

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76427

This is to certify that: TODD HINES
3879 ROAD 6 NW
EPHRATA WA 98823
(509)750-5167

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>
63-32686	WR/Decreed	04/17/1961	0.35 cfs	78 af	17.3	26.0	GROUND WATER
63-32690	WR/Decreed	04/13/1967	0.19 cfs	42 af	9.3	14.0	GROUND WATER
63-32692	WR/Decreed	03/22/1967	1.41 cfs	474 af	105.3	158.0	GROUND WATER
63-32694	WR/Decreed	10/07/1968	0.8 cfs	340 af	80.0	120.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-32686	NO	YES	YES	YES	NO	NO
63-32690	NO	YES	YES	YES	NO	NO
63-32692	NO	YES	YES	YES	NO	NO
63-32694	NO	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-32686	63-32686	0.35 cfs	78.0 af	17.3	317.5		N/A	N/A	N/A	N/A
63-32690	63-32690	0.19 cfs	42.0 af	9.3	317.5		N/A	N/A	N/A	N/A
63-32692	63-32692	1.41 cfs	474.0 af	105.3	317.5		N/A	N/A	N/A	N/A
63-32694	63-32694	0.80 cfs	340.0 af	80.0	317.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.75 cfs	934.0 af	211.9	317.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1ST day of December, 2011

for Steve Lester
John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 63-32686

WATER RIGHT NO. 63-32690
As Modified by Transfer No. 76427

In accordance with the approval of Transfer No. 76427, Water Right No. 63-32690 is now described as follows.

Right Holder: TODD HINES
 3879 ROAD 6 NW
 EPHRATA WA 98823

Priority Date: April 13, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.19 CFS	42.0 AF
			0.19 CFS	42.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 10 Twp 02N	Rge 03W CANYON County
GROUND WATER	SWNENE	Sec. 14 Twp 02N	Rge 03W CANYON County

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	
02N	03W	14	40.0	40.0	40.0	40.0	40.0	40.0	40.0	37.5									317.5

Total Acres: 317.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 9.3 acres within the authorized place of use in a single irrigation season.
5. Rights 63-32686, 63-32690, 63-32692, and 63-32694 when combined shall not exceed a total diversion rate of 2.75 cfs, a total annual maximum diversion volume of 934.0 af at the field headgate, and the irrigation of 211.9 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 63-32690
As Modified by Transfer No. 76427

CONDITIONS OF APPROVAL

7. 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.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/30/2010.
9. Rights 63-3597N, 63-32330, 63-32331, 63-32686, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the NE ¼, SE ¼, NW¼ of Section 10 T2N R3W described above.
10. Rights 63-32685, 63-32686, 63-32687, 63-32688, 63-32689, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the SW ¼, NE ¼, NE¼ of Section 14 T2N R3W described above.

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 1ST day of December, 20 11

for John Westra

John Westra, Western Regional Manager

WATER RIGHT NO. 63-32686
As Modified by Transfer No. 76427

In accordance with the approval of Transfer No. 76427, Water Right No. 63-32686 is now described as follows.

Right Holder: TODD HINES
 3879 ROAD 6 NW
 EPHRATA WA 98823

Priority Date: April 17, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.35 CFS	78.0 AF
			0.35 CFS	78.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 10 Twp 02N	Rge 03W CANYON County
GROUND WATER	SWNENE	Sec. 14 Twp 02N	Rge 03W CANYON County

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	
02N	03W	14	40.0	40.0	40.0	40.0	40.0	40.0	40.0	37.5									317.5

Total Acres: 317.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 17.3 acres within the authorized place of use in a single irrigation season.
5. Rights 63-32686, 63-32690, 63-32692, and 63-32694 when combined shall not exceed a total diversion rate of 2.75 cfs, a total annual maximum diversion volume of 934.0 af at the field headgate, and the irrigation of 211.9 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

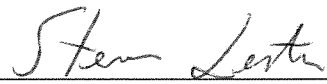
WATER RIGHT NO. 63-32686
As Modified by Transfer No. 76427

