STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86531

This is to certify that: PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
47-15272	WR/DECREED	12/31/1941	0.160 cfs	N/A	N/A	8.1	WASTE WATER
47-17266	WR/DECREED	1/17/1945	0.500 cfs	N/A	62.5	91.9	UNNAMED STREAM
47-17268	WR/DECREED	6/3/1959	1.570 cfs	N/A	N/A	91.9	UNNAMED STREAM
47-4453	WR/DECREED	12/31/1961	1.320 cfs	N/A	N/A	65.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
47-15272	NO	YES	YES	NO	NO	NO
47-17266	NO	YES	YES	NO	NO	NO
47-17268	NO	YES	YES	NO	NO	NO
47-4453	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-15272	N/A	0.160 cfs	N/A	N/A	8.1	N/A				
47-17266	47-17266	0.500 cfs	N/A	62.5	335.8	N/A	N/A	N/A	N/A	N/A
47-17268	47-17268	1.570 cfs	N/A	91.9	335.8	N/A	N/A	N/A	N/A	N/A
47-4453	47-4453	1.320 cfs	N/A	65.0	335.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**3.550 cfs**	**N/A**	**100.0**	**335.8**		**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 7th day of April, 2023.

Southern Region Manager

SUPPORT DATA
IN FILE #47-4453

Transfer No. 86531

SCANNED
APR 10 2023

WATER RIGHT NO. 47-15272

As Modified by Transfer No. 86531

In accordance with the approval of Transfer No. 86531, Water Right No. 47-15272 is now described as follows:

Right Holder: PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415

Priority Date: 12/31/1941

Source: WASTE WATER **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	0.160 cfs
				0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER SWSENW Sec 2 Twp 10S Rge 17E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	17E	35													3.6	1.3	17.4	28.1	50.4
															L 8	L 15	L 7	L 9	
09S	17E	35													7.5		3.3	0.2	11.0
															L 14		L 15	L 14	
10S	17E	2	31.8	37.5	39.6	29.3	28.1	34.1	15.6	39.6						18.8			274.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 8.1
POU Total Acres: 335.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.1 acres within the authorized place of use in a single irrigation season.

2. Rights 47-4453, 47-15272, 47-17266, and 47-17268 are limited to the irrigation of a specific 100.0 acres within the 335.8 acre place of use authorized by these rights in a single irrigation season. The specific 100.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 100.0 acres to be irrigated within the 335.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

3. 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.

Transfer No. 86531

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WATER RIGHT NO. 47-15272

As Modified by Transfer No. 86531

CONDITIONS OF APPROVAL

4. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. 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.

SCANNED
APR 10 2023

WATER RIGHT NO. 47-17266

As Modified by Transfer No. 86531

In accordance with the approval of Transfer No. 86531, Water Right No. 47-17266 is now described as follows:

Right Holder: PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415

Priority Date: 1/17/1945

Source: UNNAMED STREAM **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	0.500 cfs
				0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	NWNESE	Sec 1	Twp 10S	Rge 17E	TWIN FALLS County
UNNAMED STREAM	SESENE	Sec 2	Twp 10S	Rge 17E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	17E	35													3.6	1.3	17.4	28.1	50.4
															L 8	L 15	L 7	L 9	
09S	17E	35													7.5		3.3	0.2	11.0
															L 14		L 15	L 14	
10S	17E	2	31.8	37.5	39.6	29.3	28.1	34.1	15.6	39.6						18.8			274.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 62.5
POU Total Acres: 335.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 62.5 acres within the authorized place of use in a single irrigation season.

2. Rights 47-4453, 47-17266, and 47-17268 when combined shall not exceed the irrigation of 91.9 acres.

3. Rights 47-4453, 47-15272, 47-17266, and 47-17268 are limited to the irrigation of a specific 100.0 acres within the 335.8 acre place of use authorized by these rights in a single irrigation season. The specific 100.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 100.0 acres to be irrigated within the 335.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

SCANNED
APR 10 2023

WATER RIGHT NO. 47-17266

As Modified by Transfer No. 86531

CONDITIONS OF APPROVAL

4. 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.

5. Use of this right is combined with water from Twin Falls Canal Co.

6. The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/ or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or, to the extent that it be reasonably identifiable, to recapture it.

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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.

SCANNED
APR 10 2023

WATER RIGHT NO. 47-17268

As Modified by Transfer No. 86531

In accordance with the approval of Transfer No. 86531, Water Right No. 47-17268 is now described as follows:

Right Holder: PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415

Priority Date: 6/3/1959

Source: UNNAMED STREAM **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	1.570 cfs
				1.570 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	NWNESE	Sec 1	Twp 10S Rge 17E	TWIN FALLS County
UNNAMED STREAM	SESENE	Sec 2	Twp 10S Rge 17E	TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	17E	35													3.6	1.3	17.4	28.1	50.4
															L 8	L 15	L 7	L 9	
09S	17E	35													7.5		3.3	0.2	11.0
															L 14		L 15	L 14	
10S	17E	2	31.8	37.5	39.6	29.3	28.1	34.1	15.6	39.6						18.8			274.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 91.9
POU Total Acres: 335.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 91.9 acres within the authorized place of use in a single irrigation season.

2. Rights 47-4453, 47-17266, and 47-17268 when combined shall not exceed the irrigation of 91.9 acres.

3. Rights 47-4453, 47-15272, 47-17266, and 47-17268 are limited to the irrigation of a specific 100.0 acres within the 335.8 acre place of use authorized by these rights in a single irrigation season. The specific 100.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 100.0 acres to be irrigated within the 335.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

SCANNED
APR 10 2023

WATER RIGHT NO. 47-17268

As Modified by Transfer No. 86531

CONDITIONS OF APPROVAL

4. 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.

5. Use of this right is combined with water from Twin Falls Canal Co.

6. The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/ or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or, to the extent that it be reasonably identifiable, to recapture it.

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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.

SCANNED
APR 10 2023

WATER RIGHT NO. 47-4453

As Modified by Transfer No. 86531

In accordance with the approval of Transfer No. 86531, Water Right No. 47-4453 is now described as follows:

Right Holder: PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415

Priority Date: 12/31/1961

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	01/01	to	12/31	0.020 cfs
IRRIGATION	03/15	to	11/15	1.300 cfs
STOCKWATER	03/15	to	11/15	0.080 cfs
				1.320 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 2 Twp 10S Rge 17E	TWIN FALLS County
GROUND WATER	SENW	Sec 2 Twp 10S Rge 17E	TWIN FALLS County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	17E	2				X													

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	17E	35													3.6	1.3	17.4	28.1	50.4
															L 8	L 15	L 7	L 9	
09S	17E	35													7.5		3.3	0.2	11.0
															L 14		L 15	L 14	
10S	17E	2	31.8	37.5	39.6	29.3	28.1	34.1	15.6	39.6						18.8			274.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 65.0
POU Total Acres: 335.8

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	17E	35															X	X	
																	L 7	L 9	
09S	17E	35															X		
																	L 14		
10S	17E	2	X	X		X													

Transfer No. 86531

SCANNED
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WATER RIGHT NO. 47-4453

As Modified by Transfer No. 86531

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
			L 1	L 2															

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 65.0 acres within the authorized place of use in a single irrigation season.
2. Rights 47-4453, 47-17266, and 47-17268 when combined shall not exceed the irrigation of 91.9 acres.
3. Rights 47-4453, 47-15272, 47-17266, and 47-17268 are limited to the irrigation of a specific 100.0 acres within the 335.8 acre place of use authorized by these rights in a single irrigation season. The specific 100.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 100.0 acres to be irrigated within the 335.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. 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.
5. Use of this right is combined with water from Twin Falls Canal Co.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
8. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

