

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATIONS  
FOR TRANSFER 87701 AND 87702  
IN THE NAME OF GARDNER FARMS**

---

**NOTICE OF  
PREHEARING CONFERENCE**

On March 23, 2023, Gardner Farms filed Applications for Transfer Nos. 87701 and 87702 with the Idaho Department of Water Resources ("Department"). A protest was filed against each application by Idaho Power Company. An informal settlement conference was held on July 19, 2023. The parties requested that a pre-hearing conference be scheduled.

The department has scheduled this matter for a pre-hearing conference to be held on **August 22, 2023, beginning at 9:00 am.**

Please use the following numbers to participate via Webex. Participation options are detailed on a separate document included with this notice.

**Meeting number (access code): 2633 039 2933  
Meeting password: IDWR2023**

The presiding officer will be James Cefalo.

Agenda items for the pre-hearing conference will include:

1. Review of the application.
2. Identify issues of protest.
3. Designate target date for conducting administrative hearing if resolution is not possible during the pre-hearing conference.
4. Set dates for discovery and pre-hearing disclosures.

The department encourages the applicant and protestants to discuss and resolve the protests before the pre-hearing conference. If private discussions are not possible or do not resolve the protests, the department's Rules of Procedure provide for a pre-hearing conference to be held before scheduling a formal hearing.

The pre-hearing conference provides another informal opportunity for the applicant and protestants to meet. The parties often settle their differences at the pre-hearing conference. If a formal hearing is needed to resolve the protests, the pre-hearing conference serves as an opportunity to formulate or simplify the issues, obtain concessions of fact or identification of documents to avoid unnecessary proof, schedule discovery (when discovery is allowed), arrange for the exchange of proposed exhibits or prepared testimony.

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JUL 21 2023**

limit witnesses, schedule hearings, establish procedure at hearings, and address other matters that may expedite orderly conduct and disposition of the proceeding.

It is important for all parties to give considerable thought to each of these matters before appearing at the pre-hearing conference and to make the most of the opportunity to resolve the dispute informally.

The pre-hearing conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the pre-hearing conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Christina Henman, (208)525-7161.

Dated this 21<sup>st</sup> day of July, 2023

A handwritten signature in black ink, appearing to read 'J Cefalo', written over a horizontal line.

James Cefalo  
Regional Manager

SCANNED  
JUL 21 2023

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21<sup>st</sup> day of July, 2023, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice of Pre-Hearing Conference  
Hearing Procedure for Application for Transfer

GARDNER FARMS  
578 N 100 W  
BLACKFOOT, ID 83221

HOLDEN KIDWELL HAHN & CRAPO  
PLLC  
C/O LUKE MARCHANT  
1000 RIVERWALK DR, STE 200  
PO BOX 50130  
IDAHO FALLS, ID 83405  
[lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)

BROCKWAY ENGINEERING  
CO GREG SULLIVAN  
2016 N WASHINGTON ST STE 4  
TWIN FALLS, ID 83301  
[Greg.sullivan@brockwayeng.com](mailto:Greg.sullivan@brockwayeng.com)

IDAHO POWER COMPANY  
C/O SCOTT N PUGRUD  
1221 W IDAHO STREET  
PO BOX 70  
BOISE, ID 83707  
[Spugrud2@idahopower.com](mailto:Spugrud2@idahopower.com)

MARTEN LAW  
C/O JOHN K SIMPSON  
1010 JEFFERSON ST. STE 102  
PO BOX 2139  
BOISE, ID 83701  
[jsimpson@martenlaw.com](mailto:jsimpson@martenlaw.com)



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Christina Henman  
Administrative Assistant

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JUL 21 2023

# **PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR TRANSFER**

## **ISSUES**

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues for the department to consider in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing water rights?
2. Will the proposed transfer constitute an enlargement in use of the original right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. If the proposed transfer is for a municipal use, is it necessary to provide reasonably anticipated future needs for a municipal service area and is the planning horizon consistent with Sections 42-222 and 42-202B, Idaho Code?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

## **BURDEN OF PROOF**

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5, if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

## **PROCEDURE**

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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### **CONFERENCE**

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues to avoid unnecessary proof, identify documents, schedule discovery, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing, and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the prehearing conference for the purpose of scheduling a hearing. Parties will be expected to discuss their availability at the prehearing conference for the purpose of scheduling the hearing.

