

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87413**

This is to certify that: **MAURICE H ECKERT & SONS INC**
4795 N 700 E
BUHL, ID 83316-5007

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-4040	WR/DECREED	6/1/1969	0.230 cfs	9.5 af	N/A	N/A	GROUND WATER
47-7262	WR/DECREED	4/19/1974	0.080 cfs	2.4 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-4040	NO	NO	NO	YES	NO	NO
47-7262	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-4040	47-4040	0.230 cfs	9.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
47-7262	47-7262	0.080 cfs	2.4 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.310 cfs	11.9 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 8th day of February, 2023.


Southern Region Manager

SUPPORT DATA
IN FILE # 47-4040

Transfer No. 87413

SCANNED
FEB 09 2023

WATER RIGHT NO. 47-7262**As Modified by Transfer No. 87413**

In accordance with the approval of Transfer No. 87413, Water Right No. 47-7262 is now described as follows:

Right Holder: MAURICE H ECKERT & SONS INC
4795 N 700 E
BUHL, ID 83316-5007

Priority Date: 4/19/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	1/01	to 12/31	0.080 cfs	2.4 af
			0.080 cfs	2.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 27 Twp 08S Rge 13E	TWIN FALLS County
GROUND WATER	SESE	Sec 27 Twp 08S Rge 13E	TWIN FALLS County
GROUND WATER	NENE	Sec 34 Twp 08S Rge 13E	TWIN FALLS County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	13E	34	X																

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 87413

SCANNED
FEB 09 2023

WATER RIGHT NO. 47-4040**As Modified by Transfer No. 87413**

In accordance with the approval of Transfer No. 87413, Water Right No. 47-4040 is now described as follows:

Right Holder: MAURICE H ECKERT & SONS INC
4795 N 700 E
BUHL, ID 83316-5007

Priority Date: 6/1/1969

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.040 cfs	0.4 af
DOMESTIC	01/01	to 12/31	0.100 cfs	4.4 af
STOCKWATER	01/01	to 12/31	0.090 cfs	4.7 af
			0.230 cfs	9.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 27 Twp 08S Rge 13E	TWIN FALLS County
GROUND WATER	SESE	Sec 27 Twp 08S Rge 13E	TWIN FALLS County
GROUND WATER	NENE	Sec 34 Twp 08S Rge 13E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	13E	27																X	
08S	13E	35							X										

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	13E	34	X																

PLACE OF USE: STOCKWATER

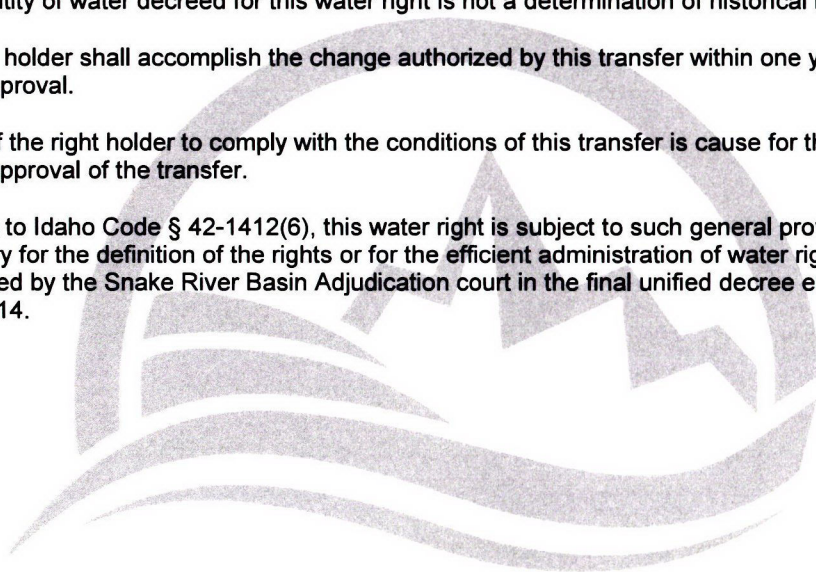
			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	13E	34	X																
08S	13E	35						X	X										
09S	13E	2						X											
								L 4											
09S	13E	3	X																
			L 1																

Transfer No. 87413

SCANNED
FEB 09 2023

WATER RIGHT NO. 47-4040
As Modified by Transfer No. 87413

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
 2. Domestic use is for 4 homes.
 3. Commercial use is for farm chemical mix station and potato storage humidification
 4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
 5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 7. 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.
- 

State of Idaho
Department of Water Resources
Attachment to Transfer # 87413
47-4040 & 47-7262

This map depicts the point of diversion locations for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.1 0.2 0.4 Miles

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



SCANNED
FEB 09 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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

Check all that apply:

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

1. **APPLICANT(S)** Maurice H. Eckert & Sons, Inc Phone 208-543-5989

2. MAILING ADDRESS 4795 N 700 E City Buhl,

State ID Zip 83316-5007 Email

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

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

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 47-4040, 47-7262

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

4. **TOTAL AMOUNT OF WATER** transferred is 0.31 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

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

[illegible]

6. GENERAL INFORMATION

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

New well will be hooked into the existing diversion system, a measuring device and lockable controlling works will be installed when and if require

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

Yes No

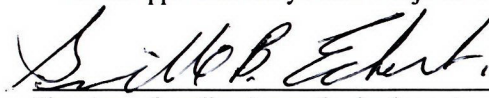
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

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

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

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

 Signature of applicant or authorized agent	<u>Granville B. Eckert, President</u> Print name and title if applicable	<u>1/10/23</u> Date
 Signature of applicant or authorized agent	<u>Armand M. Eckert, Secretary</u> Print name and title if applicable	<u>1/10/23</u> Date

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____
Fee paid \$500.00 Date 1/11/2023 Received by SG Receipt # 5039606
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)

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

Current Water Right No.: 47-4040

Current Owner: MAURICE ECKERT & SONS INC
Priority Date: 6/1/1969
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS	0.4 AF
DOMESTIC	01/01 to 12/31	0.1 CFS	4.4 AF
STOCKWATER	01/01 to 12/31	0.09 CFS	4.7 AF
	<u>Total Diversion</u>	0.23 CFS	9.5 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SE1/4	Sec. 27,	Twp 08S,	Rge 13E B.M.
TWIN FALLS County				
GROUND WATER	NE1/4NE1/4NE1/4	Sec. 34,	Twp 08S,	Rge 13E B.M.
TWIN FALLS County				

Place of Use

COMMERCIAL Within TWIN FALLS County

T08S R13E S27	SESE	T08S R13E S35	SWNW
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DOMESTIC Within TWIN FALLS County

T08S R13E S34	NENE
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STOCKWATER Within TWIN FALLS County

T08S R13E S34	NENE	T08S R13E S35	NWNW
T08S R13E S35	SWNW	T09S R13E S2	NWNW
T09S R13E S3	Lot 1 NENE		

Page _____ of _____

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. Commercial use is for farm chemical mix station and potato storage humidification
3. X02 Stockwater use is for 350 beef cattle.
4. X01 Domestic use is for 4 homes.
5. 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

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

Current Water Right No.: 47-7262

Current Owner: MAURICE ECKERT & SONS INC
Priority Date: 4/19/1974
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.08 CFS	2.4 AF
	<u>Total Diversion</u>	0.08 CFS	2.4 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SE1/4	Sec. 27,	Twp 08S,	Rge 13E B.M.
TWIN FALLS County				
GROUND WATER	NE1/4NE1/4NE1/4	Sec. 34,	Twp 08S,	Rge 13E B.M.
TWIN FALLS County				

Place of Use

DOMESTIC Within TWIN FALLS County

T08S R13E S34 NENE

Conditions of Approval:

1. RP08S13E340000
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Decreed Date: 5/21/1999

NESE

NWSW

New Well

Existing Well

27

26

SESE

SWSW

08S13E

NENE

34

Existing Well

NWNW

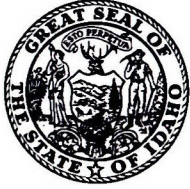
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87413

SCANNED
JAN 12 2023



0005045736

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***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 #: 0005045736

Date Filed: 1/3/2023 9:52:03 AM

Entity Name and Mailing Address:

Entity Name: MAURICE H. ECKERT & SONS, INC.
The file number of this entity on the records of the Idaho Secretary of State is: 0000124024
Address: 4795 N 700 E
BUHL, ID 83316-5007

Entity Details:

Entity Status: Active-Good Standing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C37170

The registered agent on record is:

Registered Agent: GRANVILLE B ECKERT
Registered Agent
Physical Address
4793 N 700 E
BUHL, ID 83316
Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
Armand M Eckert	Secretary	716-B EAST 4900 NORTH BUHL, ID 83316
Granville B. Eckert	President	700 EAST 4793 NORTH BUHL, ID 83316
Norman M. Eckert	Vice President	700 EAST 4791 NORTH BUHL, ID 83316
Kenneth P. Elkin	Vice President	716-A EAST 4900 NORTH BUHL, ID 83316
Mike B. Eckert	Vice President	712-A EAST 4900 NORTH BUHL, ID 83316

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

Job Title: Secretary

Armand M. Eckert

Sign Here

01/03/2023

Date

SCANNED
JAN 12 2023

Idaho Dept. of Water Resources

RECEIVED

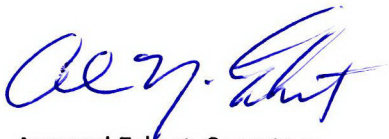
JAN 11 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

Mr. Walker

It was brought to my attention that most if not all of our water rights may be listed under Maurice Eckert and Sons Inc. This is not completely accurate. The correct name in which these rights should be recorded under is Maurice H. Eckert and Sons Inc. as filed with the state. We are not aware of any other entity or entities with any such name and believe this was just an oversight in recording. It is not uncommon for Our farm to be referred to in abbreviated form. We apologize for the misunderstanding.

Sincerely,



Armand Eckert, Secretary

Maurice H. Eckert and Sons Inc.

SCANNED

JAN 12 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Gary Spackman

February 9, 2023

MAURICE H ECKERT & SONS INC
4795 N 700 E
BUHL ID 83316-5007

Re: Transfer No: 87413
Water Right No(s): 47-4040, 47-7262

Core.

Transfer Approval Notice

Dear Water Right Holder(s):

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

FEB 09 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,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 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.: 87413
Water Right No(s): 47-4040, 47-7262

MAURICE H ECKERT & SONS INC
4795 N 700 E
BUHL ID 83316-5007



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sufficiency Memorandum

Date: February 8, 2023
To: Transfer 87413
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

The transfer application proposes to add a point of diversion (POD), for two ground water rights for stockwater, commercial and domestic uses. The total diversion rate of 0.31 cfs will be diverted from two existing wells and a new well to be drilled. The new POD will be located approximately 8.0 miles south and 0.7 miles west of Main Street and Hwy 30, in Hagerman. The application is subject to notice and protest. No protests were received.

- **Authority to File:**
The applicant is listed as the current owner of the water rights according to Department records. Also as recorded in the General Adjudication file, 47-4040, February 11, 1966. The applicant's secretary submitted an affidavit to the fact of the name of the company is Maurice H. Eckert & Sons, Inc.
- **Water Right Validity:**
The water rights involved in the transfer were decreed in the SRBA in 1999 and 2010. Recent aerial photography indicates that the water rights have been used in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated. No protests were received
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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

**** Proof of Publication ****

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

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:

2 Insertions

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

ORDER NUMBER 134138

Reba Davis

(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 26 day of Jan in the year of 2023 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.

