

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
JAN 29 2025
DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

89570

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Raft River Valley Farms LLCMailing Address 301 SCOTT AVE STE 4 Rupert, Idaho 83350Email* ryan@mossfarms.com Phone 208-300-0010Name of Representative (if any) Greg SullivanMailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301Email* greg.sullivan@brockwayeng.com Phone 208-736-8543

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

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

Current Water Right No.: 43-13268

Current Owner: RAFT RIVER VALLEY FARMS LLC
Priority Date: 12/9/1960
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.56 CFS	512 AF
	<u>Total Diversion</u>	2.56 CFS	512 AF

T# 89570

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 33,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4	Sec. 20,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SW1/4SE1/4	Sec. 21,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4SW1/4	Sec. 21,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SW1/4SW1/4	Sec. 21,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	NE1/4SE1/4	Sec. 28,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4	Sec. 28,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SW1/4SW1/4	Sec. 28,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SW1/4NE1/4	Sec. 29,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4SW1/4	Sec. 29,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4NE1/4	Sec. 32,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4NW1/4	Sec. 32,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4	Sec. 32,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4NE1/4	Sec. 33,	Twp 11S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	NE1/4NW1/4	Sec. 33,	Twp 11S,	Rge 27E B.M.
CASSIA County				

Place of Use

IRRIGATION Within CASSIA County

T11S R27E S20	NENE	40.00	T11S R27E S20	NWNE	40.00
T11S R27E S20	SWNE	40.00	T11S R27E S20	SENE	40.00
T11S R27E S20	NESE	40.00	T11S R27E S20	NWSE	40.00
T11S R27E S20	SWSE	40.00	T11S R27E S20	SESE	40.00
T11S R27E S21	NENE	40.00	T11S R27E S21	NWNE	40.00
T11S R27E S21	SWNE	40.00	T11S R27E S21	SENE	40.00
T11S R27E S21	NENW	40.00	T11S R27E S21	NWNW	40.00
T11S R27E S21	SWNW	40.00	T11S R27E S21	SENW	40.00
T11S R27E S21	NESW	40.00	T11S R27E S21	NWSW	40.00
T11S R27E S21	SWSW	40.00	T11S R27E S21	SESW	40.00
T11S R27E S21	NESE	40.00	T11S R27E S21	NWSE	40.00
T11S R27E S21	SWSE	40.00	T11S R27E S21	SESE	40.00
T11S R27E S28	NENE	40.00	T11S R27E S28	NWNE	40.00
T11S R27E S28	SWNE	40.00	T11S R27E S28	SENE	40.00
T11S R27E S28	NENW	40.00	T11S R27E S28	NWNW	40.00
T11S R27E S28	SWNW	40.00	T11S R27E S28	SENW	40.00
T11S R27E S28	NESW	40.00	T11S R27E S28	NWSW	40.00
T11S R27E S28	SWSW	40.00	T11S R27E S28	SESW	40.00
T11S R27E S28	NESE	40.00	T11S R27E S28	NWSE	40.00
T11S R27E S28	SWSE	40.00	T11S R27E S28	SESE	40.00
T11S R27E S29	NENE	40.00	T11S R27E S29	NWNE	40.00
T11S R27E S29	SWNE	40.00	T11S R27E S29	SENE	40.00
T11S R27E S29	SWNW	40.00	T11S R27E S29	SENW	40.00
T11S R27E S29	NESW	40.00	T11S R27E S29	NWSW	40.00
T11S R27E S29	SWSW	40.00	T11S R27E S29	SESW	40.00
T11S R27E S29	NESE	40.00	T11S R27E S29	NWSE	40.00
T11S R27E S29	SWSE	40.00	T11S R27E S29	SESE	40.00
T11S R27E S32	NENE	40.00	T11S R27E S32	NWNE	40.00
T11S R27E S32	SWNE	40.00	T11S R27E S32	SENE	40.00
T11S R27E S32	NENW	40.00	T11S R27E S32	NWNW	35.00
T11S R27E S32	SWNW	30.10	T11S R27E S32	SENW	36.80
T11S R27E S32	NESW	28.30	T11S R27E S32	SESW	40.00
T11S R27E S32	NESE	40.00	T11S R27E S32	NWSE	38.50
T11S R27E S32	SWSE	24.00	T11S R27E S32	SESE	36.20
T11S R27E S33	NENE	40.00	T11S R27E S33	NWNE	40.00
T11S R27E S33	SWNE	40.00	T11S R27E S33	SENE	40.00
T11S R27E S33	NENW	40.00	T11S R27E S33	NWNW	40.00
T11S R27E S33	SWNW	40.00	T11S R27E S33	SENW	40.00
T11S R27E S33	NESW	40.00	T11S R27E S33	NWSW	40.00
T11S R27E S33	SWSW	40.00	T11S R27E S33	SESW	40.00
T11S R27E S33	NESE	40.00	T11S R27E S33	NWSE	40.00
T11S R27E S33	SWSE	40.00	T11S R27E S33	SESE	40.00

