

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-07882A

Priority: December 07, 1979

Maximum Diversion Rate: 2.06 CFS
Maximum Diversion Volume: 800.0 AF

It is hereby certified that VERBREE LAND HOLDINGS LLC
PO BOX 30
WENDELL ID 83355 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated has submitted Proof of
Beneficial Use on December 18, 1989. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	2.06 CFS	800.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 26, Twp 06S, Rge 21E, B.M.
LINCOLN County		
GROUND WATER	NE1/4NE1/4	Sec. 34, Twp 06S, Rge 21E, B.M.
LINCOLN County		

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 21E 26					40.0	40.0											80.0
06S 21E 27	40.0	40.0		40.0													120.0

Total Acres: 200

CONDITIONS OF APPROVAL

1. 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.
2. Rights 36-2205, 36-2452A, 36-2452B, 36-7788A, 36-7882A and 36-10108 when combined shall not exceed a total diversion rate of 17.84 cfs.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

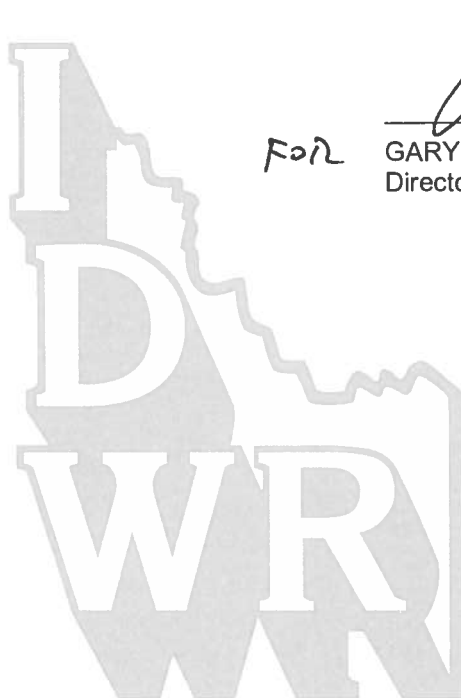
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-07882A

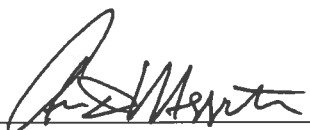
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 9th day of June, 2014.