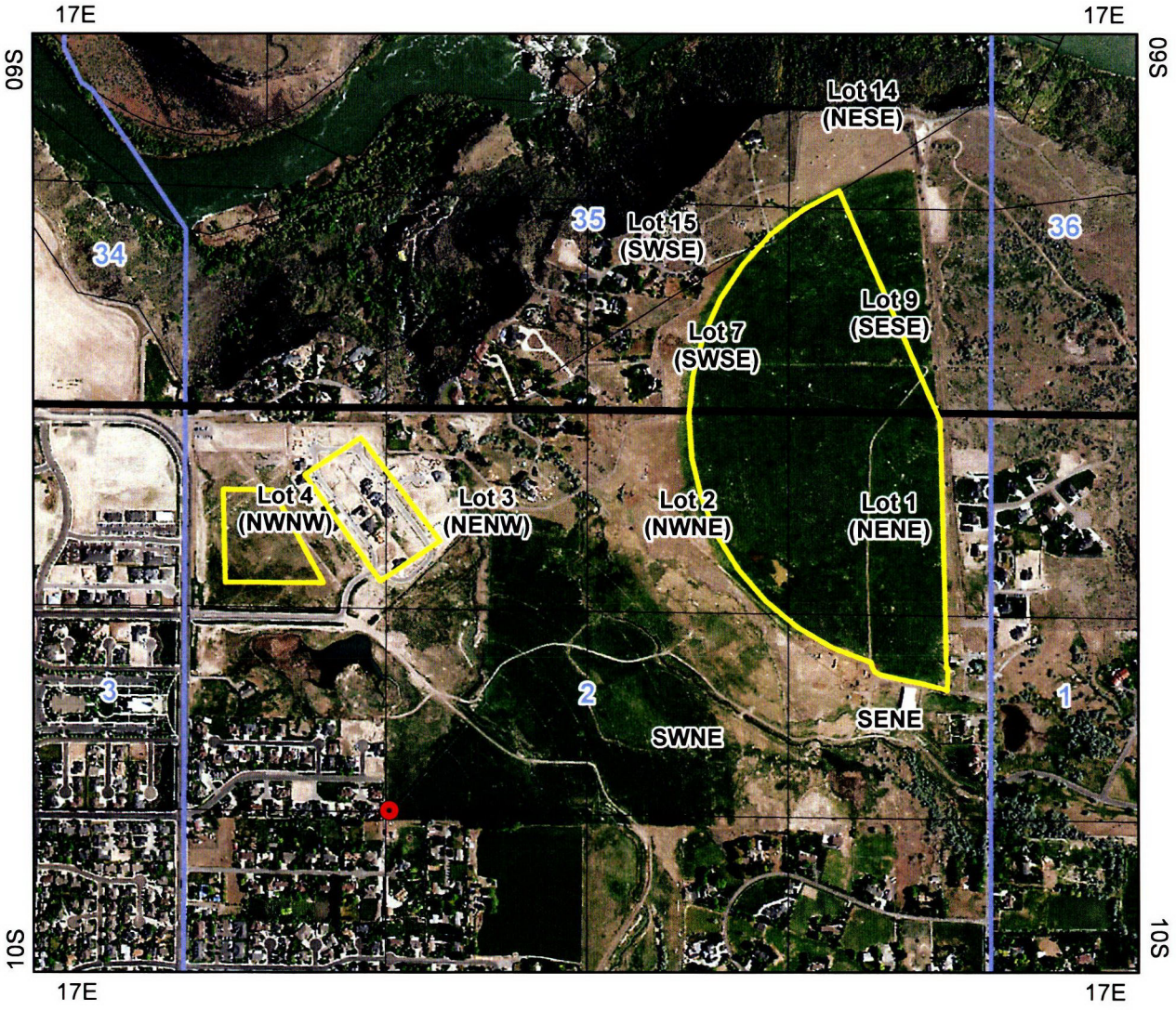
SCANNED
APR 10 2023

State of Idaho
Department of Water Resources

Attachment to Transfer # 86531

47-15272

This map depicts the IRRIGATION 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.



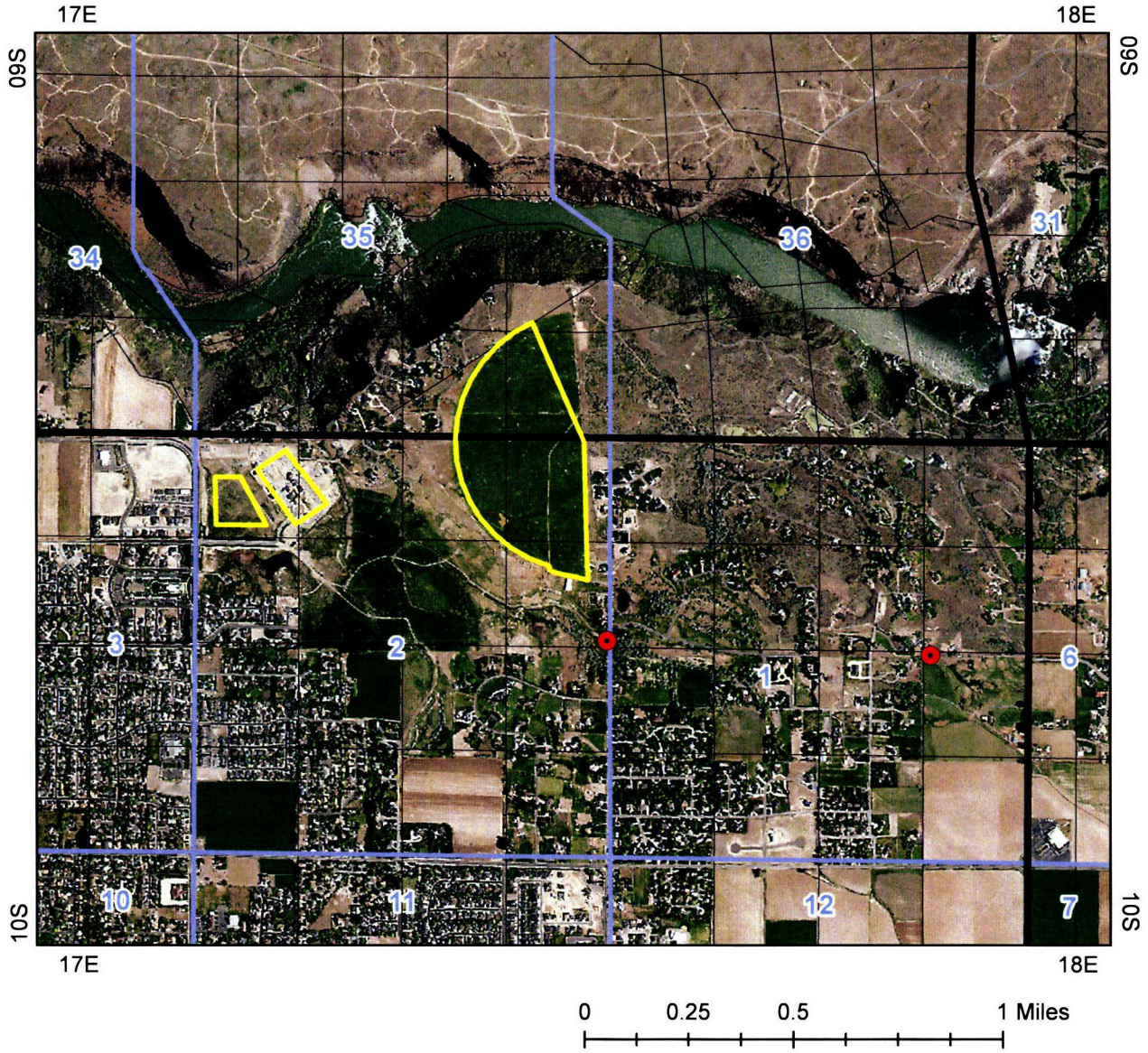
SCANNED
APR 10 2023

State of Idaho
Department of Water Resources

Attachment to Transfer # 86531

47-17266 & 47-17268

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



SCANNED
APR 10 2023

State of Idaho
Department of Water Resources

Attachment to Transfer # 86531

47-4453

This map depicts the IRRIGATION 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 0.125 0.25 0.5 Miles

