

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78127

This is to certify that: IDAHO WATER CO LLC
 1135 VALLEY RD S
 EDEN ID 83325
 (208) 312-1135

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-8251	WR/License	09/04/1990	0.11 cfs	16.9 af	N/A	N/A	GROUND WATER
47-17571	WR/Decreed	12/25/1970	1.51 cfs	384.9 af	N/A	128.3	GROUND WATER

Associated Water Rights Included in Transfer Approval (POU Reduction and Conditions Updated)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-7287	WR/Decreed	11/04/1974	N/A	24.8 af	N/A	128.3	MULE CREEK
47-14285	WR/Decreed	12/31/1969	3.91 cfs	N/A	N/A	195.3	MULE CREEK

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>
47-8251	NO	NO	YES	YES	NO	NO
47-17571	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>
47-8251	47-8251	0.11 cfs	16.9 af	N/A	N/A		N/A	N/A	N/A	N/A
47-17571	47-17590	0.30 cfs	48.2 af	N/A	N/A	47-17589	1.21 cfs	307.5 af	N/A	102.5
COMBINED TOTALS		0.41 cfs	65.1 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of December, 2012

SUPPORT DATA

IN FILE # 47-8251


 Southern Region Manager

SCANNED

DEC 11 2012

WATER RIGHT NO. 47-8251
As Modified by Transfer No. 78127

In accordance with the approval of Transfer No. 78127, Water Right No. 47-8251 is now described as follows.

Right Holder: FARMERS NATIONAL BANK
914 MAIN STREET
BUHL ID 83316

Priority Date: September 04, 1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.10 CFS	16.0 AF
COMMERCIAL	01/01	to 12/31	0.01 CFS	0.9 AF
			0.11 CFS	16.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NWNW) Sec. 7 Twp 10S Rge 14E TWIN FALLS
County

GROUND WATER L1 (NWNW) Sec. 7 Twp 10S Rge 14E TWIN FALLS
County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
10S	14E	7						X				X							
								L1				L2							

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
10S	14E	7						X				X							
								L 1				L 2							

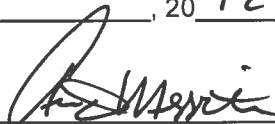
WATER RIGHT NO. 47-8251
As Modified by Transfer No. 78127

CONDITIONS OF APPROVAL

1. Rights 47-8251 and 47-17590 when combined shall not exceed a total diversion rate of 0.41 cfs or a total annual maximum diversion volume of 65.1 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.
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.

This water right 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.

Dated this 6th day of December, 2012



Southern Region Manager

WATER RIGHT NO. 47-17589
As Modified by Transfer No. 78127

In accordance with the approval of Transfer No. 78127, Water Right No. 47-17589 is now described as follows.

Right Holder: THOMAS Or DOROTHY LENO
4236 N 1900 E
BUHL ID 83316

Priority Date: December 25, 1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.21 CFS	307.5 AF
			1.21 CFS	307.5 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NWSWSW Sec. 20 Twp 16S Rge 16E TWIN FALLS
County

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 102.5

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 3.0 afa per acre at the field headgate for irrigation of the lands below.
2. 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.

This water right 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.

Dated this 6th day of December, 2012

Southern Region Manager

WATER RIGHT NO. 47-17590
As Modified by Transfer No. 78127

In accordance with the approval of Transfer No. 78127, Water Right No. 47-17590 is now described as follows.

Right Holder: THOMAS Or DOROTHY LENO
4236 N 1900 E
BUHL ID 83316

Priority Date: December 25, 1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.30 CFS	48.2 AF
STOCKWATER	01/01	to 12/31	0.30 CFS	48.2 AF
			0.30 CFS	48.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NWNW) Sec. 7 Twp 10S Rge 14E TWIN FALLS
County

GROUND WATER L1 (NWNW) Sec. 7 Twp 10S Rge 14E TWIN FALLS
County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
10S	14E	7						X		X									
								L1		L2									

PLACE OF USE: STOCKWATER

[illegible]

WATER RIGHT NO. 47-17590
As Modified by Transfer No. 78127

CONDITIONS OF APPROVAL

1. Rights 47-8251 and 47-17590 when combined shall not exceed a total diversion rate of 0.41 cfs or a total annual maximum diversion volume of 65.1 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.
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.