Total Acres: 3308.9

Conditions of Approval:

1. The point of diversion located in the NENW, S33, T11S, R27E is limited to a maximum diversion rate of 7.00 cfs.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, 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.
3. R05 Use of water under this right will 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.
4. X27 This right is limited to the irrigation of 128 acres within the authorized place of use in a single irrigation season.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. X35 Rights 43-2346C, 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E, 43-10478, 43-13268, 43-13681, 43-13682, 43-13683, 43-13684 and 43-13685 when combined shall not exceed a total diversion rate of 48.46 cfs, a total annual maximum diversion volume of 10,884 af and the irrigation of 3019 acres.
7. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. R43 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 diversions.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
11. 206 Rights 43-2346C, 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E, 43-10478, 43-13268, 43-13681, 43-13682, 43-13683, 43-13684 and 43-13685 when combined are limited to the irrigation of a specific 3019 acres within the 3308.9 acre place of use authorized by this right in a single irrigation season. The specific 3019 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 3019 acres to be irrigated within the 3308.9 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.

Decreed Date: 5/1/2002

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	27E	20			6										6				12.0
11S	27E	21				7							4	1	6				18.0
11S	27E	28		6		6	6								6				24.0
11S	27E	33				7									6				13.0

Total Irrigated Acres to be Changed: 67.0

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

The 67.0 acres will be changing the irrigation POU and changing the POD to an existing well.

The 67.0 acre will be moved into a 1066.7 acre PPU.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☒	43-13268	1.34/268	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 1.34 cfs and/or 268 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
	12S	28E	33			SE	SW	Cassia	Ground Water	WMIS# 1002779
	13S	28E	3			SE	NE	Cassia	Ground Water	WMIS# 1002782

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	28E	33					40	40	40	40	40	40	40	40	40	40	40	40	480.0
13S	28E	3	4.7	34	40	28	40	40	40	40									266.7
13S	28E	4	40	40	40	40	40	40	40	40									320

*Irrigation place of use will be limited to 67.0 acres within the 1066.7 acre PPU. **Total Irrigated Acres: 1066.7***

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2.

Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

43-2486, 43-10334, 43-2432 and 43-10826

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 43A. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

43-2486, 43-10334, 43-2432 and 43-10826

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

RECEIVED

JAN 29 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION**D. Local Public Interest**

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

There is an existing well. New mainline will be installed and a new pivot irrigation system will be installed.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

David J. M...
Signature of Applicant or Representative*

Manager
Print Name and Title, if applicable

12/07/24
Date

Signature of Applicant or Representative*

Print Name and Title, if applicable

Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ 1,480.00 Receipt #: 5046505 Date: 1-29-2025 Received by: SG
Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

Transfer No. 89570 Page 8



0005876642

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0005876642

Date Filed: 9/3/2024 11:38:14 AM

Entity Name and Mailing Address:								
Entity Name:	RAFT RIVER VALLEY FARMS, LLC							
The file number of this entity on the records of the Idaho Secretary of State is:	0000362733							
Address	301 SCOTT AVE STE 4 RUPERT, ID 83350-5100							
Entity Details:								
Entity Status	Active-Existing							
This entity is organized under the laws of:	IDAHO							
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W118057							
The registered agent on record is:								
Registered Agent	DANIEL D MOSS Registered Agent Physical Address 301 SCOTT AVE. STE. #4 RUPERT, ID 83350 Mailing Address 301 SCOTT AVE STE 4 RUPERT, ID 83350-5100							
Limited Liability Company Managers and Members								
<table><thead><tr><th>Name</th><th>Title</th><th>Business Address</th></tr></thead><tbody><tr><td>☒ Daniel D Moss</td><td>Manager</td><td>301 SCOTT AVE. #4 RUPERT, ID 83350</td></tr></tbody></table>			Name	Title	Business Address	☒ Daniel D Moss	Manager	301 SCOTT AVE. #4 RUPERT, ID 83350
Name	Title	Business Address						
☒ Daniel D Moss	Manager	301 SCOTT AVE. #4 RUPERT, ID 83350						
The annual report must be signed by an authorized signer of the entity.								
Job Title: Manager								
<u>Dan Moss</u>		<u>09/03/2024</u>						
Sign Here		Date						