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

Section: Legals

Category: 50 Legal

PUBLISHED ON: 01/19/2023, 01/26/2023

TOTAL AD COST: 120.39

FILED ON: 1/26/2023

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87358**

MIDPOINT LAND & CATTLE COMPANY LLC, 145 NORTH RD, JEROME, ID 83338-5411 has filed Application No. 87358 for changes to the following water rights within JEROME County(s): Right No(s). 36-14651. The purpose of the transfer is to change a portion of the above rights as follows: The transfer application proposes change the point of diversion (POD) for a ground water right for stockwater and domestic uses (0.09 cfs) and to change the place of use (POU) to adjacent lands owned by the applicant. The POU is located approximately 7.3 to 7.5 miles north and 4.7 to 5.0 miles east of Main Street and Lincoln Street in Jerome. The new POD is located within the place of use.

TRANSFER NO. 87413

MAURICE H ECKERT & SONS INC, 4795 N 700 E, BUHL, ID 83316-5007 has filed Application No. 87413 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4040, 47-7262. The purpose of the transfer is to change a portion of the above rights as follows: The transfer application proposes to add a point of diversion (POD) for two ground water rights for stockwater, commercial and domestic uses. The total diversion rate of 0.31 cfs will be diverted from the two existing wells and a new well to be drilled. The new POD will be located approximately 8.0 miles south and 0.7 miles west of Main Street and Hwy 30 in Hagerman.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **February 6, 2023**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on January 19th & 26th, 2023

✓ OK DM 2/7/2023



SCANNED

FEB 09 2023

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 134138

Publication

Times News

Contact ID DEPARTMENT OF WATER RESOURCES
Address 1 650 ADDISON AVE W, STE 500
Address 2
City St Zip TWIN FALLS ID 83301
Phone 2087363033
Fax
Section Legals
SubSection
Category 50 Legal
Ad Key 134138-1
Keywords NOTICE/PROPOSED WATER RIGHT TRANSFER
Notes

PO Number
Rate Legal Notice
Order Price 120.39
Amount Paid 0.00
Amount Due 120.39
Start/End Dates 01/19/2023 - 01/26/2023
Insertions 2
Size 69
Salesperson(s) Legal Notices
Taken By Reba Davis

Ad Proof

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GARY SPACKMAN, Director

Published on January 19th & 26th, 2023

Proof of legal notice received from Times News 1/12/2023.



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

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

Governor Brad Little

Director Gary Spackman

January 12, 2023

MAURICE H ECKERT & SONS INC
4795 N 700 E
BUHL, ID 83316-5007

RE: Transfer No. 87413
Water Right No(s). 47-4040, 47-7262

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 1/19/2023 and 1/26/2023**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **February 6, 2023**.

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

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

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 12, 2023 10:35 AM
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 January 19th & 26th, 2023. 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
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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

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

Governor Brad Little

Director Gary Spackman

January 12, 2023

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

RE: Transfer No. 87358
Water Right No(s). 36-14651

RE: Transfer No. 87413
Water Right No(s). 47-4040, 47-7262

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 February 6, 2023. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

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TRANSFER NO. 87358**

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GARY SPACKMAN, Director
Published on January 19th & 26th, 2023

MEMORANDUM

Date: January 11, 2023
To: Transfer 87413
From: Benny Walker
Re: Synopsis/Legal

The transfer application proposes to add a point of diversion (POD), for two ground water rights for stockwater, commercial and domestic uses. The total diversion rate of 0.31 cfs will be diverted from the two existing wells and a new well to be drilled. The new POD will be located approximately 8.0 miles south and 0.7 miles west of Main Street and Hwy 30, in Hagerman. The application is subject to notice and protest.

MEMORANDUM

TO: Transfer 87413 File

FROM: Benny Walker

DATE: January 11, 2023

SUBJECT: Filing Fee

The \$500.00 filing fee for this transfer (0.31 cfs) is based on the transfer fee schedule for 0.21-1.00 cfs. The applicant submitted a fee of \$500.00 (Receipt S039606).