enclosure



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

April 14, 2015

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

Via hand delivery

Re: **APPROVED Transfer No. 79700 (Idaho Water Company)**
Re: **APPROVED Transfer No. 79775 (Wickel Land Company)**

Dear Ms. Yenter:

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: Transfers # 79700 and # 79775 Files

FROM: Corey Skinner

DATE: March 31, 2015

SUBJECT: Review of 2/6/2015 Water Master Comments

Transfers # 79700 and # 79775 were recently processed and were advertised in the Times News on February 2nd and 12th with a protest deadline of February 23, 2015. The applications propose transferring rights from Basin 36 to Basin 45, across the Snake River. No protests were filed against either of the transfers. However, review of the file indicates that the Water District 140 Water Master, Brian Higgs, expressed concerns with both of the applications and indicated that he was “opposed to transfers 79700 and 79775” (see 2/6/2015 water master comments in the transfer files). Note that the transfer of rights into Basin 45 would result in new rights/diversions in Water District 140. Review of Mr. Higgs’ water master comments revealed several reasons why Mr. Higgs was opposed to the applications. The various reasons and general comments/responses are as follows:

“Transfer of water almost 30 miles and not within the same basin” Transfer 79700 proposes transferring water approximately 30 miles to the east, but Transfer 79755 proposes transferring water approximately 10 miles to the south. Both transfers propose moving water from IDWR administrative Basin 36 to IDWR administrative Basin 45, across the Snake River. However, all the locations are located within the Eastern Snake Plain Aquifer which is an area determined to have a common ground water supply pursuant to Rule 50 of the Conjunctive Management Rules (IDAPA 37, title 03, Chapter 11). Section 42-222, Idaho Code, allows for transfer of water rights within the state. IDWR’s Transfer Processing No. 24 Administrator’s Memo (transfer memo) also provides further guidance with regards to processing transfer applications within the state. Neither 42-222, Idaho Code nor the transfer memo restrict the transfer of water rights across IDWR administrative basin lines. Over the years, numerous transfers have been processed and approved that moved water rights across IDWR administrative basin lines, in particular within the Eastern Snake Plain Aquifer. IDWR’s transfer workflow process allows for the renumbering of the basin number on transferred rights, so the expectation that water rights can be transferred across basin lines exists and has been incorporated into IDWR’s computer workflow process.

“The point of diversion is within an area where ground water levels are dropping. Farmers in the area are currently drilling deeper to supply their current needs.” The five proposed points of diversion are not located within any of the Critical Ground Water Areas located within Basin 45/Water District 140. Examining limited

USGS water level data for a handful of wells within a mile of at least one of the proposed points of diversion indicates seasonal ground water level fluctuations both up and down over the years. Four of the five proposed points of diversion are located within 600 feet of a Burley Irrigation District Canal. According to well log data, static water levels in wells near the canal in this area are measured in tens of feet rather than hundreds of feet. The five proposed points of diversion are located near the southwest corner of Township 10 South, Range 25 East. WMIS records can be queried to obtain an estimate of the number of larger irrigation wells (irrigating at least 5 acres) within a particular township. IDWR well drilling records can be queried to see how many drilling permits have been issued to deepen irrigation wells in the last five years within a particular township. The following table summarizes the results of these queries for Township 10 South, Range 25 East and nearby townships.

Township	Estimated Number of Larger Irrigation Wells	Number of Well Drilling Permits Issued to Deepen Irrigation Wells within the Last Five Years
T10S, R25 E	47	2
T10S, R24 E	17	0
T11S, R 24E	35	0
T11S, R25E	4	0

According to IDWR well drilling records, the two drilling permits to deepen irrigation wells indicated in the table above were issued in 2010 and 2013.