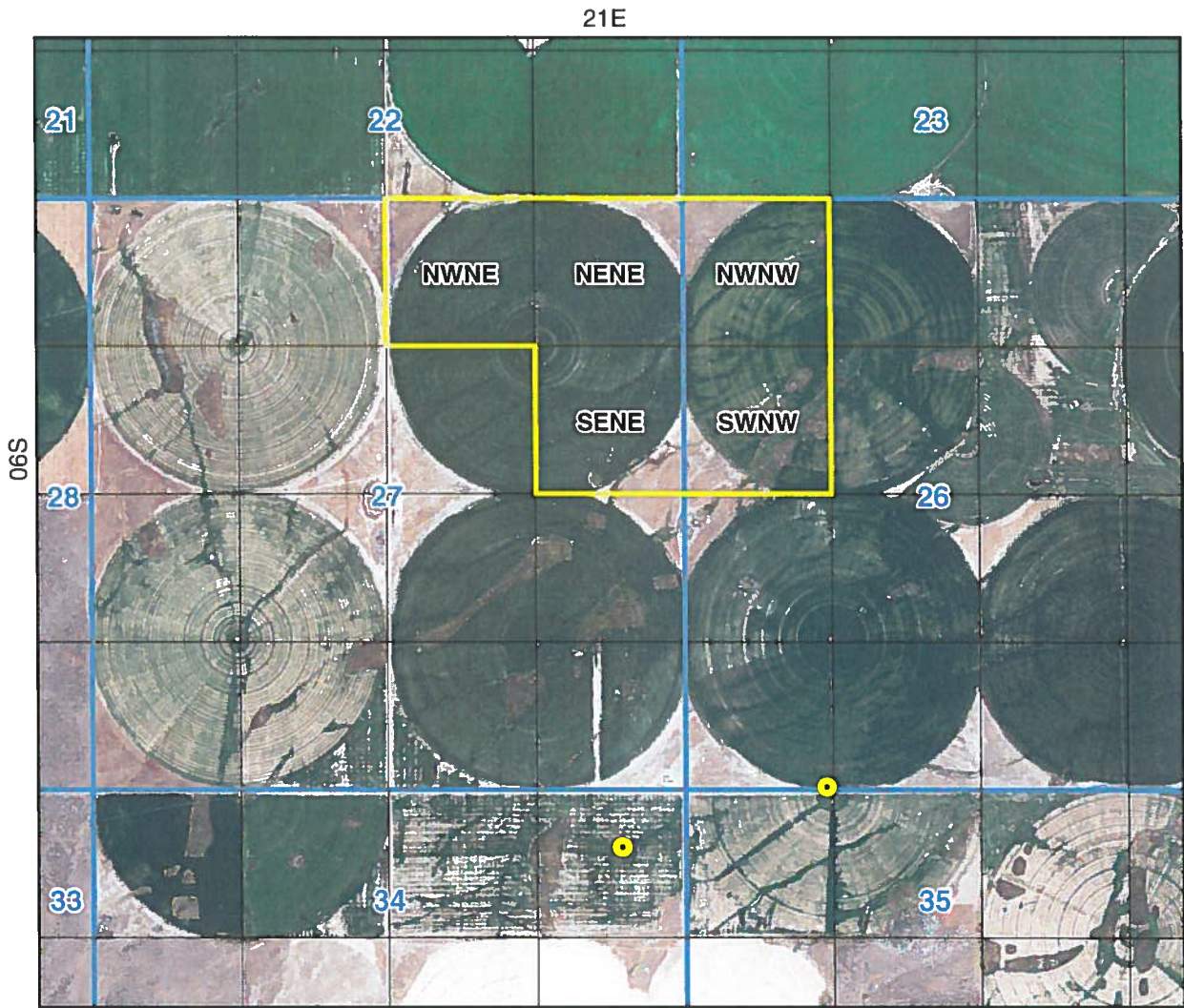
For



GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
36-7882A

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 0.2 0.4 0.8 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 10, 2014

VERBREE LAND HOLDINGS LLC
PO BOX 30
WENDELL ID 83355

RE: License No. 36-7882A

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 a party 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.

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,

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: NORTHWEST FARM CREDIT SERVICES PCA

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-7882A

**VERBREE LAND HOLDINGS LLC
PO BOX 30
WENDELL ID 83355**

**NORTHWEST FARM CREDIT SERVICES PCA
PO BOX 5059
TWIN FALLS ID 83303-5059**

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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-07882A

RECEIVED
APR 07 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: December 07, 1979

Maximum Diversion Rate: 2.06 CFS
Maximum Diversion Volume: 800.0 AF

Comes now VERBREE LAND HOLDINGS LLC
PO BOX 30

WENDELL ID 83355 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-07882A, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.06 CFS	800.0 AF

LOCATION OF POINT(S) OF DIVERSION:

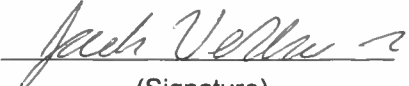
GROUND WATER	SW1/4SW1/4	Sec. 26, Twp 06S, Rge 21E, B.M.
LINCOLN County		
GROUND WATER	NE1/4NE1/4	Sec. 34, Twp 06S, Rge 21E, B.M.
LINCOLN County		

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	21E	26						40.0	40.0										80.0
06S	21E	27	40.0	40.0		40.0													120.0

Total Acres: 200

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 7 day of April, 2014.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-07882A

FOR DEPARTMENT USE ONLY

Preliminary check by JB Fee = 100.00 Received by JD # SO 33937 Date 4-7-2014

ACTION OF THE DEPARTMENT OF WATER RESOURCES

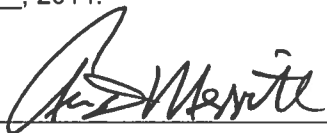
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-07882A with the following:

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
3. Rights 36-2205, 36-2452A, 36-2452B, 36-7788A and 36-7882A when combined shall not exceed a total diversion rate of 14.92 cfs.

Witness my hand this 9th day of June, 2014.

For


GARY SPACKMAN
Director



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 26, 2014

VERBREE LAND HOLDINGS, LLC
PO BOX 30
WENDELL ID 83355

RE: Water Right Permit No. 36-07882A

Dear Mr. and Mrs. Verbree:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 X Point(s) of Diversion

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, or do not agree with these determinations, feel free to contact me at 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Bitzenburg'.

Jim Bitzenburg
Sr. Water Resource Agent
Enclosure(s)

cc: NORTHWEST FARM CREDIT SERVICES PCA



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

June 19, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TSK ENTERPRISES
C/O GARY FUNDERBURG
255 BLUE LAKES BLVD PMB 617
TWIN FALLS, ID 83301

Re: Permit 36-7882A

Dear Gary,

After our telephone conversation regarding the water rights of Jack Verbree, I have some questions on this permit which you may be able to help me with? We are trying to issue the license but it appears the two wells on the permit are now owned by Triple T Farms.

The permit was originally approved on 1/29/1980 in the name of Chris Newbold. It was subsequently split in 1980 and part A was assigned to Jack Taylor and part B was assigned to Virgil Neilson. (On the assignment to Taylor, it did say that the point of diversion was to change?) The proof of beneficial use was filed on 12/18/1989 by Jack Taylor and no mention was made of a change in the points of diversion, but his request to file an extension did. Sounds like the change may have been made before that proof was submitted. Perhaps Mr. Taylor, if still around, could help with that information?

I did notice some measurements in the file made by IDWR in 1994, and those measurements were made on two of Verbree's wells, one in the SESWSW of Section 26 and the other in the NENE of Section 34. There were no notes in the file as to why those wells were measured instead of the ones on the permit.

If the two wells measured by Mel are the ones that were associated with the permit at the time proof was submitted, we can fix that in a licensing amendment at the time of licensing. I would need to see what other rights are associated with those wells to determine how much water might be available for this license.

I have enclosed a map and copies of the assignments and request for extension of time for you to review.

Please give me a call if you have any questions. I hope you can help...

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent