

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87642**

This is to certify that: **FARMERS FRIEND IRRIGATION CO LTD**
PO BOX 394
RIRIE, ID 83443-0394

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
1-10503	WR/DECREED	1/18/1888	283.100 cfs	N/A	N/A	10243.0	SNAKE RIVER

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>
1-10503	YES	YES	NO	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>
1-10503	1-10701	0.600 cfs	N/A	N/A	10,243.0	1-10503	282.500 cfs	N/A	N/A	N/A
COMBINED TOTALS		0.600 cfs	N/A	N/A	10,243.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 26th day of May, 2023.



Regional Manager

Transfer No. 87642

SUPPORT DATA
IN FILE # 1-10503

SCANNED
MAY 30 2023

WATER RIGHT NO. 1-10503

As Modified by Transfer No. 87642

In accordance with the approval of Transfer No. 87642, Water Right No. 1-10503 is now described as follows:

Right Holder: FARMERS FRIEND IRRIGATION CO LTD
PO BOX 394
RIRIE, ID 83443-0394

Priority Date: 1/18/1888

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

282.500 cfs

282.500 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L1 (NWSESE)

Sec 36 Twp 04N Rge 40E JEFFERSON County

CONDITIONS OF APPROVAL

1. The boundary encompassing the 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. Place of use is within the area served by Farmers Friend Irrigation Company.
3. Water is delivered through Farmers Friend Canal.
4. This right is a split from former right 1-61.
5. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 87642

SCANNED
MAY 30 2023

WATER RIGHT NO. 1-10701
As Modified by Transfer No. 87642

In accordance with the approval of Transfer No. 87642, Water Right No. 1-10701 is now described as follows:

Right Holder: FARMERS FRIEND IRRIGATION CO LTD
PO BOX 394
RIRIE, ID 83443-0394

Priority Date: 1/18/1888

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.600 cfs

0.600 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

L7 (SWSW)
SESW

Sec 31 Twp 04N Rge 41E JEFFERSON County
Sec 5 Twp 03N Rge 41E BONNEVILLE County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by Farmers Friend Irrigation Company.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Use of water under this right may 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. 1.
4. 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).
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Water is delivered through Anderson Canal and Eagle Rock Canal.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 87642

SCANNED
MAY 30 2023

WATER RIGHT NO. 1-10701
As Modified by Transfer No. 87642

CONDITIONS OF APPROVAL

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



Farmers Friend Irrigation Co
Transfer 87642



Legend

 Digital Boundary

 Township/Range

SCANNED
MAY 30 2023

N



RECEIVED

42-222 POD - 07/18

MAR 15 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

Department of Water Resources

Eastern Region

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Farmers Friend Irrigation Company Ltd. Phone 208-520-41132. MAILING ADDRESS PO Box 394 City RirieState ID Zip 83443 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 1-10503. We propose to move a portion of right 1-10503 to the Progressive Irrigation District headgates (Anderson and Eagle Rock) to match PODs with water right 1-10504.

- ☐ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.60 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SE	SW	5	03N	41E	Bonneville	Snake River	Anderson Canal
Y	7		SW	SW	31	04N	41E	Jefferson	Snake River	Eagle Rock Canal

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Anderson and Eagle Rock Canals are regulated by Water District 1. These diversions are already equipped with measuring devices.

- b. Who owns the property at the point(s) of diversion? Progressive Irrigation District - easement for canal.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

See attached agreement with Progressive.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, [Water Rights](#), [Water Right Transfers](#), [File a Transfer Application](#), [Step 2C](#).

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Mark R. Barne
Signature of applicant or authorized agent

Mark R. Barne - Secretary
Print name and title if applicable

3/7/23
Date

Ron Louell
Signature of applicant or authorized agent

Ron Louell Vice President
Print name and title if applicable

3/7/23
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, [Water Right Transfers](#), [Step 4](#) and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$500.- Date 3/15/2023

Received by JB

Receipt # E048981

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Anderson and Eagle Rock Canals are regulated by Water District 1. These diversions are already equipped with measuring devices.