### **HEARING**

A hearing may be conducted according to Sections 42-1701A(1) and (2), Idaho Code and the department's Rules of Procedure. Copies of Idaho Code and the department's rules are available upon request or by accessing the department's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov). The department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

The hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended or preliminary order. Parties can petition for reconsideration of a decision or file exceptions. A brief to support exceptions may request oral argument. Parties may seek judicial review of any final order issued by the Director.

### **EXHIBITS**

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

### **AMERICANS WITH DISABILITIES ACT**

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the department no later than ten (10) days prior to the hearing.

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JUL 41 2023

## **TO USE WEBEX**

**Meeting number (access code): 2633 039 2933**

**Meeting password: IDWR2023**

### **Using Your Computer:**

- Calendar invitations were sent to email addresses provided. Simply click the link included to join the meeting, and follow on-screen instructions.

### **Using the Mobile app:**

- Download WebEx Meetings to your mobile device. (App is free.)
- Click Join Meeting.
- Enter Meeting number, your name, and email address.
- Click 'join'.
  - If you intend to share documents, maps, images, etc. please ensure that you have granted the WebEx app the appropriate permissions to access those documents before the meeting.

### **Using Your Telephone: (No video or internet required)**

- Call 1-415-655-0001
- Follow Prompts

**More options are included in the emailed link. If you have any questions, need a copy of the invitation sent to another email address, or otherwise need the link, feel free to contact Christina Henman at (208) 525-7161 or [christina.henman@idwr.idaho.gov](mailto:christina.henman@idwr.idaho.gov).**

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**JUL 41 2023**

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

|                                      |   |                              |
|--------------------------------------|---|------------------------------|
| <b>IN THE MATTER OF APPLICATIONS</b> | ) |                              |
| <b>FOR TRANSFER 87701 AND 87702</b>  | ) |                              |
| <b>IN THE NAME OF GARDNER FARMS</b>  | ) | <b>NOTICE OF INFORMAL</b>    |
|                                      | ) | <b>SETTLEMENT CONFERENCE</b> |

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On March 23, 2023, Gardner Farms filed Applications for Transfer Nos. 87701 and 87702 with the Idaho Department of Water Resources ("Department"). A protest was filed against each application by Idaho Power Company.

The Department has scheduled these cases for an informal settlement conference on **July 19, 2023** beginning at **9:00 am**. The applicant and protestant(s) must attend.

Please use the following numbers to participate via Webex. Participation options are detailed on a separate document included with this notice.

**Meeting number (access code): 2631 711 8351**

**Meeting password: IDWR2023**

Agenda items for the informal settlement conference will include:

1. Review of the application and protest(s),
2. Additional informational needs,
3. Settlement options,
4. Need for additional informal proceedings or alternative dispute resolution options, and
5. Commencement of formal proceedings.

The Department encourages the applicant and protestant(s) to discuss and resolve the protest(s) before the informal settlement conference. If private discussions are not possible or do not resolve the protest(s), the informal settlement conference provides another opportunity for the applicant and protestant(s) to meet before commencing a formal hearing. Parties often settle their differences at the informal settlement conference.

If informal proceedings are unlikely to resolve this contested case, the Department will initiate formal proceedings by issuing a notice of prehearing conference and identifying a presiding officer. It is important for all parties to make the most of the opportunity to resolve the dispute informally.