“The POD is within close proximity to recharge wells where SWID spends more than \$45/acre foot for recharge. The added draw on the aquifer is not reasonable.” Examination of IDWR records indicates that Southwest Irrigation District (SWID) has a water right permit authorizing groundwater recharge but the closest authorized place of use (groundwater recharge location) is approximately 20 miles away from the points of diversion proposed by Transfers # 79700 and # 79775. IDWR contacted Mr. Higgs regarding what recharge wells he was referring to and he indicated that he was referring to injection wells 45W075001 and 45W074001. These two injection wells are located at least 8.5 miles from the points of diversion proposed by Transfers # 79700 and # 79775. Allen Merritt, IDWR Southern Region Manager, performed a Theis analysis (results attached) to estimate the aquifer drawdown at various distances resulting from the combined pumping proposed by Transfers # 79700 and # 79775. These results indicate that aquifer drawdown at a location 46,200 feet (8.75 miles) away would be 0.00055 feet (0.0066 inch).

In conclusion, even after considering the 2/6/2015 water master comments, it appears that Transfers # 79700 and # 79775 can still be approved.

T 79775

Col

58

59

60

Row 89

.045477
19365.25

0.047499
16064.59

0.049707
19559.86

90

0.047262
19121.85

0.04941
17699.07

0.051754
20703.53

91

0.048927
18179.32

0.051175
19701.59

S Ave = .0489

T Ave = 18749.3875

.045477 ENTER
.047262 -
.048927 +
.047499 +
.04941 -
.051175 -
.049707 -
.051754 +
6.0000 /
6.0489 ***

CL
CL
CL

19,365.2500 ENTER
19,121.8900 -
18,179.3200 +
16,064.5900 +
17,699.0700 +
19,301.5900 -
19,559.0600 +
20,703.5300 -
6.0000 /
18,749.3875 ***

36-2117, etc.

Allen's Theis Spreadsheet		T79775 Wickel											
3/30/2015													
		Ave 8 cells				"T" in ft2/day =		18749.39				(Hydraulic Conductivity X Saturated Thickness)	
						"T" in gal/day/ft =		140245.4					
		Ave 8 cells				Storativity "S" =		0.0489		0.06 average on ESPA			
						Q in ft3/d=		25300		4177		21580	
						gpm=		131.56		21.72		112.22	
						cfs=		0.292824		0.0483		0.2498	
						afa=		211.9949		35		180.8	
										u=r^2*S/4*Tt			

36-2117 etc.

[illegible]

Merritt, Allen

From: Ragan, Brian
Sent: Monday, March 30, 2015 1:15 PM
To: Merritt, Allen
Subject: RE: SWID Recharge Wells and transfer proximity

That makes sense. Can I get you info on the Searle well (45W-074-001)?

They're both more than the 2-mile distance Brian indicated, wouldn't you say?

Brian Ragan
IDWR UIC Program
(208) 287-4934

From: Merritt, Allen
Sent: Monday, March 30, 2015 1:11 PM
To: Ragan, Brian
Subject: RE: SWID Recharge Wells and transfer proximity

Thanks,

I think the Moo View one is what you are calling the Searle well near the Wrigley well.

From: Ragan, Brian
Sent: Monday, March 30, 2015 11:10 AM
To: Merritt, Allen
Subject: SWID Recharge Wells and transfer proximity

Allen,

I was able to locate one of the wells Brian Higgs was talking about. UIC Permit number 45W-075-001 is the **Wrigley well** which is located in T11S-R24E-S31-NWNESW. This well lies approximately 7.1 miles south of the center of section 30, T10S-R24E. The injection well permit allows for the injection of 5.6 CFS of Snake River water and Lunch Creek water. This permit expires on October of this year.

As for the Moo-View (?) well he referenced, I wasn't able to find info on this. Maybe he can tell you the UIC Permit number for the recharge wells he claims are in close proximity to the proposed transfer. Then we can better evaluate his concerns.

Let me know if I can find more info for you.