This water right 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.

Dated this 6th day of December, 2012



Southern Region Manager

WATER RIGHT NO. 47-7287
As Modified by Transfer No. 78127

In accordance with the approval of Transfer No. 78127, Water Right No. 47-7287 is now described as follows.

Right Holder: THOMAS Or DOROTHY LENO
4236 N 1900 E
BUHL ID 83316

Priority Date: November 04, 1974

Source: MULE CREEK

Tributary: SHOSHONE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	to 12/31	24.8 AF
IRRIGATION FROM STORAGE	03/15	to 11/15	24.8 AF
			24.8 AF

LOCATION OF POINT(S) OF DIVERSION:

MULE CREEK SESWSW Sec. 17 Twp 16S Rge 16E TWIN FALLS
County

PLACE OF USE: IRRIGATION FROM STORAGE

[illegible]

Total Acres: 102.5

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. 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.

This water right 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.

Dated this 6th day of December, 2012


Southern Region Manager

WATER RIGHT NO. 47-14285
As Modified by Transfer No. 78127

In accordance with the approval of Transfer No. 78127, Water Right No. 47-14285 is now described as follows.

Right Holder: THOMAS Or DOROTHY LENO
4236 N 1900 E
BUHL ID 83316

Priority Date: December 31, 1969

Source: MULE CREEK

Tributary: SHOSHONE CREEK

BENEFICIAL USE

From

To

Diversion Rate

IRRIGATION

04/01 to 10/31

3.39 CFS

3.39 CFS

LOCATION OF POINT(S) OF DIVERSION:

MULE CREEK SESWSW Sec. 17 Twp 16S Rge 16E TWIN FALLS
County

MULE CREEK SESWSW Sec. 17 Twp 16S Rge 16E TWIN FALLS
County

(Injection)

MULE CREEK NESWNW Sec. 20 Twp 16S Rge 16E TWIN FALLS
County

(Rediversion)

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	
16S	16E	20											37.0	6.0					43.0
16S	16E	29					24.0	22.5	20.0	14.0	12.0	34.0							126.5

Total Acres: 169.5

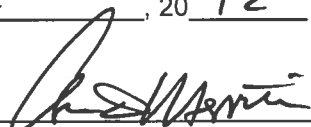
WATER RIGHT NO. 47-14285
As Modified by Transfer No. 78127

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the place of use.
4. 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.

This water right 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.