- b. Who owns the property at the point(s) of diversion? Progressive Irrigation District - easement for canal.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

See attached agreement with Progressive.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, [Water Rights](#), [Water Right Transfers](#), [File a Transfer Application](#), [Step 2C](#).

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Mark R. Barne
Signature of applicant or authorized agent

Mark R. Barne - Secretary
Print name and title if applicable

3/7/23
Date

Ron Louell
Signature of applicant or authorized agent

Ron Louell
Print name and title if applicable

Vice President
Date 3/7/23

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, [Water Right Transfers](#), [Step 4](#) and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____
Fee paid \$500.- Date 3/15/2023 Receipted by JB Receipt # E048981
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/16/2023

Water Right 1-10503

Owner Type
Current Owner

Name
FARMERS FRIEND IRRIGATION CO LTD

Priority Date: 1/18/1888

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

Beneficial Use
IRRIGATION

From
04/01

To
10/31

Diversion Rate
283.100 CFS

Volume

Total Diversion

283.100 CFS

Source and Point(s) of Diversion:

SNAKE RIVER

L1(NWSESE)

Sec. 36, Twp 04N, Rge 40E, JEFFERSON County

Place Of Use:

IRRIGATION within BONNEVILLE, JEFFERSON Counties

Large POU not displayed

Total Acres = 10,243.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 135 The boundary encompassing the 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.
3. 129 Place of use is within the area served by Farmers Friend Irrigation Company.
4. F01 Water is delivered through Farmers Friend Canal.
5. P21 This right is a split from former right 1-61.

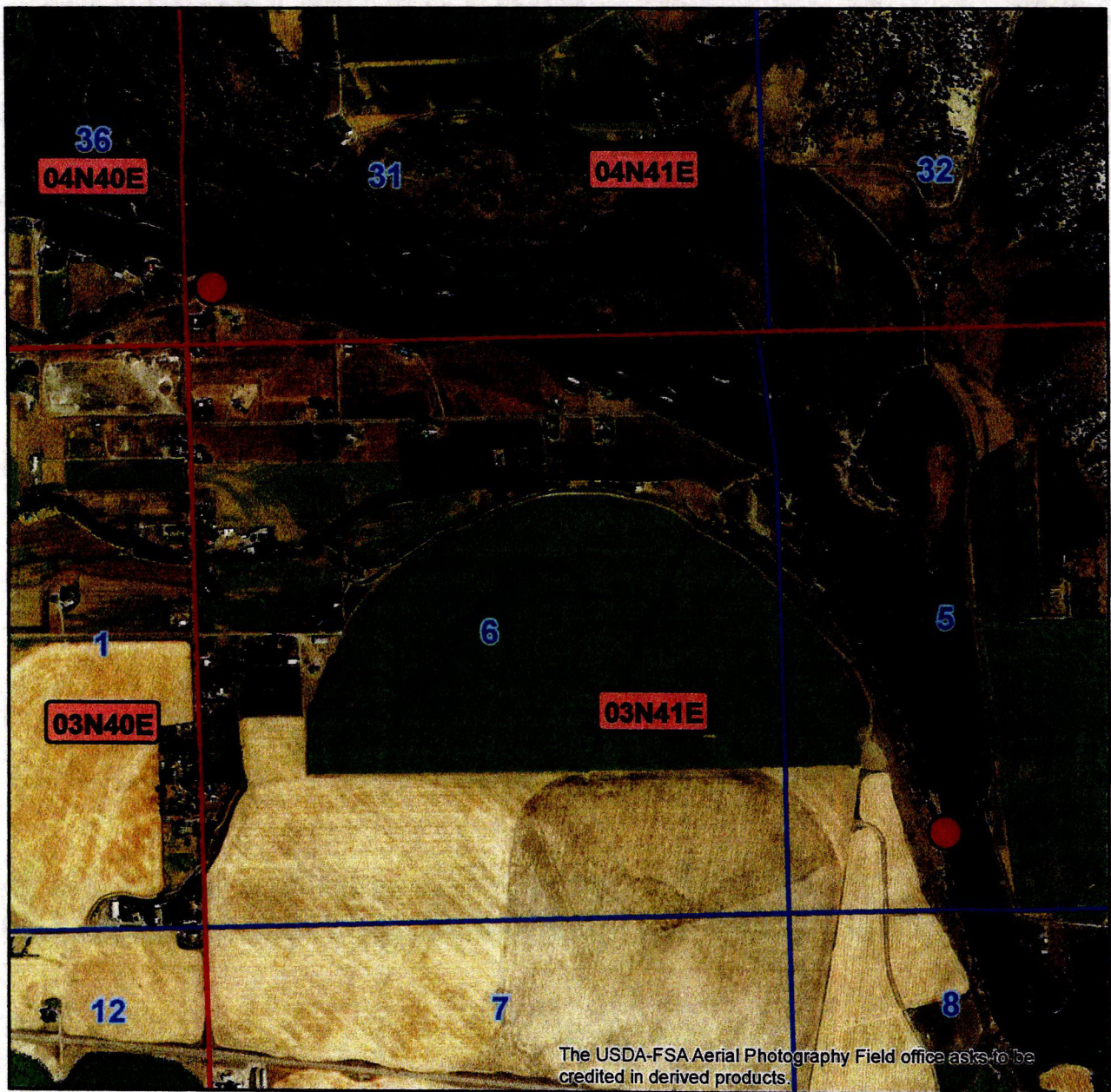
Dates and Other Information:

Decreed Date: 9/19/2008

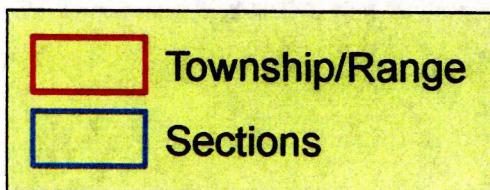
Civil Case Number: 39576

Judicial District: FIFTH

Application for Transfer - Farmers Friend Irrigation Co. Proposed PODs for 0.6-cfs Portion of Right 1-10503



2013 Imagery



0 1,000 2,000 4,000 Feet



SCANNED

MAR 22 2023

87642

CARRYING RIGHT AGREEMENT

A contract is currently in place for Progressive Irrigation District to carry 16.9 cfs of Farmers Friend Irrigation Co.'s water for various shareholders. This Water is added to Progressive Irrigation District's canal system at the Anderson and Eaglerock headgates. The transfer is regulated by Water District 1.

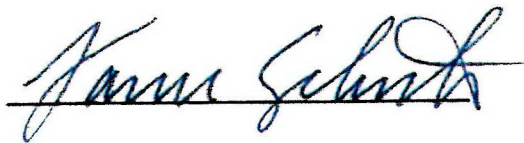
This agreement, made and entered into on this 9th day of March, 2023 is between Progressive Irrigation District and Ryan Hawkins, a shareholder in Farmer's Friend Irrigation Company who would like to add an additional amount of .60 cfs to be diverted at this same location and regulated by Water District 1 .

An application for the transfer of water right (a portion of 1-10503) has been recorded with IDWR and at this time, Progressive Irrigation District has adequate additional capacity in its canal system to carry .60 cfs.

The agreement made between Ryan Hawkins and Progressive Irrigation District states that this point of diversion transfer is valid for 10 years and both parties have agreed that on or after 5 years, the contract can be canceled by either party with an advance, written notice given at least 6 months prior to cancelation. A carrying fee of \$180.00 will be charged annually to Ryan Hawkins (36 acres @ \$5.00 per acre).

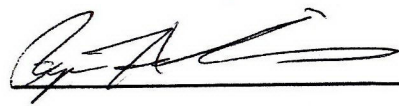
If for any reason, the water is not diverted from the river at Progressive Irrigation's headgates, the agreement is null and void and Ryan Hawkins will not be allowed to pump the .60 cfs of water from the Anderson Canal. Upon termination of this agreement Ryan Hawkins and Farmers Friend will return the .60 cfs of water to its own canal system.

Progressive Irrigation District



Lance Schuster, Board Chairman

Ryan Hawkins



Farmers Friend Shareholder

87642

SCANNED
MAR 22 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 26, 2023

FARMERS FRIEND IRRIGATION CO LTD
PO BOX 394
RIRIE ID 83443-0394

Re: Transfer No: 87642
Water Right No(s): 1-10503

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
MAY 30 2023

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) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is positioned below the word 'Sincerely,'.