The informal settlement conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the pre-hearing conference, please notify the Department at least ten (10) days prior to the conference. Inquiries about scheduling, hearing facilities, etc., should be directed to Christina Henman at 208-525-7161 or [christina.henman@idwr.idaho.gov](mailto:christina.henman@idwr.idaho.gov).

Dated this 14<sup>th</sup> day of June, 2023



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James Cefalo  
Regional Manager

## CERTIFICATE OF SERVICE

I certify that on the 14<sup>th</sup> day of June 2023, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice of Informal Settlement Conference  
Informal Settlement Conference Procedure- Application for Transfer

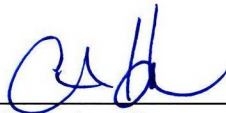
GARDNER FARMS  
578 N 100 W  
BLACKFOOT, ID 83221

HOLDEN KIDWELL HAHN & CRAPO  
PLLC  
C/O LUKE MARCHANT  
1000 RIVERWALK DR, STE 200  
PO BOX 50130  
IDAHO FALLS, ID 83405  
[lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)

BROCKWAY ENGINEERING  
CO GREG SULLIVAN  
2016 N WASHINGTON ST STE 4  
TWIN FALLS, ID 83301  
[Greg.sullivan@brockwayeng.com](mailto:Greg.sullivan@brockwayeng.com)

IDAHO POWER COMPANY  
C/O SCOTT N PUGRUD  
1221 W IDAHO STREET  
PO BOX 70  
BOISE, ID 83707  
[Spugrud2@idahopower.com](mailto:Spugrud2@idahopower.com)

MARTEN LAW  
C/O JOHN K SIMPSON  
1010 JEFFERSON ST. STE 102  
PO BOX 2139  
BOISE, ID 83701  
[jsimpson@martenlaw.com](mailto:jsimpson@martenlaw.com)



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Christina Henman  
Administrative Assistant

## **INFORMAL SETTLEMENT CONFERENCE PROCEDURE**

### **APPLICATION FOR TRANSFER**

#### **ISSUES**

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues that the Idaho Department of Water Resources (Department) considers in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing water rights?
2. Will the proposed transfer constitute an enlargement in use of the original water right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. Is the proposed transfer consistent with the requirements for municipal providers, if applicable?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

#### **BURDEN OF PROOF**

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 4 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

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JUN 14 2023

## **PROCEDURE**

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

### **INFORMAL SETTLEMENT CONFERENCE**

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

### **HEARING**

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov). The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

### **AMERICANS WITH DISABILITIES ACT**

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

SCANNED  
JUN 14 2023

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Luke H. Marchant (ISB No. 7944)  
Robert L. Harris (ISB #7018)  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**  
1000 Riverwalk Dr., Ste. 200  
P.O. Box 50130  
Idaho Falls, Idaho 83405  
[lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)  
[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)  
Telephone: (208) 523-0620  
Facsimile: (208) 523-9518

*Attorneys for Gardner Farms*

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS  
FOR TRANSFER NOS. 87701 AND  
87702 IN THE NAME OF GARDNER  
FARMS

**NOTICE OF APPEARANCE**

NOTICE IS HEREBY GIVEN, that Luke H. Marchant of the firm of Holden, Kidwell, Hahn & Crapo, P.L.L.C., hereby enters an appearance as counsel on behalf of Gardner Farms in the above-entitled matter.

DATED this 24<sup>th</sup> day of May, 2023.



