

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78706**

This is to certify that: **BOWMONT FARMS LLC**
4890 DRY LAKE RD
NAMPA, ID 83686

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>
63-2980	WR/DECREED	1/26/1954	1.800 cfs	648.0 af	144.0	144.0	GROUND WATER
63-3336	WR/DECREED	5/6/1963	2.000 cfs	464.0 af	103.0	103.0	GROUND WATER
63-7267	WR/DECREED	9/19/1969	2.000 cfs	459.0 af	102.0	102.0	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>
63-2980	NO	YES	YES	YES	NO	NO
63-3336	NO	YES	YES	YES	NO	NO
63-7267	NO	YES	YES	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>
63-2980	63-2980	1.800 cfs	648.0 af	144.0	302.0	N/A	N/A	N/A	N/A	N/A
63-3336	63-3336	2.000 cfs	464.0 af	103.0	302.0	N/A	N/A	N/A	N/A	N/A
63-7267	63-7267	2.000 cfs	459.0 af	102.0	302.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.800 cfs	1359.0 af	N/A	302.0		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 23rd day of December, 2013.


Western Regional Manager

SUPPORT DATA

Transfer No. 78706

IN FILE # 63-2980

WATER RIGHT NO. 63-3336**As Modified by Transfer No. 78706**

In accordance with the approval of Transfer No. 78706, Water Right No. 63-3336 is now described as follows:

Right Holder: BOWMONT FARMS LLC
10394 MELMONT RD
MELBA, ID 83641

Priority Date: 5/6/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	2.000 cfs	464.0 af
			2.000 cfs	464.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SESE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SWSE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	NESW	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SESW	Sec 4	Twp 01N Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02W	4		9.0	39.0					15.0	8.0			23.0	32.0	40.0	39.0	38.0	243.0
				L 2															
01N	02W	9		20.0			39.0												59.0
01N	02W	9																	

Right Acre Limit: 103.0

POU Total Acres: 302.0

CONDITIONS OF APPROVAL

1. Rights 63-2980, 63-3336 and 63-7267 when combined shall not exceed a total annual maximum diversion volume of 1359 af at the field headgate, and the irrigation of a combined total of 302 acres in a single irrigation season.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 78706

WATER RIGHT NO. 63-3336
As Modified by Transfer No. 78706

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
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.

WATER RIGHT NO. 63-2980**As Modified by Transfer No. 78706**

In accordance with the approval of Transfer No. 78706, Water Right No. 63-2980 is now described as follows:

Right Holder: BOWMONT FARMS LLC
4890 DRY LAKE RD
NAMPA ID 83686

Priority Date: 1/26/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	1.800 cfs	648.0 af
			1.800 cfs	648.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SESE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SWSE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	NESW	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SESW	Sec 4	Twp 01N Rge 02W CANYON 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	
01N	02W	4		9.0	39.0					15.0	8.0			23.0	32.0	40.0	39.0	38.0	243.0
				L 2															
01N	02W	9		20.0			39.0												59.0
01N	02W	9																	

Right Acre Limit: 144.0

POU Total Acres: 302.0

CONDITIONS OF APPROVAL

1. Rights 63-2980, 63-3336 and 63-7267 when combined shall not exceed a total annual maximum diversion volume of 1359 af at the field headgate, and the irrigation of a combined total of 302 acres in a single irrigation season.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 78706

WATER RIGHT NO. 63-2980
As Modified by Transfer No. 78706

CONDITIONS OF APPROVAL

5. 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. 63-7267**As Modified by Transfer No. 78706**

In accordance with the approval of Transfer No. 78706, Water Right No. 63-7267 is now described as follows:

Right Holder: BOWMONT FARMS LLC
10394 MELMONT RD
MELBA, ID 83641

Priority Date: 9/19/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/15	2.000 cfs	459.0 af
			2.000 cfs	459.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SESE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SWSE	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	NESW	Sec 4	Twp 01N Rge 02W CANYON County
GROUND WATER	SESW	Sec 4	Twp 01N Rge 02W CANYON 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	
01N	02W	4		9.0	39.0					15.0	8.0			23.0	32.0	40.0	39.0	38.0	243.0
				L 2															
01N	02W	9		20.0			39.0												59.0
01N	02W	9																	

Right Acre Limit: 102.0

POU Total Acres: 302.0

CONDITIONS OF APPROVAL

1. Rights 63-2980, 63-3336 and 63-7267 when combined shall not exceed a total annual maximum diversion volume of 1359 af at the field headgate, and the irrigation of a combined total of 302 acres in a single irrigation season.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 78706

WATER RIGHT NO. 63-7267
As Modified by Transfer No. 78706

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
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

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

December 23, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

BOWMONT FARMS LLC
4890 DRY LAKE RD
NAMPA ID 83686

Re: Transfer No.78706
Water Right No's: 63-2980, 63-3336, 63-7267

Transfer Approval Notice

Dear Water Right Holder:

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)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Sommer". The signature is written in a cursive style with a large, looped "R" and a trailing flourish.

Rachel Sommer
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.78706

Water Right No's: 63-2980, 63-3336, 63-7267

**BOWMONT FARMS LLC
4890 DRY LAKE RD
NAMPA ID 83686**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**



**Rachel Sommer
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.

MEMORANDUM

To: File

From: Nick Van Dyke

Date: December 12, 2013

Re: Review of Bowmont Farms LLC Application for Transfer No. 78706

PURPOSE/NARRATIVE: Transfer application received July 11, 2013, proposing to change/clarify points of diversion and the places of use under rights 63-2980, 63-3336, and 63-7267. These ground water rights are on a farm located about 5 miles south of Nampa just off Hwy 45. Three existing wells and two proposed wells will be integrated into a delivery system irrigating a common 302 acre place of use for all three rights.

AUTHORITY TO FILE: Mike Siegersma, managing member of Bowmont Farms, signed the application. Lori Graves of SPF Engineering, acting as consultant, submitted the application.

WATER RIGHT VALIDITY: All three rights were decreed in the SRBA in February of 2009. Forfeiture is not a concern.

INJURY TO OTHER WATER RIGHTS: None anticipated. The two new wells to be drilled will be located on the applicant's property. Transfer was advertised, no protests received.

ENLARGEMENT OF USE: None anticipated.

LOCAL PUBLIC INTEREST: No information to suggest these applications are inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: Applications appear consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: None. Location not within a water district.

29512 1003339

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

LEGAL NOTICE

**PROPOSED CHANGE OF
WATER RIGHTS**

Bowmont Farms LLC, 4890 Dry Lake Rd, Nampa, ID 83686, filed Application No. 78706 to transfer three groundwater rights with 1954 to 1969 priority dates totaling 5.8 cfs and 1359 af. The purpose of the transfer is to combine 3 existing/2 proposed wells into a common system and place all 3 rights into a common 302 acre permissible place of use. The property is located approximately 5 miles south of Nampa off Hwy 45.

For additional information concerning the property location, contact Western Region office at (208)334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 12/09/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

November 21, 28, 2013
1003339



**AFFIDAVIT OF PUBLICATION
STATE OF IDAHO**

County of Canyon

}SS.

Linda Spencer
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
11/21/2013 11/28/2013

Linda Spencer
STATE OF IDAHO)

County of Canyon)

On this 29th day of November in the year of 2013 before me a Notary Public, personally appeared. Linda Spencer, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

[Signature]
Notary Public for Idaho
Residing at Canyon County
My Commission expires 09/12/2018

RECEIVED

DEC 03 2013

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 03 2013

WATER RESOURCES
WESTERN REGION

OK
12-10-13
RS