

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88232**

This is to certify that: **DERCK INVESTMENT CORP**
1444 N KNIGHTS DR
BOISE, ID 83712-6557

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>
2-7017B	WR/DECREED	8/24/1967	7.980 cfs	2280.4 af	N/A	434.0	SNAKE RIVER
57-192	WR/DECREED	9/1/1935	0.640 cfs	N/A	N/A	37.0	GROUND WATER
57-193	WR/DECREED	6/1/1940	0.100 cfs	N/A	N/A	37.0	GROUND WATER
57-2194	WR/DECREED	2/17/1949	2.000 cfs	450.0 af	N/A	100.0	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>
2-7017B	NO	NO	YES	NO	NO	NO
57-192	NO	NO	YES	NO	NO	NO
57-193	NO	NO	YES	NO	NO	NO
57-2194	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-7017B	2-7017B	7.980 cfs	2280.4 af	434.0	600.0	N/A	N/A	N/A	N/A	N/A
57-192	57-192	0.640 cfs	N/A	37.0	600.0	N/A	N/A	N/A	N/A	N/A
57-193	57-193	0.100 cfs	N/A	37.0	600.0	N/A	N/A	N/A	N/A	N/A
57-2194	57-2194	2.000 cfs	450.0 af	100.0	600.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.090 cfs	2275.0 af	434.0	600.0		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.

SUPPORT DATA

IN FILE # 2-7017B

SCOTT STORMS, Water Rights Supervisor

Transfer No. 88232

WATER RIGHT NO. 57-192**As Modified by Transfer No. 88232**

In accordance with the approval of Transfer No. 88232, Water Right No. 57-192 is now described as follows:

Right Holder: DERCK INVESTMENT CORP
1444 N KNIGHTS DR
BOISE, ID 83712-6557

Priority Date: 9/1/1935

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	1/01	to 12/31	0.040 cfs
IRRIGATION	3/01	to 11/15	0.640 cfs
STOCKWATER	1/01	to 12/31	0.190 cfs
			0.640 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSSENW Sec 3 Twp 02S Rge 02W OWYHEE 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	
02S	02W	3					X												
							L 3												

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	34			0.4						12			18	0.3	30	38	5.6	104.3
02S	02W	2							33.0		26.0	34.0	38.0	38.0			20.0		189.0
02S	02W	3	28.0	40.4	19.0	32.0	41.0	0.5		7.8					40.0	14.0		39.0	261.7
			L 1	L 2			L 3	L 4											
02S	02W	11		14			31												45

Right Acre Limit: 37.0
POU Total Acres: 600.0

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	
02S	02W	3					X												
							L 3												

Transfer No. 88232

WATER RIGHT NO. 57-192
As Modified by Transfer No. 88232

CONDITIONS OF APPROVAL

1. Rights 57-192, 57-193, 57-2194, and 2-7017B when combined shall not exceed a total diversion rate of 8.09 cfs, a total annual maximum diversion volume of 2275 af at the field headgate, and the irrigation of 434 acres.
2. Rights 57-192 and 57-193 when combined shall not exceed a total diversion rate of 0.74 cfs, a total annual maximum diversion volume of 166.5 af at the field headgate, and the irrigation of 37 acres.
3. This right is limited to the irrigation of 37 acres within the authorized place of use in a single irrigation season.
4. This right is limited to the irrigation of a specific 37 acres within the 600 acre place of use authorized by this right in a single irrigation season. The specific 37 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 37 acres to be irrigated within the 600 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.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
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. Stockwater, 1800 range cattle
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 57-193
As Modified by Transfer No. 88232

In accordance with the approval of Transfer No. 88232, Water Right No. 57-193 is now described as follows:

Right Holder: DERCK INVESTMENT CORP
 1444 N KNIGHTS DR
 BOISE, ID 83712-6557

Priority Date: 6/1/1940

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION
 STOCKWATER

From

3/01
 1/01

To

to 11/15
 to 12/31

Diversion Rate

0.100 cfs
 0.100 cfs
 0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSNW Sec 3 Twp 02S Rge 02W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	34			0.4						12			18	0.3	30	38	5.6	104.3
02S	02W	2							33.0		26.0	34.0	38.0	38.0			20.0		189.0
02S	02W	3	28.0	40.4	19.0	32.0	41.0	0.5		7.8					40.0	14.0		39.0	261.7
			L 1	L 2				L 3	L 4										
02S	02W	11		14			31												45

Right Acre Limit: 37.0

POU Total Acres: 600.0

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	
02S	02W	3					X												
							L 3												

CONDITIONS OF APPROVAL

1. Rights 57-192, 57-193, 57-2194, and 2-7017B when combined shall not exceed a total diversion rate of 8.09 cfs, a total annual maximum diversion volume of 2275 af at the field headgate, and the irrigation of 434 acres.
2. Rights 57-192 and 57-193 when combined shall not exceed a total diversion rate of 0.74 cfs, a total annual maximum diversion volume of 166.5 af at the field headgate, and the irrigation of 37 acres.

Transfer No. 88232

WATER RIGHT NO. 57-193
As Modified by Transfer No. 88232

CONDITIONS OF APPROVAL

3. This right is limited to the irrigation of 37 acres within the authorized place of use in a single irrigation season.
4. This right is limited to the irrigation of a specific 37 acres within the 600 acre place of use authorized by this right in a single irrigation season. The specific 37 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 37 acres to be irrigated within the 600 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.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. Stockwater, 1800 range cattle
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 57-2194**As Modified by Transfer No. 88232**

In accordance with the approval of Transfer No. 88232, Water Right No. 57-2194 is now described as follows:

Right Holder: DERCK INVESTMENT CORP
1444 N KNIGHTS DR
BOISE, ID 83712-6557

Priority Date: 2/17/1949

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	0.040 cfs	
IRRIGATION	3/01	to 11/15	2.000 cfs	450.0 af
			2.000 cfs	450.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWSW Sec 2 Twp 02S Rge 02W OWYHEE 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	
02S	02W	2										X							

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	34			0.4						12			18	0.3	30	38	5.6	104.3
02S	02W	2							33.0		26.0	34.0	38.0	38.0			20.0		189.0
02S	02W	3	28.0	40.4	19.0	32.0	41.0	0.5	7.8						40.0	14.0		39.0	261.7
			L 1	L 2			L 3	L 4											
02S	02W	11		14			31												45

Right Acre Limit: 100.0

POU Total Acres: 600.0

CONDITIONS OF APPROVAL

1. Rights 57-192, 57-193, 57-2194, and 2-7017B when combined shall not exceed a total diversion rate of 8.09 cfs, a total annual maximum diversion volume of 2275 af at the field headgate, and the irrigation of 434 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 88232

WATER RIGHT NO. 57-2194
As Modified by Transfer No. 88232

CONDITIONS OF APPROVAL

3. This right is limited to the irrigation of 100 acres within the authorized place of use in a single irrigation season.
4. This right is limited to the irrigation of a specific 100 acres within the 600 acre place of use authorized by this right in a single irrigation season. The specific 100 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 acres to be irrigated within the 600 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.
5. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
6. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
7. Rights have also been claimed to water from basin 02 for the same purpose of use at the same place of use described above, which will be included in a director's report to be filed at a later date. Any water rights recommended in the basin 02 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the basin 02 rights.
8. 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.
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.