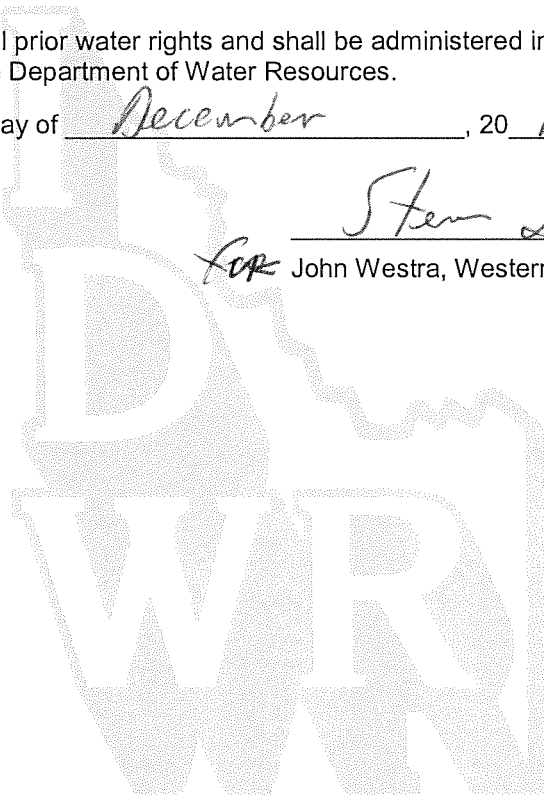
CONDITIONS OF APPROVAL

7. 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.
8. Rights 63-3597N, 63-32330, 63-32331, 63-32686, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 10 T2N R3W described above.
9. Rights 63-32685, 63-32686, 63-32687, 63-32688, 63-32689, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 14 T2N R3W described above.

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 15th day of December, 2011


~~for~~ John Westra, Western Regional Manager



WATER RIGHT NO. 63-32692
As Modified by Transfer No. 76427

In accordance with the approval of Transfer No. 76427, Water Right No. 63-32692 is now described as follows.

Right Holder: TODD HINES
 3879 ROAD 6 NW
 EPHRATA WA 98823

Priority Date: March 22, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.41 CFS	474.0 AF
			1.41 CFS	474.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 10 Twp 02N Rge 03W CANYON County
GROUND WATER	SWNE	Sec. 14 Twp 02N Rge 03W CANYON County

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	
02N	03W	14	40.0	40.0	40.0	40.0	40.0	40.0	40.0	37.5									317.5

Total Acres: 317.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 105.3 acres within the authorized place of use in a single irrigation season.
5. Rights 63-32686, 63-32690, 63-32692, and 63-32694 when combined shall not exceed a total diversion rate of 2.75 cfs, a total annual maximum diversion volume of 934.0 af at the field headgate, and the irrigation of 211.9 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

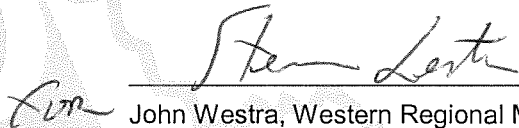
WATER RIGHT NO. 63-32692
As Modified by Transfer No. 76427

CONDITIONS OF APPROVAL

7. 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.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/30/2010.
9. Rights 63-3597N, 63-32330, 63-32331, 63-32686, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the NE ¼, SE ¼, NW¼ of Section 10 T2N R3W described above.
10. Rights 63-32685, 63-32686, 63-32687, 63-32688, 63-32689, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the SW ¼, NE ¼, NE¼ of Section 14 T2N R3W described above.

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 15 day of December, 2011


John Westra, Western Regional Manager

WATER RIGHT NO. 63-32694
As Modified by Transfer No. 76427

In accordance with the approval of Transfer No. 76427, Water Right No. 63-32694 is now described as follows.

Right Holder: TODD HINES
 3879 ROAD 6 NW
 EPHRATA WA 98823

Priority Date: October 07, 1968

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	0.80 CFS	340.0 AF
STOCKWATER	01/01	to 12/31	0.01 CFS	
			0.80 CFS	340.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENW Sec. 10 Twp 02N Rge 03W CANYON County
 GROUND WATER SWNE Sec. 14 Twp 02N Rge 03W CANYON County

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	
02N 03W 14	40.0	40.0	40.0	40.0	40.0	40.0	40.0	37.5									317.5

Total Acres: 317.5

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 03W 14	X	X	X	X	X	X	X	X									

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 80.0 acres within the authorized place of use in a single irrigation season.

