

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76824

This is to certify that: PLEASANT VALLEY IRRIGATION CO LTD
 C/O TERRY COPPLE ESQ
 PO BOX 1583
 BOISE ID 83701
 (208)342-3658

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>
63-379	WR/Decreed	05/16/1912	N/A	7900 af		1,148.0	BLACKS CREEK, BRYANS RUN
63-329B	WR/Decreed	04/01/1907	4 cfs	N/A		1,148.0	TENMILE CREEK
63-330B	WR/Decreed	04/01/1908	4 cfs	N/A		1,148.0	TENMILE CREEK
63-331B	WR/Decreed	04/01/1910	5 cfs	N/A		1,148.0	TENMILE CREEK
63-332	WR/Decreed	05/16/1912	13 cfs	N/A		1,148.0	TENMILE 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>
63-379	NO	NO	YES	NO	NO	NO
63-329B	NO	NO	YES	NO	NO	NO
63-330B	NO	NO	YES	NO	NO	NO
63-331B	NO	NO	YES	NO	NO	NO
63-332	NO	NO	YES	NO	NO	NO

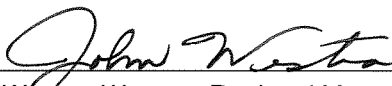
Summary of Water Rights After the Approved Change

<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>
63-379	63-379	N/A	7900 af	N/A	1,148.0		N/A	N/A	N/A	N/A
63-329B	63-329B	4 cfs	N/A	N/A	1,148.0		N/A	N/A	N/A	N/A
63-330B	63-330B	4 cfs	N/A	N/A	1,148.0		N/A	N/A	N/A	N/A
63-331B	63-331B	5 cfs	N/A	N/A	1,148.0		N/A	N/A	N/A	N/A
63-332	63-332	13 cfs	N/A	N/A	1,148.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		26 cfs	N/A	N/A	1148.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of May, 2012
 SUPPORT DATA

IN FILE # 63-329B


 John Westra, Western Regional Manager

SCANNED

MAY 29 2012

WATER RIGHT NO. 63-329B
As Modified by Transfer No. 76824

In accordance with the approval of Transfer No. 76824, Water Right No. 63-329B is now described as follows.

Right Holder: PLEASANT VALLEY IRRIGATION CO LTD
 C/O TERRY COPPLE ESQ
 PO BOX 1583
 BOISE ID 83701

Priority Date: April 01, 1907

Source: TENMILE CREEK

Tributary: FIFTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	01/01 to	12/31	0.28 CFS
IRRIGATION	03/01 to	11/15	4.00 CFS
			4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

TENMILE CREEK L3 (NWSW) Sec. 31 Twp 02N Rge 03E ADA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 02E 26										X							
02N 02E 27													X				
02N 02E 31												X					
02N 02E 36							X						X				

CONDITIONS OF APPROVAL

1. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 1148 acres within the boundary of Pleasant Valley Irrigation Co.
3. The right holder shall accomplish the change authorized by this transfer within one 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.

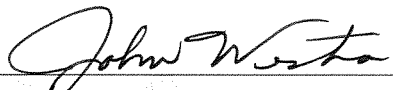
WATER RIGHT NO. 63-329B
As Modified by Transfer No. 76824

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.
6. The following rights are diverted through point of diversion described above: 63-329B, 63-330B, 63-331B, and 63-332.
7. 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. 63.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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 29th day of May, 20 12



John Westra, Western Regional Manager

WATER RIGHT NO. 63-330B
As Modified by Transfer No. 76824

In accordance with the approval of Transfer No. 76824, Water Right No. 63-330B is now described as follows.

Right Holder: PLEASANT VALLEY IRRIGATION CO LTD
C/O TERRY COPPLE ESQ
PO BOX 1583
BOISE ID 83701

Priority Date: April 01, 1908

Source: TENMILE CREEK

Tributary: FIFTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	4.00 CFS
STOCKWATER	01/01	to 12/31	0.28 CFS
			4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

TENMILE CREEK L3 (NWSW) Sec. 31 Twp 02N Rge 03E ADA County

PLACE OF USE: STOCKWATER, same as Irrigation

CONDITIONS OF APPROVAL

1. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 1148 acres within the boundary of Pleasant Valley Irrigation Co.
3. The right holder shall accomplish the change authorized by this transfer within one 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.
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.
6. The following rights are diverted through point of diversion described above: 63-329B, 63-330B, 63-331B, and 63-332.