WATER RIGHT NO. 2-7017B
As Modified by Transfer No. 88232

In accordance with the approval of Transfer No. 88232, Water Right No. 2-7017B is now described as follows:

Right Holder: DERCK INVESTMENT CORP
 1444 N KNIGHTS DR
 BOISE, ID 83712-6557

Priority Date: 8/24/1967

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION
 STOCKWATER

From

03/01
 01/01

To

to 12/01
 to 12/31

Diversion Rate

7.980 cfs
 0.090 cfs
 7.980 cfs

Diversion Volume

2275.0 af
 5.4 af
 2280.4 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L1 (NENE)

Sec 34 Twp 01S Rge 02W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	34			0.4						12			18	0.3	30	38	5.6	104.3
02S	02W	2							33.0		26.0	34.0	38.0	38.0			20.0		189.0
02S	02W	3	28.0	40.4	19.0	32.0	41.0	0.5		7.8					40.0	14.0		39.0	261.7
			L 1	L 2			L 3	L 4											
02S	02W	11		14			31												45

Right Acre Limit: 434.0

POU Total Acres: 600.0

CONDITIONS OF APPROVAL

1. Rights 57-192, 57-193, 57-2194, and 2-7017B when combined shall not exceed a total diversion rate of 8.09 cfs, a total annual maximum diversion volume of 2275 af at the field headgate, and the irrigation of 434 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. This right is limited to the irrigation of 434 acres within the authorized place of use in a single irrigation season.

Transfer No. 88232

WATER RIGHT NO. 2-7017B
As Modified by Transfer No. 88232

CONDITIONS OF APPROVAL

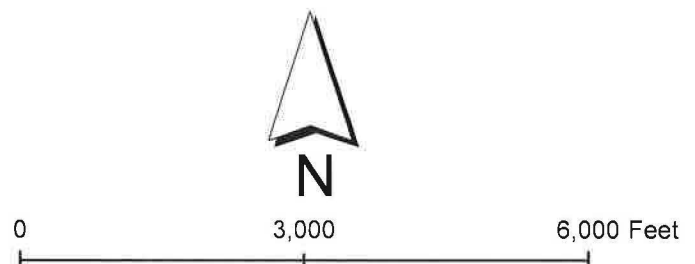
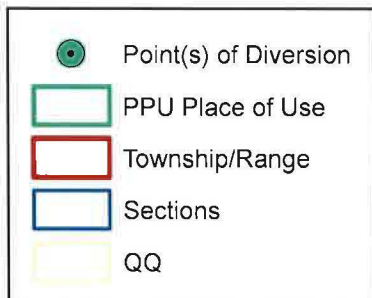
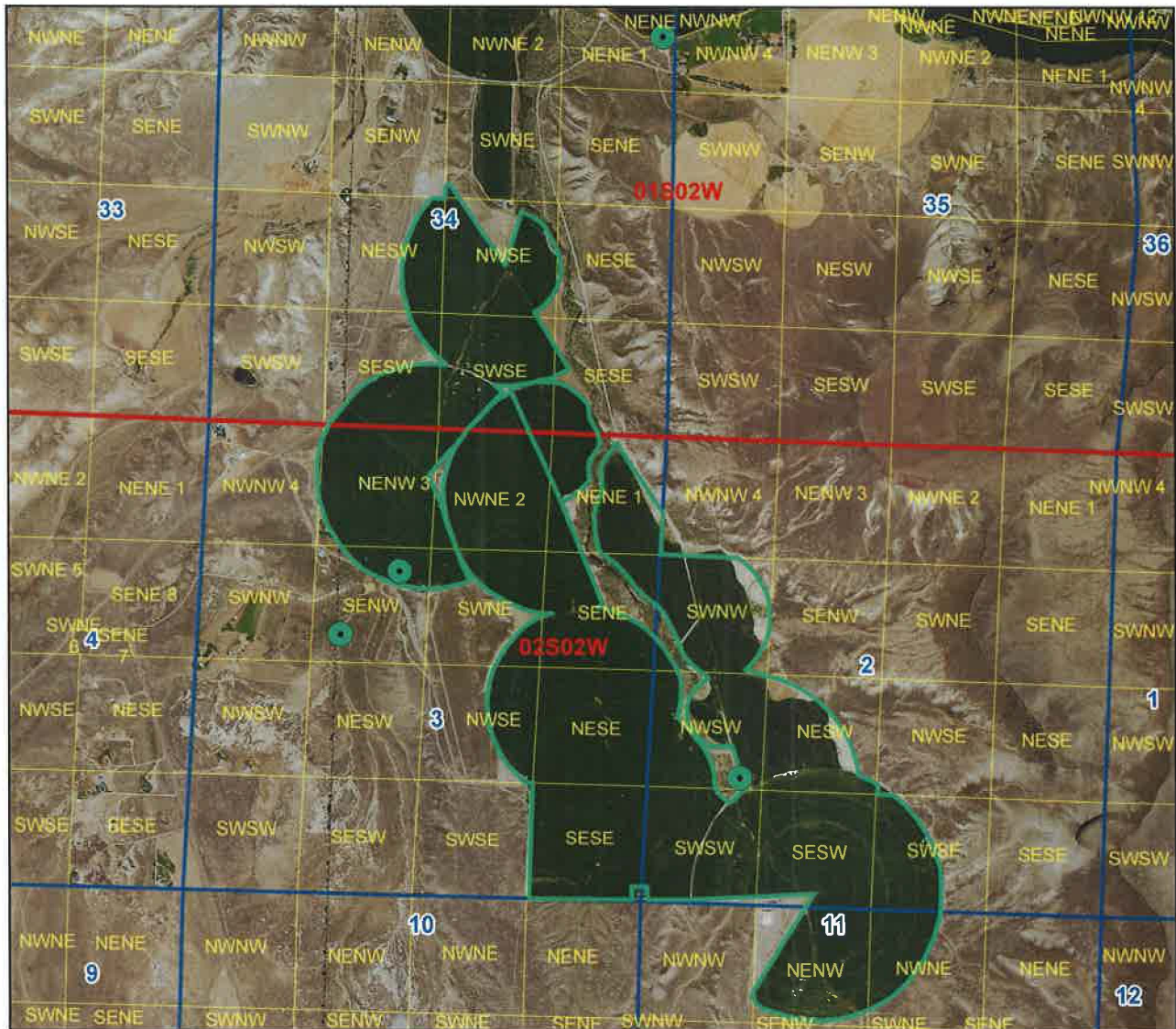
4. This right is limited to the irrigation of a specific 434 acres within the 600 acre place of use authorized by this right in a single irrigation season. The specific 434 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 434 acres to be irrigated within the 600 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.
5. 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.
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 No. 88232

