

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84575

This is to certify that: DRINKERS OF THE WIND TRUST
PO BOX 476
BELLEVUE, ID 83313-0476
AND
MORAN TRUST
14306 S PRAIRIE DAWN LN
HERRIMAN, UT 84096-6556

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-4277	WR/DECREED	6/1/1935	1.240 cfs	217.0 af	N/A	62.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-4277	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-4277	37-23254	0.040 cfs	7.0 af	N/A	2.0	37-4277	1.200 cfs	210.0 af	N/A	60.0
COMBINED TOTALS		0.040 cfs	7.0 af	N/A	2.0		N/A	N/A	N/A	N/A

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

Dated this 9th day of March, 2021.



Southern Region Manager

SUPPORT DATA

IN FILE # 37-4277

Transfer No. 84575

WATER RIGHT NO. 37-23254**As Modified by Transfer No. 84575**

In accordance with the approval of Transfer No. 84575, Water Right No. 37-23254 is now described as follows:

Right Holder: DRINKERS OF THE WIND TRUST
PO BOX 476
BELLEVUE, ID 83313-0476

Priority Date: 6/1/1935

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.040 cfs	7.0 af
			0.040 cfs	7.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L1 (NENE) Sec 2 Twp 01N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	2	2.0																2.0
			L 1																

POU Total Acres: 2.0

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 84575

WATER RIGHT NO. 37-23254

As Modified by Transfer No. 84575

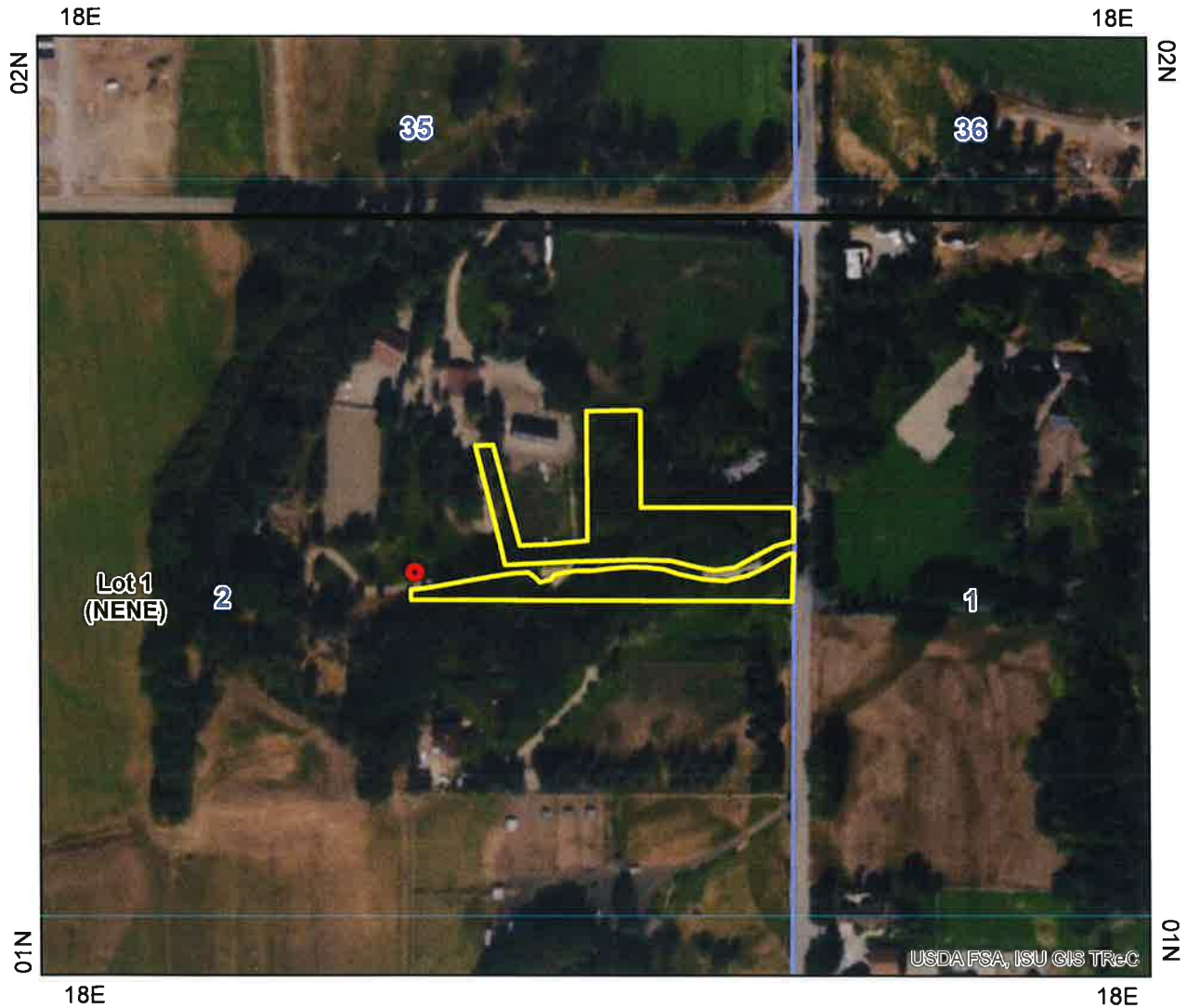
CONDITIONS OF APPROVAL

6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer # 84575
37-23254

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



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

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 84575
37-4277

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



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

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 9, 2021

DRINKERS OF THE WIND TRUST
PO BOX 476
BELLEVUE ID 83313-0476

MORAN TRUST
14306 S PRAIRIE DAWN LN
HERRIMAN UT 84096-6556

Re: Transfer No: 84575
Water Right No(s): 37-4277

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

CERTIFICATE OF SERVICE

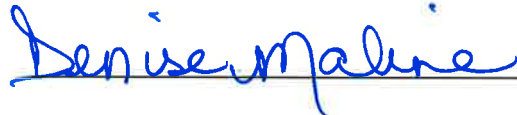
I hereby certify that on March 9, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84575
Water Right No(s): 37-4277

DRINKERS OF THE WIND TRUST
PO BOX 476
BELLEVUE ID 83313-0476

MORAN TRUST
14306 S PRAIRIE DAWN LN
HERRIMAN UT 84096-6556

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sufficiency Memorandum

Date: March 1, 2021
To: Transfer 84575
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to move a 0.04 cfs portion of a ground water irrigation right for 2.0 acres from a parcel located approximately 0.4 to 0.5 miles south and 0.1 to 0.2 miles west of Hwy 75 and Broadford Rd intersection in the City of Bellevue. To a proposed new place of use located 0.8 to 0.9 miles south and 0.3 to 0.4 miles west of Hwy 75 and Broadford Rd intersection in the City of Bellevue. The application also proposes to use an existing well on the proposed place of use for the diversion of 0.04 cfs and the irrigation of 2.0 acres

The right involved with the application is located within Water District #37. Therefore watermaster comments were solicited. The watermaster did not respond to this application, therefore IDWR presumes that the watermaster does not oppose this application and has no comments for IDWR to consider. Therefore the application will continue processing through to approval. The application was subject to notice and protest, no protests were received.

- **Authority to File:**
The applicant is listed as the current owner of the water right involved in the transfer according to department records. The applicant also owns the proposed place of use.
- **Water Right Validity:**
The water right involved in the transfer was decreed in 2010. Recent aerial photography indicates that the land has been irrigated in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated. This transfer application was subject to notice and protest, no protests were received.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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

RECEIVED

FEB 16 2021

AFFIDAVIT of PUBLICATION

State of Idaho
County of BlaineDEPT. OF WATER RESOURCES
SOUTHERN REGION

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 3rd day of

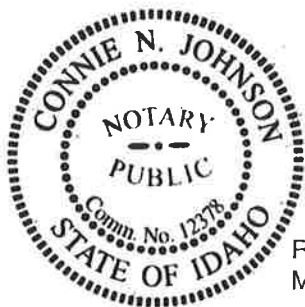
February, 20 21, and the date of the last publication was

on the 10th day of February, 20 21

Subscribed and sworn to before me this 10 day of

Feb-, 20 21.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2024

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 57
Number of Insertions 2

Lines tabular at _____ 9.0 cents/pica
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57 Subsequent lines at \$45.89 7.0 cents/pica
TOTAL COST \$98.33

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 84575

MORAN TRUST, 13979 S HAYSTACK PEAK CIR, RIVERTON, UT 84096-6453; DRINKERS OF THE WIND TRUST, PO BOX 476, BELLEVUE, ID 83313-0476 has filed Application No. 84575 for changes to the following water rights within BLAINE County(s): Right No(s). 37-4277; 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: Application for transfer proposes to move a 0.04 cfs portion of a ground water irrigation right for 2.0 acres from a parcel located approximately 0.4 to 0.5 miles south and 0.1 to 0.2 miles west of Hwy 75 and Broadford Rd intersection in the City of Bellevue, to a proposed new place of use located 0.8 to 0.9 miles south and 0.3 to 0.4 miles west of Hwy 75 and Broadford Rd intersection in the City of Bellevue. The application also proposes to use an existing well on the proposed place of use for the diversion of 0.04 cfs and the irrigation of 2.0 acres

✓ DM 2/17/2021 →

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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 February 22, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
FEB 3 & 10, 2021



✓ *DM* 2/17/2021

1002/11/18

LEGAL NOTICES

id.us/199/County-Commissioner-Hearing-Materials. To receive adequate consideration, written comments in excess of one page should be forwarded to Blaine County at least 4 days prior to the public hearing by mail, e-mail to pccouncil@co.blaine.id.us, or by fax to (208) 788-5576.

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FEB 3, 2021

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 84575

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GARY SPACKMAN, Director

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FEB 3 & 10, 2021

IN THE DISTRICT COURT OF THE
FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR
THE COUNTY OF BLAINE

IN THE MATTER OF THE ESTATE
OF KATHERINE P. PLEASANTS,
Deceased.

CASE NO. CV07-20-00580
NOTICE TO CREDITORS
(L.C. § 15-3-801)

NOTICE IS HEREBY GIVEN THAT the undersigned has been appointed special administrator of the above-named decedent. All persons having claims against the decedent or the estate are required to present their claims within four (4) months after the date of the first publication of this Notice or said claims will be forever barred.

Claims must be presented to the undersigned at the address indicated, and filed with the Clerk of the Court.

Dated: January 26, 2021.

Liane R. Deyoung-Mynatt
c/o Ahrens DeAngeli Law Group LLP
P.O. Box 9500
Boise, Idaho 83707-9500
(208) 639-7799

PUBLISH
IDAHO MOUNTAIN EXPRESS
FEB 3, 10 & 17, 2021

PUBLIC NOTICE

The Carey Rural Fire Protection District will vote to fill the Vacancy of the Picabo/Gannett District fire commissioner at its monthly meeting on March 4, 2021 at the Carey fire station at 7:30 pm. A written request for consideration of appointment to this position should be submitted by February 26th. Contact Richard Kimball at (208)720-2076 for information or email careychief@hotmail.com.

PUBLISH
IDAHO MOUNTAIN EXPRESS
FEB 3, 2021

Givers' guide to Valentine's Day jewelry

Valentine's Day is a great opportunity to bring a little sunshine into a special someone's life. Nestled between the end of the holiday rush and the beginning of spring renewal, Valentine's Day occurs at a time of year when days are short, weather is chilly and people might be looking for an excuse to celebrate.

Gifts that accompany romantic sentiments expressed on Valentine's Day can make the holiday that much more memorable. The National Retail Federation says that around 20 percent of Valentine's celebrants are expected to buy jewelry as gifts. CNN reports that Americans spent \$4.7 billion on jewelry in 2018 for Valentine's Day.

Jewelry is a personal gift and one that should be presented with care. These tips can help Valentine's Day celebrants as they give that special someone jewelry.

- Opt for jewelry only if you're in an established relationship. Roma Designer Jewelry says jewelry can "speak" commitment without saying a word. Those who are living together, have been dating for some time or married couples are good candidates for exchanging jewelry, which can reinforce couples' commitment to one another.
- Mark milestones. Use jewelry to celebrate not only Valentine's Day, but also milestone events. Jewelry can be given on a special birthday or anniversary in commemoration of children being born and other special moments.
- Take note of style. Scour social media posts or peek inside an existing jewelry box to use as a visual guide for clues regarding the style of jewelry your partner prefers. This makes shopping easier and increases the chances the item will be a hit.
- Pay attention to allergies. Metal allergies are a consideration when purchasing jewelry. Earrings tend to be the biggest culprits for allergic reactions because posts are inserted into the earlobe. If you're unsure if your



Photo courtesy Metro Creative Connection

Jewelry is a personal gift and one that should be presented with care. These tips can help Valentine's Day celebrants as they give that special someone jewelry.

partner has a metal allergy, stick to sterling silver and 14k gold. Always opt for nickel-free materials.

• Plan in advance. Many jewelry stores run sales throughout the summer and the fall, so shoppers can get jewelry at a discount at these times. Zales recommends staying informed of special deals through a favorite jewelry retailer by signing up for emails. Engraving time may be longer around Valentine's Day, so plan accordingly.

• Stick with simple classics. Those who are unsure what to buy can opt for simple, classic items. Stay away from anything with a lot of color or beading. Small, delicate items tend to have universal appeal.

Jewelry is a popular Valentine's Day gift. When buyers put the time in to find the right piece, they can be confident knowing they've given that special someone an item they will cherish for years. TFF212664

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