

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88670**

This is to certify that: **OKSTIN REA LLC**
21234 HIGHWAY 30
FILER, ID 83328-5510

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>
47-8278	WR/LICENSE	7/17/1991	0.230 cfs	27.7 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>
47-8278	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-8278	47-17772	0.100 cfs	12.0 af	N/A	N/A	47-8278	0.130 cfs	15.7 af	N/A	N/A
COMBINED TOTALS		0.100 cfs	12.0 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 24th day of January, 2024.


Southern Region Manager

SUPPORT DATA

IN FILE # 47-8278

Transfer No. 88670

WATER RIGHT NO. 47-8278**As Modified by Transfer No. 88670**

In accordance with the approval of Transfer No. 88670, Water Right No. 47-8278 is now described as follows:

Right Holder: MOON VALLEY DEVELOPMENT LLC
2574 E 3800 N
TWIN FALLS, ID 83301-0129

Priority Date: 7/17/1991

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.130 cfs	15.7 af
STOCKWATER	01/01	to 12/31	0.130 cfs	15.7 af
			0.130 cfs	15.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESWSE	Sec 14 Twp 10S Rge 16E	TWIN FALLS County
GROUND WATER	SESWSE	Sec 14 Twp 10S Rge 16E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	16E	14															X		

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	16E	14															X		

CONDITIONS OF APPROVAL

1. Commercial use is for a dairy.
2. Approval of this transfer does not confirm the validity of this water right.

Transfer No. 88670

WATER RIGHT NO. 47-17772

As Modified by Transfer No. 88670

In accordance with the approval of Transfer No. 88670, Water Right No. 47-17772 is now described as follows:

Right Holder: MOON VALLEY DEVELOPMENT LLC
2574 E 3800 N
TWIN FALLS, ID 83301-0129

Priority Date: 7/17/1991

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.100 cfs	12.0 af
			0.100 cfs	12.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 10 Twp 10S Rge 16E 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	
10S	16E	10											X						0.0

CONDITIONS OF APPROVAL

1. Commercial use is for a RV Park facility.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources
Attachment to Transfer # 88670
47-17772

This map depicts the COMMERCIAL 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 0.04 0.08 0.16 Miles

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





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 Mathew Weaver

January 26, 2024

OKSTIN REA LLC
21234 HIGHWAY 30
FILER ID 83328-5510

Re: Transfer No: 88670
Water Right No(s): 47-8278

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

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

Corey Skinner
Southern Regional Manager

Enclosure

c:

SNAKE RIVER MANAGEMENT INC
STAN HAYE III
403 CENTER ST E
KIMBERLY ID 83341-1809

MOON VALLEY DEVELOPMENT LLC
2574 E 3800 N
TWIN FALLS ID 83301-0129

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2024 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.: 88670
Water Right No(s): 47-8278

OKSTIN REA LLC
21234 HIGHWAY 30
FILER ID 83328-5510

SNAKE RIVER MANAGEMENT INC
STAN HAYE III
403 CENTER ST E
KIMBERLY ID 83341-1809

MOON VALLEY DEVELOPMENT LLC
2574 E 3800 N
TWIN FALLS ID 83301-0129



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: January 11, 2024
To: Transfer 88670
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 12.0 acre foot portion (0.10 cfs) of a groundwater right for commercial use from an existing dairy located approximately 4.1 to 4.4 miles west and 0.7 to 1.0 miles south of Twin Falls (Blue Lakes and Addison), to a RV Park facility for commercial use located approximately 5.6 to 5.8 miles west and 0.1 to 0.3 miles north of Twin Falls (Blue Lakes and Addison). The transferred portion of the right, 12.0 acre feet (0.10 cfs), will be diverted from an existing well located at the RV Park facility. The transfer application will be subject to public notice and protest. No protests were received.

- **Authority to File:**
The applicants submitted a contract for sale of water rights agreement with the current owners of the water right involved in the transfer. Agreeing to allow the applicant to submit the transfer.
- **Water Right Validity:**
The water right involved in the transfer was licensed in 2008. 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 use is 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

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

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

RECEIVED

JAN 02 2024

ORDER NUMBER 147260

DEPT OF WATER RESOURCES
SOUTHERN REGION

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 28th day of December in the year of 2023 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Morgan Shindle
Notary Public FOR Idaho

Residing at: Twin Falls, Idaho

My Commission expires: 11/20/2029

Section: Legals

Category: 50 Legal

PUBLISHED ON: 12/21/2023, 12/28/2023

TOTAL AD COST: 226.69

FILED ON: 12/28/2023

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88637**

✓ GARNER LAND LLC and GARNER CAPITAL INVESTMENTS LLC, 147 S 2550 E, DECLO, ID 83323-6016 has filed Application No. 88637 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13175, 43-13177, 43-13179, 43-13599, 43-13641, 43-13643, 43-13721, 43-13827, 43-13828, 43-13829, 43-13895, 43-2511, 43-4146. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving three irrigation ground water rights (combined 0.7 cfs) used to irrigate 39 acres from their current location to the applicant's farm. The current location for the three water rights is approximately 3.0 to 3.3 miles north and 0 to 0.3 miles east of Malta. Applicant's farm is located approximately 12.0 to 13.8 miles north and 3.8 to 4.8 miles east of Malta. Application also proposes drilling a new well on the applicant's farm and adding it as an authorized point of diversion to ten irrigation ground water rights and the three rights proposed to be moved to the farm (total combined 9.76 cfs) that will be used to irrigate 771.7 acres.

✓ **TRANSFER NO. 88663**

TAMMARA D BECK, 5811 N DUXBURY PIER LN, GARDEN CITY, ID 83714 has filed Application No. 88663 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4064. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion (POD) for a low-temperature geothermal water right with a combined flow rate of 0.05 cfs for domestic, heating, and recreational uses. The new well will be located approximately 6.9 miles north and 3.8 miles west of the intersection of Highway 30 and Clear Lakes Road in Buhl.

✓ **TRANSFER NO. 88670**

OKSTIN REA LLC, 21234 HIGHWAY 30, FILER, ID 83328-5510 has filed Application No. 88670 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-8278. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 12.0 acre foot portion (0.10 cfs) of a ground water right for commercial use from an existing dairy located approximately 4.1 to 4.4 miles west and 0.7 to 1.0 miles south of Twin Falls (Blue Lakes and Addison), to an RV Park facility for commercial use located approximately 5.6 to 5.8 miles west and 0.1 to 0.3 miles north of Twin Falls (Blue Lakes and Addison). The transferred portion of the right, 12.0 acre feet (0.10 cfs), will be diverted from an existing well located at the RV Park facility.

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 January 8, 2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director•

Published on December 21st & 28th, 2023



✓ OK DM
1-4-2024