

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79264

This is to certify that: JILL STUTZMAN
4123 HIDDEN LAKE DR
KIMBERLY, ID 83341
AND
KEN STUTZMAN
4123 HIDDEN LAKES DR
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>
47-8148	WR/LICENSE	11/16/1988	0.310 cfs	0.8 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

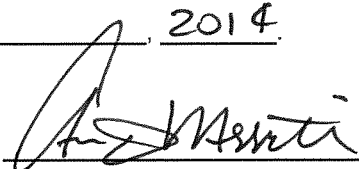
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-8148	YES	YES	YES	NO	YES	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-8148	47-17619	0.260 cfs	0.6 af	N/A	N/A	47-8148	0.050 cfs	0.2 af	N/A	N/A
COMBINED TOTALS		0.260 cfs	0.6 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 11th day of June, 2014.


Southern Region Manager

SUPPORT DATA

FILE # 47-8148

Transfer No. 79264

SCANNED

JUN 12 2014

WATER RIGHT NO. 47-8148

As Modified by Transfer No. 79264

In accordance with the approval of Transfer No. 79264, Water Right No. 47-8148 is now described as follows:

Right Holder: JILL STUTZMAN
4123 HIDDEN LAKE DR
KIMBERLY, ID 83341
AND
KEN STUTZMAN
4123 HIDDEN LAKES DR
KIMBERLY, ID 83341

Priority Date: 11/16/1988

Source: GROUND WATER

BENEFICIAL USE
COMMERCIAL

From 4/01 **To** 10/31

Diversion Rate
0.050 cfs
0.050 cfs

Diversion Volume
0.2 af
0.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 22 Twp 10S Rge 17E 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	17E	22	X																

CONDITIONS OF APPROVAL

- Commercial use is for road construction and dust abatement.
- Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

WATER RIGHT NO. 47-17619
As Modified by Transfer No. 79264

In accordance with the approval of Transfer No. 79264, Water Right No. 47-17619 is now described as follows:

Right Holder: KEN STUTZMAN
 4123 HIDDEN LAKES DR
 KIMBERLY, ID 83341
 AND
 JILL STUTZMAN
 4123 HIDDEN LAKE DR
 KIMBERLY, ID 83341

Priority Date: 11/16/1988

Source: GROUND WATER

BENEFICIAL USE
 COMMERCIAL

From 1/01 **To** 12/31

Diversion Rate
 0.260 cfs
 0.260 cfs

Diversion Volume
 0.6 af
 0.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 32 Twp 11S Rge 18E 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	
11S	18E	32			X	X				X	X			X		X	X		0.0