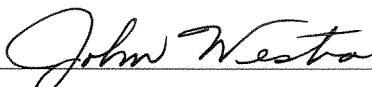
WATER RIGHT NO. 63-330B
As Modified by Transfer No. 76824

CONDITIONS OF APPROVAL

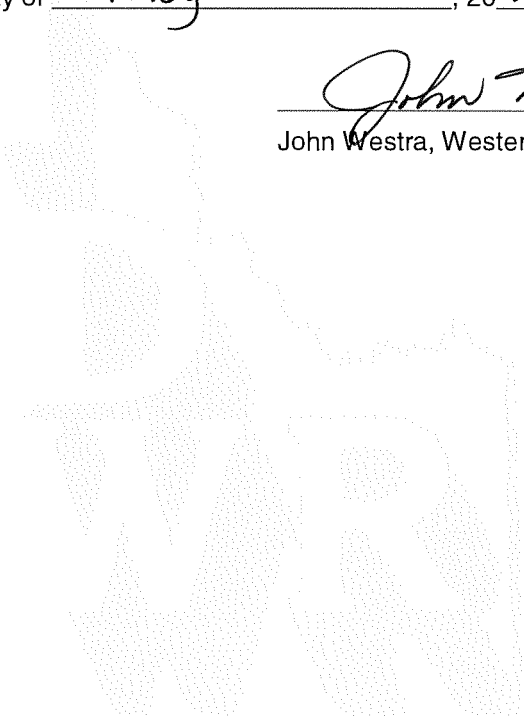
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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 29th day of May, 20 12



John Westra, Western Regional Manager



WATER RIGHT NO. 63-331B
As Modified by Transfer No. 76824

In accordance with the approval of Transfer No. 76824, Water Right No. 63-331B is now described as follows.

Right Holder: PLEASANT VALLEY IRRIGATION CO LTD
C/O TERRY COPPLE ESQ
PO BOX 1583
BOISE ID 83701

Priority Date: April 01, 1910

Source: TENMILE CREEK

Tributary: FIFTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	5.00 CFS
STOCKWATER	01/01	to 12/31	0.28 CFS
			5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

TENMILE CREEK L3 (NWSW) Sec. 31 Twp 02N Rge 03E ADA County

PLACE OF USE: STOCKWATER, same as Irrigation

CONDITIONS OF APPROVAL

1. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 1148 acres within the boundary of Pleasant Valley Irrigation Co.
3. The right holder shall accomplish the change authorized by this transfer within one 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.
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.
6. The following rights are diverted through point of diversion described above: 63-329B, 63-330B, 63-331B, and 63-332.

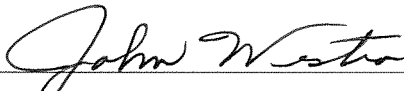
WATER RIGHT NO. 63-331B
As Modified by Transfer No. 76824

CONDITIONS OF APPROVAL

7. 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. 63.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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 29th day of May, 2012



John Westra, Western Regional Manager

WATER RIGHT NO. 63-332
As Modified by Transfer No. 76824

In accordance with the approval of Transfer No. 76824, Water Right No. 63-332 is now described as follows.

Right Holder: PLEASANT VALLEY IRRIGATION CO LTD
C/O TERRY COPPLE ESQ
PO BOX 1583
BOISE ID 83701

Priority Date: May 16, 1912

Source: TENMILE CREEK

Tributary: FIFTEENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	01/01	to 12/31	0.28 CFS
IRRIGATION	03/01	to 11/15	13.00 CFS
			13.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

TENMILE CREEK L3 (NWSW) Sec. 31 Twp 02N Rge 03E ADA County

PLACE OF USE: STOCKWATER, same as Irrigation

CONDITIONS OF APPROVAL

1. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 1148 acres within the boundary of Pleasant Valley Irrigation Co.
3. The right holder shall accomplish the change authorized by this transfer within one 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.
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.
6. The following rights are diverted through point of diversion described above: 63-329B, 63-330B, 63-331B, and 63-332.