Regards,
Brian

Brian W. Ragan, P.G.
Underground Injection Control
Idaho Department of Water Resources
322 East Front St., PO Box 83720
Boise, ID 83720-0098

MEMORANDUM

TO: Transfer # 79700 File

FROM: Corey Skinner

DATE: March 13, 2015

SUBJECT: Filing Fee

The filing fee, \$500.00, for this transfer is based on the total amount of water being transferred. The transfer proposes modifying 0.26 cfs of water rights which equates to a \$500.00 fee.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 79700
Water Right No: 36-2117
Applicant Name: Idaho Water Co (for Wickle)

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:

Wickle wells are not in WD130 jurisdiction. There will be no adverse effects caused in WD130 due to this transfer.

Dated: March 3, 2015

Water District 130


Cindy J. Yenter, Watermaster

RECEIVED

FEB 17 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin 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 5th day of February, 2015 and ending with the issue dated 12th day of February, 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.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of February, 2015, before me,

Joyce Engleman

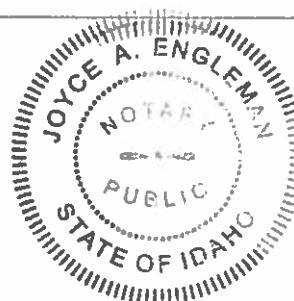
a Notary Public, personally appeared Ruby Aufderheide,

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 Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho

My commission expires: 6/8/19



✓ OK DM
2/18/2015

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

45-14465

✓ **ROGER DUFFIN**

P.O. BOX 663

PAUL, ID 83347

Point of Diversion L3(SWNE) S25 T10S R19E TWIN FALLS

County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion L3(SWNE) S25 T10S R19E TWIN FALLS

County Source WASTE WATER Tributary SNAKE RIVER

Use: AESTHETIC 01/01 to 12/31 2.6 CFS

Use: WATER QUALITY IMPROVEMENT 01/01 to 12/31 2.6 CFS

Use: WILDLIFE 01/01 to 12/31 2.6 CFS

Total Diversion: 2.6 CFS

Date Filed: 12/22/2014

Place Of Use: AESTHETIC, WATER QUALITY IMPROVEMENT, WILDLIFE

T10S R19E S25 L3(SWNE) L3(SENE) L6(NESE) L6(NWSE)

Application for permit proposes to divert 2.6 cfs of waste water for non-consumptive aesthetic, wildlife and water quality improvement uses. An existing pipeline and ditch will convey the waste water through an existing series of small, manmade, shallow wetlands located approximately 2.0 to 2.5 miles north and 0.7 to 0.8 miles west of the center of Murtaugh before returning to the Snake River.

47-17633

✓ **TERRY G WHITE**

PO BOX 663

BUHL, ID 83316

MARY D WHITE OSTRANDER

7637 S MCLINTOCK PL

MERIDIAN, ID 83642

Point of Diversion NENW S28 T09S R14E TWIN FALLS County

Source MUD CREEK Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 25 CFS

Total Diversion: 25 CFS

Date Filed: 12/23/2014

Place Of Use: POWER

T09S R14E S28 NWNE

Application proposes to divert water from Mud Creek to generate power for sale on the electrical grid from an existing power generation facility. Water is carried approximately 270 feet in a penstock from an existing diversion on Mud Creek into two generating units and then discharged back into Mud Creek. The power plant is located 3.1 miles west and 1.3 miles north of the Buhl city center. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on February 5th & 12th, 2015.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79699

✓ **IDAHO WATER CO LLC, C/O DEL KOHTZ, 1135 VALLEY RD S, EDEN, ID 83325;** has filed Application No. 79699 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 an 11.9 acre (0.24 cfs) portion of two ground water irrigation rights currently used on a farm located approximately 5.0 miles south of Hazelton to year round commercial use associated with the Moss Greenhouses operation located approximately 2.7 miles south and 2.8 miles east of the center of Jerome. Three existing wells located on the Moss Greenhouses property will be used to provide up to 0.24 cfs and 37.0 afa of water for commercial use.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79700