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

N

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APR 10 2023

Rev. 07/18

RECEIVED
JUL 14 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 86531

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) Preserve PUD LLC

Check 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: _____

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SEP 30 2022

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUL 14 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Preserve PUD LLC Phone 208-720-0852

Mailing address 313 N Main St Hailey, ID 83333-8415 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 Charles G. Brockway; Brockway Engineering PLLC Phone 208-736-8543

Mailing address 2016 Washington St. N Suite #4 Twin Falls, ID 83301 Email charles.g.brockway@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.

Mark Kelly — Signature of Applicant or Authorized Representative

Mark Kelly, Managing Member Preserve PUD, LLC — Print Name and Title if applicable

7/7/22 — Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☑ Change point of diversion ☑ Add diversion point(s) ☑ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. 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 **Part1A.3**.

Applicant seeks to create a permissible place of use (PPU) for irrigation and clean up existing point of diversion locations.

86531

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SEP 30 2022

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION

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. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑	☐	47-4453	1.3 cfs /	Irrigation	03/15 to 11/15	Ground Water
☐	☐		0.08 cfs /	Stockwater	03/15 to 11/15	Ground Water
☐	☐		0.02 cfs /	Domestic	01/01 to 12/31	Ground Water
☑	☐	47-15272	0.16 cfs /	Irrigation	03/15 to 11/15	Waste Water/Snake River
☑	☐	47-17266	0.50 cfs /	Irrigation	03/15 to 11/15	Unnamed Stream/Snake River
☑	☐	47-17268	1.57 cfs /	Irrigation	03/15 to 11/15	Unnamed Stream/Snake River
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 3.55 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.55 cubic feet per second and/or _____ 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 #
YES			SE	NW	2	10S	17E	TWIN FALLS	GROUND WATER	West Well 47-4453
NO			SE	NE	2	10S	17E	TWIN FALLS	GROUND WATER	East Well 47-4453
NO		SE	SE	NE	2	10S	17E	TWIN FALLS	UNNAMED STREAM	E. DRAIN 47-17266 47-17268
NO		NW	NE	SE	1	10S	17E	TWIN FALLS	UNNAMED STREAM	E. DRAIN 47-17266 47-17268
NO		SW	SE	NW	2	10S	17E	TWIN FALLS	WASTE WATER	DITCH 47-15272

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	
09S	17E	35													3.6 L8	1.3 L15	17.4 L7	28.1 L9	50.4
09S	17E	35													7.5 L14		3.3 L15	0.2 L14	11.0
10S	17E	2	31.8 L1	37.5 L2	39.6	29.3	28.1 L3	34.1 L4	15.6	39.6						18.8			274.4

Total Acres (for irrigation use) *335.8

*Irrigation w/in proposed PPU limited to 100.0 ac.

86531

AMENDED

SCANNED
SEP 30 2022

Rev. 07/18

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. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑	☐	47-4453	1.3 cfs /	Irrigation	03/15 to 11/15	Ground Water
☐	☐		0.08 cfs /	Stockwater	03/15 to 11/15	Ground Water
☐	☐		0.02 cfs /	Domestic	01/01 to 12/31	Ground Water
☑	☐	47-15272	0.16 cfs /	Irrigation	03/15 to 11/15	Waste Water/Snake River
☑	☐	47-17266	0.50 cfs /	Irrigation	03/15 to 11/15	Unnamed Stream/Snake River
☑	☐	47-17268	1.57 cfs /	Irrigation	03/15 to 11/15	Unnamed Stream/Snake River
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 3.55 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.55 cubic feet per second and/or _____ 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**.

SUPERSEDED

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
YES			SE	NW	2	10S	17E	TWIN FALLS	GROUND WATER	West Well 47-4453
NO			SE	NE	2	10S	17E	TWIN FALLS	GROUND WATER	East Well 47-4453
NO		SE	SE	NE	2	10S	17E	TWIN FALLS	UNNAMED STREAM	E. DRAIN 47-17266 47-17268
NO		NW	NE	SE	1	10S	17E	TWIN FALLS	UNNAMED STREAM	E. DRAIN 47-17266 47-17268
NO		SW	SE	NW	2	10S	17E	TWIN FALLS	WASTE WATER	DITCH 47-15272

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	
09S	17E	35													10.3	0.8	20.2	27.9	59.2
10S	17E	2	31.4	36.5	39.7	30.4	25.3	31.4	17.7	39.7	2.3				0.8	20.4	1.0		276.6
																		Total Acres (for irrigation use)	*335.8

*Irrigation w/in proposed PPU limited to 100.0 ac.

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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:

Transfer will create a PPU, add one existing well to 47-4453, and correct the PODs on unnamed stream rights and wastewater rights. All sources will feed one hydraulically-connected irrigation system.

b. Who owns the property at the point(s) of diversion? 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:

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:

None.

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:

Existing 132.61 shares in the Twin Falls Canal Company will be used to irrigate any land not covered by the ground water or unnamed stream water rights.

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:

N/A.

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SEP 30 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: ________________

1. amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________
   amount__________________(cfs/ac-ft) for____________________________purposes from____________to____________

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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	

Total Acres (for irrigation use) ______

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

Current Water Right No.: 47-4453

Current Owner: PRESERVE PUD LLC

Priority Date: 12/31/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source **Tributary**

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	1.3 CFS	
DOMESTIC	01/01 to 12/31	0.02 CFS	
STOCKWATER	03/15 to 11/15	0.08 CFS	
	Total Diversion	1.32 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4NE1/4 Sec. 2, Twp 10S, Rge 17E B.M.
TWIN FALLS County

Place of Use

IRRIGATION Within TWIN FALLS County

T09S R17E S35	Lot 7	SWSE	16.00	T09S R17E S35	Lot 14	SWSE	0.50
T09S R17E S35	Lot 9	SESE	6.80	T10S R17E S2	Lot 1	NENE	21.00
T10S R17E S2	Lot 2	NWNE	17.00	T10S R17E S2		SENE	3.70

Total Acres: 65

STOCKWATER Within TWIN FALLS County

T09S R17E S35	Lot 7	SWSE	T09S R17E S35	Lot 14	SWSE
T09S R17E S35	Lot 9	SESE	T10S R17E S2	Lot 1	NENE
T10S R17E S2	Lot 2	NWNE	T10S R17E S2		SENE

DOMESTIC Within TWIN FALLS County

T10S R17E S2 SENE

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Conditions of Approval:

1.	X02	Stockwater use is for 130 range cattle and/or horses.
2.	S20	Use of this right is combined with water from Twin Falls Canal Co.
3.		USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 91.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-17266, 47-17268 and 47-4453.
4.	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.
5.	N09	The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
6.		This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.
7.	N14	The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

Decreed Date: 3/10/2010

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

Current Water Right No.: 47-15272

Current Owner: PRESERVE PUD LLC

Priority Date: 12/31/1941

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
WASTE WATER	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.16 CFS	
	Total Diversion	0.16 CFS	

Location of Point(s) of Diversion

WASTE WATER NE1/4NW1/4SW1/4 Sec. 2, Twp 10S, Rge 17E B.M.
TWIN FALLS County

Place of Use

IRRIGATION Within TWIN FALLS County

T10S R17E S2	SENW	8.10	

Total Acres: 8.1

Conditions of Approval:

1. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
2. 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.