Water Right(s): 57-192, 57-193, 57-2194, 2-7017B

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.





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 26, 2024

ATTN: RAY G. KAUFMAN
DERCK INVESTMENT CORP
1444 N KNIGHTS DR
BOISE ID 83712-6557

Re: Transfer No: 88232
Water Right No(s): 2-7017B, 57-192, 57-193, 57-2194

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) 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Evans".

Lynne Evans
Administrative Assistant I

Enclosure(s)

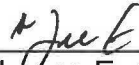
CERTIFICATE OF SERVICE

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.: 88232

Water Right No(s): 2-7017B, 57-192, 57-193, 57-2194

ATTN: RAY G. KAUFMAN
DERCK INVESTMENT CORP
1444 N KNIGHTS DR
BOISE ID 83712-6557



Lynne Evans
Administrative Assistant I

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

TO: Transfer No. 88232 DERCK Investment Corp
FROM: Allen Bradbury
DATE: 12/29/2023
RE: Evaluation of Application for Transfer of Water Right

Over the course of the last decade, DERCK Investment Corporation has installed several irrigation improvements, replacing linear irrigation systems with 12 pivots. Overlapping ground water rights are combined with the Snake River water in a water chamber then pumped into a pressurized system for distribution onto the same place of use. As a result, the acres irrigated within each quarter-quarter (QQ) do not match the legal descriptions on the water rights. Acreages have increased in some QQ's and decreased in others. In all an additional 166 acres were found uncovered by a water right. The purpose of the transfer is to reconcile differences between the recorded use and the actual use of these water rights. This transfer will combine all overlapping water rights including the 166 acres of new appropriation into a 600-acre permissible place of use (PPU).