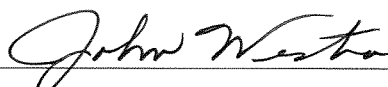
WATER RIGHT NO. 63-332
As Modified by Transfer No. 76824

CONDITIONS OF APPROVAL

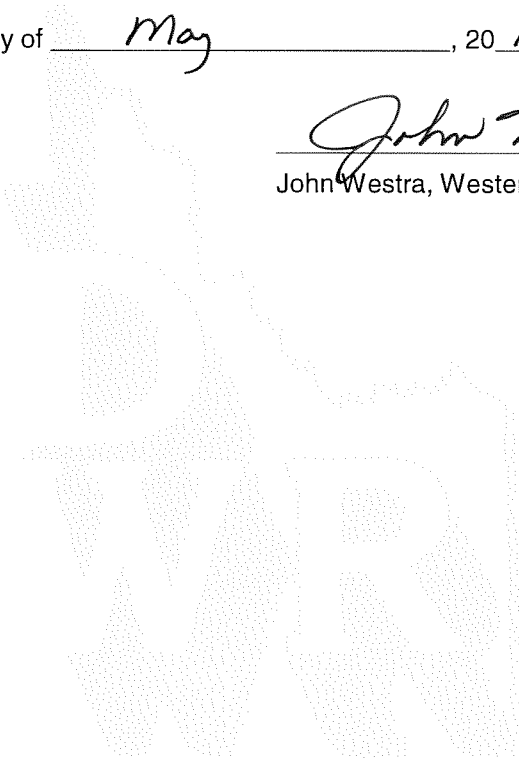
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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 29th day of May, 20 12



John Westra, Western Regional Manager



WATER RIGHT NO. 63-379
As Modified by Transfer No. 76824

In accordance with the approval of Transfer No. 76824, Water Right No. 63-379 is now described as follows.

Right Holder: PLEASANT VALLEY IRRIGATION CO LTD
 C/O TERRY COPPLE ESQ
 PO BOX 1583
 BOISE ID 83701

Priority Date: May 16, 1912

Source: BLACKS CREEK
 BRYANS RUN

Tributary: TENMILE CREEK
 TENMILE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	03/01	to 11/15	7,900.0 AF
STOCKWATER STORAGE	01/01	to 12/31	25.0 AF
IRRIGATION STORAGE	01/01	to 12/31	7,900.0 AF
STOCKWATER FROM STORAGE	01/01	to 12/31	25.0 AF
			7,900.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BRYANS RUN (Rediversion)	L3 (NWSW)	Sec. 31 Twp 02N Rge 03E	ADA County
BLACKS CREEK (Rediversion)	L3 (NWSW)	Sec. 31 Twp 02N Rge 03E	ADA County
BRYANS RUN	SESW	Sec. 31 Twp 02N Rge 03E	ADA County
BLACKS CREEK	SESW	Sec. 31 Twp 02N Rge 03E	ADA County

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03E	6	X	X		X													
			L 1	L 2															

PLACE OF USE: STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03E	6	X	X		X													
			L 1	L 2															

PLACE OF USE: STOCKWATER FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02E	26										X							
02N	02E	27													X				
02N	02E	31												X					
02N	02E	36							X						X				

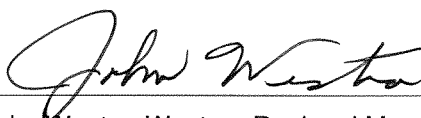
WATER RIGHT NO. 63-379
As Modified by Transfer No. 76824

CONDITIONS OF APPROVAL

1. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 1148 acres within the boundary of Pleasant Valley Irrigation Co.
3. The right holder shall accomplish the change authorized by this transfer within one 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.
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.
6. Sources are known as Blacks Creek and Bryans Run. Tenmile Creek begins at the face of the dam for Blacks Creek Reservoir.
7. 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. 63.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. The storage reservoir is known as Blacks Creek Reservoir.
10. The points of rediversion are on Tenmile Creek.