Decreed Date: 6/1/2010

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

Current Water Right No.: 47-17266

Current Owner: PRESERVE PUD LLC

Priority Date: 1/17/1945

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
UNNAMED STREAM	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.5 CFS	
	Total Diversion	0.5 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM SW1/4SW1/4NW1/4 Sec. 1, Twp 10S, Rge 17E B.M.
TWIN FALLS County

UNNAMED STREAM NW1/4NE1/4SE1/4 Sec. 1, Twp 10S, Rge 17E B.M.
TWIN FALLS County

Place of Use

IRRIGATION Within TWIN FALLS County

T09S R17E S35	Lot 8	NESE	3.20	T09S R17E S35	Lot 14	NESE	3.40
T09S R17E S35	Lot 7	SWSE	16.00	T09S R17E S35	Lot 14	SWSE	0.60
T09S R17E S35	Lot 9	SESE	27.00	T10S R17E S2	Lot 1	NENE	21.00
T10S R17E S2	Lot 2	NWNE	17.00	T10S R17E S2		SENE	3.70

Total Acres: 91.9

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Conditions of Approval:

1.	K06	This right is limited to the irrigation of 62.5 acres within the place of use described above in a single irrigation season.
2.	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.
3.		This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.
4.		The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or, to the extent that it be reasonably identifiable, to recapture it.
5.	S20	Use of this right is combined with water from Twin Falls Canal Co.
6.		USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 91.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-17266, 47-17268 and 47-4453.
7.		This right is a split from former right 47-2206.

Decreed Date: 3/10/2010

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

Current Water Right No.: 47-17268

Current Owner: PRESERVE PUD LLC

Priority Date: 6/3/1959

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
UNNAMED STREAM	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	1.57 CFS	
	Total Diversion	1.57 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM NW1/4NE1/4SE1/4 Sec. 1, Twp 10S, Rge 17E B.M.
TWIN FALLS County

UNNAMED STREAM SW1/4SW1/4NW1/4 Sec. 1, Twp 10S, Rge 17E B.M.
TWIN FALLS County

Place of Use

IRRIGATION Within TWIN FALLS County

T09S R17E S35	Lot 8	NESE	3.20	T09S R17E S35	Lot 14	NESE	3.40
T09S R17E S35	Lot 7	SWSE	16.00	T09S R17E S35	Lot 14	SWSE	0.60
T09S R17E S35	Lot 9	SESE	27.00	T10S R17E S2	Lot 1	NENE	21.00
T10S R17E S2	Lot 2	NWNE	17.00	T10S R17E S2		SENE	3.70

Total Acres: 91.9

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Conditions of Approval:

1.		This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.
2.		This right is a split from former right 47-2326.
3.	S20	Use of this right is combined with water from Twin Falls Canal Co.
4.	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.
5.		The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or, to the extent that it be reasonably identifiable, to recapture it.
6.		USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 91.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-17266, 47-17268 and 47-4453.

Decreed Date: 3/10/2010

SCANNED
SEP 30 2022

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 rights(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:

The structure of primary and supplemental water rights will not change. Unnamed stream surface water will be used as the primary source, with groundwater supplemental. Groundwater and TFCC shares are not overlapping.

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and_____ attachments.

Received by DM Date 7-14-2022 Preliminary check by_____ Date_____

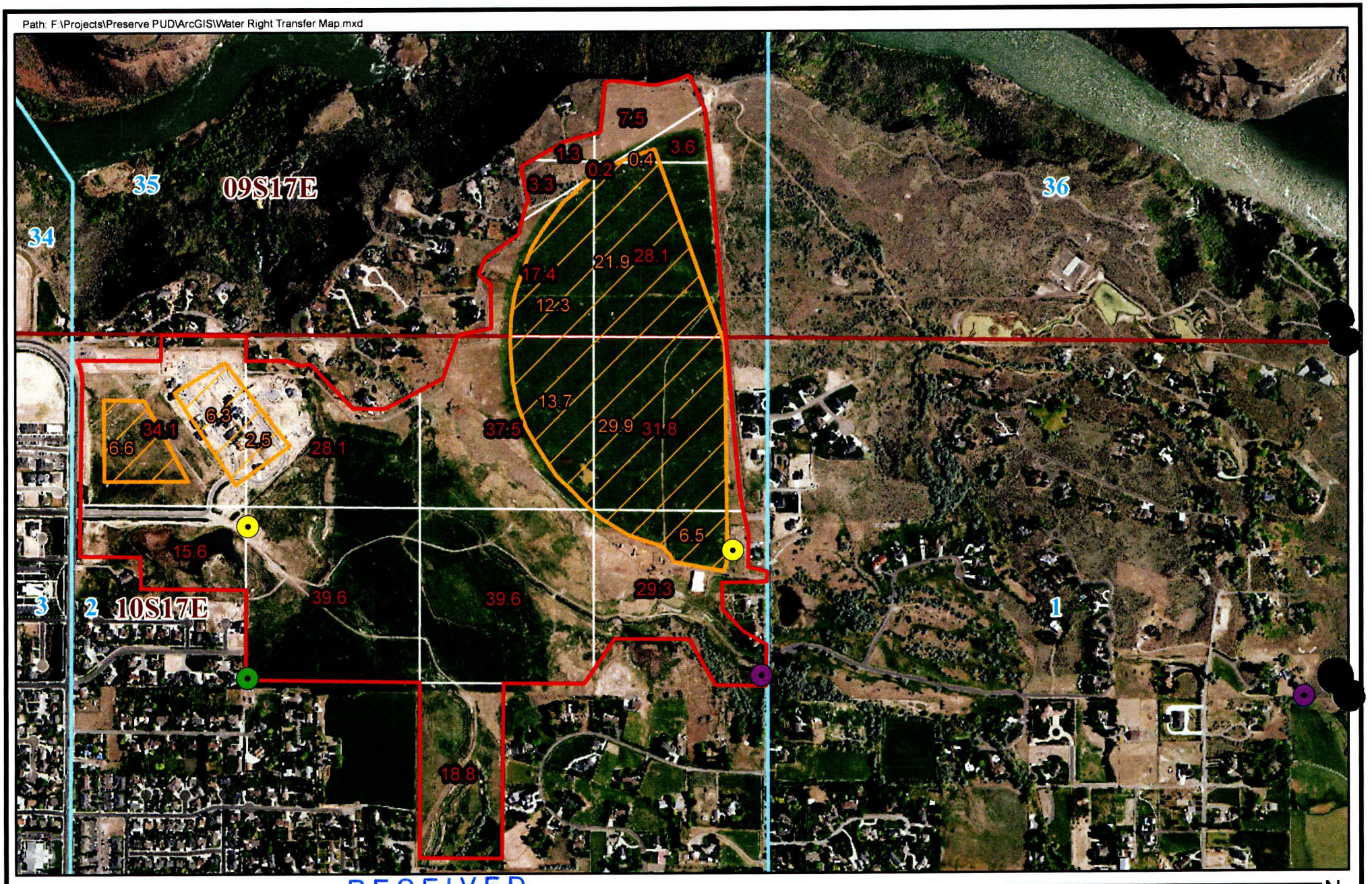
Fee paid $1,130.00 Date 7/14/22 Receipted by SG Receipt # 5039335

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

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

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SOUTHERN REGION

PRESERVE PUD LLC

WATER RIGHT TRANSFER MAP

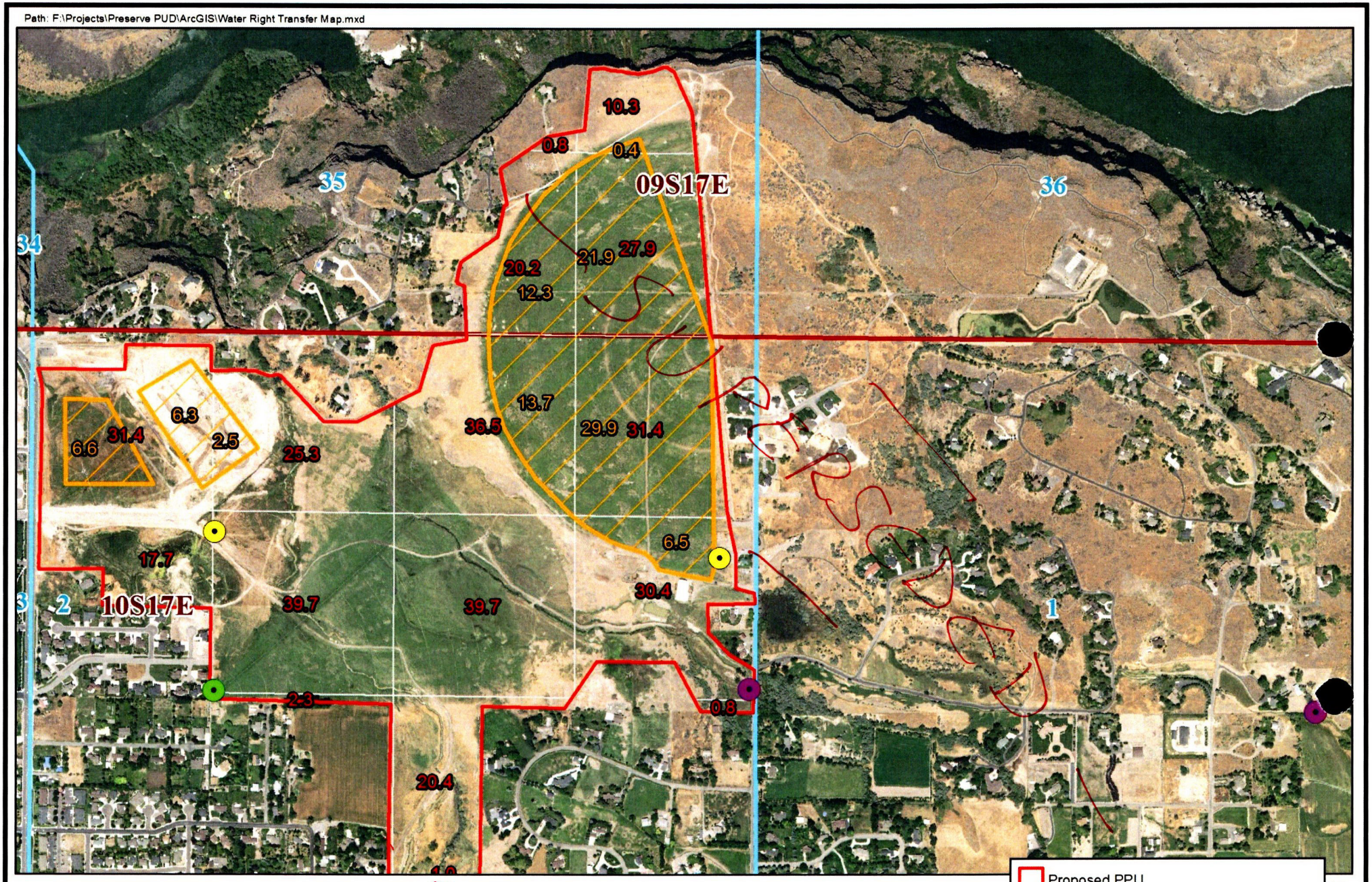
NAIP 2021 AERIAL

86531

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 8/29/2022

SEP 30 2022
SCANNED

AMENDED



PRESERVE PUD LLC

WATER RIGHT TRANSFER MAP

NAIP 2019 AERIAL

SUPERSEDED

BROCKWAY ENGINEERING, PLLC.
EJJ - Date: 7/7/2022

SCANNED SEP 30 2022

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

47-17760
PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415
Point of Diversion NESWNW S2 T10S R17E TWIN FALLS County Source UNNAMED STREAM Tributary SNAKE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 11.5 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 11.5 AF
Use: RECREATION STORAGE 01/01 to 12/31 11.5 AF
Total Diversion: 11.5 AF
Date Filed: 07-14-2022
Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE
T10S R17E S2 SWNW, SENW
Application for Permit proposes aesthetic, wildlife, and recreation storage (11.5 acre-feet) on an unnamed stream located approximately 1.2 miles east and 0.3 mile south of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. Proposed storage use is due to past modifications to a wetland area resulting in water storage. Application includes information indicating that consumptive use will not increase as a result of the modifications, as well as information pertaining to the offset for the additional storage. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

47-17761
PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415
Point of Diversion SWSENW S2 T10S R17E TWIN FALLS County Source UNNAMED STREAM Tributary SNAKE RIVER
Point of Diversion NWSENW S2 T10S R17E TWIN FALLS County Source UNNAMED STREAM Tributary SNAKE RIVER
Point of Diversion NESWNW S2 T10S R17E TWIN FALLS County Source UNNAMED STREAM Tributary SNAKE RIVER
Point of Diversion NESWNW S2 T10S R17E TWIN FALLS County Source UNNAMED STREAM Tributary SNAKE RIVER
Use: IRRIGATION 03/15 to 11/15 1.84 CFS
Total Diversion: 1.84 CFS
Date Filed: 07-14-2022
Place Of Use: IRRIGATION
T09S R17E S35 L8(NESE), L15(NWSE), L7(SWSE) , L9(SESE) , L14(NESE), L15(SWSE), L14(SESE)
T10S R17E S2 NE (ALL), NW (ALL), NWSE
Total Acres: 335.8
Application for permit proposes diversion, injection, and rediversion of up to 1.84 cfs for irrigation from an unnamed stream located approximately 1.4 miles east and 0.4 mile south of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. The proposed place of use is 91.9 acres within a 335.8 acre permissible place of use located 1.0 to 2.0 miles east and 0.4 mile north to 0.7 mile south of the same intersection. The application seeks alternate sources to irrigate lands already irrigated by other rights with no increase in irrigated acres, flow rate, or volume.This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

SCANNED
SEP 30 2022

0004517358

STATE OF IDAHO
Office of the secretary of state, Lawerence 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 #: 0004517358
Date Filed: 12/5/2021 6:43:52 PM

Entity Name and Mailing Address:

Entity Name:	Preserve PUD, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0004147043
Address	313 N MAIN ST HAILEY, ID 83333-8415

Entity Details:

Entity Status	Active-Existing
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:	

The registered agent on record is:

Registered Agent	PETE WHITEHEAD Registered Agent Physical Address 313 N MAIN ST HAILEY, ID 83333 Mailing Address

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	Title	Business Address
■ Mark D kelly	Manager	313 N. MAIN HAILEY, ID 83333

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

Job Title: Managing Member

PETE G WHITEHEAD — Sign Here

12/05/2021 — Date

B0666-5746 12/05/2021 6:43 PM Received by ID Secretary of State Lawerence Denney

SCANNED
SEP 30 2022

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**

April 10, 2023

PRESERVE PUD LLC
313 N MAIN ST
HAILEY ID 83333-8415

Correspondence

Re: Transfer No: 86531
Water Right No(s).: 47-4453, 47-15272, 47-17266, 47-17268

Transfer Approval Notice

Dear Water Right Holder(s) 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.

SCANNED
APR 10 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) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
CHARLES G BROCKWAY
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

D. L. EVANS BANK
PO BOX 87
TWIN FALLS ID 83303-0087

SCANNED
APR 10 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 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.: 86531
Water Right No(s).: 47-4453, 47-15272, 47-17266, 47-17268

PRESERVE PUD LLC
313 N MAIN ST
HAILEY ID 83333-8415

BROCKWAY ENGINEERING PLLC
CHARLES G BROCKWAY
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

D. L. EVANS BANK
PO BOX 87
TWIN FALLS ID 83303-0087

Denise Maline

Denise Maline
Administrative Assistant

SCANNED
APR 10 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.

SCANNED
APR 10 2023

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.

SCANNED
APR 10 2023

MEMORANDUM

Date: March 22, 2023

To: Transfer #86531, Preserve PUD, LLC file

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to create a 335.8 acre permissible place of use (PPU) for 3 surface water irrigation rights and 1 ground water irrigation right, with a total flow rate of 3.55 cfs. The transfer will also change/add points of diversion (POD) of each of the rights. The PODs and POU are within an area located approximately 1.0 to 2.0 miles east and 0.4 north to 0.7 south of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. Post transfer, the rights will irrigate 100.0 acres within a 335.8 acre PPU.

The proposed transfer is not within a water district so watermaster comments were not solicited, but the transfer was advertised. No protests were filed.

- **Authority to File:**
  The Department's database indicates that the water rights in the transfer are owned by the applicant, Preserve PUD, LLC. The application was signed by Mark Kelly, the manager of Preserve PUD, LLC.

- **Water Right Validity:**
  The water rights were decreed in the SRBA in 2010, and irrigation is evident at the current POU, so forfeiture is likely not an issue.

- **Injury to Other Water Rights:**
  None anticipated or foreseen.

- **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.

SCANNED
APR 10 2023

RECEIVED
OCT 18 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

IDAHO DEPARTMENT OF FISH AND GAME
MAGIC VALLEY REGION
324 S 417 E, Ste. 1
Jerome, Idaho 83338

Brad Little / Governor
Ed Schriever / Director

October 18, 2022

IDWR Southern Region,
ATTN: Corey Skinner, Regional Manager
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858

Charles G. Brockway
2016 Washington St. N
Suite #4
Twin Falls ID 83301

IDWR Southern Region,
ATTN: Denise Maline, Administrative Assistant
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858

RE: IDFG Comments – Applications for Permit No. 47-17760 & 47-17761, & Transfer No. 86531 (Preserve PUD LLC)

Dear Denise,

Thank you for the opportunity to review and comment upon the two appropriation applications and transfer submitted by Preserve PUD LLC. These applications refer to a 5.91 acre wetland complex found immediately adjacent to Twin Falls city limits, on the east side of Eastland Rd., and the proposed storage/use of this water for irrigation of adjacent agriculture. This wetland is designated by the USFWS as a Freshwater Emergent Wetland. IDFG's comments are intended to aid IDWR in their decision-making process:

Transfer No. 86531:

The applicant seeks to consolidate 4 existing water rights into a single hydraulic irrigation system. IDFG has no concerns with this transfer.

Application No. 47-17760:

The applicant seeks an 11.5 acre-ft/yr (equivalent to ~0.015 cfs) appropriation right that would comprise a (currently unappropriated) wetland area (surface area of approx. 5.9 acres). The given beneficial uses are aesthetic, recreation and wildlife storage. The applicant does not indicate that this water right will be used for irrigation.

SCANNED
APR 10 2023

Application No. 47-17761:

The applicant seeks a 1.84 cfs (equivalent to ~1,332 acre-ft/yr) appropriation from the same pond/wetland complex. The given beneficial use is irrigation.

IDFG seeks resolution of several discrepancies in the applications as currently written:

- The applicant provides justification for appropriation (#47-17760) under the "beneficial uses" of aesthetic, recreational and wildlife storage with no use for irrigation. However, the applicant's additional application (#47-17761) clearly describes a "beneficial use" of irrigation that is likely to rapidly and fully dewater the wetland during the season of use (3/15-11/15). No mechanism is given to ensure that the water level of the referenced wetland will remain at a sufficient amount for the wetland ecosystem to persist.
- This application lists wildlife storage as a beneficial use for water right 47-17760. It is our opinion that to be beneficial for wildlife, diverted or impounded water must be managed with the primary purpose of developing habitat that corresponds to the range of characteristics required by a targeted species. The applicant needs to describe the species that this right will benefit, and the ways in which it will do so.
- App. #47-17761, Item 12 states that "New permit in combination with 47-4453, 47-17266, and 47-17268 will be limited to 1.84 cfs". However, the described existing rights for transfer will comprise 3.47 cfs even without the new permit. The applicant should clarify or correct the total water that would be appropriated under the combined permits.

IDFG is filing this protest per Idaho Code § 42-203A (4) to offer the Idaho Department of Water Resources (IDWR) technical assistance with decision making and recommendations to avoid, minimize, or mitigate adverse effects on public interest resources (Idaho Code § 42-203A(5)(e); IDAPA 37.03.08.45.01.e.ii). If information becomes available or if the Applicant develops protective water right conditions to alleviate concerns for the persistence of the wetland complex, IDFG may withdraw this protest.

Thank you for the opportunity to review and comment. Please initiate the Interagency Billing for the applicable protest fee of $25.00. The PCA is 11806 and the ABC code is B7/99. Please send the billing documents to IDFG Headquarters, Attention: Tom Bassista, P.O. Box 25, Boise, ID 83707. For questions and to arrange informal follow-up discussions, please contact the Region's Environmental Staff Biologist, Bradley Dawson, at 208-644-6310.