WATER RIGHT NO. 63-32694
As Modified by Transfer No. 76427

CONDITIONS OF APPROVAL

5. Rights 63-32686, 63-32690, 63-32692, and 63-32694 when combined shall not exceed a total diversion rate of 2.75 cfs, a total annual maximum diversion volume of 934.0 af at the field headgate, and the irrigation of 211.9 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/30/2010.
9. Rights 63-3597N, 63-32330, 63-32331, 63-32686, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the NE ¼, SE ¼, NW¼ of Section 10 T2N R3W described above.
10. Rights 63-32685, 63-32686, 63-32687, 63-32688, 63-32689, 63-32690, 63-32692, and 63-32694 are diverted through point of diversion in the SW ¼, NE ¼, NE¼ of Section 14 T2N R3W described above.

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 1st day of December, 20 11

for 
John Westra, Western Regional Manager



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

December 1, 2011

TODD HINES
3879 ROAD 6 NW
EPHRATA WA 98823

RE: Transfer No.: 76427
 Water Right No(s): 63-32690 63-32686 63-32692 63-32694

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.

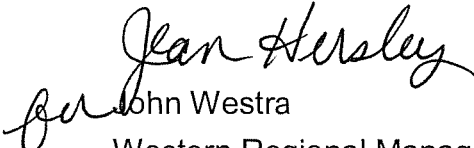
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and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


John Westra
Western Regional Manager

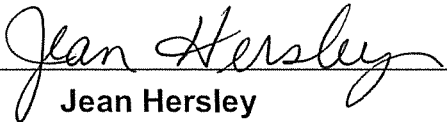
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 76427
WATER RIGHTS NOS. 63-32690 63-32686 63-32692 63-32694

TODD HINES
3879 ROAD 6 NW
EPHRATA WA 98823



Jean Hersley
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.

RECEIVED

NOV 14 2011

WATER RESOURCES
WESTERN REGION

29512 561558

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

)SS.

County of Canyon)

Corina Buck
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

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

That said notice was published the following:
11/03/2011 11/10/2011

Corina Buck

STATE OF IDAHO)

County of Canyon)

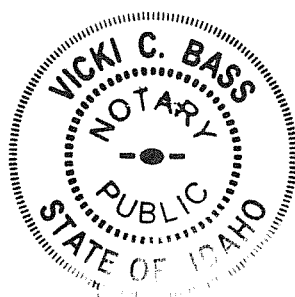
On this 10th day of November in the year of 2011 before me a Notary Public, personally appeared. Corina Buck, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Vicki C Bass

Notary Public for Idaho

Residing at Caldwell

My Commission expires 04/19/2014



SCANNED
NOV 23 2011

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

63-33527

MANN FARMS
31801 MANN LN
PARMA, ID 83660
Point of Diversion NESE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion NESE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion SESE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion SESE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Use: STOCKWATER 01/01 to 12/31 1.43 CFS
Total Diversion: 1.43 CFS
Date Filed: 6/7/2011
Place Of Use: STOCKWATER
T06N R06W S25 NESE SESE
Water bearing zone to be appropriated is from 50 to 350 feet.
Stockwater use is for a dairy

63-33528

MANN FARMS
31801 MANN LN
PARMA, ID 83660
Point of Diversion NWSE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion NESW S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion SWNE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion NWSE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion NWSE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion SENW S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion SWNE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Point of Diversion SWNE S25 T06N R06W CANYON County Source GROUND WATER Tributary
Use: STOCKWATER 01/01 to 12/31 1.43 CFS
Total Diversion: 1.43 CFS
Date Filed: 6/7/2011
Place Of Use: STOCKWATER
T06N R06W S25 NESE NWSE SWSE SESE
Water bearing zone to be appropriated is from 15 to 286 feet.
Stockwater use is for a dairy

63-33530

R ALAN CHRISTIE
22518 HOMEDALE RD
WILDER, ID 83676
Point of Diversion NESW S5 T03N R04W CANYON County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 6/9/2011
Place Of Use: IRRIGATION
T03N R04W S5 NESW
Total Acres: 3
Water bearing zone to be appropriated is from 200 to 400 feet.

63-33584

JEFFREY B CLARK
DORI BLANKENSHIP-CLARK
17671 OASIS RD
CALDWELL, ID 83607
Point of Diversion L3(NENW) S6 T05N R03W CANYON County Source GROUND WATER Tributary
Point of Diversion L3(NENW) S6 T05N R03W CANYON County Source GROUND WATER Tributary
Point of Diversion L3(NENW) S6 T05N R03W CANYON County Source GROUND WATER Tributary
Use: IRRIGATION 03/15 to 11/15 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 10/19/2011
Place Of Use: IRRIGATION
T05N R03W S6 NENW
Total Acres: 3
Water bearing zone to be appropriated is from 50 to 212 feet.

63-33491

TODD HINES
3879 ROAD 6 NW
EPHRATA, WA 98823
Point of Diversion SENW S10 T02N R03W CANYON County Source GROUND WATER Tributary
Point of Diversion NENE S14 T02N R03W CANYON County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 2.1 CFS
Total Diversion: 2.1 CFS
Date Filed: 3/23/2011
Place Of Use: IRRIGATION
T02N R03W S14 NENE NWNE SWNE SENE NENW NWNW SWNW SENW
Total Acres: 317.5
Water bearing zone to be appropriated is from 250 to 492 feet.
This application is for 105.6 acres within a 317.5 acre permissible place of use.

PROPOSED CHANGE OF WATER RIGHT(S)

Todd Hines of 3879 Road 6 NW Ephrata, WA 98823 filed Application No. 76427 to transfer four water rights with 1961 thru 1968 priority dates from ground water totaling 2.75 cfs. The purpose of the transfer is to change the points of diversion to existing irrigation wells and create a permissible place of use for the rights. Water will be used at the current place of use generally located south of Lewis Ln between Pump Rd and Sky Ranch Rd approximately one mile southwest of Lake Lowell.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights &/or proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222 and 42-203A. 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 November 21, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

November 3, 10, 2011

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MEMORANDUM

TO: Transfer No. 76427 File

FROM: Angie Grimm

DATE: October 20, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change/add PDs, create a PPU, and change the ownership of water rights 63-32686, 63-32690, 63-32692, and 63-32694.

The site is generally located south of Lewis Ln between Pump Rd and Sky Ranch Rd approximately 1 mile southwest of Lake Lowell.

Summary of Information Submitted

Authority to File: Intermountain Community Bank is the current owner of record for the rights proposed for transfer. The applicant submitted a Special Warranty Deed conveying the property from Intermountain Community Bank to North Gate Partners Inc. with the original transfer application. Upon request, the applicant submitted a Corporation Warranty Deed conveying ownership of the property from North Gate Partners to Todd Hines. An amended application was submitted 10/11/2011 in the name of Todd Hines. The applicant has authority to change the rights. The applicant also submitted a copy of the easement agreement documenting the applicant's access to the PD site proposed in the NWSWNE Sect 10 T2N R3W.

Water Right Validity: The partial decree for each right proposed for transfer was issued on 6/30/2010. Rights presumed to be valid because the partial decree was issued within the past five year period.

Injury to Other Water Rights: Injury should not occur under this proposal provided use of the two existing wells proposed as PDs does not interfere with other nearby wells. One PD proposed by the applicant (SW NE NE Sec 14 2N 3W) is currently the PD for rights 63-32686 and 63-32690. The other PD proposed to be added to the rights (NE SE NW 10 2N 3W) is one of three PDs for rights 63-3597N, 63-32330, and 63-32331. See Discussion section of this memo for further information on these rights with relation to this PD. Since both wells are existing wells that have historically been used, to some extent, for irrigation in the area, it is not likely diversion from the wells would interfere with nearby wells, however as ground water rights, use of the proposed P/Ds is subject to reasonable pumping level provisions of I. C. § 42-226. The proposed P/Ds are within 2 miles of the current PDs (to be removed from the record) for the rights. The proposed PDs are approximately 1.5 miles apart themselves. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is unlikely the proposed PD changes will significantly impact the ground water supply in this area.

Enlargement of Use: The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of this transfer. The rights proposed for transfer are primary irrigation

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water rights and will continued to be used as such should the transfer be approved. Use of the rights for irrigation will be limited to the current diversion rate (2.75 cfs total), volume (934 ac-ft total), and previously authorized number of acres (211.9 ac total) within the proposed PPU (317.5 ac).

Local Public Interest: Authorizing the applicant to establish an integrated irrigation system within a larger permissible place of use allows for more efficient land use through rotation of crops and creation of a more efficient water supply system, which serves the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Discussion

Data entry affected the water right record for each right proposed for transfer. The partial decree was issued for each right the records were migrated prior to data entry for this transfer.

Each of the rights proposed for transfer originated via an ownership change split of a parent right previously owned by the Montierths. When the property was sold, the Montierths withheld a portion of each of the rights associated with irrigation of the land. Therefore, rights 63-32685, 63-32689, 63-32691, and 63-32693 have the same PU as the rights proposed for transfer. However, these overlapping rights are not being used and are subject to forfeiture until the rights are either put to beneficial use on different land or this land since these rights have been decreed. It is clear from the proposed 211.9 combined limit stated on the application, the applicant does not intend to use these overlapping rights (owned by another entity) for irrigation within the proposed PPU. Also, the property owner Todd Hines filed a permit application, # 63-33491, for a new water right to replace the irrigation use withheld by Montierths. This permit application proposes irrigation of 105.6 acres within the 317.5 acre PPU. There are no other rights overlapping the current PU or proposed PPU.

The current PD for rights 63-32686 and 63-32690 (SW NE NE Sec 14 T2N R3W) is also the PD for three other overlapping rights; 63-32685, 63-32687, and 63-32689. These rights resulted from ownership change splits as discussed above. They are no longer used to irrigate land subject to this transfer. Right 63-32688 is also a PD overlapping right, but the PU is not the same as the rights mentioned above. All of these rights do not need to be included in this transfer, but can be noted as rights that share the same PD in the transfer approval document, should this transfer be approved.

The other PDs authorized for the rights that are proposed to be removed from the system by this transfer have several overlapping water rights due to numerous ownership change splits. All of these overlapping rights are owned by other entities and have different PUs (with exception of the overlapping rights mentioned above). Therefore, these rights will not be affected by and do not need to be included in this transfer.

The well proposed to be added as a PD (NE SE NW 10 T2N R3W) is one of three PDs for rights 63-3597N, 63-32330, and 63-32331. The applicant had Riverside, Inc (driller) conducted a pump test on this well. It produced 5.5 cfs (2467 gpm). See office visit memo of 3/8/2011 with

attachments. Rights 63-3597N, 63-32330, and 63-32331 combined authorize diversion of a total of 2.68 cfs from this well plus 2 other wells. The rights proposed for transfer in this application authorize diversion of a total of 2.74 cfs. $2.68 \text{ cfs} + 2.74 \text{ cfs} = 5.42 \text{ cfs} < 5.5 \text{ cfs}$ (tested diversion rate of well). Additionally, the owner of right 63-3597N (authorizing 1.15 cfs) has filed Transfer No. 77489, which proposes to remove the well in Sec 10 as a PD. There are no diversion rate/system capacity limiting conditions on the rights associated with this PD. Mr. Mike Paskett (the applicant's brother-in-law and former representative for Mr. Hines regarding this application and property) stated there are no other uses from this well by other parties for other water rights. Regardless, the well appears to be capable of producing enough water for all the rights currently associated and proposed to be associated with the well especially since all the rights also have alternative PDs. There are no other overlapping rights applicable.

There was some confusion as to the exact location of the well proposed to be added to the rights in Section 10 T2N R3W. GPS location information was requested during an office visit and submitted by the applicant's farm manager, Mr. Jim Paskett, via phone conversation on September 26, 2011. The coordinates provided (N 43° 31.672" W 116° 40.985") confirmed the proposed PD is located in the NE SE NW Section 10 T2N R3W. An amended application was requested via my letter of September 26, 2011. The amended application was received 10/11/2011. The amended application changed the applicant from Columbia River Farms (Todd Hines' business) to Todd Hines, because the property is in the name of Todd Hines per the Corporate Warranty Deed submitted.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 n/a since a new well(s) is not proposed.