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 29th day of May, 20 12



John Westra, Western Regional Manager

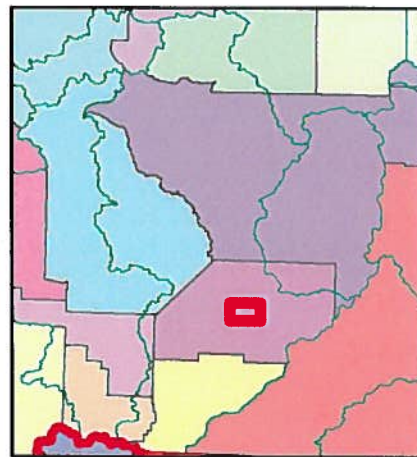


Pleasant Valley Irrigation Co Ltd

Water Rights: 63-329B, 63-330B, 63-331B, 63-332, 63-379

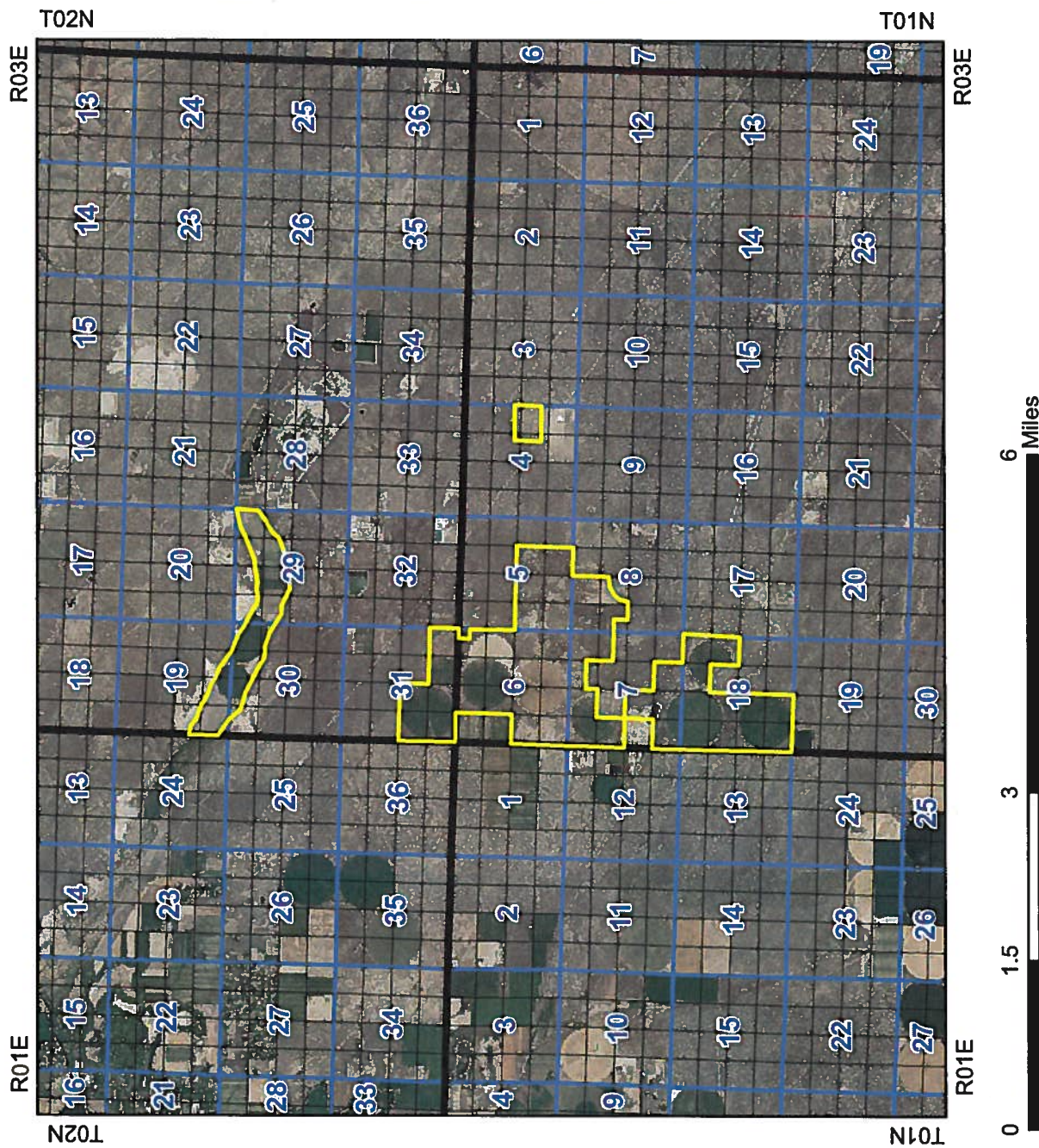
Irrigation Service Area Boundary
GIS Place of Use Illustration

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

Prepared by Curtis, Sharla
On January 31, 2012
2009 Aerial Photography





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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 29, 2012

PLEASANT VALLEY IRRIGATION CO LTD
C/O TERRY COPPLE ESQ
PO BOX 1583
BOISE ID 83701

RE: Transfer No.: 76824
Water Right No(s): 63-329B 63-330B 63-331B 63-332 63-379

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.

