

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79719

This is to certify that: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-17555	WR/DECREED	11/6/1961	3.230 cfs	704.4 af	176.1	176.8	GROUND WATER
47-17560	WR/DECREED	8/8/1954	1.470 cfs	643.3 af	160.8	176.8	GROUND WATER
47-17565	WR/DECREED	4/3/1961	0.210 cfs	107.1 af	81.4	176.8	GROUND WATER

Purpose of Transfer (Changes Proposed)

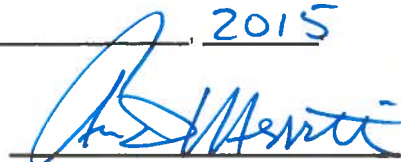
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-17555	YES	YES	YES	NO	YES	YES
47-17560	YES	YES	YES	NO	YES	YES
47-17565	YES	YES	YES	NO	YES	YES

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>
47-17555	47-17630	0.130 cfs	21.2 af	N/A	N/A	47-17555	3.100 cfs	676.5 af	169.1	169.8
47-17560	47-17631	0.060 cfs	19.4 af	N/A	N/A	47-17560	1.410 cfs	617.8 af	154.4	169.8
47-17565	47-17632	0.010 cfs	3.2 af	N/A	N/A	47-17565	0.200 cfs	102.9 af	78.2	169.8
COMBINED TOTALS		0.130 cfs	21.3 af	N/A	0.0		N/A	N/A	N/A	N/A

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

Dated this 9th day of March, 2015


Southern Region Manager

SUPPORT DATA

IN FILE # 47-17555

Transfer No. 79719

WATER RIGHT NO. 47-17555**As Modified by Transfer No. 79719**

In accordance with the approval of Transfer No. 79719, Water Right No. 47-17555 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 11/6/1961

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	3.100 cfs	676.5 af
			3.100 cfs	676.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 31 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	31	0.5		4.3	25.4								2.6	40.0	25.0	38.0	34.0	169.8

Right Acre Limit: 169.1

POU Total Acres: 169.8

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate 3.10 cfs. Combined Right Nos.: 47-17555, 47-17560, 47-17565
2. The rights listed below are limited to a total combined annual diversion volume of 679.2 af. Combined Right Nos.: 47-17555, 47-17560, 47-17565
3. Right Nos. 47-17555, 47-17560, and 47-17565 are limited to the irrigation of a combined total of 169.8 acres in a single irrigation season.
4. Right 47-17555 is limited to the irrigation of 169.1 acres within the place of use described above in a single irrigation season.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 79719

WATER RIGHT NO. 47-17555
As Modified by Transfer No. 79719

CONDITIONS OF APPROVAL

6. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. Use of this right is combined with water from Twin Falls Canal Co.
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. 47-17630**As Modified by Transfer No. 79719**

In accordance with the approval of Transfer No. 79719, Water Right No. 47-17630 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 11/6/1961

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	0.130 cfs	21.2 af
STOCKWATER	1 /1	to 12/31	0.130 cfs	21.2 af
			0.130 cfs	21.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 26 Twp 10S Rge 14E	TWIN FALLS County
GROUND WATER	NWSW	Sec 26 Twp 10S Rge 14E	TWIN FALLS 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	
10S	14E	26										X							0.0

PLACE OF USE: STOCKWATER

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	14E	26										X							0.0

CONDITIONS OF APPROVAL

1. Rights 47-17630, 47-17631 and 47-17632 when combined shall not exceed a total diversion rate of 0.13 cfs, and a total annual maximum diversion volume of 21.3 af.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Transfer No. 79719

WATER RIGHT NO. 47-17630
As Modified by Transfer No. 79719

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 47-17560
As Modified by Transfer No. 79719

In accordance with the approval of Transfer No. 79719, Water Right No. 47-17560 is now described as follows:

Right Holder: MATHERS RANCH INC
 3485 E 3100 N
 KIMBERLY, ID 83341

Priority Date: 8/8/1954

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	1.410 cfs	617.8 af
			1.410 cfs	617.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 31 Twp 11S Rge 18E TWIN FALLS County
GROUND WATER	SWNW	Sec 32 Twp 11S Rge 18E TWIN FALLS County
GROUND WATER	SWSW	Sec 32 Twp 11S Rge 18E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	31	0.5		4.3	25.4								2.6	40.0	25.0	38.0	34.0	169.8

Right Acre Limit: 154.4

POU Total Acres: 169.8

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate 3.10 cfs. Combined Right Nos.: 47-17555, 47-17560, 47-17565
2. The rights listed below are limited to a total combined annual diversion volume of 679.2 af. Combined Right Nos.: 47-17555, 47-17560, 47-17565
3. Right Nos. 47-17555, 47-17560, 47-17565 are limited to the irrigation of a combined total of 169.8 acres in a single irrigation season.
4. Right 47-17560 is limited to the irrigation of 154.4 acres within the place of use described above in a single irrigation season.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Use of this right is combined with water from Twin Falls Canal Co.

Transfer No. 79719

WATER RIGHT NO. 47-17560
As Modified by Transfer No. 79719

CONDITIONS OF APPROVAL

7. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
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. 47-17631
As Modified by Transfer No. 79719

In accordance with the approval of Transfer No. 79719, Water Right No. 47-17631 is now described as follows:

Right Holder: MATHERS RANCH INC
 3485 E 3100 N
 KIMBERLY, ID 83341

Priority Date: 8/8/1954

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	0.060 cfs	19.4 af
STOCKWATER	1/1	to 12/31	0.060 cfs	19.4 af
			0.060 cfs	19.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 26 Twp 10S Rge 14E	TWIN FALLS County
GROUND WATER	NWSW	Sec 26 Twp 10S Rge 14E	TWIN FALLS 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	
10S	14E	26										X							0.0

PLACE OF USE: STOCKWATER

			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	14E	26										X							0.0

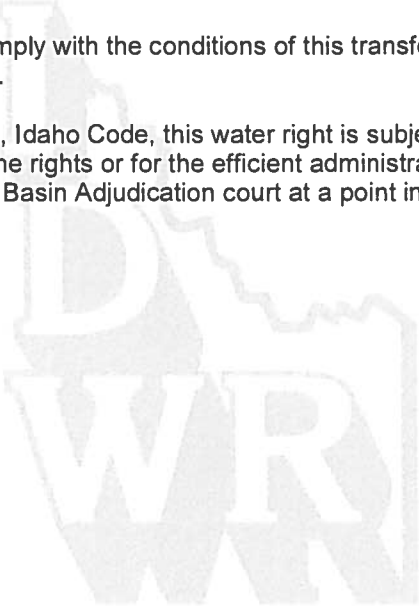
CONDITIONS OF APPROVAL

1. Rights 47-17630, 47-17631 and 47-17632 when combined shall not exceed a total diversion rate of 0.13 cfs, and a total annual maximum diversion volume of 21.3 af.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Transfer No. 79719

WATER RIGHT NO. 47-17631
As Modified by Transfer No. 79719

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
 5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
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WATER RIGHT NO. 47-17565

As Modified by Transfer No. 79719

In accordance with the approval of Transfer No. 79719, Water Right No. 47-17565 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 4/3/1961

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	0.200 cfs	102.9 af
			0.200 cfs	102.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 31 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWNW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 32 Twp 11S Rge 18E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	31	0.5		4.3	25.4								2.6	40.0	25.0	38.0	34.0	169.8

Right Acre Limit: 78.2

POU Total Acres: 169.8

CONDITIONS OF APPROVAL

- The rights listed below are limited to a total combined diversion rate of 3.10 cfs. Combined Right Nos.: 47-17555, 47-17560, 47-17565
- The rights listed below are limited to a total combined annual diversion volume of 679.2 af. Combined Right Nos.: 47-17555, 47-17560, 47-17565
- Right Nos. 47-17555, 47-17560, 47-17565 are limited to the irrigation of a combined total of 169.8 acres in a single irrigation season.
- Right 47-17565 is limited to the irrigation of 78.2 acres within the place of use described above in a single irrigation season.
- 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. 79719

WATER RIGHT NO. 47-17565
As Modified by Transfer No. 79719

CONDITIONS OF APPROVAL

6. 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.
7. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. Use of this right is combined with water from Twin Falls Canal Co.



