

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 79699**

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            | 2.130 cfs             | 640.0 af                | 160.0             | 511.0              | GROUND WATER  |
| 36-2594            | WR/DECREED          | 10/29/1964           | 1.070 cfs             | N/A                     | 160.0             | 511.0              | 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              | 499.1              | GROUND WATER  |
| 36-2153B           | WR/DECREED          | 11/27/1951           | 2.750 cfs             | 620.0 af                | 155.0             | 499.1              | GROUND WATER  |
| 36-8147            | WR/LICENSE          | 3/1/1983             | 1.600 cfs             | 320.0 af                | 80.0              | 499.1              | GROUND WATER  |
| 36-8289            | WR/LICENSE          | 6/26/1985            | 0.040 cfs             | 8.0 af                  | 2.0               | 499.1              | GROUND WATER  |
| 36-16947           | WR/DECREED          | 8/24/1976            | 0.520 cfs             | 120.0 af                | 30.0              | 499.1              | 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             | YES                  | YES                  |
| 36-2594               | YES          | YES        | YES        | NO             | YES                  | YES                  |

**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                | 36-17039                         | 0.160 cfs            | 37.0 af                | N/A               | N/A                | 36-2117                            | 1.970 cfs             | 592.4 af                | 148.1                       | 499.1                        |
| 36-2594                | 36-17038                         | 0.080 cfs            | 37.0 af                | N/A               | N/A                | 36-2594                            | 0.990 cfs             | N/A                     | 148.1                       | 499.1                        |
| <b>COMBINED TOTALS</b> |                                  | <b>0.240 cfs</b>     | <b>37.0 af</b>         | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

**SUPPORT DATA**

**IN FILE # 36-2117**

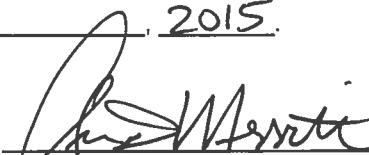
Transfer No. 79699

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 79699

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 27<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
Southern Region Manager



**WATER RIGHT NO. 36-2594****As Modified by Transfer No. 79699**

In accordance with the approval of Transfer No. 79699, 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

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 0.990 cfs<br>0.990 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 |      |      | 28.1 |      |      |      |      |      |      | 108.1  |
| 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: 148.1

POU Total Acres: 499.1

**CONDITIONS OF APPROVAL**

1. Rights 36-2594 and 36-2117 when combined shall not exceed a total annual maximum diversion volume of 592.4 af at the field headgate, and the irrigation of 148.1 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. 79699**

**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 9.28 cfs, nor total combined annual volume of 1996.4 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 7.31 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. 36-17038****As Modified by Transfer No. 79699**

In accordance with the approval of Transfer No. 79699, Water Right No. 36-17038 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

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL            | 1 /1        | to 12/31  | 0.080 cfs             | 37.0 af                 |
|                       |             |           | 0.080 cfs             | 37.0 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |                        |               |
|--------------|------|------------------------|---------------|
| GROUND WATER | NESE | Sec 33 Twp 08S Rge 17E | JEROME County |
| GROUND WATER | NESE | Sec 33 Twp 08S Rge 17E | JEROME County |
| GROUND WATER | NESE | Sec 33 Twp 08S Rge 17E | JEROME County |

**PLACE OF USE: COMMERCIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S | 17E | 33  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    | 0.0    |

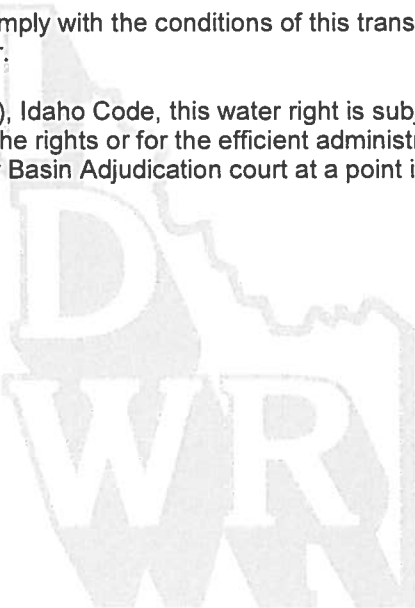
**CONDITIONS OF APPROVAL**

1. Rights 36-17038 and 36-17039 when combined shall not exceed a total diversion rate of 0.24 cfs and a total annual maximum diversion volume of 37.0 af.
2. 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.
3. Prior to the diversion and use of water under Transfer approval 79699, 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.
4. 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.