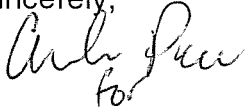
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 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 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is written in a cursive style with a large initial "J" and "W".

John Westra

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

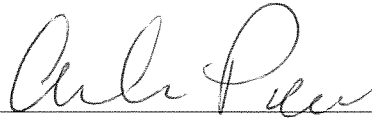
I hereby certify that on May 29, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 76824

WATER RIGHTS NOS. 63-329B 63-330B 63-331B 63-332 63-379

**PLEASANT VALLEY IRRIGATION CO LTD
C/O TERRY COPPLE ESQ
PO BOX 1583
BOISE ID 83701**

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

A handwritten signature in cursive script, appearing to read 'Mandi Pearson', is written over a horizontal line.

**Mandi Pearson
Office Specialist II**

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.

Proof of Publication
The Post Register

Rec'd 4-30-12
MP

State of Idaho
Bonneville County:

I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterrupted, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterrupted from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

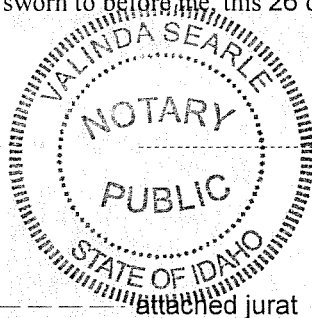
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: **463755**, for **2** consecutive (days) weeks, between **04/19/2012** and **04/26/2012**,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

OK MP
5-11-12

Staci Dockery

Subscribed and sworn to before me, this 26 day of April 2012



Notary Public

My Commission expires: 1/10/2015

11-10-2017

attached jurat

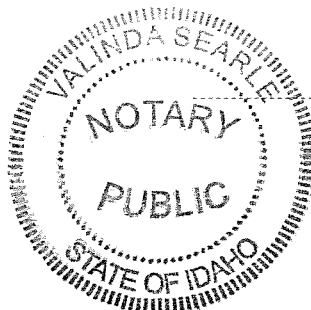
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 26 day of April 2012, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for The Post Company

Residing at: Idaho Falls

My Commission expires: 1/10/2015

11-10-2017

PROPOSED CHANGE OF WATER RIGHTS

Pleasant Valley Irrigation Co. c/o Terry Copple, Esq., PO Box 1583, Boise, ID 83701, filed **Application No. 76824** to transfer five water rights with 1907 to 1912 priority dates from Tenmile Creek and Blacks Creek totaling 26 cfs and 7900 af of storage. The purpose of the transfer is to expand the service area to include Tyson Food property located near South Cole and Kuna-Mora Roads. The transfer affects 8.62 cfs/2010.8 afa which reflect delivery of Tyson shares.

New Union Ditch Company Ltd. of PO Box 31, Eagle ID 83616 filed **Application No. 75286** to transfer a water right with an 1865 priority date from the Boise River totaling 13.76 cfs. The purpose of the transfer is to change the nature of use for an 8 acre portion of the right to mitigate consumptive use for 3 ponds in Lonesome Dove Subdivision (Application 63-33631) located along Riverside Dr southeast of Hwy 44 (State St) about 1 mile from Eagle. The unchanged portion of the right will remain within the ditch company service area.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; 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, Idaho Code. Any protest against the approval of this application(s) 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 5/7/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published: April 19 and 26, 2012 (463755)

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

REC'd 4/27/12
JL

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000595642	LEGAL NOTICE	Hansen	\$444.53	3	172

Attention: Steve Lester

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

LEGAL NOTICE

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

63-33616

LAWRENCE &/or KAY HANSEN

1440 L. MARY LN

MERIDIAN ID 83642

Point of Diversion: 2 points in NWSE, S9 T02N R01W

ADA County, Source: GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.16 CFS, COM-

MERCIAL 01/01 to 12/31 0.2 CFS, DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.42 CFS

Date Filed: 1/10/2012

Place Of Use: IRRIGATION, COMMERCIAL, DOMESTIC

T02N R01W S9 NWSE

Total Acres: 9

Water bearing zone to be appropriated is from 150

to 300 feet.

Commercial use is for a winery.