Pertinent water rights include surface right 2-7017B which authorizes the diversion of 7.98 cfs for the irrigation of 434 acres and an associated stock water use from the Snake River downstream of Swan Falls Dam. Groundwater rights include 57-192 and 57-193 which are overlapping stacked rights with a combined total of 0.74 cfs for irrigation on 37 acres and water right 57-2194 is an overlapping right for 2.0 cfs for irrigation on 100 acres. All rights are decreed. Permit 2-10651 was filed concurrently with this transfer to cover the 166 acres with 3.32 cfs of new appropriation from the Snake River. A 600-acre permissible place of use (PPU) for irrigation will be created through the combined use of ground water rights 57-192, 57-193, 57-2194 and the surface water right 2-7017B and permit 2-10651.

Water will be used at the current place of use near the intersection of Hwy 78 (Marsing Murphy Highway and Guffey Lane., approximately 4 miles north of Murphy, ID, in Owyhee County.

Contact: DERK Investment Corp., 1444 N Knights Dr, Boise ID 83712, raykau@msn.com, (208) 841-1213.

Representative: Ray G Kauffman, 1444 N Knights Dr, Boise ID 83712, raykau@msn.com, (208) 841-1213.

Summary of Information Submitted

Authority to File: IDWR records show DERK Investment Corp as the current owner of the involved water rights. Owyhee County tax parcel data shows DERK Investment Corp as the owners of the lands at the place of use and point of diversion. The Idaho Secretary of State website shows Ray G Kauffman as president of DERK Investment Corp. The transfer application is signed by Ray G Kauffman.

Water Right Validity/Historical Beneficial Use: Water right no. 2-7017B was decreed on 6/15/2009. Ground water rights 57-192, 57-193, 57-2194 were decreed on 12/24/2002. The total place of use covers 600 acres. The rights are presumed to be valid since beneficial use is evident within the last five years as confirmed by Department aerial imagery and Google Earth imagery. Therefore, a defense of forfeiture is not needed.

Injury to Other Water Rights: The point of diversion is downstream from Swan Falls Dam and the Snake River NR Murphy ID – 13172500 gage site, therefore it is not in the trust water area. Flows in this reach of the Snake River are generally adequate due to the minimum stream flow of 3,900 cfs at the Murphy gage. Other water rights should not be impacted by the proposed transfer. The quantity of water

used for these rights will not change because of the transfer. Permit 2-10651 was filed concurrently with this transfer to irrigate 166 acres with 3.32 cfs. Based on this evidence there is not a concern with other users making a call or being injured.

Enlargement of Use: Enlargement does not appear to be an issue. The transfer does not propose any change to the diversion rate or volume nor any unsubordinated change to the season of use. The nature of use for stock water and domestic will remain the same. The concurrent filing of permit 2-10651 will cover the formerly enlarged place of use. For these reasons, an enlargement of use is not anticipated as a result of this transfer.

Local Public Interest: There are no anticipated negative impacts to recreation, fish, or wildlife as a result of this transfer. There is no indication that any applicable water or hazardous substance standards designed to protect water resources would be violated. This transfer is compatible with the objectives and policies of the State Water Plan. It is within the local public interest to allow private properties to develop their property and fully use their water rights which in turn benefits the public at large. None of the available information suggests a conflict with the local public interest.

