

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79079

This is to certify that: JON THOMSEN AND
KATHY THOMSEN
4525 N 1800 E
BUHL, ID 83316

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>
47-7509	WR/DECREED	3/12/1979	0.060 cfs	12.0 af	N/A	3.0	WASTE 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>
47-7509	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-7509	47-7509	0.060 cfs	12.0 af	N/A	3.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	12.0 af	N/A	3.0		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 15th day of April, 2014.



Southern Region Manager

WATER RIGHT NO. 47-7509
As Modified by Transfer No. 79079

In accordance with the approval of Transfer No. 79079, Water Right No. 47-7509 is now described as follows:

Right Holder: JON THOMSEN AND
 KATHY THOMSEN
 4525 N 1800 E
 BUHL, ID 83316

Priority Date: 3/12/1979

Source: WASTE WATER

Tributary: I COULEE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.060 cfs	12.0 af
			0.060 cfs	12.0 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	L5 (NESE)	Sec 9 Twp 09S Rge 15E TWIN FALLS County
WASTE WATER	L5 (NESE)	Sec 9 Twp 09S Rge 15E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Tw	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	15E	9													3.0				3.0
															L 5				

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. 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.
2. Use of this right is combined with water from Twin Falls Canal Co.
3. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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. 79079

WATER RIGHT NO. 47-7509

As Modified by Transfer No. 79079

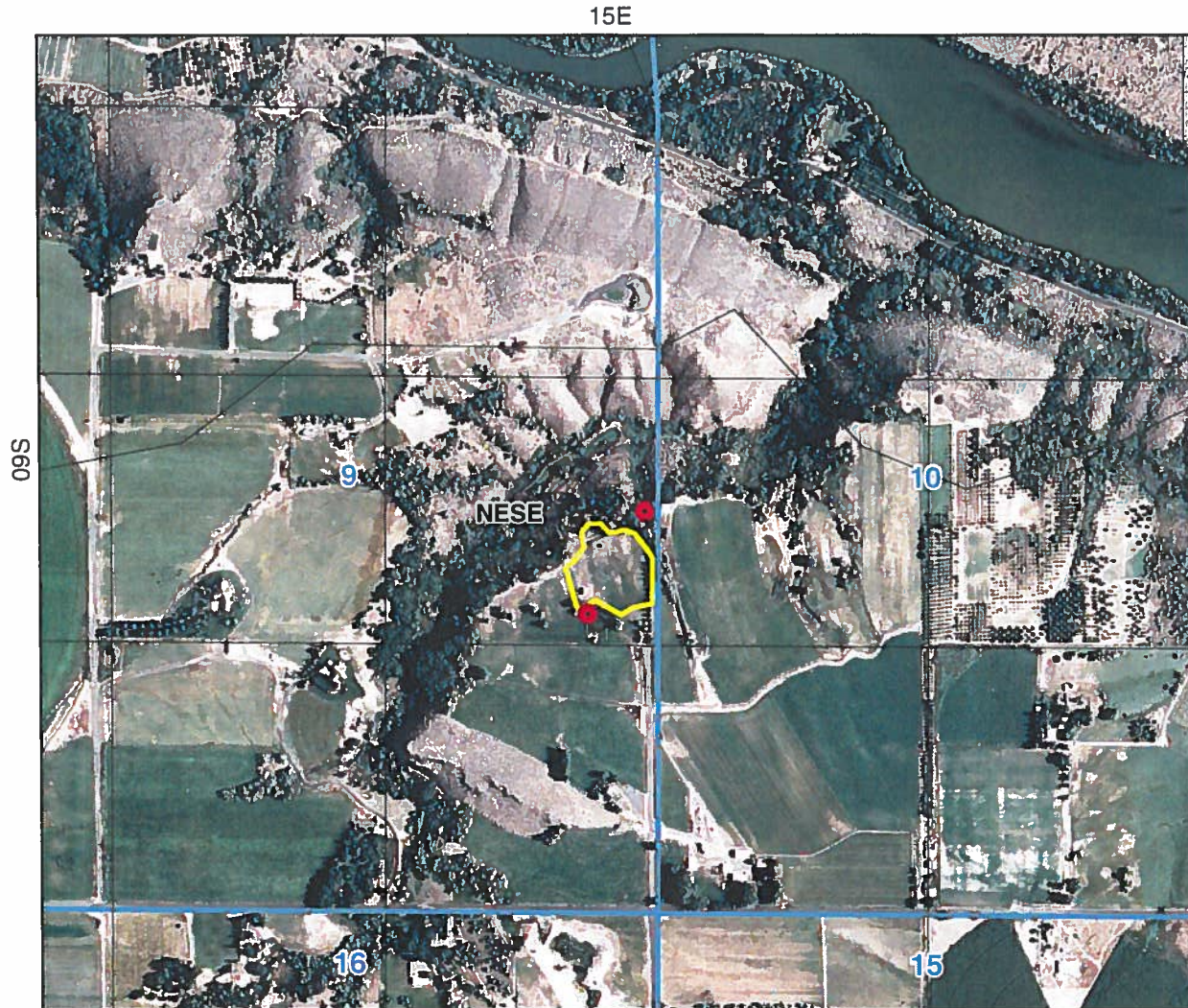
CONDITIONS OF APPROVAL

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.



