

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88687**

This is to certify that: **WEBB BROTHERS LAND & LIVESTOCK LLC**
22 N YALE RD
DECLO, ID 83323-6012

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>
43-13897	WR/DECREED	5/29/1950	0.280 cfs	51.1 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>
43-13897	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>
43-13897	43-13897	0.280 cfs	51.1 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.280 cfs	51.1 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 13th day of February, 2024.



Southern Region Manager

WATER RIGHT NO. 43-13897**As Modified by Transfer No. 88687**

In accordance with the approval of Transfer No. 88687, Water Right No. 43-13897 is now described as follows:

Right Holder: WEBB BROTHERS LAND & LIVESTOCK LLC
22 N YALE RD
DECLO, ID 83323-6012

Priority Date: 5/29/1950

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to 12/31	0.280 cfs	51.1 af
DOMESTIC	1 /1	to 12/31	0.110 cfs	3.0 af
STOCKWATER	1 /1	to 12/31	0.280 cfs	51.1 af
			0.280 cfs	51.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 31 Twp 10S Rge 28E	CASSIA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 11S Rge 28E	CASSIA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 11S Rge 28E	CASSIA 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	
11S	28E	6		X	X		X			X									
				L 2			L 3												

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	
10S	28E	31												X					
11S	28E	6					X												
							L 3												

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	
11S	28E	6		X	X		X			X									
				L 2			L 3												