Dated this 6th day of December, 2012



Southern Region Manager

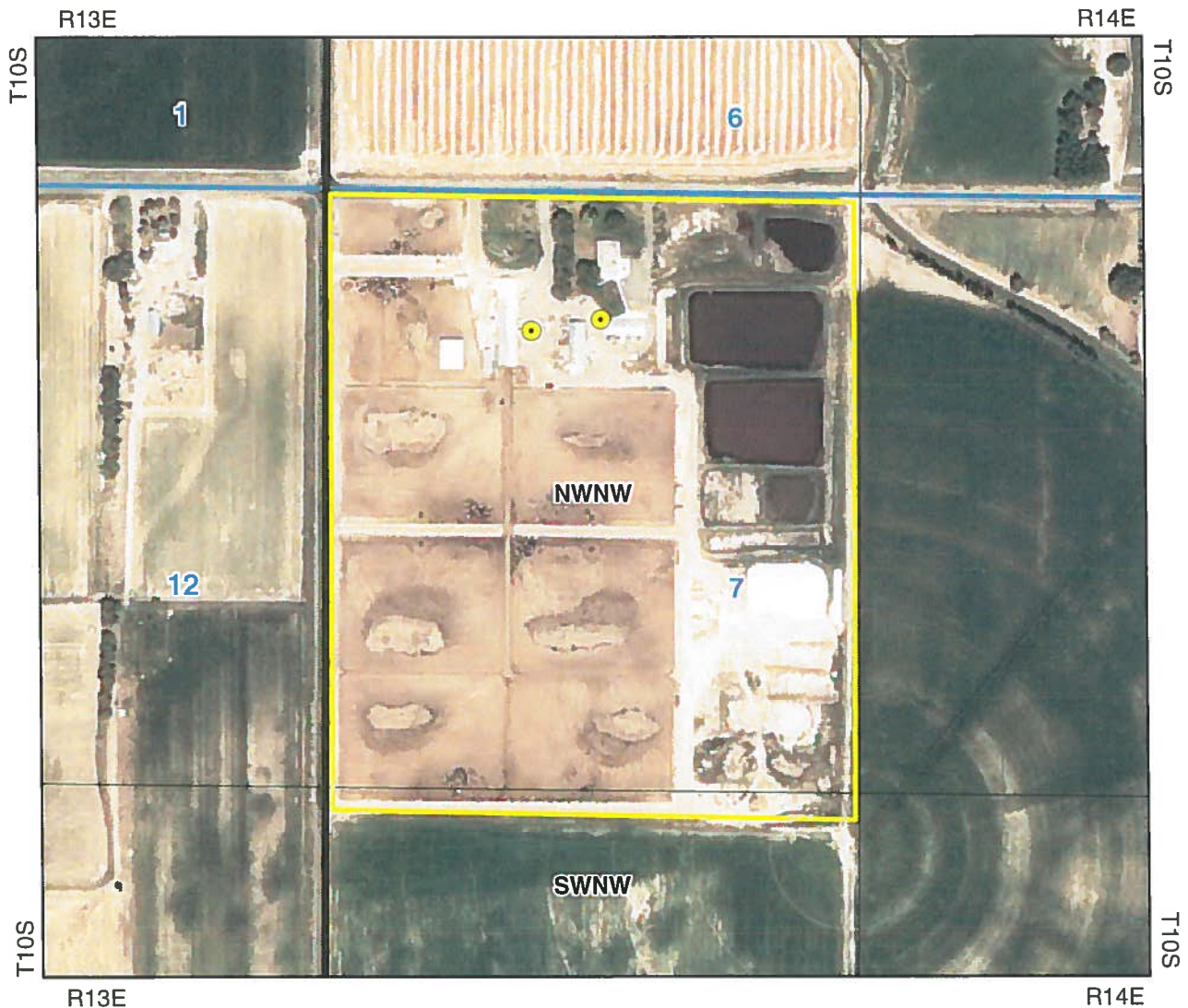
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 78127

Rights: 47-8251, 47-17590

This map depicts the COMMERCIAL & 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.



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters





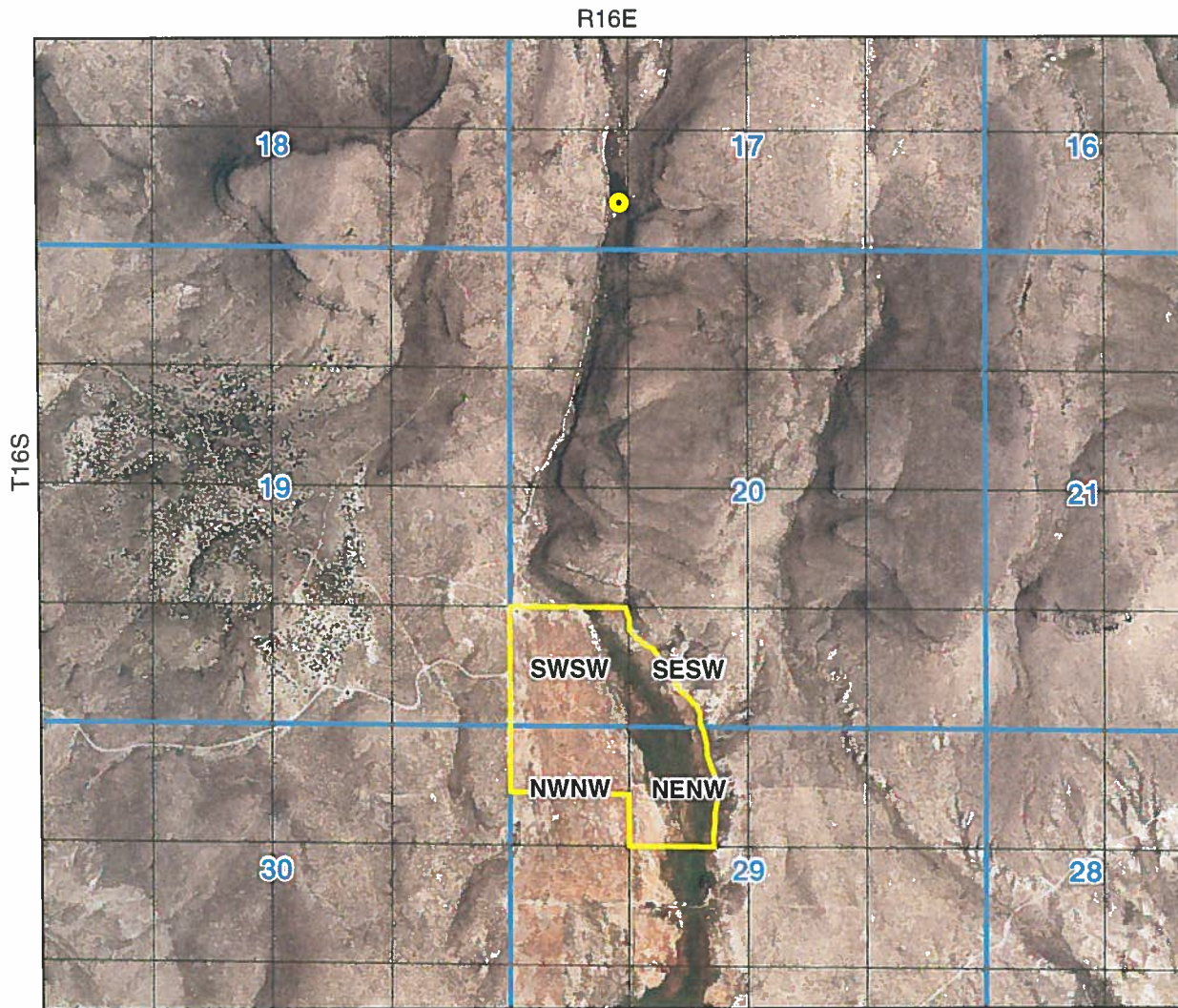
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 78127

Rights: 47-7287

This map depicts the IRRIGATION FROM STORAGE 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.



0 0.25 0.5 1 Miles

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



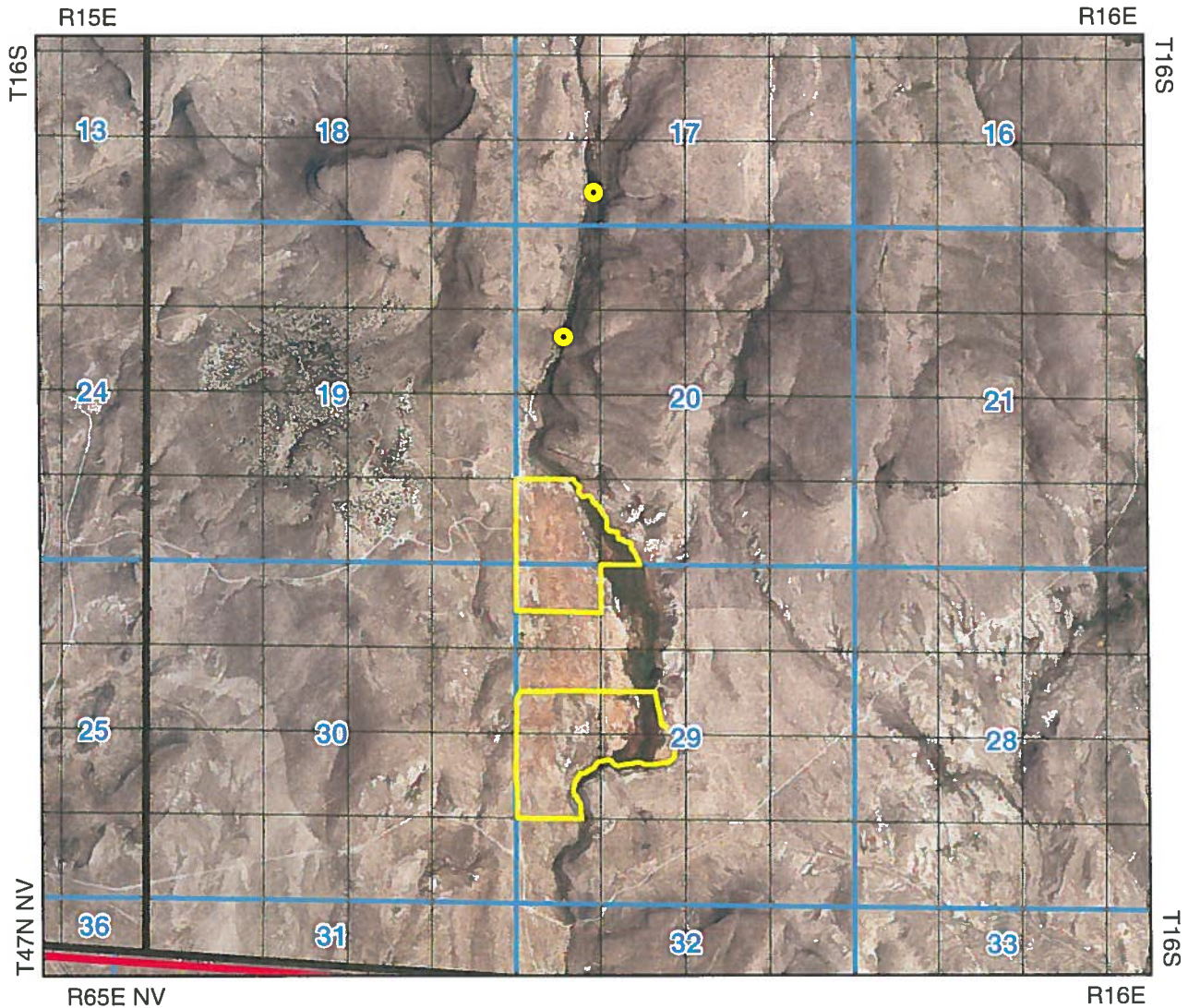
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 78127

Rights: 47-14285

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.



0 0.325 0.65 1.3 Miles

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





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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 6, 2012

IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

THOMAS LENO
DOROTHY LENO
4236 N 1900 E
BUHL ID 83316

FARMERS NATIONAL BANK
914 MAIN STREET
BUHL ID 83316

RE: Transfer No.: 78127
Water Right No(s): 47-17571 47-14285 47-8251 47-7287

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 homepage 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 Region Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

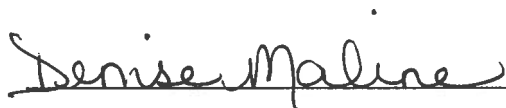
RE: TRANSFER NO. 78127
WATER RIGHTS NOS. 47-17571 47-14285 47-8251 47-7287

IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

THOMAS LENO
DOROTHY LENO
4236 N 1900 E
BUHL ID 83316

FARMERS NATIONAL BANK
914 MAIN STREET
BUHL ID 83316

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.

MEMORANDUM

Date: December 5, 2012
To: Transfer 78127 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 25.8 acre (0.30 cfs & 48.2 afa) portion of a groundwater irrigation right, 47-17571, from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to stockwater and commercial uses associated with a dairy facility located approximately 1.4-1.7 miles south and 5.2-5.6 miles west of Buhl. The application also proposes to modify the authorized place of use of the existing domestic and stockwater right, 47-8251, (0.11 cfs & 16.9 afa) at the site of the dairy facility to reflect the entire proposed site of the dairy facility. Two existing wells at the dairy facility will be used to divert up to a total of 0.41 cfs and 65.1 afa of water. Note that the place of use of groundwater right 47-17571 overlaps the place of use of two Mule Creek Rights, 47-7287 and 47-14285. The application includes a detailed supplemental analysis of the past use of right 47-17571. This analysis indicates that for each acre of right 47-17571 that is transferred, 1.87 AFA of consumptive use would be available to be transferred. The application also includes a relinquishment form signed by the current owner of right 47-14285 relinquishing a 25.8 acre portion of right 47-14285. In addition, the application also includes a signed statement reducing the authorized place of use of right 47-7287 by 25.8 acres. However, note that the 47-7287 statement proposes to retain the full amount (actually a rather small amount) of irrigation storage volume and irrigation from storage volume authorized by right 47-7287. Note that rights 47-17571, 47-7287, and 47-14285, in the name of Thomas or Dorothy Leno, resulted from previous similar approved transfers # 77406 (approved 11/1/2011) and # 77669 (approved 3/13/2012).