SCANNED

APR 10 2023

Sincerely,

Craig A. White

Craig White
Regional Supervisor

CC: Tom Bassista (IDFG-HQ)
Ann Vonde (Deputy Attorney General)

SCANNED
APR 10 2023

*● Proof of Publication *●

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

REBA 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:

RECEIVED
OCT 17 2022
DEPT OF WATER
SOUTHERN
Southern Region

2 Insertions

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

ORDER NUMBER 131652

Reba Davis

(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 13 day of Oct in the year of 2022 before me, a Notary Public, personally appeared before me Reba 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

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

Section: Legals
Category: 50 Legal
PUBLISHED ON: 10/06/2022, 10/13/2022

TOTAL AD COST:	241.80
FILED ON:	10/13/2022

✓ DM 10/21/2022

SCANNED
APR 10 2023

Proof of Publication

RECEIVED
OCT 17 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

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

47-17760
PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415
Point of Diversion NESWNW S2 T10S R17E TWIN FALLS County
Source UNNAMED STREAM Tributary SNAKE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 11.5 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 11.5 AF
Use: RECREATION STORAGE 01/01 to 12/31 11.5 AF
Total Diversion: 11.5 AF
Date Filed: 07-14-2022
Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE
T10S R17E S2 SWNW, SENW
Application for Permit proposes aesthetic, wildlife, and recreation storage (11.5 acre-feet) on an unnamed stream located approximately 1.2 miles east and 0.3 mile south of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. Proposed storage use is due to past modifications to a wetland area resulting in water storage. Application includes information indicating that consumptive use will not increase as a result of the modifications, as well as information pertaining to the offset for the additional storage. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

47-17761
PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415
Point of Diversion SWSENW S2 T10S R17E TWIN FALLS County
Source UNNAMED STREAM Tributary SNAKE RIVER
Point of Diversion NWSENW S2 T10S R17E TWIN FALLS County
Source UNNAMED STREAM Tributary SNAKE RIVER
Point of Diversion NESWNW S2 T10S R17E TWIN FALLS County
Source UNNAMED STREAM Tributary SNAKE RIVER
Point of Diversion NESWNW S2 T10S R17E TWIN FALLS County
Source UNNAMED STREAM Tributary SNAKE RIVER
Use: IRRIGATION 03/15 to 11/15 1.84 CFS
Total Diversion: 1.84 CFS
Date Filed: 07-14-2022
Place Of Use: IRRIGATION
T09S R17E S35 L8(NESE), L15(NWSE), L7(SWSE) , L9(SESE) , L14(NESE), L15(SWSE), L14(SESE)
T10S R17E S2 NE (ALL), NW (ALL), NWSE
Total Acres: 335.8
Application for permit proposes diversion, injection, and rediversion of up to 1.84 cfs for irrigation from an unnamed stream located approximately 1.4 miles east and 0.4 mile south of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. The proposed place of use is 91.9 acres within a 335.8 acre permissible place of use located 1.0 to 2.0 miles east and 0.4 mile north to 0.7 mile south of the same intersection. The application seeks alternate sources to irrigate lands already irrigated by other rights with no increase in irrigated acres, flow rate, or volume.This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 86531
PRESERVE PUD LLC, 313 N MAIN ST, HAILEY, ID 83333-8415 has filed Application No. 86531 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-15272, 47-17266, 47-17268, 47-4453. The purpose of the transfer is to change a portion of the above rights as follows:
Application for transfer proposes to create a 335.8 acre permissible place of use (PPU) for 3 surface water irrigation rights and 1 ground water irrigation right, with a total flow rate of 3.55 cfs. The transfer will also change//add points of diversion (POD) of each of the rights. The PODs and POU are within an area located approximately 1.0 to 2.0 miles east and 0.4 north to 0.7 south of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. Post transfer, the rights will irrigate 100.0 acres within a 335.8 acre PPU.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 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 **October 24, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 6th & 13th, 2022

✓ OK DM 10/21/2022

SCANNED
APR 10 2023

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES **Order Nbr 131652**

Southern Region

Publication	**Times News**		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	241.80
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	241.80
Fax			
Section	Legals	Start/End Dates	10/06/2022 - 10/13/2022
SubSection		Insertions	2
Category	50 Legal	Size	160
Ad Key	131652-1	Salesperson(s)	Legal Notices
Keywords	NOTICE/PROPOSED WATER RIGHT TRANSFER	Taken By	Reba Davis
Notes			

Ad Proof

Proof of legal notice received from Times News 9/30/2022 (2 pgs)

✓ DM
9.30.2022

SCANNED
SEP 30 2022

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES **Order Nbr 131652**

Southern Region

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HAILEY, ID 83333-8415
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Source UNNAMED STREAM Tributary SNAKE RIVER
Point of Diversion NWSENW S2 T10S R17E TWIN FALLS County
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Point of Diversion NESWNW S2 T10S R17E TWIN FALLS County
Source UNNAMED STREAM Tributary SNAKE RIVER
Point of Diversion NESWNW S2 T10S R17E TWIN FALLS County
Source UNNAMED STREAM Tributary SNAKE RIVER
Use: IRRIGATION 03/15 to 11/15 1.84 CFS
Total Diversion: 1.84 CFS
Date Filed: 07-14-2022
Place Of Use: IRRIGATION
T09S R17E S35 L8(NESE), L15(NWSE), L7(SWSE) , L9(SESE) , L14(NESE), L15(SWSE), L14(SESE)
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GARY SPACKMAN, Director
Published on October 6th & 13th, 2022

SCANNED
SEP 30 2022

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**

September 30, 2022

PRESERVE PUD LLC
313 N MAIN ST
HAILEY, ID 83333-8415

RE: Transfer No. 86531
Water Right No(s). 47-15272, 47-17266, 47-17268, 47-4453

RE: Application for Permit No. 47-17760, 47-17761

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 10/6/2022 and 10/13/2022**. 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 **October 24, 2022**.

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

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC
D L Evans Bank

SCANNED
SEP 30 2022

Maline, Denise

From: Maline, Denise
Sent: Friday, September 30, 2022 11:10 AM
To: Dawson,Bradley
Subject: Comment Letters for Application No(s). 47-17760, 47-17761 & Transfer No. 86531 (Preserve PUD LLC)
Attachments: Comment letter to F&G for 86531, 47-17760 & 47-17761.docx; Application No. 47-17760.pdf; Application No. 47-17761.pdf; Transfer No. 86531.pdf

Hi Bradley,

Attached are (3) applications that are currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
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

SCANNED
SEP 30 2022

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**

September 30, 2022

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

RE: Transfer No(s). 86531 (Preserve PUD LLC)
Application for Permit No(s).: 47-17760 & 47-17761 (Preserve PUD LLC)

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx*. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days after final publication **(on or before October 24, 2022)**.

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

Sincerely,
Denise Maline
Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
SEP 30 2022

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**

September 30, 2022

TWIN FALLS CANAL COMPANY
PO BOX 326
TWIN FALLS ID 83303-0326

RE: Transfer No(s). 86531 (Preserve PUD LLC)
Application for Permit No(s).: 47-17760 & 47-17761 (Preserve PUD LLC)

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. A copy of the application is enclosed, or you can find additional information at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days after final publication *(on or before October 24, 2022)*.

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

SCANNED
SEP 30 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 29, 2022 7:03 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on October 6th & 13th, 2022. 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

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

SCANNED
SEP 30 2022

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**

September 29, 2022

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

RE: Transfer No. 86531
Water Right No(s). 47-15272, 47-17266, 47-17268, 47-4453

RE: Application for Permit No. 47-17760, 47-17761

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 October 24, 2022. Your cooperation is appreciated.

Sincerely,
Denise Maline
Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
SEP 30 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86531

PRESERVE PUD LLC, 313 N MAIN ST, HAILEY, ID 83333-8415 has filed Application No. 86531 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-15272, 47-17266, 47-17268, 47-4453. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a 335.8 acre permissible place of use (PPU) for 3 surface water irrigation rights and 1 ground water irrigation right, with a total flow rate of 3.55 cfs. The transfer will also change/add points of diversion (POD) of each of the rights. The PODs and POU are within an area located approximately 1.0 to 2.0 miles east and 0.4 north to 0.7 south of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. Post transfer, the rights will irrigate 100.0 acres within a 335.8 acre PPU.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 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 **October 24, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 6th & 13th, 2022

SCANNED
SEP 30 2022

TRANSFER SYNOPSIS

Date: September 2, 2022

To: Transfer #86531, Preserve PUD, LLC Transfer file

From: Jim Bitzenburg

Re: Summary of transfer

Application for transfer proposes to create a 335.8 acre permissible place of use (PPU) for 3 surface water irrigation rights and 1 ground water irrigation right, with a total flow rate of 3.55 cfs. The transfer will also change/add points of diversion (POD) of each of the rights. The PODs and POU are within an area located approximately 1.0 to 2.0 miles east and 0.4 north to 0.7 south of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. Post transfer, the rights will irrigate 100.0 acres within a 335.8 acre PPU.