Transfer No. 79699

**WATER RIGHT NO. 36-17038**  
**As Modified by Transfer No. 79699**

**CONDITIONS OF APPROVAL**

5. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
  6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
  7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
  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. 36-2117****As Modified by Transfer No. 79699**

In accordance with the approval of Transfer No. 79699, 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  | 1.970 cfs             | 592.4 af                |
|                       |             |           | 1.970 cfs             | 592.4 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 |      |      | 28.1 |      |      |      |      |      |      | 108.1  |
| 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: 148.1

POU Total Acres: 499.1

**CONDITIONS OF APPROVAL**

1. Rights 36-2594 and 36-2117 when combined shall not exceed a total annual maximum diversion volume of 592.4 af at the field headgate, and the irrigation of 148.1 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. 79699**

**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 9.28 cfs, nor total combined annual volume of 1996.4 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 7.31 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. 36-17039**  
**As Modified by Transfer No. 79699**

In accordance with the approval of Transfer No. 79699, Water Right No. 36-17039 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> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL            | 1 / 1       | to 12/31  | 0.160 cfs             | 37.0 af                 |
|                       |             |           | 0.160 cfs             | 37.0 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |                                      |
|--------------|------|--------------------------------------|
| GROUND WATER | NESE | Sec 33 Twp 08S Rge 17E JEROME County |
| GROUND WATER | NESE | Sec 33 Twp 08S Rge 17E JEROME County |
| GROUND WATER | NESE | Sec 33 Twp 08S Rge 17E JEROME County |

**PLACE OF USE: COMMERCIAL**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 08S | 17E | 33  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    | 0.0    |

**CONDITIONS OF APPROVAL**

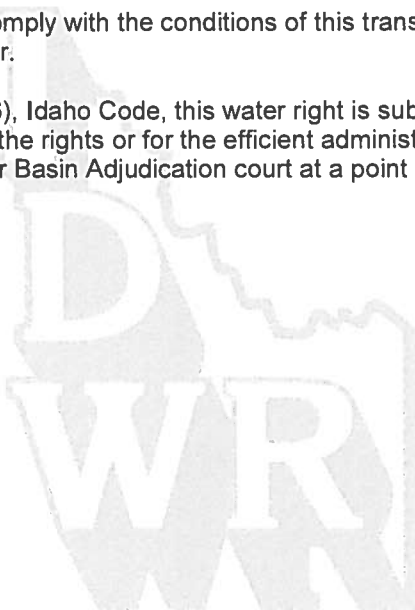
1. Rights 36-17038 and 36-17039 when combined shall not exceed a total diversion rate of 0.24 cfs and a total annual maximum diversion volume of 37.0 af.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. Prior to the diversion and use of water under Transfer approval 79699, 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.
4. 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.

Transfer No. 79699

**WATER RIGHT NO. 36-17039**  
**As Modified by Transfer No. 79699**

**CONDITIONS OF APPROVAL**

5. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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. 36-7639****As Modified by Transfer No. 79699**

In accordance with the approval of Transfer No. 79699, 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 |      |      | 28.1 |      |      |      |      |      |      | 108.1  |
| 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: 499.1

**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, 36-2153B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.28 cfs, nor total combined annual volume of 1996.4 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.

Transfer No. 79699

**WATER RIGHT NO. 36-7639**

**As Modified by Transfer No. 79699**

**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. 79699**

In accordance with the approval of Transfer No. 79699, 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 |      |      | 28.1 |      |      |      |      |      |      | 108.1  |
| 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: 499.1

**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 7.31 cfs.
3. 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 9.28 cfs, nor total combined annual volume of 1996.4 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. 79699**

**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 the date of the originating approval/SRBA partial decree date.
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. 79699**

In accordance with the approval of Transfer No. 79699, 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**

| 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 |      |      | 28.1 |      |      |      |      |      |      | 108.1  |
| 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: 499.1

**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 36-2153B, 36-2594, 36-2117, 36-8147, and 36-8289 when combined shall not exceed a total diversion rate of 7.31 cfs.
3. 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 9.28 cfs, nor total combined annual volume of 1996.4 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.