63-33620

MERIDIAN JOINT SCHOOL DISTRICT #2

OPERATIONS & MAINTENANCE

1303 E CENTRAL DR

MERIDIAN ID 83642

Point of Diversion: NESE, S6 T03N R01E ADA County

Source: GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.36 CFS

Total Diversion: 0.36 CFS

Date Filed: 2/17/2012

Place Of Use: IRRIGATION

T03N R01E S6 NESE NWSE

Total Acres: 6

Water bearing zone to be appropriated is from 200 to

350 feet for Chief Joseph School.

63-33621

MERIDIAN JOINT SCHOOL DISTRICT #2

OPERATIONS & MAINTENANCE

1303 E CENTRAL DR

MERIDIAN ID 83642

Point of Diversion: NWSE, S9 T03N R01E ADA County

Source: GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.38 CFS

Total Diversion: 1.38 CFS

Date Filed: 2/17/2012

Place Of Use: IRRIGATION

T03N R01E S9 NWSE SWSE

Total Acres: 24

Water bearing zone to be appropriated is from 200 to

350 feet for Lewis & Clark School.

63-33622

MERIDIAN JOINT SCHOOL DISTRICT #2

OPERATIONS & MAINTENANCE

1303 E CENTRAL DR

MERIDIAN ID 83642

Point of Diversion: SENE, S12 T03N R01W ADA

County, Source: GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.57 CFS

Total Diversion: 0.57 CFS

Date Filed: 2/17/2012

Place Of Use: IRRIGATION

T03N R01W S12 SENE

Total Acres: 9.5

Water bearing zone to be appropriated is from 200 to

350 feet for Meridian Elementary School.

63-33623

MERIDIAN JOINT SCHOOL DISTRICT #2

OPERATIONS & MAINTENANCE

1303 E CENTRAL DR

MERIDIAN ID 83642

Point of Diversion: SENE, S14 T03N R01W ADA

County, Source: GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.42 CFS

Total Diversion: 0.42 CFS

Date Filed: 2/17/2012

Place Of Use: IRRIGATION

T03N R01W S14 SENE

Total Acres: 7

Water bearing zone to be appropriated is from 200 to

350 feet for Peregrine School.

63-33624

MERIDIAN JOINT SCHOOL DISTRICT #2

OPERATIONS & MAINTENANCE

1303 E CENTRAL DR

MERIDIAN ID 83642

Point of Diversion: SENE, S16 T03N R01E ADA

County, Source: GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 2/17/2012

Place Of Use: IRRIGATION

T03N R01E S16 SENE

Total Acres: 3

Water bearing zone to be appropriated is from 200 to

350 feet Eliza Hart Spalding School.

63-33631

TAUNTON PROPERTIES

724 S LONE BROOK WAY

EAGLE ID 83616

Point of Diversion: 2 points in L1 (SENE) & 1 point in

L1 (NESE) S16 T04N R01E ADA County

Source: GROUND WATER Tributary: BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 140

AF

Total Diversion: 140 AF

Date Filed: 3/16/2012

Place Of Use: AESTHETIC STORAGE

T04N R01E S16 L2 (SWNE) L1 (SENE) L1 (NESE)

Water bearing zone to be appropriated is from 1 to

25 feet for shallow ground water ponds.

Mitigation is proposed by Application 75286 (New Union

Ditch Company).

PROPOSED CHANGE OF WATER RIGHTS

Pleasant Valley Irrigation Co. c/o Terry Copple,

Esq., PO Box 1583, Boise, ID 83701, filed Application

No. 75624 to transfer five water rights with

1997 to 1912 priority dates from Fennille Creek and

Blacks Creek totaling 26 cfs and 7900 af of storage.

The purpose of the transfer is to expand the service

area to include Tyson Food property located near

South Cole and KunaMora Roads. The transfer affects

8.62 cfs/2010.8 afa which reflect delivery of

Tyson shares.

New Union Ditch Company Ltd. of PO Box 31, Eagle

ID 83616 filed Application No. 75286 to transfer a

water right with an 1865 priority date from the

Boise River totaling 13.76 cfs. The purpose of the

transfer is to change the nature of use for an 8 acre

portion of the right to irrigate consumptive use for 3

ponds in Lonesome Dove Subdivision (Application 63-

23631) located along Riverside Dr southeast of Hwy

44 (State St) about 1 mile from Eagle. The un-

changed portion of the right will remain within the

ditch company service area.