B0944-0874 09/03/2024 11:38 AM Received by Office of the Idaho Secretary of State

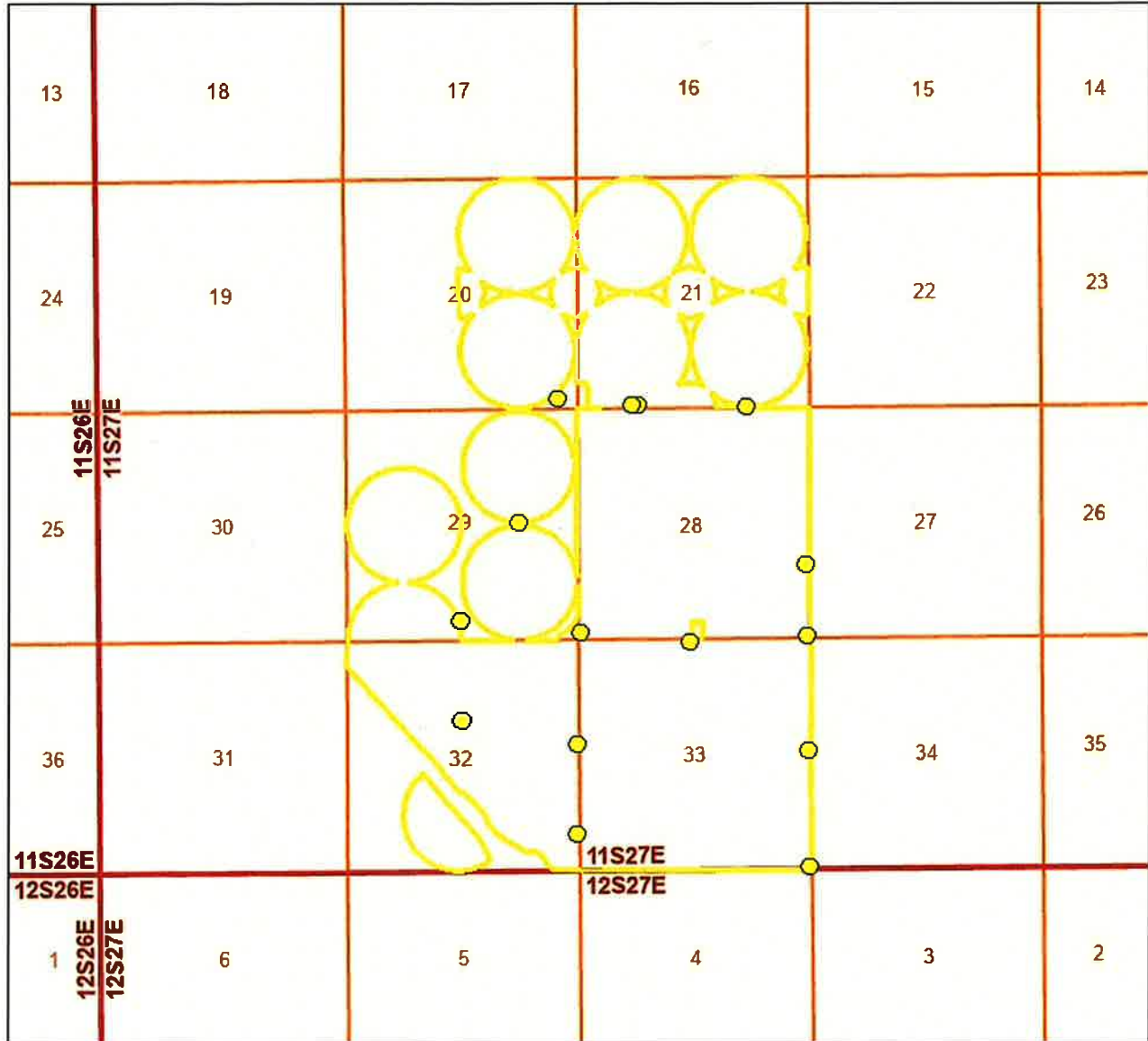
State of Idaho
Department of Water Resources