Christina Henman
Administrative Assistant

Enclosure
CC:

SCANNED
MAY 30 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87642

Water Right No(s): 1-10503

FARMERS FRIEND IRRIGATION CO LTD

PO BOX 394

RIRIE ID 83443-0394



Christina Henman
Administrative Assistant

SCANNED

MAY 30 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: May 10, 2023
To: Transfer 87642
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

This transfer moves a 0.60 cfs portion of water right 1-10503 to the Progressive Irrigation District (PID) system in order to improve water delivery to a Farmers Friend shareholder. Farmers Friend right 1-10504 has been delivered in the same manner for many years.

Authority to File:

Department records show the applicant as current owner of the right included in the transfer. The transfer application was signed by the secretary and the vice-president of the Company, both authorized to sign on its behalf. The applicant provided a copy of a carrying agreement between PID and the Company shareholder. In the agreement PID stated its canals had adequate capacity to carry the additional 0.60 cfs.

Water Right Validity:

Right 1-10503 was decreed in the SRBA in 2008. Water District 1 records show regular delivery of the right. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the change because the quantity authorized to be diverted will not increase. The current and proposed points of diversion are located on the same reach of the Snake River. The number of acres authorized to be irrigated will not change. The application was advertised, and no protests were filed. I discussed the transfer application with the Water District 1 Watermaster. He did not oppose its approval.

Enlargement of Use:

No issues identified.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

No issues identified.

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

SCANNED
MAY 30 2023

APR 10 2023

Department of Water Resources
Eastern Region

State of Idaho
County of Jefferson

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 87642**

FARMERS FRIEND IRRIGATION CO LTD, PO BOX 394, RIRIE, ID 83443-0394 has filed Application No. 87642 for changes to the following water rights within JEFFERSON County(s): Right No(s). 1-10503; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/que-rynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and add point of diversion. Proposed points of diversion are in SESW Sec 5 T03N R41E and Lot 7 (SWSW) Sec 31 T04N R41E for 0.60 cfs from Snake River.

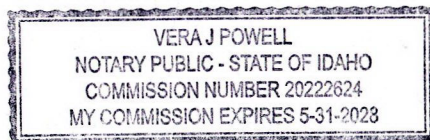
For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/17/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published in the Jefferson
Star, Rigby, Idaho, on March
29 and April 5, 2023. (350438)

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Jefferson Star, a newspaper of general circulation, published 1 day, Wednesday at Rigby, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Jefferson Star for 2 day(s), first publication having been made on 03/29/2023 last publication having been made on 04/05/2023, 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.

Subscribed and sworn to before me, on this 5th day of April, 2023



attached jurat

Notary Public
My commission expires:

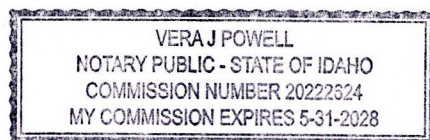
STATE OF IDAHO

ss.

COUNTY OF JEFFERSON

On this 5th day of April, 2023 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are 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/she/they executed the same,

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



Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 22, 2023 3:10 PM
To: Olenichak, Tony
Subject: Application for Transfer No. 87642
Attachments: tmp334F.docx; 87642 Application.pdf

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the attached water right application. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.



IDAHO DEPARTMENT
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 22, 2023

FARMERS FRIEND IRRIGATION CO LTD
PO BOX 394
RIRIE, ID 83443-0394

RE: Transfer No. 87642
Water Right No(s). 1-10503

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the JEFFERSON STAR on 3/29/2023 and 4/5/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

SCANNED

MAR 22 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 22, 2023 2:22 PM
To: 'info@jeffersonstarnews.com'
Subject: Legal Notice for Jefferson Star
Attachments: 87642 Jefferson Star.docx

LEGAL NOTICE DEPARTMENT
JEFFERSON STAR
PO BOX 37
RIGBY, ID 83442

RE: Transfer No. 87642
Water Right No(s). 1-10503

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/17/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

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GARY SPACKMAN, Director

Published on 3/29/2023 and 4/5/2023

SCANNED
MAR 22 2023