

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88227**

This is to certify that: **PELICAN POINT SUBDIVISION ASSN INC**
98 PELICAN DR
RUPERT, ID 83350-8714

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>
36-8772	WR/LICENSE	1/16/1998	0.730 cfs	60.0 af	N/A	N/A	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>
36-8772	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>
36-8772	36-8772	0.730 cfs	60.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.730 cfs	60.0 af	N/A	N/A		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 31ST day of August, 2023.



Southern Region Manager

Transfer No. 88227

SCANNED
SEP 06 2023

WATER RIGHT NO. 36-8772**As Modified by Transfer No. 88227**

In accordance with the approval of Transfer No. 88227, Water Right No. 36-8772 is now described as follows:

Right Holder: PELICAN POINT SUBDIVISION ASSN INC
98 PELICAN DR
RUPERT, ID 83350-8714

Priority Date: 1/16/1998

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC

From

01/01

To

to 12/31

Diversion Rate

0.730 cfs

0.730 cfs

Diversion Volume

60.0 af

60.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

L3 (NENENE)
L3 (NENENE)

Sec 21 Twp 10S Rge 24E MINIDOKA County
Sec 21 Twp 10S Rge 24E MINIDOKA County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	21	X			X													
			L 3			L 3													
10S	24E	22						X											
								L 4											

CONDITIONS OF APPROVAL

1. 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. 130.
2. 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).
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. Domestic use is for 47 homes.

Transfer No. 88227

SCANNED

SEP 06 2023

WATER RIGHT NO. 36-8772
As Modified by Transfer No. 88227

CONDITIONS OF APPROVAL

6. Place of use is within Lots 1-23 and Lots 27-50, Pelican Point Subdivision.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources
Attachment to Transfer # 88227
36-8772

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.05 0.1 0.2 Miles

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



SCANNED
SEP 06 2023

RECEIVED

JUL 14 2023

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 88227**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) PELICAN POINT SUBDIVISION ASSN INCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

JUL 14 2023

DEPT OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) PELICAN POINT SUBDIVISION ASSN INCPhone 2083000538Mailing address 98 PELICAN DR RUPERT, ID 83350-8714

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan - Brockway Engineering PLLC Phone 208-736-8543Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as Part 1A.2.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.3.
 This transfer will update the domestic place of use for 36-8772. The adjusted domestic place of use will no longer cover parcel RP087000000260 or LOT 26 RIO VILLA SUB AMENDED NKA PELICAN .

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or ☐ Part	36-8772	0.73/60	Domestic	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.73 cfs and/or 60 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.73 cubic feet per second and/or 60 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	NE	NE	21	10S	24E	Minidoka	Ground Water	
		NE	NE	NE	21	10S	24E	Minidoka	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	21	D			D													
10S	24E	22						D											
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

Existing well, mainlines and delivery system.

- b. Who owns the property at the point(s) of diversion? The applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Water from 36-8772 will no longer be delivered to parcels RP087000000260 or LOT 26 RIO VILLA .
SUB AMENDED NKA PELICAN.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- g. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-8772

Current Owner: PELICAN POINT SUBDIVISION ASSN INC
Priority Date: 1/16/1998
Origin: Water Right
Status: Active
Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.73 CFS	60 AF
	<u>Total Diversion</u>	0.73 CFS	60 AF

Location of Point(s) of Diversion

GROUND WATER	L3(NE1/4NE1/4NE1/4)	Sec. 21,	Twp 10S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	L3(NE1/4NE1/4NE1/4)	Sec. 21,	Twp 10S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

DOMESTIC Within MINIDOKA County

T10S R24E S21	Lot 3	NENE	T10S R24E S21	Lot 3	SENE
T10S R24E S22	Lot 4	NWNW			

Conditions of Approval:

1. Place of use is within Lots 1-50 Pelican Point Subdivision.
2. 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
3. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. X01 Domestic use is for 50 homes.
5. 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

Licensed Date: 11/16/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DM Date 7/14/2022 Preliminary check by _____ Date _____

Fee paid \$500- Date 1/14/2023 Received by DM Receipt # 5039863

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

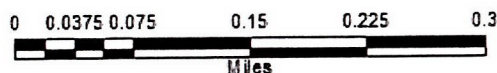
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Water Right

DOMESTIC

[illegible]

Date created: 5/3/2023



Legend

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





PELICAN POINT SUBDIVISION
WATER RIGHTS
NAIP 2021 AERIAL

88227

Legend

- POD
- Proposed_POU

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 6/26/2023

JUL 27 2023

SCANNED



0004760100

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004760100

Date Filed: 5/28/2022 11:08:36 AM

B0711-3493 05/28/2022 11:08 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name:

PELICAN POINT SUBDIVISION ASSOCIATION, INC.

The file number of this entity on the records of the Idaho

0000380902

Secretary of State is:

Address

WENDY LUNDBERG
98 PELICAN DR
RUPERT, ID 83350-8714**Entity Details:**

Entity Status

Active-Good Standing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was:

C124257

The registered agent on record is:

Registered Agent

Wendy L Lundberg
Registered Agent

Physical Address

98 PELICAN DR
RUPERT, ID 83350

Mailing Address

98 PELICAN DR
RUPERT, ID 83350-8714**Corporate Officers and Directors:**

Name	Title	Business Address
Justin Mitchell	President	87 PELICAN DR RUPERT, ID 83350
Mary Bauscher	Director	111 PELICAN DR RUPERT, ID 83350
Jacob Catmull	Vice President	93 PELICAN DR RUPERT, ID 83350
Wendy Lundberg	Treasurer	98 PELICAN DR RUPERT, ID 83350
Dallas Duffin	Director	502 HERON WAY RUPERT, ID 83350

The annual report must be signed by an authorized signer of the entity.

Job Title: Treasurer / Secretary

Wendy Lundberg

Sign Here

05/28/2022

Date



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2023

PELICAN POINT SUBDIVISION ASSN INC
98 PELICAN DR
RUPERT ID 83350-8714

Re: Transfer No: 88227
Water Right No(s): 36-8772

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's 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.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 130
COREY KING
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 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.: 88227
Water Right No(s): 36-8772

PELICAN POINT SUBDIVISION ASSN INC
98 PELICAN DR
RUPERT ID 83350-8714

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 130
COREY KING
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

A handwritten signature in blue ink that reads "Denise Maline". The signature is written over a solid black horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: August 28, 2023
To: Transfer #88227, Pelican Point Subdivision Assn., Inc file
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) for domestic ground water right 36-8772 (0.73 cfs, 60.0 AF) which currently serves 48 lots in the Pelican Point Subdivision located approximately 7.3 miles east and 0.5 mile north of the intersection of Main Street and Overland Avenue in Burley. The proposed POU will consist of 47 lots within the subdivision.

The transfer is in Water District 130 so Watermaster comments were solicited. The Watermaster did not object to the transfer. The transfer was advertised and subject to public protest. No protests were filed.

- **Authority to File:**
The Department's database indicates that water right 36-8772 is owned by the applicant, Pelican Point Subdivision Association, Inc. The application was signed by the Justin Mitchell, the president of the Association.
- **Water Right Validity:**
The water right was licensed in 2007, and many homes are evident at the current POU, so forfeiture is likely not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. No increase in flow rate or volume is sought.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

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.

Proof of Publication

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls 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 Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES Southern Region
Denise Maliine Administrative Assistant
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 88227

PELICAN POINT SUBDIVISION ASSN INC, 98 PELICAN DR, RUPERT, ID 83350-8714 has filed Application No. 88227 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-8772; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>.

The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) for domestic ground water right 36-8772 (0.73 cfs, 60.0 AF) which currently serves 48 lots in the Pelican Point Subdivision located approximately 7.3 miles east and 0.5 mile north of the intersection of Main Street and Overland Avenue in Burley. The proposed POU will consist of 47 lots within the subdivision.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 21, 2023**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 3rd & 10th, 2023

ORDER NUMBER 141074

Sherrie Davis

(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 10 day of Aug in the year of 2023 before me, a Notary Public, personally appeared before me Sherri Davis 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.

Amy Wiesmore
Notary Public FOR Idaho
Residing at Twin Falls, Idaho
My Commission expires: 9-4-26

RECEIVED

AUG 14 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

Section: Legals

Category: 50 Legal

PUBLISHED ON: 08/03/2023, 08/10/2023

TOTAL AD COST: 124.84

FILED ON: 8/10/2023

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO
MY COMM. EXPIRES 09/04/2026

✓ OK DM 8-18-2023

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 88227
Water Right No: 36-8772
Applicant Name: PELICAN POINT SUBDIVISION ASSN INC.

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: August 3, 2023

Water District 130



Corey King, Watermaster

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 141071

Publication

Times News

Contact ID DEPARTMENT OF WATER RESOURCES
Address 1 650 ADDISON AVE W, STE 500
Address 2
City St Zip TWIN FALLS ID 83301
Phone 2087363033
Fax

PO Number
Rate Legal Notice
Order Price 124.84
Amount Paid 0.00
Amount Due 124.84

Section Legals
SubSection
Category 50 Legal

Start/End Dates 08/03/2023 - 08/10/2023
Insertions 2
Size 59

Ad Key 141071-1
Keywords NOTICE OF PROPOSED CHANGE OF W

Salesperson(s) Legal Notices
Taken By Amy Packham

Notes

Ad Proof

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 88227

PELICAN POINT SUBDIVISION ASSN INC, 98 PELICAN DR, RUPERT, ID 83350-8714 has filed Application No. 88227 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-8772; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>.

The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) for domestic ground water right 36-8772 (0.73 cfs, 60.0 AF) which currently serves 48 lots in the Pelican Point Subdivision located approximately 7.3 miles east and 0.5 mile north of the intersection of Main Street and Overland Avenue in Burley. The proposed POU will consist of 47 lots within the subdivision.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 21, 2023**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 3rd & 10th, 2023

Proof of legal notice received from Times News 7/27/2023

✓ DM 7/27/2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 27, 2023

PELICAN POINT SUBDIVISION ASSN INC
98 PELICAN DR
RUPERT, ID 83350-8714

RE: Transfer No. 88227
Water Right No(s). 36-8772

Dear Applicant(s):

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 **TIMES NEWS on 8/3/2023 and 8/10/2023**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **August 21, 2023**.

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,

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC

SCANNED

JUL 27 2023



Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 27, 2023

COREY KING
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

RE: Transfer No. 88227 (Pelican Point Subdivision Assn Inc)

Dear Corey:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. 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.

Sincerely,

A handwritten signature in blue ink that reads "Denise Maline".

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 27, 2023 8:19 AM
To: Times News
Subject: LEGAL NOTICE - Account number 164-60002276
Attachments: Times News cover letter.docx; Times News ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication on August 3rd & 10th, 2023. This publication is for Idaho Dept of Water Resources in Twin Falls, Idaho, under account number 164-60002276.

Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls, Idaho



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 27, 2023

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 88227
Water Right No(s). 36-8772

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 **August 21, 2023**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88227**

PELICAN POINT SUBDIVISION ASSN INC, 98 PELICAN DR, RUPERT, ID 83350-8714 has filed Application No. 88227 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-8772; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) for domestic ground water right 36-8772 (0.73 cfs, 60.0 AF) which currently serves 48 lots in the Pelican Point Subdivision located approximately 7.3 miles east and 0.5 mile north of the intersection of Main Street and Overland Avenue in Burley. The proposed POU will consist of 47 lots within the subdivision.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 21, 2023**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 3rd & 10th, 2023



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Governor Brad Little

Director Gary Spackman

July 19, 2023

KARL AND NADINE KLOEPFER
61 PELICAN DR
RUPERT ID 83350

To Whom it May Concern:

On July 14, 2023 our office received an *Application for Transfer of Water Right* in the name of Pelican Point Subdivision Association, Inc., which proposes the removal of one lot located within the Subdivision from the Place of Use of the Association's domestic water right, 36-8772. The lot is identified on our internal tax parcel mapping layer as being owned by Karl and Nadine Kloefer. The parcel number of the lot is RP087000000260 and the legal description of the lot is LOT 26 RIO VILLA SUB AMENDED NKA PELICAN POINT 21-10-24. We are informing you of this proposal as a courtesy because, although a portion of the water right overlies your property, the right is owned by the Association, and they have the ability to change elements of the water right via the water right transfer process without the consent of the underlying property owner. In this case, if the transfer is approved, Lot 26 will no longer be included in the place of use of water right 36-8772, and will no longer receive water from the subdivision's two wells.

The transfer will be advertised soon and subject to public protest. The transfer and related documents can be found at: idwr.idaho.gov>water rights>water rights research>new water right transfers. The transfer number is 88227 and you can enter the number into the search box to bring up information and documents pertaining to the transfer application.

If you have any questions, or need any further assistance, feel free to contact this office at your convenience. My direct phone line is 208-293-9909.

Sincerely,

Jim Bitzenburg
Water Rights Supervisor



Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 19, 2023

AQUA LUNA LLC
61 PELICAN DR
RUPERT ID 83350

To Whom it May Concern:

On July 14, 2023 our office received an *Application for Transfer of Water Right* in the name of Pelican Point Subdivision Association, Inc., which proposes the removal of one lot located within the Subdivision from the Place of Use of the Association's domestic water right, 36-8772. The tax lot is identified on the Minidoka County Tax Parcel Map as being owned by Aqua Luna, LLC. The parcel number of the lot is RP087000000260 and the legal description of the lot is LOT 26 RIO VILLA SUB AMENDED NKA PELICAN POINT 21-10-24. We are informing you of this proposal as a courtesy because, although a portion of the water right overlies your property, the right is owned by the Association, and they have the ability to change elements of the water right via the water right transfer process without the consent of the underlying property owner. In this case, if the transfer is approved, Lot 26 will no longer be included in the place of use of water right 36-8772, and will no longer receive water from the subdivision's two wells.

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If you have any questions, or need any further assistance, feel free to contact this office at your convenience. My direct phone line is 208-293-9909.

Sincerely,

Jim Bitzenburg
Water Rights Supervisor

TRANSFER SYNOPSIS

Date: July 19, 2023
To: Transfer #88227, Pelican Point Subdivision Assn., Inc. Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

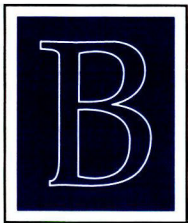
Application for transfer proposes to change the place of use (POU) for domestic ground water right 36-8772 (0.73 cfs, 60.0 AF) which currently serves 48 lots in the Pelican Point Subdivision located approximately 7.3 miles east and 0.5 mile north of the intersection of Main Street and Overland Avenue in Burley. The proposed POU will consist of 47 lots within the subdivision.

The transfer is in Water District 130 so Watermaster comments will be solicited. The transfer will be advertised and subject to public protest.

FEE MEMORANDUM

Date: July 19, 2023
To: Pelican Point Subdivision Assn., Inc. Transfer #88227 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on July 14, 2023, and its purpose is to change the place of use for domestic ground water right 36-8772 (0.73 cfs, 60.0 AF). The flow rate of the right was the basis of the fee and the corresponding fee from the fee schedule is \$500.00. The fee was paid by check #17520 from Brockway Engineering at the time of filing. The IDWR receipt number is S039863.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 14 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

July 12, 2023

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: 36-8772

Dear Mr. Skinner:

Pelican Point Subdivision is submitting a transfer application to update the domestic place of use of water right 36-8772. No other characteristic of 36-8772 will be changing with this transfer.

The transfer proposes to remove Minidoka County parcel RP087000000260 or LOT 26 RIO VILLA SUB AMENDED NKA PELICAN from the domestic place of use.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Karl Kloepfer via Email, Pelican Point Subdivision via email

Enc: Transfer of Water Right Application, Aerial Maps, Annual Reports, Brockway
Engineering Check # 17570 for \$500.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

SCANNED

JUL 27 2023