WATER RIGHT NO. 47-17632**As Modified by Transfer No. 79719**

In accordance with the approval of Transfer No. 79719, Water Right No. 47-17632 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 4/3/1961

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	0.010 cfs	3.2 af
STOCKWATER	1/1	to 12/31	0.010 cfs	3.2 af
			0.010 cfs	3.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 26 Twp 10S Rge 14E	TWIN FALLS County
GROUND WATER	NWSW	Sec 26 Twp 10S Rge 14E	TWIN FALLS 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	
10S	14E	26										X							0.0

PLACE OF USE: STOCKWATER

			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	14E	26										X							0.0

CONDITIONS OF APPROVAL

1. Rights 47-17630, 47-17631 and 47-17632 when combined shall not exceed a total diversion rate of 0.13 cfs, and a total annual maximum diversion volume of 21.3 af.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Transfer No. 79719

WATER RIGHT NO. 47-17632
As Modified by Transfer No. 79719

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 79719
Rights: 47-17630, 47-17631 and 47-17632

This map depicts the COMMERCIAL and STOCKWATER place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

14E



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

0 0.045 0.09 0.18 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

March 9, 2015

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY ID 83341

Re: Transfer No: 79719
Water Right No(s): 47-17555, 47-17560, 47-17565

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" written in a smaller, more compact script than the last name "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

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79719

Water Right No(s): 47-17555, 47-17560, 47-17565

MATHERS RANCH INC

3485 E 3100 N

KIMBERLY ID 83341

BROCKWAY ENGINEERING PLLC

C/O GREG SULLIVAN

2016 N WASHINGTON ST STE 4

TWIN FALLS ID 83301

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.

Mathers Ranch		Before Transfer #79719		Post Transfer		Conversion 3.04 AFA/4.0 AFA				Post Transfer\ Remaining Portion			
Water Right	cfs	afa	Acre Limit	#79719	Acres Dried Up	cfs	afa	Converted afa		Water Right	cfs	afa	Acre Limit
47-17555	3.23	704.4	176.1	47-17630		7	0.13	21.2		47-17555	3.1	676.5	169.1
47-17560	1.47	643.3	160.8	47-17631	6.4	6.4	0.06	19.4		47-17560	1.41	617.8	154.4
47-17565	0.21	107.1	81.4	47-17632	3.2	3.2	0.01	3.2		47-17565	0.2	102.9	78.2
Combi. Limits	3.23	707.2	176.8		7	7	0.13	21.3			3.1	679.2	169.8

Mathers Ranch Inc. Transfer 79719 Water Right / Split Analysis
Allen Merritt / Bill Mills 3/9/2015

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, March 05, 2015 10:13 AM
To: 'Greg Sullivan'
Cc: Mills, William
Subject: Mathers Ranch remaining irrigation issues
Attachments: T79719 remain.pdf; mathers 2013.pdf; mathers 2014.pdf

Greg,

As we discussed there seems to be an issue developing where the acres remaining authorizing irrigation seems to not match up with what has been actually being irrigated in recent years. Attached are three maps.

The maps... "mathers 2013" and "mathers 2014" have a shape which is 174 acres in size which is close to what has been irrigated recently.

The map... "T79719 remain" shows the shape of the water rights after T79719 is approved. Note the authorized acres shape remaining is 169.8 acres in size.

If you compare there are several areas that appear that need adjusting.