Beneficial Use/Conservation of Water Resources: No issues were identified. The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis

Overlap Analysis: *The places of use for water rights 57-192, 57-193, 57-2194 overlap water right 2-7017B.*

Discussion

Water right 2-7017B covers 434 acres with a decreed rate of 0.018 cfs/acre. Rights 57-192 and 57-193 overlap the same 37 acres and when combined have a rate of 0.02 cfs/acre. Right 57-2194 covers 100 acres with a rate of 0.02 cfs per acre. Subtracting the 137 acres of rights 57-192, 57-193, 57-2194 from the 434 acres of 2-7017B gives a remainder of 297 acres at 0.018 cfs/acre and a rate of 5.35 cfs and the 137 acres at 0.02 cfs/acre gives a rate of 2.74 cfs. Therefore, the total combined rate is 8.09 cfs. Water right 2-7017B has an headgate volume of 5.24 afa while rights 57-192, 57-193, 57-2194 have a headgate volume of 4.50 afa. The combined right for the 434 acre limit remains 2275 af. No other combined limits are necessary because the ground rights are all additive and only 192 & 193 overlap, so if 2-7017B were to get curtailed, the other rights could be used to the full extent (or to the extent of the combined limit for 192 & 193).

If approved the following changes should be made to the conditions:

Add X35 to all conditions - Rights 57-192, 57-193, 57-2194, and 2-7017B when combined shall not exceed a total diversion rate of 8.09 cfs, a total annual maximum diversion volume of 2275 af at the field headgate, and the irrigation of 434 acres.

Add X35 to Rights 57-192 and 57-193 when combined shall not exceed a total diversion rate of 0.74 cfs, a total annual maximum diversion volume of 166.5 af at the field headgate, and the irrigation of 37 acres.

Add conditions X27 and 206 to all rights.

Added 01M concerning measuring devices to each right.

Added R65 combined limits condition for 0.02 cfs per acre and 4.5 afa per acre at the field headgate.

Removed conditions E54 and E56 from right 2-7017B which are adjudication conditions and do not reflect the results of this transfer.

Added conditions T07, T08, and replace C18 with T19 to each right as per department standards.

Summary

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

DERCK INVESTMENT CORP									Transfer 88232				Rate			Acres					Rate/Acre			Volume				
Bas	Sequ		Process	Basis	Status	Draft	Right ID	Priority Date	Original Diversion Rate	Transfer Diversion Rate	Transfer Diversion Rate	Source List	Water Use List	Current Owner	Original Total Acres	Transfer Acres	Acre Limit	% Orig. Acres	% Orig. Acres	Orig. cfs/acre	Transfer cfs/acre	Transfer cfs/acre	Original Diversion Volume	af/acre	Transfer Diversion Volume	Transfer Diversion Volume		
2	7017	B	Water Right	Decreed	Active	N	590888	8/24/1967	7.98	7.98	8.09	SNAKE RIVER	IRRIG, STOCK	DERCK INVEST	434.0	434.0	600.0			0.0184	0.0184	0.0184	2,275	5.24	2275.0	2275.0		
57	192		Water Right	Decreed	Active	N	421262	9/1/1935	0.64	0.74		GROUND WATER	IRRIG, STOCK, DOM	DERCK INVEST	37.0						0.0173			166.5	4.50		166.5	
57	193		Water Right	Decreed	Active	N	421263	6/1/1940	0.10			GROUND WATER	IRRIG, STOCK	DERCK INVEST	37.0						0.0027	0.0200						
57	2194		Water Right	Decreed	Active	N	421406	2/17/1949	2.00	2.00		GROUND WATER	IRRIG, DOM	DERCK INVEST	100.0	100.0					0.0200	0.0200		450	4.50		450.0	
2	10651		Water Permit		Active	Y	727620	6/14/2023	3.32		3.32	SNAKE RIVER	IRRIGATION	DERCK INVEST	166.0					0.0200						747.0		
									10.72		11.41				434.0							0.025			2275.0			3022.0

434.0 ac

@

0.018

=

7.812 cfs

minus 137.0 ac

@

0.0200

=

2.74 cfs

297.0 ac

@

0.018

=

5.35 cfs

=

8.09 cfs