Water Right

43-13268

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



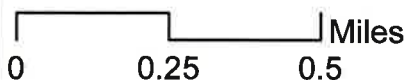
Date created: 12/4/2024



Legend

- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion





RAFT RIVER VALLEY FARMS, LLC

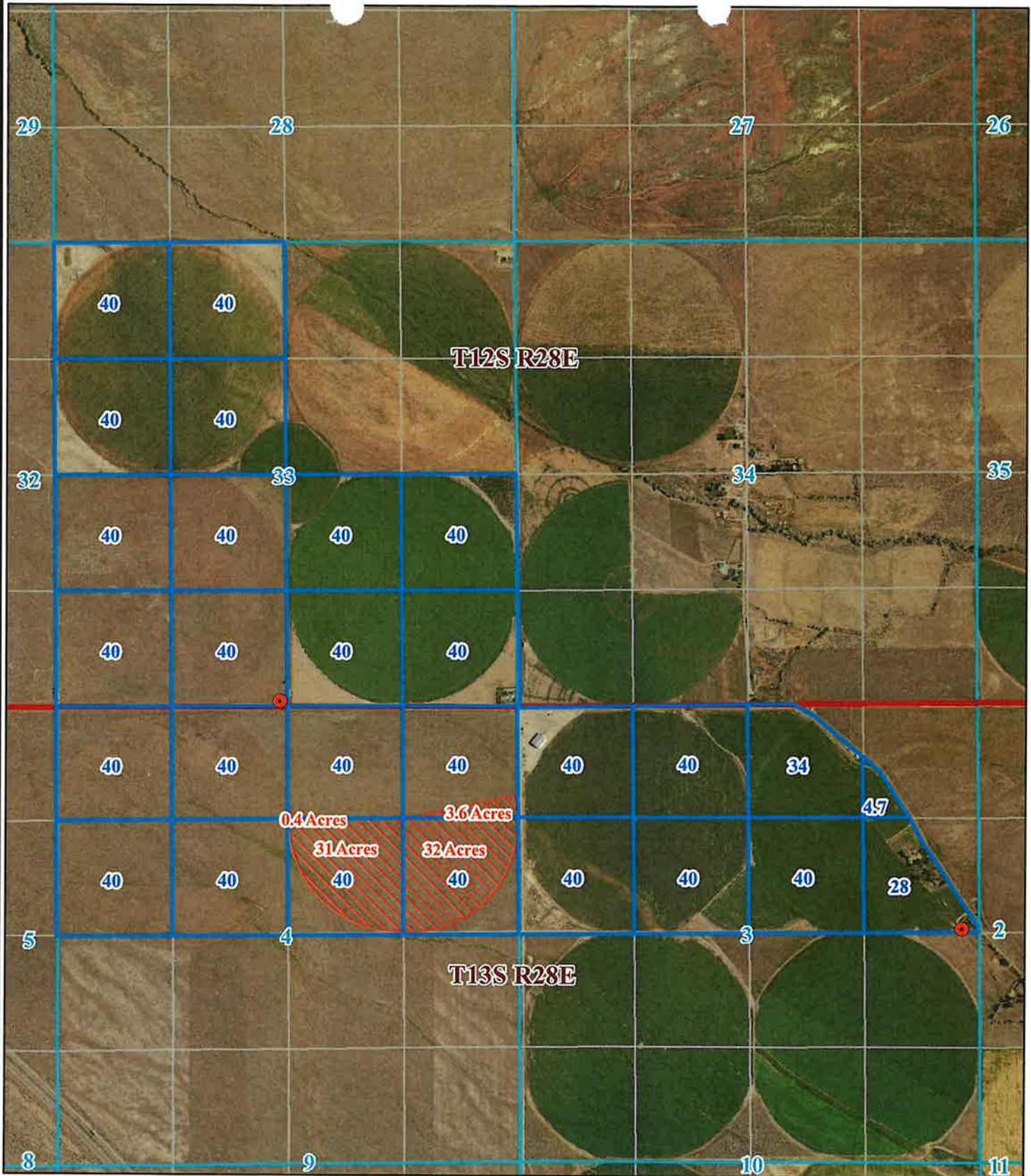
IRRIGATION TRANSFER
NAIP 2023 AERIAL

Legend

● POD

▨ Acres to Dry Up





DUSTY FARMS LLC

1,066.7 ACRE PPU
67.0 IRRIGATION ACRES

NAIP 2023 AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 12/4/2024

T# 89570

Legend

 **POD**

QQ PPU

 67.0 Acres

CONTRACT OF AGREEMENT

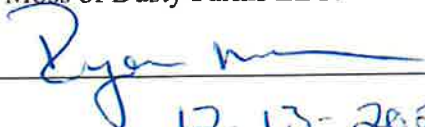
To Whom It May Concern,

I, Ryan Moss representing Dusty Farms LLC, give permission to Raft River Valley Farms LLC to transfer 67.0 acres of irrigation water from water right 43-13268 to property owned by Dusty Farms LLC located at:

Township 12 South Range 28 East Section 33
Township 13 South Range 28 East Section 3
Township 13 South Range 28 East Section 4

I formally give my consent to this transfer.

Ryan Moss of Dusty Farms LLC:



Date: 12-13-2024



1408 Pomerelle Ave Ste B Burley, ID 83318-2068
P. 208 678 6650 | F. 208 678 6653
AgWestFC.com

To Whom It May Concern:

Ag West Farm Credit is aware of the water right transfer under the name of Raft River Valley Farms LLC. It is understood by Farm Credit that the water right transfer will change the nature of use, place of use, period of use, and points of diversion of a portion of irrigation right 43-13268. It is also understood that the transfer will affect 67 acres of water. Ag West Farm Credit Services is supportive of the change.

Please feel free to contact me with any further questions. Thanks.

Sincerely,

Travis R. Lammers
Branch Manager / Relationship Manager
Burley, Id
(208)678-6650
travis.lammers@agwestfc.com



Printed Name Megan J. Payne
Notary Public for the State of Idaho
Residing at Cassia
My commission expires 10.11.2026



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

April 17, 2026

KADEN HENSLEY
WATER DISTRICT 143
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Re: Transfer No. 89570 (Raft River Valley Farms LLC)
Water Right No(s). 43-13268

Dear Kaden:

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 & associated documents 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 passed. 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.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Magic Valley Times-News** on the dates indicated below. If changes are needed, please contact us prior to deadline at help@column.us

Notice ID: mxhTu83mRoDfx0sfZe2o | **Proof Updated: Apr. 16, 2026 at 11:24am MDT**
Notice Name: LEGAL NOTICE 89570 & 90380 | Publisher ID: COL-NV-4128

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

ID DEPARTMENT OF WATER
RESOURCES Southern Region
denise.maline@idwr.idaho.gov
(208) 736-3033

FILING FOR

Magic Valley
Times-News

Columns Wide: 2

Ad
Class: Legals

04/23/2026: General Legal Notice	85.36
04/30/2026: General Legal Notice	74.69
Affidavit Fee	9.00

Total \$169.05

Confirmation of legal notice from Times News 4-16-2026

✓
DM

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89570**

RAFT RIVER VALLEY FARMS LLC, 301 SCOTT AVE STE 4, RUPERT, ID 83350-5100 has filed Application No. 89570 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13268. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 1.34 cfs and 67 acre portion of an irrigation groundwater right from a farm located approximately 7.3 to 10.3 miles north and 1.8 to 3.8 miles east of Malta into an existing 1066.7 acre permissible place of use (PPU) located approximately 0.7 to 2.3 miles north and 8.9 to 10.9 miles east of Malta. Two existing wells at the PPU will provide water for the 67 acres proposed to be transferred.

TRANSFER NO. 90380

CLIFFORD L SEARLE and CLIFFORD L SEARLE FAMILY TRUST, 498 S 450 E, BURLEY, ID 83318-5642; KENT R SEARLE FAMILY TRUST, 476 E 600 S, BURLEY, ID 83318-5636; CRAIG E SEARLE FAMILY TRUST, 522 E 600 S, BURLEY, ID 83318-5636; KELLY C SEARLE FAMILY TRUST, 739 S 50 W, BURLEY, ID 83318-5702; C G SEARLE LLC, 474 E 550 S, BURLEY, ID 83318-5635 has filed Application No. 90380 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13904, 45-13905, 45-13981, 45-13982, 45-14412, 45-14413, 45-14414, 45-14415, 45-14416, 45-14417, 45-14418, 45-2383, 45-690, 45-691, 45-7004, 45-7118, 45-7125, 45-7186A, 45-7317. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use and period of use of a 0.3 cfs ground water commercial & stockwater right to irrigation use and combining it with a group of 18 irrigation water rights into a new 4562-acre permissible place of use (PPU). Currently, the 18 irrigation rights are used in a 4389-acre PPU. The points of diversion (POD) for the 0.3 cfs right will change to the 18 existing wells described as POD's on the 18 irrigation water rights. In total, the 19 rights will allow for the irrigation of 3586 acres within the proposed 4562-acre PPU. All POD's, current and proposed PPU's are located approximately 5.0 to 9.3 miles south and 1.0 to 9.0 miles west of the intersection of Main St. and 850 East Rd in Declo.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before May 11, 2026. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: April 23, 30, 2026
COL-NV-4128