Permits will be subject to all other water rights. For

additional information concerning the property loca-

tion, contact Western Region office at (208) 334

2190, or for a full description of the rights & or pro-

posed transfer, please see [www.idwr.idaho.gov/Apps/](http://www.idwr.idaho.gov/Apps/ExtSearch/WRFiling.asp)

ExtSearch/WRFiling.asp. Protests may be submitted

based on the criteria of Sec 42-222 and 42-202A, Idaho

Code. Any protest against the approval of this

application(s) 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 5/7/2012.

The protestant must also send a copy of the protest

to the applicant.

GARY SPACKMAN, Interim Director

Pub. April 19, 2012

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 04/19/2012

Ending issue of: 04/26/2012

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

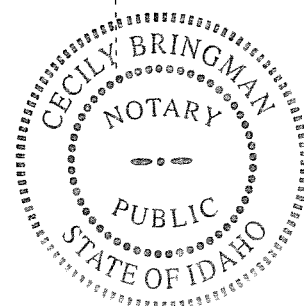
On this 26 day of April in the year of 2012 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



OK NUP
5-11-12

0000595642.01

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	04/26/2012	INVOICE NO.	59169
Account No.	964760		
Description	59169 PROPOSED		
Times	2	Lines	70
		Tab. lines	
		\$	99.75

LEGAL ADVERTISING
INVOICE

Sold To: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

PO#

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

59169
PROPOSED CHANGE OF
WATER RIGHTS

Pleasant Valley Irrigation Co.
c/o Terry Copple, Esq., PO
Box 1583, Boise, ID 83701,
filed Application No. 76824
to transfer five water rights
with 1907 to 1912 priority
dates from Tenmile Creek
and Blacks Creek totaling
26 cfs and 7900 af of storage.
The purpose of the transfer
is to expand the service
area to include Tyson Food
property located near South
Cole and Kuna-Mora Roads.
The transfer affects 8.62
cfs/2010.8 afa which reflect
delivery of Tyson shares.

New Union Ditch Company
Ltd. of PO Box 31, Eagle ID
83616 filed Application No.
75286 to transfer a water
right with an 1865 priority
date from the Boise River to-
taling 13.76 cfs. The purpose
of the transfer is to change
the nature of use for an 8
acre portion of the right to
mitigate consumptive use for
3 ponds in Lonesome Dove
Subdivision (Application 63-
33631) located along River-
side Dr southeast of Hwy 44
(State St) about 1 mile from
Eagle. The unchanged por-
tion of the right will remain
within the ditch company
service area.

For additional information
concerning the property lo-
cation, contact Western Re-
gion office at (208) 334-2190;
or for a full description of the
rights &/or proposed transfer,
please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be sub-
mitted based on the criteria
of Sec 42-222, Idaho Code.
Any protest against the ap-
proval of this application(s)
must be filed with the Direc-
tor, Dept. of Water Resourc-
es, Western Region, 2735
Airport Way, Boise, ID 83705
together with a protest fee of
\$25.00 for each application
on or before 5/7/2012. The
protestant must also send a
copy of the protest to the ap-
plicant.

GARY SPACKMAN,
Interim Director

AFFIDAVIT OF PUBLICATION

Mandy Charbonneau, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho
and under and by virtue of the laws of the State of Washington,
publishers of the Lewiston Tribune, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 105
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 59169 PROPOSED
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Tribune,

2 time(s). Publication being on
04/19, or once a Week
for 2 consecutive Week,
the first publication thereof being on the 04/19/2012,
and the last publication thereof being on the 04/26/2012,
and said 59169 PROPOSED was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

State of Idaho
S.S.
County of Nez Perce

On this 27th day of April in the year
of 2012, before me, a Notary Public, personally
appeared Mandy Charbonneau, 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.

Rachel Lambert
Notary Public in and for the State of Idaho,
residing at Moscow therein
Commission Expires 4/30/15

RECEIVED

MAY 03 2012

WATER RESOURCES
WESTERN 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 19th day of April, 2012 and ending with the issue dated 26th day of April, 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 26th day of April, 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, he depose and say that the contents of the foregoing instrument are true, and acknowledged to me that he executed the same.

PROPOSED CHANGE OF WATER RIGHTS

Pleasant Valley Irrigation Co. c/o Terry Copple, Esq., PO Box 1583, Boise, ID 83701, filed Application No. 76824 to transfer five water rights with 1907 to 1912 priority dates from Tenmile Creek and Blacks Creek totaling 26 cfs and 7900 af of storage. The purpose of the transfer is to expand the service area to include Tyson Food property located near South Cole and Kuna-Mora Roads. The transfer affects 8.62 cfs/2010.8 afa which reflect delivery of Tyson shares.