WATER RIGHT NO. 43-13897

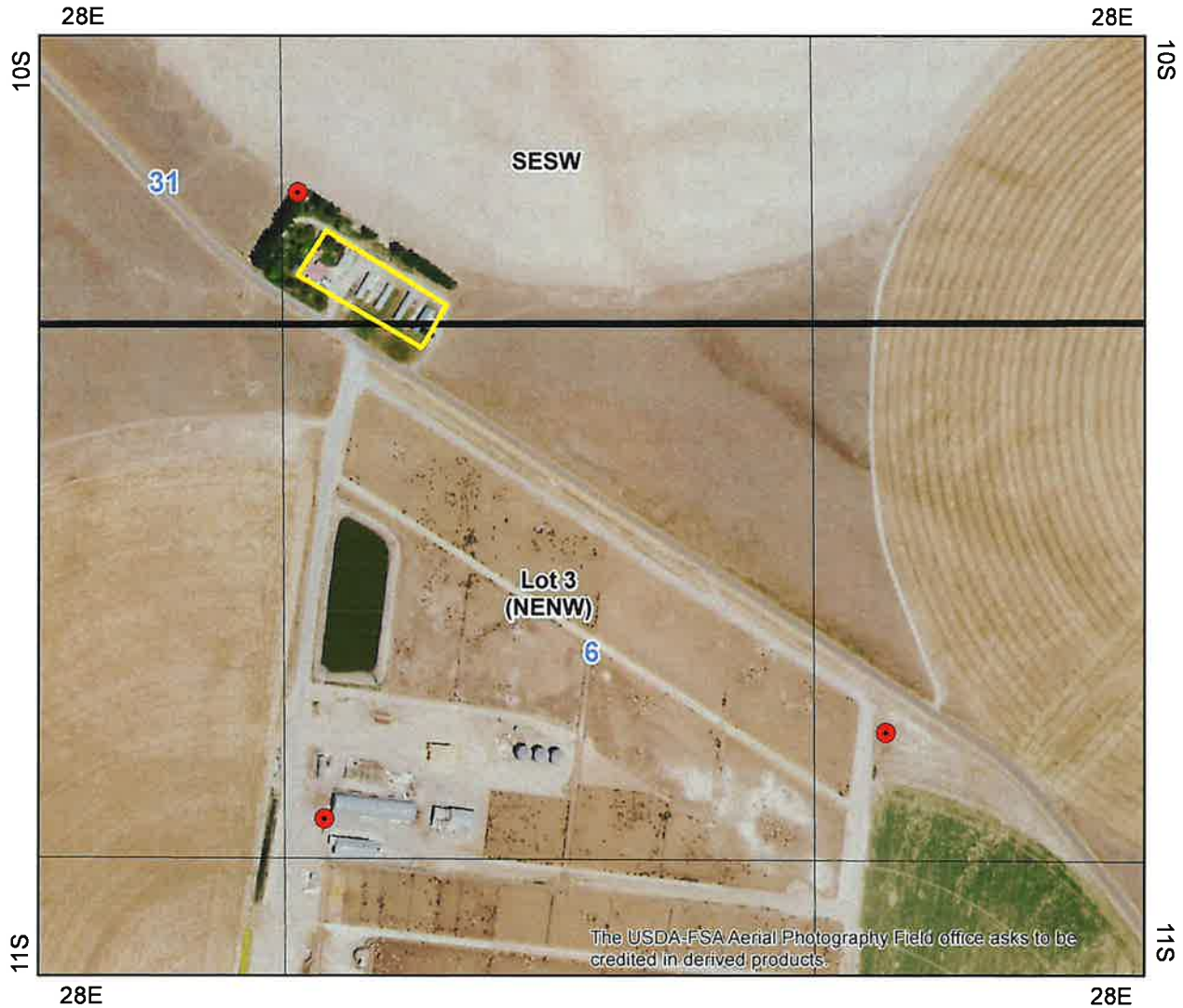
As Modified by Transfer No. 88687

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer # 88687
43-13897

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



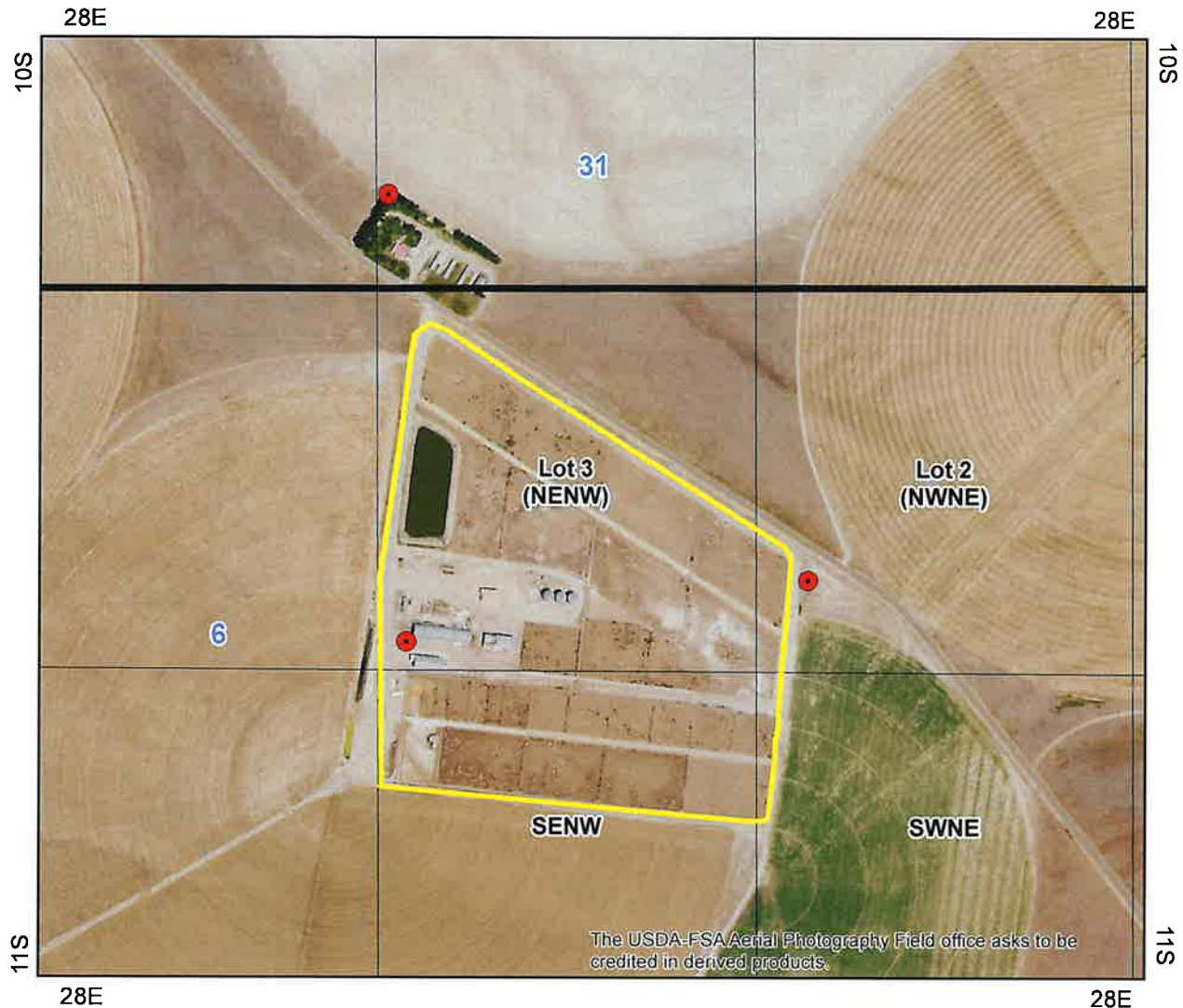
0 0.05 0.1 0.2 Miles

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



State of Idaho
Department of Water Resources
Attachment to Transfer # 88687
43-13897

This map depicts the STOCKWATER & 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.



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





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

February 14, 2024

WEBB BROTHERS LAND & LIVESTOCK LLC
22 N YALE RD
DECLO ID 83323-6012

Re: Transfer No: 88687
Water Right No(s): 43-13897

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.

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:

WATER DISTRICT 143
BRIAN RAGAN
PO BOX 83720
BOISE ID 83720-0098

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 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.: 88687
Water Right No(s): 43-13897

WEBB BROTHERS LAND & LIVESTOCK LLC
22 N YALE RD
DECLO ID 83323-6012

WATER DISTRICT 143
BRIAN RAGAN
PO BOX 83720
BOISE ID 83720-0098



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: February 12, 2024
To: Webb Brothers Land and Livestock, LLC Transfer #88687 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to add a point of diversion (POD) to stockwater/commercial/domestic right 43-13897 (0.28 cfs). The two current PODs are existing wells at a feedlot located approximately 13.4 miles north and 7.3 miles east of Malta. The proposed new well is to be located immediately adjacent to the feedlot.

The transfer is within Water District 143 so Watermaster comments were solicited. The Watermaster did not oppose the transfer. The transfer is located within the Raft River Critical Ground Water Management Area so it was advertised. No protests were filed.

- **Authority to File:**
The Department's database indicates that the right is owned by Webb Brothers Land and Livestock, LLC, the applicant. The application was signed by Eric Webb, a member of the LLC. The most recent Annual Report for the LLC on file with the Idaho Secretary of State is included in the transfer file.
- **Water Right Validity:**
The water right was decreed in the SRBA and aerial imagery appears to show cattle congregating in the stockwater/commercial POU, and homes located at the domestic POU, so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Neither flow rates nor volumes will increase with this transfer.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

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

*** Proof of Publication ***

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

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

RECEIVED

JAN 29 2024

DEPT OF WATER RESOURCES
SOUTHERN REGION

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 147810

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 25th day of January in the year of 2024 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: 01/18/2024, 01/25/2024

TOTAL AD COST: 258.43

FILED ON: 1/25/2024

✓ OK DM 2/5/2024

*** Proof of Publication ***

RECEIVED

JAN 29 2024

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

✓ 36-17284

OLD CURRAN RANCH LLC

PO BOX 3398

HAILEY, ID 83333-3398

Point of Diversion NESWNE S31 T07S R14E GOODING

County Source BILLINGSLEY CREEK Tributary SNAKE RIVER

Use: WILDLIFE 10/15 to 02/14 14.1 CFS

Use: DIVERSION TO STORAGE 10/15 to 02/14 14.1 CFS

Use: WILDLIFE STORAGE 10/15 to 02/14 37.4 AF

Total Diversion: 14.1 CFS

Date Filed: 12-20-2023

Place Of Use: WILDLIFE, WILDLIFE STORAGE

T07S R13E S23 SW (ALL)

Place Of Use: WILDLIFE, WILDLIFE STORAGE

T07S R13E S26 SWNE, NENW, NWNW, SENW, NESW,

NWSE

Application proposes additional uses of 14.1 cfs of Billingsley Creek water that is already diverted under water right 36-16857 for wildlife and wildlife storage from 1/1 to 12/31. The proposed wildlife storage use will be mitigated by drying up 10.1 acres of irrigation under water right 36-16857. Proposed point of diversion is the existing Curran Ditch Diversion located approximately 2.6 miles south and 2.0 miles east of Hagerman. Proposed place of use is located approximately 0.7 to 2.0 miles south and 0.1 miles east to 0.5 miles west of Hagerman. 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. Published in the Idaho Statesman & Post Register on January 17th & 24th, and Times News & Lewiston Tribune January 18th & 25th, 2024.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88687**

✓ WEBB BROTHERS LAND & LIVESTOCK LLC, 22 N YALE RD, DECLO, ID 83323-6012 has filed Application No. 88687 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13897. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion (POD) to stockwater, commercial & domestic right 43-13897 (0.28 cfs). The two current PODs are existing wells at a feedlot located approximately 13.4 miles north and 7.3 miles east of Malta. The proposed new well is to be located immediately adjacent to the feedlot.

TRANSFER NO. 88703

✓ OLD CURRAN RANCH LLC, PO BOX 3398, HAILEY, ID 83333-3398 has filed Application No. 88703 for changes to the following water rights within GOODING County(s): Right No(s). 36-16857. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes rearranging a wildlife and wildlife storage place of use (POU) to match current locations of delivery system and wildlife ponds for a Billingsley Creek water right (14.1 cfs wildlife and 56 af wildlife storage). There will be no change to the point of diversion. Proposed POU is located approximately 0.7 to 2.0 miles south and 0.1 miles east to 0.5 miles west of Hagerman. Published in the Idaho Statesman & Post Register on January 17th & 24th, and Times News & Lewiston Tribune January 18th & 25th, 2024.

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://re-search.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 February 5, 2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Publish: January 18, 25, 2024

✓ OK DM 2/5/2024

Maline, Denise

From: Ragan, Brian
Sent: Wednesday, January 17, 2024 9:21 AM
To: Maline, Denise
Subject: RE: Comment Letter for Transfer 88687 Webb Brothers Land & Livestock

Denise, I have reviewed this transfer application and no concerns or comments.

Thank you,
Brian Ragan
IDWR Water Distribution Section
(208) 287-4934

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Thursday, January 11, 2024 4:56 PM
To: Ragan, Brian <Brian.Ragan@idwr.idaho.gov>
Subject: Comment Letter for Transfer 88687 Webb Brothers Land & Livestock

Good afternoon Brian,

Attached is an application for transfer currently being processed by the department within WD143. 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 Jim Bitzenburg at our office.

Thank you in advance,

Denise @ Southern



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