Transfer No. 79699

**WATER RIGHT NO. 36-8147**  
**As Modified by Transfer No. 79699**

**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. 79699**

In accordance with the approval of Transfer No. 79699, 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

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.040 cfs             | 8.0 af                  |
|                       |             |           | 0.040 cfs             | 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 |      |      | 28.1 |      |      |      |      |      |      | 108.1  |
| 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: 499.1

**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 36-2153B, 36-2594, 36-2117, 36-8147, and 36-8289 when combined shall not exceed a total diversion rate of 7.31 cfs.
3. 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 9.28 cfs, nor total combined annual volume of 1996.4 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. 79699**

**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. 79699**

In accordance with the approval of Transfer No. 79699, 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 |      |      | 28.1 |      |      |      |      |      |      | 108.1  |
| 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: 499.1

**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, 36-2153B, 36-2594, 36-2117, 36-8147, and 36-8289 shall not exceed 9.28 cfs, nor total combined annual volume of 1996.4 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. 79699**

**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. 79699

Rights: 36-17038 & 36-17039

This map depicts the COMMERCIAL 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.

17E



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

0 0.075 0.15 0.3 Miles

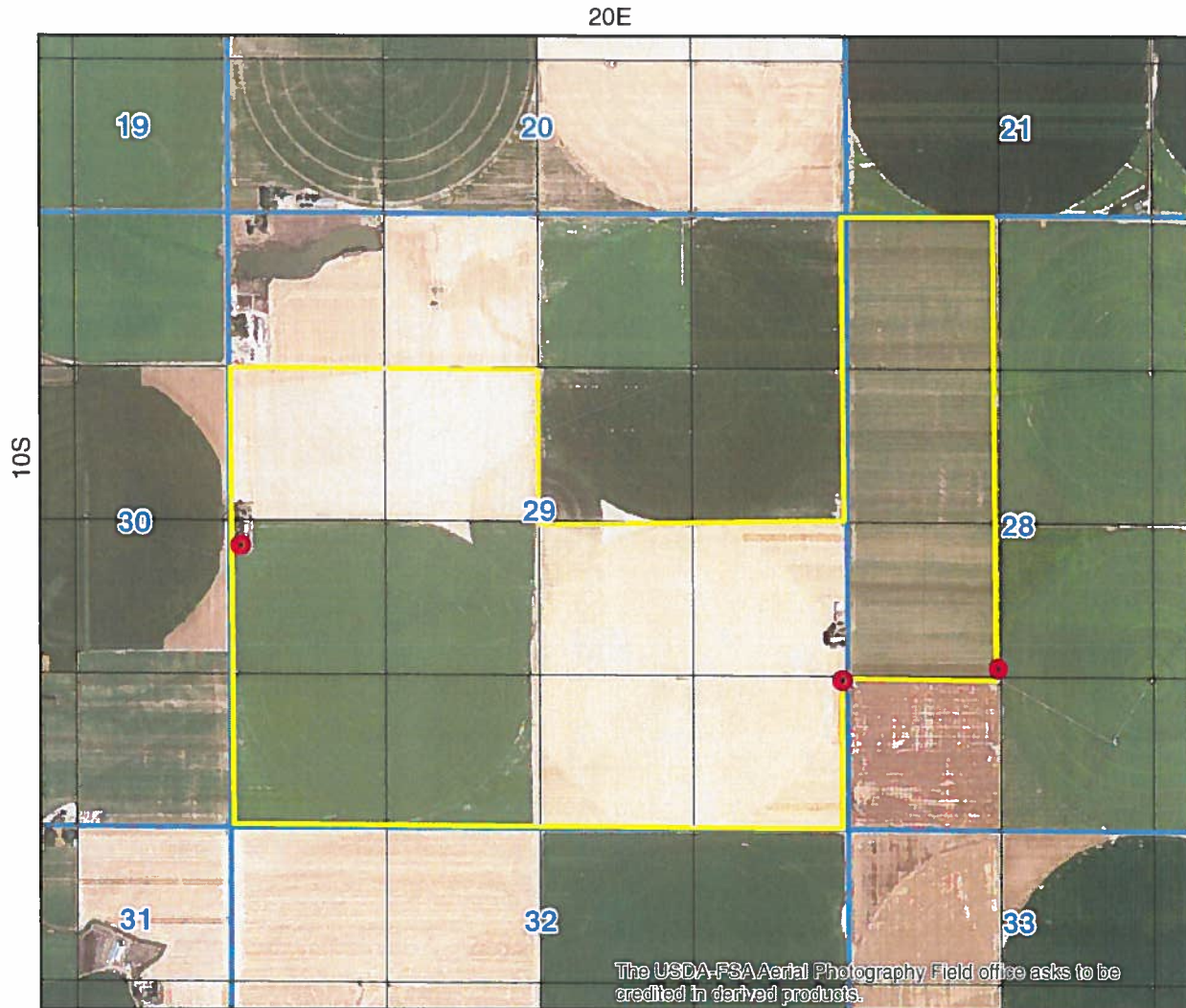


State of Idaho  
Department of Water Resources

## Attachment To Transfer No. 79699

Rights: 36-2117, 36-2594, 36-2153B, 36-7639, 36-8147, 36-8289 & 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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

March 27, 2015

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

Re: Transfer No: 79699

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 fluid and cursive, with the first name "Allen" and last name "Merritt" clearly distinguishable.

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 March 27, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

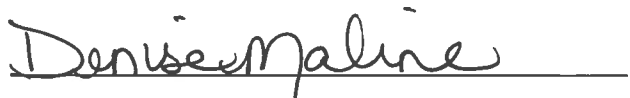
**Re: Transfer No.: 79699**

**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 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.



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

March 27, 2015

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

***Hand-delivered***

Re: **APPROVED Transfer No. 79699 (Idaho Water Company)**  
Re: **APPROVED Transfer No. 79680 (Southfield Dairy / Southfield Properties)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer(s) 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". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline  
Administrative Assistant

Enclosure

## Idaho Water Company transfers involving Huetigg Rights

prepared 3/16/2015  
by Corey Skinner