- **Authority to File:**

The application includes purchase and sale documents that give the applicant (Idaho Water Company) authority to file a transfer involving right 47-17571. Documents signed by the current owner address overlapping rights 47-7287 and 47-14285. Note that the 25.8 acres are described by three separate purchase and sale documents from Leno to Idaho Water Company. A 10/8/2011 agreement describes 10 acres, a 4/6/2011 agreement describes 17 acres, and an 8/14/2012 agreement describes 25.5 acres. These three agreements describe a total of 52.5 total acres. Of these 52.5 total acres, 26.7 acres were transferred away via approved transfer # 77406 (9.1 acres) and transfer # 77669 (17.6 acres) leaving 25.8 acres available for this transfer (#78127). An authorization form signed by the current owner (Farmers National Bank) of right 47-8251 authorizes the applicant to modify right 47-8251 via the transfer. Note that the ownership of right 47-8251 is also being updated in this transfer (based on enclosed Certificate of Sale/Sheriff Sale) to Farmers National Bank.

- **Water Right Validity:**

All the rights involved with the transfer were decreed in the SRBA in 2010 or 2011.

- **Injury to Other Water Rights:**

The current point of diversion for right 47-17571 and the proposed points of diversion at the dairy facility are located approximately 41 miles away from each other. However, both locations are located within IDWR administrative basin 47. In addition, the application includes copies of published reports relating to studies of the groundwater within the Salmon Falls Creek Basin in an attempt to show the interconnection of the aquifer between the current point of diversion for right 47-17571 and the dairy site. In addition, IDWR has approved a couple of transfers # 77406 (approved 11/1/2011) and # 77669 (approved 3/13/2012) involving these same rights, with transfer # 77406 moving the Leno groundwater right to the Buhl area.

- **Enlargement of Use:**

None anticipated. Conversion from irrigation to stock water and commercial use (based on consumptive use of irrigation right) will result in a net decrease in the allowable annual diversion volume.

- **Local Public Interest:**

No issues anticipated. The application has been subject to public notice and protest with no protests received.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses of water.

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

RECEIVED

NOV 16 2012

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 8th day of November, 2012 and ending with the issue dated 15th day of November, 2012

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

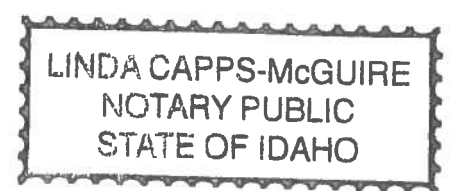
On this 15th day of November, 2012, before me,

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.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commision expires: 5-19-15

✓ OK
DM 11-20-2012



**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78127**

✓
IDAHO WATER CO LLC, 1135 VALLEY RD S, EDEN, ID 83325 has filed Application No. 78127 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-8251, 47-17571, 47-7287, 47-14285. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 25.8 acre (0.30 cfs & 48.2 afa) portion of a groundwater irrigation right from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to stockwater and commercial uses associated with a dairy facility located approximately 1.4-1.7 miles south and 5.2-5.6 miles west of Buhl. The application also proposes to modify the authorized place of use of the existing domestic and stockwater right (0.11 cfs & 16.9 afa) at the site of the dairy facility to reflect the entire proposed site of the dairy facility. Two existing wells at the dairy facility will be used to divert up to a total of 0.41 cfs and 65.1 afa of water.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77695**

✓
IDAHO POWER CO, C/O JON BOWLING, PO BOX 70, BOISE, ID 83707 has filed Application No. 77695 for changes to the following water rights within GOODING County(s): Right No(s). 36-2704. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing authorized point of diversion and place of use under an existing water right for 120 cfs from Niagara Springs for fish propagation, irrigation, domestic and fire protection uses associated with the Idaho Power Steelhead Hatchery. This hatchery is located approximately 7 miles south and 1.5 miles east of Wendell. The proposed changes include adding an additional point of diversion from the Niagara Springs complex and describing actual places of use for domestic, irrigation and fire protection uses. The irrigation place of use has been changed to describe a 4.8 acre permissible place of use with a limit of 2 acres irrigation.

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 26, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: November 8th & 15th, 2012

✓ OK DM 11-20-2012