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 79264

State of Idaho
Department of Water Resources

Attachment To Transfer No. 79264

47-8148

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 0.0425 0.085 0.17 Miles

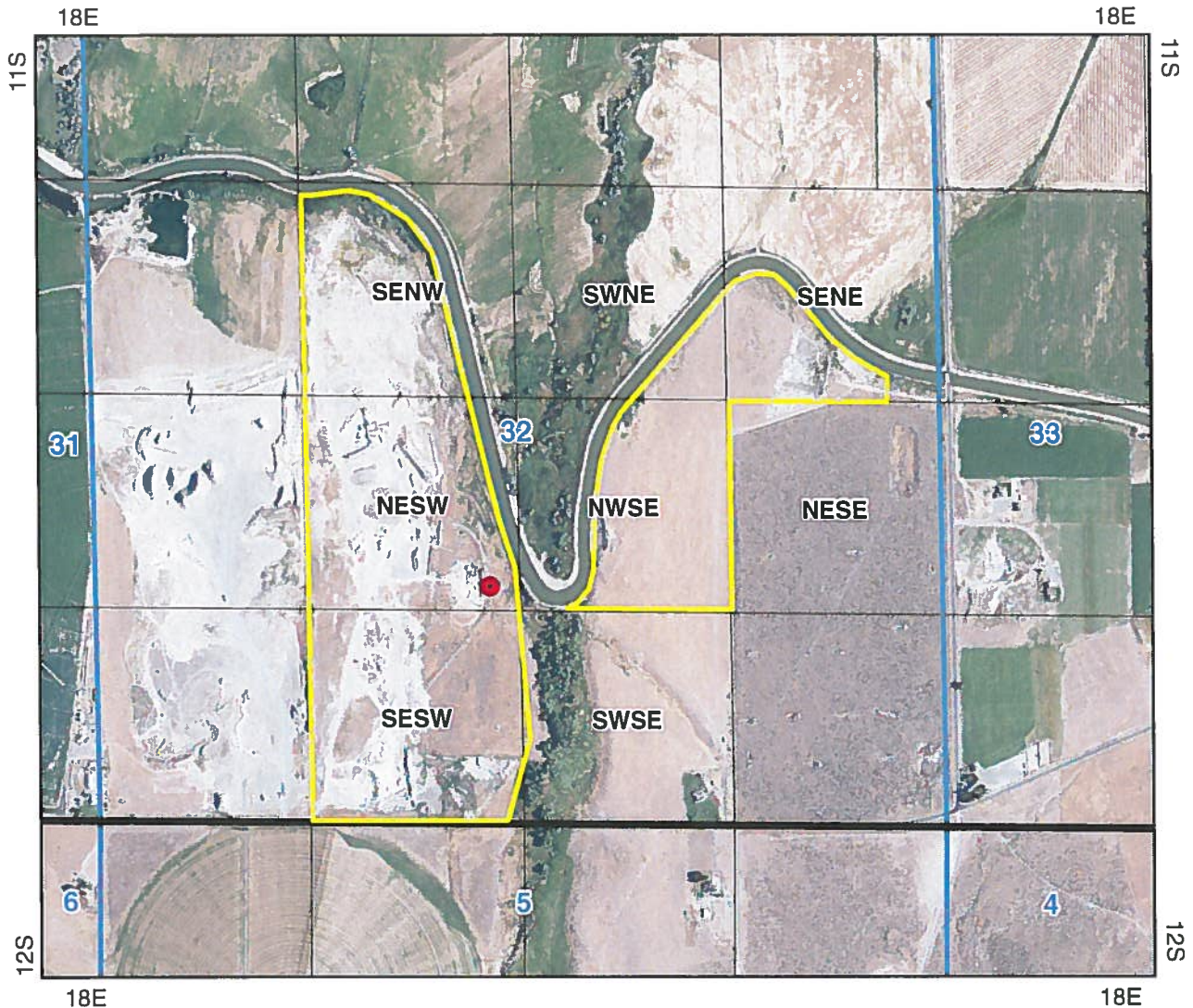


State of Idaho
Department of Water Resources

Attachment To Transfer No. 79264

47-17619

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.



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

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 12, 2014

KEN STUTZMAN
JILL STUTZMAN
4123 HIDDEN LAKES DR
KIMBERLY ID 83341

Re: Transfer No: 79264
Water Right No(s): 47-8148

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a prominent "M".

Allen Merritt
Southern Regional Manager

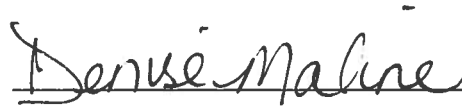
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79264
Water Right No(s): 47-8148

KEN STUTZMAN
JILL STUTZMAN
4123 HIDDEN LAKES DR
KIMBERLY ID 83341

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

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

RECEIVED

MAY 28 2014

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 15th day of May, 2014 and ending with the issue dated 22nd day of May, 2014

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

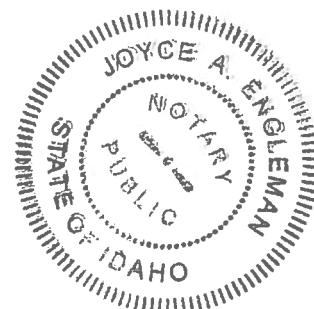
On this 22nd day of May, 2014, before me,

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 A. Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho

My commission expires: 6/28/19



✓ OK DM
6/4/2014

✓
NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79264

KEN STUTZMAN and JILL STUTZMAN, 4123 HIDDEN LAKES DR, KIMBERLY, ID 83341; has filed Application No. 79264 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-8148;. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU), point of diversion (POD), and season of use for a 0.26 CFS (0.6 AF) portion of a groundwater commercial right, currently authorized for 0.31 CFS (0.8 AF) at an existing facility located approximately 0.1 mi W & 0.1 mi S of the intersection of Kimberly Rd & Eastland Drive in Twin Falls. Application proposes to use this 0.26 CFS portion of the commercial right for year round use at a gravel facility located approximately 7.2 - 8.0 mi S & 0 - 0.7 mi W of Kimberly from a new well to be located within the gravel facility. Applicant will cease to divert 0.26 CFS & 0.6 AF at the current POU in lieu of use at the proposed POU.

✓
NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79293

WICKEL LAND COMPANY, LLP, 1084 E 300 N, DECLO, ID 83323; has filed Application No. 79293 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13773, 45-14453, 45-14454, 45-2468, 45-7336, 45-7449, 45-7471. The purpose of the transfer is to change a portion of the above rights as follows:

Application proposes to change the permissible place of use and a point of diversion for seven groundwater rights allowing for irrigation of 646 acres (7.7 cfs). The irrigated acres are located approximately 3 miles east and 1 mile north of Declo. The point of diversion will move approximately 0.25 miles to the northwest of an existing point of diversion listed on the water rights.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and, the proposed transfers, 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 Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 2, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: May 15 and 22, 2014

✓ OK DM 6/4/2014