### Groundwater Rights on Huetigg Farm Prior to Transfer(s)

| Right #                                                                       | Rate            | Total Acres      | Acre Limit       | Volume         |                                                                                                                                     |
|-------------------------------------------------------------------------------|-----------------|------------------|------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 36-2117*                                                                      | 2.130           | 511.0            | 160.0            | 640.0          | Rights 36-2117 & 36-2594 are the rights being transferred and limited to a combined total of 160 acres & 640 AF (Associated Rights) |
| 36-2594*                                                                      | 1.070           | 511.0            | 160.0            |                |                                                                                                                                     |
| 36-21538*                                                                     | 2.750           | 511.0            | 155.0            | 620.0          |                                                                                                                                     |
| 36-7639                                                                       | 1.450           | 511.0            | 84.0             | 336.0          |                                                                                                                                     |
| 36-8147*                                                                      | 1.600           | 511.0            | 80.0             | 320.0          |                                                                                                                                     |
| 36-8289*                                                                      | 0.040           | 511.0            | 2.0              | 8.0            |                                                                                                                                     |
| 36-16947                                                                      | 0.520           | 511.0            | 30.0             | 120.0          |                                                                                                                                     |
| <b>Totals</b>                                                                 | <b>9.52 cfs</b> | <b>511 acres</b> | <b>511 acres</b> | <b>2044 AF</b> | Sum of 160 acres (36-2117 & 36-2594) and other rights acres limits = 511 acres                                                      |
| * rights 36-2117, 36-2594, 36-21538, 36-8147, and 36-8289 limited to 7.55 cfs |                 |                  |                  |                | 511 acres @ 4 afa = 2044 af                                                                                                         |

### Transfer # 79699 Idaho Water Company (Moss Greenhouses)

11.9 is the number of acres to be transferred (37 afa consumptive) of rights 36-2117 and 36-2594 to commercial use