\_\_\_\_\_  
Luke H. Marchant, Esq.  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

## CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of May, 2023, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

**DOCUMENT SERVED: NOTICE OF APPEARANCE**

### ATTORNEYS AND/OR INDIVIDUALS SERVED:

James Cefalo  
Idaho Department of Water Resources  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402-1718  
[James.Cefalo@idwr.idaho.gov](mailto:James.Cefalo@idwr.idaho.gov)

☐ Mail  
☐ Hand Delivery  
☐ Facsimile  
☒ Email

Brockway Engineering  
c/o Greg Sullivan  
2016 N Washington St., Ste. 4  
Twin Falls, ID 83301  
[Greg.sullivan@brockwayeng.com](mailto:Greg.sullivan@brockwayeng.com)

☐ Mail  
☐ Hand Delivery  
☐ Facsimile  
☒ Email

Idaho Power Company  
c/o Scott Pugrud  
P O Box 70  
Boise, ID 83707  
[Spugrud2@idahopower.com](mailto:Spugrud2@idahopower.com)

☐ Mail  
☐ Hand Delivery  
☐ Facsimile  
☒ Email

Marten Law  
c/o John K. Simpson  
1010 Jefferson St., Ste. 102  
P O Box 2139  
Boise, ID 83702  
[jsimpson@martenlaw.com](mailto:jsimpson@martenlaw.com)

☐ Mail  
☐ Hand Delivery  
☐ Facsimile  
☒ Email



\_\_\_\_\_  
Luke H. Marchant, Esq.  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.



May 23, 2023

GARDNER FARMS  
578 N 100 W  
BLACKFOOT, ID 83221

BROCKWAY ENGINEERING  
CO GREG SULLIVAN  
2016 N WASHINGTON ST STE 4  
TWIN FALLS, ID 83301  
[Greg.sullivan@brockwayeng.com](mailto:Greg.sullivan@brockwayeng.com)

IDAHO POWER COMPANY  
C/O SCOTT N PUGRUD  
1221 W IDAHO STREET  
PO BOX 70  
BOISE, ID 83707  
[Spugrud2@idahopower.com](mailto:Spugrud2@idahopower.com)

MARTEN LAW  
C/O JOHN K SIMPSON  
1010 JEFFERSON ST. STE 102  
PO BOX 2139  
[jsimpson@martenlaw.com](mailto:jsimpson@martenlaw.com)

RE: Applications for Transfer Nos. 87701, 87702

Dear Parties:

This letter acknowledges receipt of a protest filed against the above-referenced transfer applications from: Idaho Power Company. The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protest(s) and to attempt to resolve the protest(s). Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Discussions at an informal settlement conference between Department staff, the applicant(s), and the protestant(s). The enclosed document summarizes the informal settlement conference purpose and procedure.
- Formal proceedings administered by the Department after the informal settlement conference. If formal proceedings are necessary, the Department will schedule a prehearing conference to begin the process.

Please consider the best option(s) for resolution of the protested application.

Meanwhile, the Department will schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next three months.** You may provide unavailable dates via mail or via email to the email address below. If you do not notify the Department of unavailable dates, the Department will assume you are available for the

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informal settlement conference on any date selected. The Department may schedule the informal settlement conference as a conference phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information regarding the application, protest(s), water rights, and other matters administered by the Department is available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Sincerely,



Christina Henman  
Administrative Assistant  
[Christina.henman@idwr.idaho.gov](mailto:Christina.henman@idwr.idaho.gov)  
(208) 525-7161

Enclosure: Informal Settlement Conference Procedure

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MAY 25 2023

## **INFORMAL SETTLEMENT CONFERENCE PROCEDURE**

### **APPLICATION FOR TRANSFER**

#### **ISSUES**

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues that the Idaho Department of Water Resources (Department) considers in connection with an application for transfer:

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2. Will the proposed transfer constitute an enlargement in use of the original water right?
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4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. Is the proposed transfer consistent with the requirements for municipal providers, if applicable?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

#### **BURDEN OF PROOF**

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 4 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

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MAY 25 2023

## **PROCEDURE**

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

### **INFORMAL SETTLEMENT CONFERENCE**

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

### **HEARING**

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov). The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

