

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77527

This is to certify that: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 600
SALT LAKE CITY UT 84111-1175
(801)359-1600

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>
45-14355	WR/Decreed	08/11/1959	0.05 cfs	19.2 af	4.8	217.0	GROUND WATER
45-14358	WR/Decreed	01/18/1960	0.03 cfs	19.2 af	4.8	217.0	GROUND WATER
45-14361	WR/Decreed	11/19/1948	0.02 cfs	7.6 af	2.2	104.8	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>
45-14355	NO	YES	YES	NO	YES	YES
45-14358	NO	YES	YES	NO	YES	YES
45-14361	NO	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>
45-14355	45-14355	0.05 cfs	14.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
45-14358	45-14358	0.03 cfs	14.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
45-14361	45-14361	0.02 cfs	6.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.1 cfs	14.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of July, 20 12

SUPPORT DATA


Southern Region Manager

IN FILE # 45-14355

WATER RIGHT NO. 45-14361
As Modified by Transfer No. 77527

In accordance with the approval of Transfer No. 77527, Water Right No. 45-14361 is now described as follows.

Right Holder: FARMLAND RESERVE INC
 139 E SOUTH TEMPLE STE 600
 SALT LAKE CITY UT 84111-1175

Priority Date: November 19, 1948

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	0.02 CFS	6.7 AF
			0.02 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESW Sec. 12 Twp 11S Rge 19E TWIN FALLS
 County

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>
11S	19E	12									X		X	X					

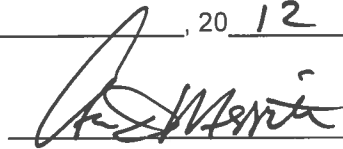
WATER RIGHT NO. 45-14361
As Modified by Transfer No. 77527

CONDITIONS OF APPROVAL

1. Rights 45-14361, 45-14355, and 45-14358 when combined shall not exceed a total diversion rate of 0.1 cfs and a total annual maximum diversion volume of 14.5 af.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 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. 140.
4. Prior to diversion and use of water under Transfer approval 77527, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 13th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 45-14355
As Modified by Transfer No. 77527

In accordance with the approval of Transfer No. 77527, Water Right No. 45-14355 is now described as follows.

Right Holder: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 600
SALT LAKE CITY UT 84111-1175

Priority Date: August 11, 1959

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	0.05 CFS	14.5 AF
			0.05 CFS	14.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESW Sec. 12 Twp 11S Rge 19E 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>	
11S	19E	12																	
										X			X		X				

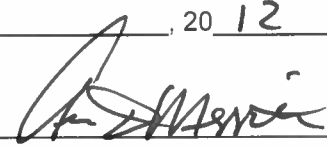
WATER RIGHT NO. 45-14355
As Modified by Transfer No. 77527

CONDITIONS OF APPROVAL

1. Rights 45-14361, 45-14355, and 45-14358 when combined shall not exceed a total diversion rate of 0.1 cfs and a total annual maximum diversion volume of 14.5 af.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 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. 140.
4. Prior to diversion and use of water under Transfer approval 77527, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 13th day of July, 2012


Southern Region Manager

WATER RIGHT NO. 45-14358
As Modified by Transfer No. 77527

In accordance with the approval of Transfer No. 77527, Water Right No. 45-14358 is now described as follows.

Right Holder: FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 600
SALT LAKE CITY UT 84111-1175

Priority Date: January 18, 1960

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	0.03 CFS	14.5 AF
			0.03 CFS	14.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESW Sec. 12 Twp 11S Rge 19E TWIN FALLS
County

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>
11S	19E	12									X		X	X					

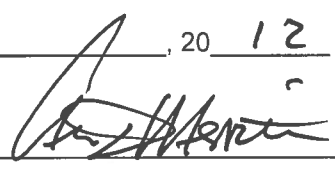
WATER RIGHT NO. 45-14358
As Modified by Transfer No. 77527

CONDITIONS OF APPROVAL

1. Rights 45-14361, 45-14355, and 45-14358 when combined shall not exceed a total diversion rate of 0.1 cfs and a total annual maximum diversion volume of 14.5 af.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 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. 140.
4. Prior to diversion and use of water under Transfer approval 77527, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 13th day of July, 2012


Southern Region Manager

State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 77527

Rights: 45-14355, 45-14358, 45-14361

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.



0 0.05 0.1 0.2 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
Interim Director

July 13, 2012

FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 600
SALT LAKE CITY UT 84111-1175

RE: Transfer No.: 77527
Water Right No(s): 45-14361 45-14355 45-14358

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 a large initial "A" and "M".

Allen Merritt
Southern Region Manager

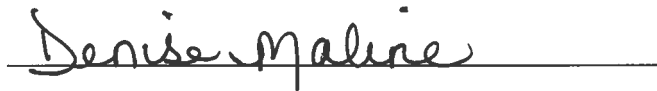
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77527
WATER RIGHTS NOS. 45-14361 45-14355 45-14358

FARMLAND RESERVE INC
139 E SOUTH TEMPLE STE 600
SALT LAKE CITY UT 84111-1175

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

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
Interim Director

July 13, 2012

BRIAN HIGGS WATERMASTER
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

RE: **APPROVED** Transfer No(s). 77527 (Farmland Reserve Inc.)

Dear Mr. Higgs:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer(s) within your district.

If you have any questions, please feel free to contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant
Southern Region

Enclosure

RECEIVED

JUN 29 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 21st day of June, 2012 and ending with the issue dated 28th day of June, 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 28th day of June, 2012, 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.

Linda Capp McQuinn
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commision expires: 5-19-15

✓ OK DM
7.5.2012

RECEIVED

JUN 29 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

47-17576

RICK YAVRUIAN

JANELLE YAVRUIAN

4078 MEADOW RIDGE CIRCLE

TWIN FALLS, ID 83301

Point of Diversion NWNE S1 T10S R17E TWIN FALLS County

Source WASTE WATER Tributary SNAKE RIVER

Use: DOMESTIC 03/15 to 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 5/21/2012

Place Of Use: DOMESTIC

T10S R17E S1 NWNE

Application proposes to divert up to 0.02 cfs from a waste water stream for domestic uses on property located approximately 1.7 miles east and 0.75 miles north of the city of Twin Falls, commonly known as 4078 Meadow Ridge Circle.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77527**

FARMLAND RESERVE INC, 139 E SOUTH TEMPLE STE 600, SALT LAKE CITY, UT 84111-1175 has filed Application No. 77527 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 45-14355, 45-14358, 45-14361. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion (POD), nature of use, and season of use for a portion of three groundwater irrigation rights: 45-14355 (45-2588) for 0.05 CFS; 45-14358 (45-2599) for 0.03 CFS; and 45-14361 (45-2282) for 0.02 CFS. Combined, this portion of the water rights have provided up to 4.8 acres of irrigation and 19.2 AFA at a farm located approximately 0.5 to 1.1 miles S & 0.6 to 1.5 miles W of the town of Murtaugh. Application proposes to dry up these 4.8 acres of irrigation at the current place of use (POU) and change the nature of use and season of use to provide up to 0.1 CFS & 14.5 AFA for year-round commercial use at existing potato cellars located on the same farm. Application also proposes to relinquish three (of four) authorized PODs (wells) and change the location of the remaining to a new well proposed to be located adjacent to the cellars, approximately 1.0 mi S & 1.2 mi W of Murtaugh.

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before July 9, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

PUBLISH: June 21st & 28th, 2012

✓ ok DM 7.5.2012