#### Transferred Portions

| Right #          | Rate        | Total Acres | Acre Limit | Volume       |
|------------------|-------------|-------------|------------|--------------|
| 36-2117/36-17039 | 0.16        | N/A         | N/A        | 37 AF        |
| 36-2594/36-17038 | 0.08        | N/A         | N/A        | 37 AF        |
| <b>Totals</b>    | <b>0.24</b> |             |            | <b>37 AF</b> |

#### Leftover Portions

| Right #       | Rate        | Total Acres  | Acre Limit   | Volume         |
|---------------|-------------|--------------|--------------|----------------|
| 36-2117*      | 1.97        | 499.1        | 148.1        | 592.4          |
| 36-2594*      | 0.99        | 499.1        | 148.1        |                |
| 36-21538*     | 2.75        | 499.1        | 155.0        | 620.0          |
| 36-7639       | 1.45        | 499.1        | 84.0         | 336.0          |
| 36-8147*      | 1.60        | 499.1        | 80.0         | 320.0          |
| 36-8289*      | 0.04        | 499.1        | 2.0          | 8.0            |
| 36-16947      | 0.52        | 499.1        | 30.0         | 120.0          |
| <b>Totals</b> | <b>9.28</b> | <b>499.1</b> | <b>499.1</b> | <b>1,996.4</b> |

\* rights 36-2117, 36-2594, 36-21538, 36-8147, and 36-8289 limited to 7.31 cfs

### Transfer # 79700 Idaho Water Company (Wickle)

13 is the number of acres to be transferred of rights 36-2117 and 36-2594 to irrigation use at Wickel Farm into a 1081.0 acre PPU

#### Transferred Portions

| Right #       | Rate        | Total Acres    | Acre Limit  | Volume      |
|---------------|-------------|----------------|-------------|-------------|
| 36-2117/      | 0.17        | 1,081.0        | 13.0        | 52.0        |
| 36-2594/      | 0.09        | 1,081.0        | 13.0        | 52.0        |
| <b>Totals</b> | <b>0.26</b> | <b>1,081.0</b> | <b>13.0</b> | <b>52.0</b> |

#### Leftover Portions

| Right #       | Rate        | Total Acres  | Acre Limit   | Volume         |
|---------------|-------------|--------------|--------------|----------------|
| 36-2117*      | 1.80        | 486.1        | 135.1        | 540.4          |
| 36-2594*      | 0.90        | 486.1        | 135.1        |                |
| 36-21538*     | 2.75        | 486.1        | 155.0        | 620.0          |
| 36-7639       | 1.45        | 486.1        | 84.0         | 336.0          |
| 36-8147*      | 1.60        | 486.1        | 80.0         | 320.0          |
| 36-8289*      | 0.04        | 486.1        | 2.0          | 8.0            |
| 36-16947      | 0.52        | 486.1        | 30.0         | 120.0          |
| <b>Totals</b> | <b>9.02</b> | <b>486.1</b> | <b>486.1</b> | <b>1,944.4</b> |

## MEMORANDUM

**TO:** Transfer # 79699 File

**FROM:** Corey Skinner

**DATE:** March 13, 2015

**SUBJECT:** Filing Fee

The filing fee, \$750.00, for this transfer is based on the total amount of water being transferred plus the \$250.00 change in nature of use fee. The transfer proposes modifying 0.24 cfs of water rights which equates to a \$500.00 fee. When the \$250.00 change in nature of use fee is added to the \$500.00, the total filing fee would be \$750.00.

State of Idaho  
Department of Water Resources

## RECOMMENDATION OF WATERMASTER

Application No: 79699  
Water Right No: 36-2117  
Applicant Name: Idaho Water Co (for Moss Greenhouse)

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:

**Dated: March 3, 2015**

**Water District 130**

  
\_\_\_\_\_  
Cindy J Venter, 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

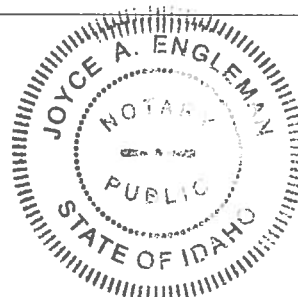
STATE OF IDAHO  
COUNTY OF TWIN FALLS

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](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). For additional information on new permits, please visit our website at [www.idwr.idaho.gov](http://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