### **AMERICANS WITH DISABILITIES ACT**

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

Scott N. Pugrud, ISB No. 8883  
**IDAHO POWER COMPANY**  
1221 W. Idaho Street  
P.O. Box 70  
Boise, Idaho 83707  
Telephone: (208) 388-6454  
Facsimile: (208) 388-6935  
[spugrud2@idahopower.com](mailto:spugrud2@idahopower.com)

John K. Simpson, ISB No. 4242  
**MARTEN LAW**  
1010 Jefferson St., Ste. 102  
P.O. Box 2139  
Boise, Idaho 83701-2139  
Telephone: (208) 336-0700  
Facsimile: (208) 344-6034  
[jsimpson@martenlaw.com](mailto:jsimpson@martenlaw.com)

*Attorneys for Idaho Power Company*

RECEIVED

MAY 08 2023

DEPARTMENT OF  
WATER RESOURCES

Receipt C116216

RECEIVED

MAY 11 2023

Department of Water Resources  
Eastern Region

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR  
TRANSFER NOS. T87701 & 87702,

In the name of Gardner Farms

**NOTICE OF PROTESTS**

IDAHO POWER COMPANY (the "Protestant"), by and through its attorneys of record, files this *Notice of Protest* to the approval of the above-numbered *Applications for Transfer* filed by GARDNER FARMS, (the "Applicant").

The initial bases for the protests are as follows:

1. The transfer applications propose to move water right nos. 35-14825 & 35-14826 from a points of diversion outside of the area commonly described as "trust water," to a point of diversion within the trust water area.

2. The new source of water would be recognized as trust water by the State of Idaho

**NOTICE OF PROTEST**

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MAY 23 2023

as defined in IDAPA 37.03.08.031(a) and mitigation may be required.

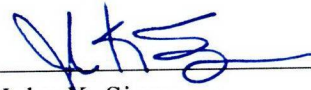
3. The transfers would result in a new trust water depletion at a time when the State is commencing a review of trust water availability and trust water term rights.

4. As identified in the Department's October 21, 2022 Amended Snake River Basin Moratorium Order, "While the three-day average Adjusted Average Daily Flow of the Snake River at the Murphy Gage has only fallen below the minimum stream flow water rights for two days, the full impacts of the current Trust Water right appropriations have not yet been fully realized in the Snake River." *See Order at 24.*

5. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 8<sup>th</sup> of May, 2023.

**MARTEN LAW**



John K. Simpson  
*Attorneys for Idaho Power Company*

**NOTICE OF PROTEST**

SCANNED 2  
MAY 23 2023

## CERTIFICATE OF SERVICE

I hereby certify that on this 8<sup>th</sup> day of May, 2023, I served the original of the foregoing **NOTICE OF PROTEST**, by hand-delivering or depositing same in the U.S. Mail, postage prepaid, as indicated, addressed to the following:

Idaho Department of Water Resources  
Idaho Water Center  
322 East Front Street  
Boise, Idaho 83702-7374

☐ U.S. Mail, Postage Prepaid  
☒ Hand Delivery  
☐ Overnight Mail  
☐ Facsimile  
☐ Email

Gardner Farms  
578 N 100 W  
Blackfoot, Idaho 83221-5714

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivery  
☐ Overnight Mail  
☐ Facsimile  
☐ Email:

Greg Sullivan  
Brockway Engineering  
2016 Washington St. N Ste.4  
Twin Falls, ID 83301

☐ U.S. Mail, Postage Prepaid  
☐ Hand Delivery  
☐ Overnight Mail  
☐ Facsimile  
☒ Email:  
[greg.sullivan@brockwayeng.com](mailto:greg.sullivan@brockwayeng.com)

  
\_\_\_\_\_  
John K. Simpson

NOTICE OF PROTEST

SCANNED  
MAY 23 2023

# Idaho Department of Water Resources Receipt

Receipt ID: C116216

Payment Amount \$25.00 Date Received 5/8/2023 Region STATE

Payment Type Charge Card

Payer BARKER, ALBERT P

Comments NOTICE OF PROTEST  
IN THE MATTER OF APPLICATION FOR TRANSFER NOS T87701 & 87702  
IN THE NAME GARDNER FARMS  
BY IDAHO POWER COMPANY  
ORDERID: 57553828  
LOCAL REFID: E08Ju/CAwk+IRI7mQoCLpw==  
TOTAL PAID: \$26.75(FEEs: \$1.75)  
AUTH\_CODE: 650749  
REC DATE: 5/8/2023 01:45:07 PM MDT

## Fee Details

| Amount  | Description | PCA   | Fund | Fund Detail | Subsidiary | Object |
|---------|-------------|-------|------|-------------|------------|--------|
| \$25.00 | PROTESTS    | 56103 | 0229 | 21          |            | 1155   |



Signature Line (Department Representative)

SCANNED  
MAY 23 2023

APR 28 2023

Department of Water Resources  
Eastern Region

State of Idaho  
County of Bingham

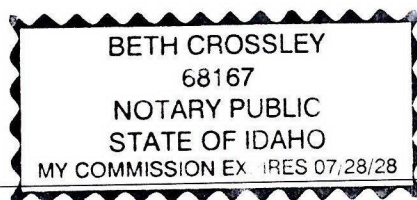
I, ~~Dawn Giannini, or~~ Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified~~  
~~Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of  
The Idaho State Journal and Post Register, a newspaper of general circulation, published 4 days, Tuesday,  
Wednesday, Friday and Saturday, at Pocatello and Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-  
lished in said Idaho State Journal and Post Register for 2 day(s), first publication having been made on  
04/19/2023 last publication having been made on 04/26/2023, and that the said notice was published in  
the regular and entire issue of said papers on the respective dates of publication, and that such notice  
was published in the newspaper and not in a supplement.

*[Signature]*

Subscribed and sworn to before me, on this 26th day of April, 2023

*Beth Crossley*



Notary Public  
My commission expires:

attached jurat \_\_\_\_\_

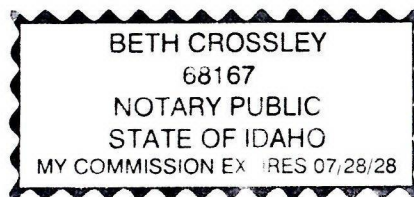
STATE OF IDAHO

ss.

COUNTY OF BINGHAM

On this 26th day of April, 2023 before me, the undersigned, a Notary public for said state, person-  
ally appeared ~~Dawn Giannini, or~~ Collins Crapo, known or identified to me to be the person(s) whose  
name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the  
statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in  
this certificate first above written.



*Beth Crossley*  
Notary Public for APG of the Rockies  
Residing: Idaho Falls, Idaho  
Commission expires:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 87701**

GARDNER FARMS, 578 N 100 W, BLACKFOOT, ID 83221-5714 has filed Application No. 87701 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-14407, 35-14408, 35-2765; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in NWSWSW Sec 1 T01S R34E for 1.15 cfs from ground water. Proposed place of use is in Sec 1 and 2 T01S R34E for 69 acres within a 320-acre permissible place of use.

**TRANSFER NO. 87702**

GARDNER FARMS, 578 N 100 W, BLACKFOOT, ID 83221-5714 has filed Application No. 87702 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2177; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in NWSWSW Sec 1 T01S R34E for 0.20 cfs from ground water. Proposed place of use is in Sec 1 and 2 T01S R34E for 10 acres within a 320-acre permissible place of use.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 5/8/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN  
Director

Published: April 19, 26, 2023 (PR/ISJ2497-359216)

SCANNED  
MAY 23 2023

State of Idaho  
Department of Water Resources  
Transfer of Water Right(s)  
RECOMMENDATION FORM

RE: Transfer No. 87701

Transfer Applicant's Name: GARDNER FARMS  
578 N 100 W  
BLACKFOOT, ID 83221-5714

Watermaster's Recommendation:

- a) \_\_\_\_\_ I do not oppose approval of this application.
- b) \_\_\_\_\_ I do not oppose approval of this application if it is conditioned as follows:

- c) X I oppose approval of this application for the following reasons:  
Transfers 87701 & 87702 propose to utilize the same proposed point of diversion. One ESW Analysis modeling the combined impacts should be provided.  
The approval of these transfers may result in impacts greater than IDWR standards
- d) \_\_\_\_\_ Additional comments:

Dated this 19th day of April 2023.

Blake Jordan Blake Jordan  
Watermaster's Signature  
WD120

SCANNED  
MAY 23 2023

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, April 12, 2023 4:47 PM  
**To:** Jordan, Blake  
**Subject:** Application for Transfer No. 87701, 87702  
**Attachments:** tmp6350.docx; tmpC00.docx

Watermaster:

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

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

April 12, 2023

GARDNER FARMS  
578 N 100 W  
BLACKFOOT, ID 83221-5714

RE: Transfer No. 87701, Water Right No(s). 35-14407, 35-14408, 35-2765  
Transfer No. 87702, Water Right No(s). 35-2177

Dear Applicant:

The Department of Water Resources has received your water right transfer applications. Please refer to the transfer numbers referenced above in all future correspondence regarding these transfers.

A legal notice of the applications has been prepared and is scheduled for publication in the BINGHAM NEWS CHRONICLE on 4/19/2023 and 4/26/2023. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are 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 applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the approval documents.

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

Sincerely,

Christina Henman  
Administrative Assistant

CC:  
BROCKWAY ENGINEERING PLLC  
C/O GREG SULLIVAN  
2016 WASHINGTON ST N STE 4  
TWIN FALLS, ID 83301-3082

SCANNED  
APR 12 2023

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, April 12, 2023 10:39 AM  
**To:** legalnotices@postregister.com  
**Subject:** Legal Notice for Bingham News Chronicle  
**Attachments:** 87701, 87702 Bingham News Chronicle.docx

LEGAL NOTICE DEPARTMENT  
BINGHAM NEWS CHRONICLE  
PO BOX 70  
BLACKFOOT, ID 83221-0070

RE: Transfer No. 87701, 87702  
Water Right No(s). 35-14407, 35-14408, 35-2765, 35-2177

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 5/8/2023. Your cooperation is appreciated.

Thank You,



**Christina Henman**  
Administrative Assistant  
IDWR, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 87701**

GARDNER FARMS, 578 N 100 W, BLACKFOOT, ID 83221-5714 has filed Application No. 87701 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-14407, 35-14408, 35-2765; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in NWSWSW Sec 1 T01S R34E for 1.15 cfs from ground water. Proposed place of use is in Sec 1 and 2 T01S R34E for 69 acres within a 320-acre permissible place of use.

**TRANSFER NO. 87702**

GARDNER FARMS, 578 N 100 W, BLACKFOOT, ID 83221-5714 has filed Application No. 87702 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2177; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in NWSWSW Sec 1 T01S R34E for 0.20 cfs from ground water. Proposed place of use is in Sec 1 and 2 T01S R34E for 10 acres within a 320-acre permissible place of use.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 5/8/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/19/2023 and 4/26/2023

SCANNED

APR 12 2023



**Governor Brad Little**

**Director Gary Spackman**

November 28, 2022

GARDNER FARMS AN IDAHO GENERAL PARTNERSHIP  
589 N 150 W  
BLACKFOOT ID 83221-5752

Re: Transfer No: 86992  
Water Right No(s): 35-2765

### **Transfer Approval Notice**

Dear Water Right Holder:

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  
NOV 29 2022

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) 525-7161.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', is positioned above the printed name.

Christina Henman  
Administrative Assistant

Enclosure

CC:

RICHARD BROWN  
2002 JENNIE LEE DRIVE  
IDAHO FALLS ID 83404

SCANNED  
NOV 29 2022

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 28, 2022 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.: 86992**

**Water Right No(s): 35-2765**

**GARDNER FARMS AN IDAHO GENERAL PARTNERSHIP**

**589 N 150 W**

**BLACKFOOT ID 83221-5752**

**RICHARD BROWN**

**2002 JENNIE LEE DRIVE**

**IDAHO FALLS ID 83404**



---

**Christina Henman**  
**Administrative Assistant**

SCANNED

NOV 29 2022

## **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:** November 18, 2022  
**To:** Transfer 86992  
**From:** Brian Normandeau  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for water right 35-2765 to reflect the currently irrigated land. A Notice of Change in Water Right Ownership was submitted with the transfer application and is being processed concurrently.

### Authority to File:

The transfer applicant is Gardner Farms, an Idaho general partnership. The application was signed by David Cooper and Douglas Case, who are registered with the Secretary of State as representatives of the current water right owners, D. Cooper, LLC and D. Case, LLC, as well as the transfer applicant. The water right ownership is being changed to Gardner Farms, an Idaho general partnership as part of this transfer; supporting documentation for the ownership change was included with the application.

### Water Right Validity:

Water right 35-2765 was decreed in 2002. This right was involved in three previous transfers, 82408 & 82423 (Approved 8/31/2018), and 82405 (Approved 9/26/2019), which resulted in the water right being reduced from 281 acres to the current 56 acres. When evaluating the water right validity at that time, IDWR concluded the water right place of use did not match the current configuration of irrigated acres, but the full beneficial use of the right had been maintained by continued irrigation of 281 acres. The acres being transferred make up the corner of a center pivot, and do not appear to have been irrigated for many years. The center pivot irrigates just over 141 acres; for the 2022 irrigation season, 84.5 acres were covered by a water supply bank rental, and the remaining ~56 acres were covered by this water right. Although the acres being transferred do appear to have undergone a period of non-use greater than 5 years, it is believed these acres are not subject to forfeiture because the right has been used in its entirety. No issues identified.

### Injury to Other Water Rights:

This transfer is changing the place of use only, which does not indicate any hydrologic impacts that would injure other water users. No issues identified.

### Enlargement of Use:

Approval of this transfer does not result in an increase to diversion rate, total volume or total irrigated acres authorized by this water right. No issues of enlargement identified.

### Local Public Interest:

No issues identified.

### Beneficial Use/Conservation of Water Resources:

No issues identified.

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

SCANNED  
NOV 29 2022

State of Idaho  
Department of Water Resources  
Transfer of Water Right(s)  
RECOMMENDATION FORM

RE: Transfer No. 86992

Transfer Applicant's Name: GARDNER FARMS, AN IDAHO GENERAL  
PARTNERSHIP  
589 N 150 W  
BLACKFOOT, ID 83221-5752

Watermaster's Recommendation:

- a) \_\_\_\_\_ I do not oppose approval of this application.
- b) \_\_\_\_\_ I do not oppose approval of this application if it is  
conditioned as follows:
- c) \_\_\_\_\_ I oppose approval of this application for the following  
reasons:
- d)   X   Additional comments:  
No conclusive evidence showing pivot corner in the SESE,  
Sec 2, 01S, 34E, has been irrigated in the past five years. I  
don't oppose application if the applicant can provide  
evidence showing pivot corner has been irrigated within the  
past five years.

Dated this 18<sup>th</sup> day of October, 2022

Blake Jordan

  
Watermaster's Signature  
WD120

SCANNED  
OCT 27 2022

## Henman, Christina

---

**From:** Henman, Christina  
**Sent:** Wednesday, October 5, 2022 4:37 PM  
**To:** Jordan, Blake  
**Subject:** Application for Transfer No. 86992  
**Attachments:** tmp920B.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 14 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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