✓ DM



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

April 16, 2026

RAFT RIVER VALLEY FARMS LLC
301 SCOTT AVE STE 4
RUPERT, ID 83350-5100

RE: Transfer No. 89570
Water Right No(s). 43-13268

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 4/23/2026 and 4/30/2026**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **May 11, 2026**.

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC



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

April 16, 2026

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

Submitted online via Column.us

Re: Transfer No. 89570
Water Right No(s). 43-13268

Re: Transfer No. 90380
Water Right No(s). 45-13904, 45-13905, 45-13981, 45-13982, 45-14412, 45-14413,
45-14414, 45-14415, 45-14416, 45-14417, 45-14418, 45-2383, 45-690, 45-691,
45-7004, 45-7118, 45-7125, 45-7186A, 45-7317

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 **May 11, 2026**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89570**

RAFT RIVER VALLEY FARMS LLC, 301 SCOTT AVE STE 4, RUPERT, ID 83350-5100 has filed Application No. 89570 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13268. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 1.34 cfs and 67 acre portion of an irrigation groundwater right from a farm located approximately 7.3 to 10.3 miles north and 1.8 to 3.8 miles east of Malta into an existing 1066.7 acre permissible place of use (PPU) located approximately 0.7 to 2.3 miles north and 8.9 to 10.9 miles east of Malta. Two existing wells at the PPU will provide water for the 67 acres proposed to be transferred.

TRANSFER NO. 90380

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For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 11, 2026**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on April 23rd & 30th, 2026

MEMORANDUM

Date: March 27, 2026
To: Transfer 89570
From: William Mills
Re: Transfer Proposal

Application proposes transferring a 1.34 cfs and 67 acre portion of an irrigation ground water right from a farm located approximately 7.3 to 10.3 miles north and 1.8 to 3.8 miles east of Malta into an existing 1066.7 acre permissible place of use (PPU) located approximately 0.7 to 2.3 miles north and 8.9 to 10.9 miles east of Malta. Two existing wells at the PPU will provide water for the 67 acres proposed to be transferred.

All PODs, current and proposed place of use are located in Water District 143 and Watermaster comments will be solicited.

M E M O R A N D U M

Date: March 27, 2026

To: Transfer 89570

From: Bill Mills

Re: Fee Evaluation

Filing fees charged for transfer application # 89570 were based on the current transfer fee schedule and included \$580.00 for the 1.34 cfs to be transferred (Receipt No. S040505).



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 29 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

January 29, 2025

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: Dusty Farms LLC and Raft River Valley Farms LLC

Dear Mr. Skinner:

Dusty Farms LLC desires to create a 1066.7 acre permissible place of use with ground water rights located in Cassia County, Idaho. The irrigation place of use will be 790.0 acres. Water right 43-2486 will provide 384 acres of irrigation. Water right 43-2432 will provide 160 acres of irrigation. Water right 43-10334 is an expansion water right for 158 acres and will remain non-irrigated. Water right 43-10826 is an expansion water right for 88 acres and will remain non-irrigated. These water rights will have the same authorized PODs after the transfer is approved.

The ownership, beneficial use, period of use of these water rights will not be changing with this transfer.

Raft River Valley Farms LLC desires to transfer 67.0 acres of 43-13268 into the 1066.7 acre PPU owned by Dusty Farms LLC. The 67.0 acres on the Raft River Valley Farms ground will no longer be irrigated. Ownership of the 67.0 acres will remain unchanged until this transfer is approved.

The beneficial use and period of use of 43-13268 will not be changing with this transfer.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Ryan Moss

Enc: Dusty Farms LLC Transfer, Raft River Valley Farms LLC Transfer, Aerial Maps, Lease Contract 1734, Lease Release Form, Warranty Deeds, AgWest Consent Letters, Contract of Agreement, Brockway Engineering Check # 18378 for \$1,480.00.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506