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79079
Right: 47-7509

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 0.1 0.2 0.4 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 16, 2014

JON THOMSEN
KATHY THOMSEN
4525 N 1800 E
BUHL ID 83316

Re: Transfer No: 79079
Water Right No(s): 47-7509

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 cursive "Merritt".

Allen Merritt
Southern Region Manager

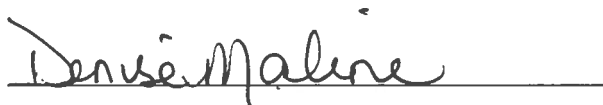
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79079
Water Right No(s): 47-7509

JON THOMSEN
KATHY THOMSEN
4525 N 1800 E
BUHL ID 83316

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

MAR 31 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, 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 20th day of March, 2014 and ending with the issue dated 27th day of March, 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.

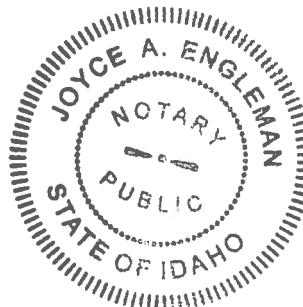
Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 28th day of March, 2014, before me,

a Notary Public, personally appeared Ruby Aufdeheide,
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 6/28/19
My commision expires: _____



✓ OK AM
4-1-2014

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

45-14455

NORMAN E DAYLEY

PO BOX 165

ALBION, ID 83311

Point of Diversion SENW S16 T12S R25E CASSIA County

Source HOWELL CREEK Tributary MARSH CREEK

Use: DIVERSION TO STORAGE 11/01 to 03/31 0.4 CFS

Use: GROUND WATER RECHARGE 11/01 to 03/31 0.4 CFS

Use: GROUND WATER RECHARGE FROM STORAGE 01/01 to 12/31 2.5 AF

Use: GROUND WATER RECHARGE STORAGE 01/01 to 12/31 2.5 AF

Total Diversion: 0.4 CFS

Date Filed: 2/25/2014

Place Of Use: GROUND WATER RECHARGE, GROUND WATER RECHARGE FROM STORAGE, GROUND WATER RECHARGE STORAGE, DIVERSION TO STORAGE

T12S R25E S9 SWSE

Application seeks to appropriate 0.4 cfs of water from Howell Creek for groundwater recharge purposes during the non-irrigation season. The location of the diversion from Howell Creek is approximately 2.1 mi. south & 2.0 mi. east of Albion, northeast of Highway 77. The proposed location for the recharge site is located approximately 1.6 mi. south & 2.0 mi. east of Albion, northeast of Highway 77. Permit will be subject to all prior water rights.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79079**

✓ JON THOMSEN and KATHY THOMSEN, 4525 N 1800 E, BUHL, ID 83316; has filed Application No. 79079 for changes to the following water rights within TWIN FALLS County(s): Right No (s). 47-7509. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion (POD) to a waste water right, tributary to the I-Coulee, authorized under right 47-7509 for the irrigation of 3 acres (0.06 CFS) on property located approximately 3.9 mi N & 3.3 mi E of Buhl. The proposed POD is to be located adjacent to this authorized place of use, approximately 4.0 mi N & 3.4 mi E of Buhl.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79110**

✓ RONALD L HRUZA, 798 E 400 N, RUPERT, ID 83350; has filed Application No. 79110 for changes to the following water rights within MINIDOKA 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 changing the point of diversion and place of use for a 1.43 cfs and 76 acre groundwater right currently authorized to be diverted from a well located approximately 4.9 miles north and 6.4 miles east of the center of Rupert. The application changes the authorized point of diversion to an existing well located approximately 4.2 miles north and 4.7 miles east of the center of Rupert. The transfer proposes diverting 0.80 cfs from the proposed point of diversion to irrigate 40 acres approximately 4.4 - 4.65 miles north and 5.0 - 5.25 miles east of the center of Rupert.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79126**

✓ ROBERT J MEYERS and KATHI L MEYERS, 3921 N 3300 E, TWIN FALLS, ID 83301; has filed Application No. 79126 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-129, 47-130, 47-131, 47-132, 47-2257, 47-2468, 47-2478, 47-2548, 47-2550. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a new point of diversion (POD), located approximately 4.0 mi. S & 1.9 mi. E of Kimberly, to groundwater irrigations rights 47-2257, 47-2468, 47-2548, and 47-2550. Rights 47-2257 & 47-2468 are currently authorized to irrigate 573 acre (3.28 cfs) within 626 acres on ground located approximately 1.5 - 2.5 mi. E & 4.0 - 5.5 mi S of Kimberly. Rights 47-2548 & 47-2550 are currently authorized to irrigate 250 acres (3.2 cfs) on ground located approximately 1.5 - 2.0 mi. E & 4.0 - 5.0 mi. S of Kimberly. Diversion at the farm is currently occurring from two wells, located the following distances from Kimberly: 5.1 mi. S & 2.5 mi. E and 5.4 mi. S & 2.5 mi. E. Application proposes to list both wells on all four aforementioned rights. The proposed changes will create a combined system which reflects the current operations at the farm. Application also proposes to create a 789-acre permissible place of use (PPU), by including adjacent acres owned by the applicant, for these four rights and also the Rock Creek rights associated with the ground. Rights will continue to be limited to 626 acres within the proposed PPU.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, 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 April 7, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: March 20 and 27, 2014

✓ ok DM 4-1-2014