✓ **IDAHO WATER CO LLC, C/O DEL KOHTZ, 1135 VALLEY RD S, EDEN, ID 83325;** has filed Application No. 79700 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 13 acre (0.26 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 (0.26 cfs) will be diverted from five existing wells and used to irrigate 13.0 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. 79719

✓ **MATHERS RANCH INC, 3485 E 3100 N, KIMBERLY, ID 83341,** has filed Application No. 79719 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17555, 47-17560, 47-17565. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes transferring a combined 0.13 cfs (21.3af) portion of three irrigation ground water rights from a farm located approximately 9.2 to 10.0 miles south and 3.4 to 4.2 miles east of the city center of Twin Falls to commercial and stockwater use to be diverted from two existing wells at an existing dairy. Dairy is located approximately 5.2 miles south and 1.5 miles east of the city center of Buhl.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79754

✓ **PETER J GRUSH and SYLVIA T GRUSH, 2038 S HWY 81, MALTA, ID 83342;** has filed Application No. 79754 for changes to the following water rights within CASSIA County(s): Right No (s). 43-13206, 43-13209, 43-13540, 43-2580B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 0.12 cfs and 20.0 ace-feet per year portion of four groundwater rights from stockwater and commercial use to municipal use associated with a community water system. The rights are currently authorized to be diverted from three wells on a dairy facility located along the west side of Highway 81 approximately 4.5 to 5.0 miles south of Malta and used for stockwater and commercial use(s) at the dairy facility. The proposed municipal use will be diverted from an existing well located along the east side of Highway 81 approximately 4.7 miles south of Malta and provide water for several residences located along Highway 81 approximately 4.5 to 5.0 miles south of Malta.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79759

✓ **MICHAEL P WHEELER and DIANA M WHEELER, 2155 E 100 S, DECLO, ID 83323;** has filed Application No. 79759 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13688, 43-13690, 43-7129, 43-7192. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a new well to be drilled to four groundwater rights with a total diversion of 3.26 cfs (820.8 af) for the irrigation of 205.2 acres. The new well will be located approximately 7.6 miles east and 3.3 miles south of the I-84 and I-86 interchange, on the north side of Yale Road, east of I-84. The application also proposes a slight modification to the place of use.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79775

✓ **WICKEL LAND COMPANY, LLP, PO BOX 219, DECLO, ID 83323;** has filed Application No. 79775 for changes to the following water rights within MINIDOKA, CASSIA County(s): Right No(s). 36-7878. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 40 acre (0.80 cfs) groundwater irrigation right from a farm located approximately 4.4 to 4.65 miles north and 5.0 to 5.25 miles east of the center of Rupert 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 (0.80 cfs) will be diverted from five existing wells and used to irrigate 40.0 acres within a proposed 1081 acre permissible place of use on the farm northeast of Declo.

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 visit our website at www.idwr.idaho.gov and search under New Water Right Applications. 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 February 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 5th & 12th, 2015

✓ ok DM
2/18/2015

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Friday, February 06, 2015 9:42 AM
To: Maline, Denise
Cc: Jaxon Higgs; William A Parsons
Subject: Re: Comment Letters for 45-14465, 79700, 79775

Hi Denise.

I am not opposed to application #45-14465 and have no comment.

X I am opposed to transfers 79700 and 79775. The reason for my opposition is the transfer of water almost 30 miles and not within the same basin. In addition, the point of diversion is within an area where ground water levels are dropping. Farmers in the area are currently drilling deeper to supply their current needs. Additional discharge in the area will exacerbate the situation. Additionally, the POD is within close proximity to recharge wells where SWID spends more than \$45/acre foot for recharge. The added draw on the aquifer is not reasonable.

Thank you.

Brian

From: [Maline, Denise](#)
Sent: Thursday, January 29, 2015 4:45 PM
To: [Brian Higgs](#)
Subject: Comment Letters for 45-14465, 79700, 79775

Hi Brian,

Attached is a cover letter, recommendation forms and copy of application for permit 45-14465, transfers 79700 & 79775. 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