The proposed transfer is not within a water district so watermaster comments will not be solicited, but the transfer will be advertised.

Rights involved in the transfer are:

47-15272	Waste water	Irrigation	0.16 cfs	8.1 acres
47-4453	Ground water	Irrigation	1.30 cfs	65.0 acres
		Stockwater	0.08 cfs	
		Domestic	0.02 cfs	
		Total	1.32 cfs	
47-17266	Unnamed Stream	Irrigation	0.50 cfs	62.5 acres
47-17268	Unnamed Stream	Irrigation	1.57 cfs	91.9 acres

SCANNED
SEP 30 2022

FEE MEMORANDUM

Date: September 2, 2022

To: Preserve PUD, LLC Transfer #86531 File

From: Jim Bitzenburg

Re: Receipting/disposition of fees paid

This transfer was filed on July 14, 2022, and its purpose is to create a permissible place of use for 4 irrigation rights and change/add points of diversion (POD) to the rights. Because PODs are being changed or added to each right, it is appropriate to charge based on the full additive flow rate (there are no combined diversion limits) of all of the rights, which is 3.55 cfs, so a $740.00 fee is applicable. The fee was paid with check #17015 from Brockway Engineering, PLLC. The IDWR receipt number is S039335.

SCANNED

SEP 30 2022

Bitzenburg, James

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Tuesday, August 30, 2022 11:31 AM
To: Bitzenburg, James
Subject: RE: Preserve PUD, LLC irrigation shape
Attachments: Revised page 1.pdf; Preserve PUD Drains Irrig Permit FLAT revised 8-30-2022MK signed.pdf; TransferPart2A 47-17268.pdf; TransferPart2A 47-17266.pdf; TransferPart2A 47-15272.pdf; TransferPart2A 47-4453.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Here you go. Revised page 1 for the A,W,R storage application showing 11.5 af, irrigation application for permit signed, part 2As for the transfer application.

Thanks,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Tuesday, August 30, 2022 9:52 AM
To: Charles Brockway <charles.g.brockway@brockwayeng.com>
Subject: RE: Preserve PUD, LLC irrigation shape

Good morning, Chuck-

Thank you for sending the material over. I've been going through it, and there are a couple of things we talked about that we still need to fix:

- On the Aesthetic, Wildlife, and Recreation storage application for permit (47-17760), we were going to change the total quantity to be appropriated from 4.6 acre-feet per year to 11.5 AF/year. If you shoot me an email requesting that, I'll fix it and reference the email request.
- On the signature page (page 2) of the Irrigation application for permit (47-17761) I noticed that you changed the sentence on item #12, 'Describe your proposal…', but I think we talked about having the applicant then sign the new page so that we could completely remove the original page?
- We also need to have you send over the Part 2A reports for the transfer application (#86531).

I may be able to have them in to Denise for advertising next week, unless something gets prioritized ahead of it.

Jim

SCANNED
SEP 30 2022

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Monday, August 29, 2022 4:35 PM
To: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Subject: RE: Preserve PUD, LLC irrigation shape

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Jim,

Attached are the following:

1) Revised Page 3 of transfer application to conform to the land list you created for the PPU
2) Revised map for transfer application
3) Revised Page 2 of permit application to conform to the land list you created for the PPU
4) Revised map for permit application

When do you think these can be advertised?

Thanks,
Chuck

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From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Wednesday, August 17, 2022 3:05 PM
To: Charles Brockway <charles.g.brockway@brockwayeng.com>
Subject: Preserve PUD, LLC irrigation shape

Chuck-

I cobbled together a shape for the Preserve PUD, LLC irrigation PPU- I nudged it northward a little and tweaked it in a couple of places and Corey was satisfied with it. The attached map shows my shape (in yellow), with the shape you sent (in pink crosshatch) overlaid. If it looks good to you, I can send the matching place of use chart with the government lots included, and you can send in a chart that mirrors it to amend both the irrigation Application for Permit and the Application for Transfer. We'll also need new maps for both, so I'll send the shapefile to you if it looks good.

Jim

Jim Bitzenburg
Water Rights Supervisor
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov

SCANNED
SEP 30 2022

Bitzenburg, James

From: Bitzenburg, James
Sent: Friday, August 26, 2022 4:02 PM
To: Charles Brockway
Subject: Preserve PUD shapefile and POU chart
Attachments: JBshape.sbn; JBshape.sbx; JBshape.shp; JBshape.shp.DWR-308761.2192.5164.sr.lock; JBshape.shx; JBshape.cpg; JBshape.dbf; JBshape.prj; 20220826124732.pdf

Chuck-

Attached is the shapefile for the Preserve PUD, LLC irrigation PPU and the accompanying POU land list. Let me know if you have any questions.

Jim

Jim Bitzenburg
Water Rights Supervisor
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov

SCANNED
SEP 30 2022

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Jim

SCANNED
SEP 30 2022

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Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
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Sent: Wednesday, August 17, 2022 3:05 PM
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Subject: Preserve PUD, LLC irrigation shape

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Jim

Jim Bitzenburg
Water Rights Supervisor
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov

SCANNED
SEP 30 2022

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

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

RECEIVED
JUL 14 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

July 12, 2022

Mr. Jim Bitzenburg
Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Re: Water right applications – The Preserve PUD, LLC

Dear Jim:

Enclosed please find the following applications in the name of the above-referenced applicant:

1. Application for Transfer of irrigation rights to a) create an irrigation permissible place of use including all appurtenant irrigation rights, b) add the west well as a point of diversion for the groundwater right, and 3) correct other point of diversion locations to agree with reality.

2. Permit application to add the west drains as sources for irrigation within the permissible place of use created by #1.

3. Permit application to cover the water storage volume in the wetland pond that was created by excavation and installation of the glory hole spillway.

To address your e-mail of July 6, 2022:

- On the irrigation transfer application, the western point of diversion for 47-17266 and 47-17268 should be just west of Hankins Road where the drain emerges into the ditch (SESENE Section 2). The map and form now align.

- On the irrigation transfer application, the total amount being transferred was changed to 3.55 cfs.

- On the irrigation permit application, the typo was corrected so that the new permit in combination with rights 47-4453, 47-17266, and 47-17268 will be limited to 1.84 cfs (please note that right 47-15272 is not conditioned to have a combined-use limitation).

SCANNED
SEP 30 2022

Application fees of $1,130.00 were calculated as follows:

- Irrigation transfer application, 3.55 cfs = $740.00 Please consider a reduction in this amount to $580.00, because the total amount being transferred is really 2.00 cfs (combined use limitation of 0.02 cfs/acre for 47-4453, 47-17266, and 47-17268) plus 0.16 cfs for 47-15272. It does not seem to me that the applicant should be charged for "paper" water that he does not actually have.

- Irrigation permit application: 1.84 cfs = $290.00

- Wetland storage permit application: 11.5 afa = $100.00

Cordially,

Charles G. Brockway, P.E.

Enc. Transfer application
Permit applications (2)
Application fee

Cc: Client

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SEP 30 2022