Please note that we have confirmed with the TFCC that their shares are associated with the following tracts:
50 shares in NESE, 25 shares SWSE and 25 shares in SESE all S 31.

I have concerns with the area in SENE S31. I also have concerns with the area in SWNW S32 that should be dry from previous transfers but there still appears to be something going on there recently.

I believe that possibly the remaining acres allowed should be adjusted to match what is actually being irrigated. I do not want to set the Mathers up for a potential NOV. Also I think they need to know exactly what they can legally irrigate and if something is going on in S32 they need to explain it.

Let me know if you have questions. I'll hold up approval of T79719 until this is resolved.

Allen

MEMORANDUM

Date: February 25, 2015
To: Transfer 79719 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

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. The portions to be transferred are as follows: 7.0 acres (0.13 cfs; 27.9 af) from water right 47-17555; 6.4 acres (0.06 cfs; 25.5 af) from right 47-17560 and 3.2 acres (0.01 cfs; 4.2 af) from right 47-17565. The irrigation to commercial and stockwater use conversion was based on acre to volume conversion factor of 3.04 af/acre (926 mm) based on precipitation deficit data for grass/hay in the Twin Falls area obtained from the University of Idaho ET website. The conversion resulted in a 24% reduction in the volume being transferred from irrigation to commercial/stockwater use. Total allowed diversion for the transferred portions will be 0.13 cfs and 21.3 af.

Overlap analysis indicates there is a commercial and stock ground water right appurtenant to the proposed POU and diverted from the proposed PODs, right 47-7663F (0.240 cfs and 35.4 af). There is also another right, 47-14200 (stockwater 0.07 cfs; Domestic 0.08 cfs; total diversion 0.15 cfs) appurtenant to the proposed POU. Rights 47-14200 and 47-7663F when combined are limited to a total stockwater diversion of 39.3 afa. A Dairy CAFO Water Requirement worksheet provided with the transfer application indicates the dairy requires 49.2 af to provide stockwater and commercial water for the estimated 1000 head of dairy cattle at the facility. POU is in The Twin Falls Canal Company (TFCC) service area. A letter from the Twin Falls Canal Company included in the transfer application file (dated 9/24/2009) indicates there are no canal shares on the lands water is being transferred from, but then gives potentially conflicting information by stating there are canal shares in two of the quarter-quarters (QQ) previously listed as dry. I stopped by TFCC to verify where the shares are located. There are no shares appurtenant to the QQs water is being transferred from in this transfer, but there are shares appurtenant to other grounds the rights are appurtenant to: 50.00 shares in the NESE1/4; 25.00 shares in the SESE1/4 and 25 shares in the SWSE1/4 of Sec 31, Twp 11S, Rge 18E.

- **Authority to File:** Applicant is listed as the current owner of all water rights in this transfer. The ownership of the portions being split and moved to lands owned by a separate party will be changed after transfer approval and the owner has provided documentation indicating agreement with the proposed move.

- **Water Right Validity:** The water rights in this transfer were all decreed in the SRBA on 7/14/2009. Recent aerial and satellite imagery indicate the properties associated with these rights appear to be irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
Conversion to commercial and stockwater from irrigation use will result in a reduction of volume utilized under the transferred portions of these rights.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

MEMORANDUM

Date: February 25, 2015
To: Transfer 79719 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #79719 were based on the on the current transfer fee schedule and included \$200.00 for the 0.13 cfs being transferred (receipt No.S034442) and an additional \$250.00 fee included for the change in nature of use (receipt No. S034577). All fees were paid by Brockway Engineering.

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, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 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

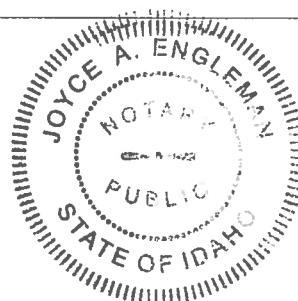
a Notary Public, personally appeared Ruby Aufderheide,

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: 2/28/19



✓ 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