New Union Ditch Company Ltd. of PO Box 31, Eagle ID 83616 filed Application No. 75286 to transfer a water right with an 1865 priority date from the Boise River totaling 13.76 cfs. The purpose of the transfer is to change the nature of use for an 8 acre portion of the right to mitigate consumptive use for 3 ponds in Lonesome Dove Subdivision (Application 63-33631) located along Riverside Dr southeast of Hwy 44 (State St) about 1 mile from Eagle. The unchanged portion of the right will remain within the ditch company service area.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; 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, Idaho Code. Any protest against the approval of this application(s) 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 5/7/2012. The protestant must also send a copy of the protest to the applicant.

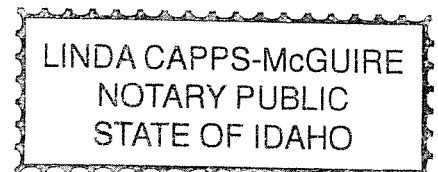
GARY SPACKMAN, Interim Director

PUBLISH: 4/19/2012 and 4/26/2012

Linda Copple McGuire
Notary Public for Idaho
residing at Twin Falls, Idaho.

My commission expires:

5-19-15





RECEIVED

APR 16 2012

WATER RESOURCES
WESTERN REGION

C. Ensil

State of Idaho

Department Of Water Resources

RECOMMENDATION FORM -- WATER DISTRICT NO. 63

Application # **76824**

Applicant Name **Pleasant Valley Irrigation**

Watermaster Recommendation:

- a) _____ I do not oppose approval of this application(s).
- b) XX I do not oppose approval of this application(s) if it is conditioned as follows:
Upon notification lockable control works and measuring devices must be installed

- c) _____ I oppose approval of this application(s) for the following reasons:

- d) _____ Additional comments:

Dated this 17 day of April , 2012

Rex R. Barrie

Watermaster Signature

Printed Name

Lester, Steve

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Tuesday, April 17, 2012 7:17 AM
To: Lester, Steve
Subject: RE: Watermaster comments for applications

Steve,

I like the "upon notification" method. That way if a problem surfaces, we have the tools in place.

Rex

From: Lester, Steve [mailto:Steve.Lester@idwr.idaho.gov]
Sent: Monday, April 16, 2012 12:23 PM
To: Rex Barrie
Subject: RE: Watermaster comments for applications

Hi Rex:

I don't imagine Pleasant Valley needs much monitoring since not directly from river. They are in your district but more of a sidebar unless a problem comes up. Have not heard of any problems now or in the past. Typically, transfer approvals for rights in water districts include conditions of approval requiring lockable headgates and acceptable measuring devices for watermaster control if the rights don't already have those conditions on them. In this case, a possible outcome is to tweak those conditions to say "upon notification" to not require those now but retain control to require them in the future. Maybe they already have the controls in place. We would follow your lead on either requiring them now or using "upon notification" method. Your thoughts?

Thanks for your comments on the other 2 applications.

Steve

From: Rex Barrie [mailto:waterdistrict63@qwestoffice.net]
Sent: Monday, April 16, 2012 7:09 AM
To: Lester, Steve
Subject: RE: Watermaster comments for applications

Steve,

I was not aware of the Pleasant Valley Irrigation Co. Should I be monitoring them?

Rex

From: Lester, Steve [mailto:Steve.Lester@idwr.idaho.gov]
Sent: Friday, April 13, 2012 10:34 AM
To: waterdistrict63@qwestoffice.net
Subject: Watermaster comments for applications

Rex:

Attached information summarizes three applications for your review as follows.

Application 63-33631 for shallow ground water ponds.

Application 75286 for 8 acres of New Union Ditch Co. water to mitigate consumptive use from ponds in above application.

Application 76824 to change irrigation boundary for Pleasant Valley Irrigation Co.

Latter 2 applications for transfer: have attached only relevant pages of applications, left out deeds etc. that don't help much. However, complete application documents will be on dept. website by about middle of next week if you want to see them.

Please let me know if you need more information. Thanks for your help.

Steve

p.s. on another matter, have not forgotten about Graham-Gilbert Ditch research, just have not had time yet, will do soon as can.