

RECEIVED

JAN 04 2021

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84575

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) MORAN TRUST; DRINKERS OF THE WIND TRUST**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

JAN 04 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant MORAN TRUST Phone (208) 309-5184
Mailing Address 13979 S HAYSTACK PEAK CIR, RIVERTON UT 84096-6453 Email sunnyday3@gmail.com

Name of Applicant DRINKERS OF THE WIND TRUST Phone (208) 788-3080
Mailing Address PO BOX 476, BELLEVUE ID 83313-0476 Email robertbottier@msn.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing Address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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.

[Signature] Signature of Applicant or Authorized Representative
Robert Bottier Trustee Print Name and Title if applicable
12/22/20 Date

Veronica D. Moran Signature of Applicant or Authorized Representative
Veronica D. Moran Trustee Print Name and Title if applicable
12/29/2020 Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-4277	Yes	Yes	Yes	No	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Application proposes to transfer 0.04 cfs and 2.0 acres of a ground water irrigation right to a neighboring parcel and an existing well, owned by Moran Trust, approximately 1/2 mile from the currently authorized place of use. Drinkers of the Wind Trust will execute a deed to Moran Trust for the 0.04 cfs and 2.0 acres of irrigation after Approval of this transfer. Moran Trust will then file a Notice of Change in Water Right Ownership for 0.04 cfs and 2.0 acres

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
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

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or _____ acre-feet per annum
3. Points(s) of Diversion:
☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☒ As shown in Part 1.
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.
4. Place of Use:
☐ No changes to place of use are proposed. (Proceed to #5.)
☒ As shown in Part 1.
☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes**

Original Water Right No. 37-4277

Current Water Right Owner
DRINKERS OF THE WIND
TRUST
PO BOX 476
BELLEVUE, ID 83313-0476

Priority Date: 6/1/1935

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	1.200 CFS	210.0 AFA	
Total Diversion			1.200 CFS	210.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWSW	Sec. 36 Twp 02N Rge 18E	BLAINE County
GROUND WATER	NWSWSW	Sec. 36 Twp 02N Rge 18E	BLAINE County

Describe the proposed diversion system

WELLS, PUMPS

WELLS, PUMPS

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	36										24.0	34.0	2.0					60.0

POU Total Acres: 60.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 37-23254

(Original Water Right No. 37-4277)

Current Water Right Owner

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

Priority Date: 6/1/1935

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.040 CFS	7.0 AFA	
Total Diversion			0.040 CFS	7.0 AFA	

Source and Point(s) of Diversion:
GROUND WATER

L1(NENE)

Sec. 2 Twp 01N Rge 18E BLAINE County

Describe the proposed diversion system

WELLS, PUMPS

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	2	2.0																2.0
			L1																

POU Total Acres: 2.0

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

A measuring device and lockable controlling works will be installed as required

- b. Who owns the property at the point(s) of diversion

Moran Trust

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Moran Trust owner of the proposed place of use and proposed point of diversion give their consent for

Drinkers of the Wind Trust to transfer 0.04 cfs and 2.0 acres of irrigation to the proposed place of

use and proposed point of diversion

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

2.0 acres will be dried up

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes

No

☐☒

undergone a period of five or more consecutive years of non-use,

☐☒

currently leased to the Water Supply Bank,

☐☒

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

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 37-4277

Current Water Right Owner
 DRINKERS OF THE WIND
 TRUST
 PO BOX 476
 BELLEVUE, ID 83313-0476

Priority Date: 6/1/1935

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	1.240 CFS	217.0 AFA	
Total Diversion			1.240 CFS	217.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWSW	Sec. 36 Twp 02N Rge 18E	BLAINE County
GROUND WATER	NWSWSW	Sec. 36 Twp 02N Rge 18E	BLAINE County

Describe the proposed diversion system

WELLS, PUMPS

WELLS, PUMPS

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	36										26.0	34.0	2.0					62.0

POU Total Acres: 62.0

Conditions/Remarks:

- 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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: _____

N/A

FOR DEPARTMENT USE ONLY

Transfer Contains 9 pages and _____ attachments.

Received By _____ Date _____ Prelim. Check By _____ Date _____

Fee Paid \$6,1200.00 Date 12/22/20 Received By SG Receipt # 5038309

Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

CERTIFICATE OF TRUST

The undersigned trustees hereby certify the following:

1. This Certificate of Trust relates to the MORAN TRUST DATED JULY 28, 2014 (the "trust") created by trust agreement (the "trust agreement").
2. The names of the settlors are MATTHEW EMMET MORAN and VERONICA DALILA MORAN.
3. The names of each original trustee are MATTHEW EMMET MORAN and VERONICA DALILA MORAN. This authority is provided by the following provision in the Declaration of Trust:

"We hereby designate ourselves as the primary trustees of this trust. As long as both of us are alive, either or both of us may exercise dominion and control over any and all of the trust assets EXCEPT the assets specifically categorized as separate property of either of us by community property agreement. Each individual spouse shall have the sole right of dominion and control over any and all of the trust assets classified as separate property of that spouse by community property agreement. Upon the death of one of us, except as otherwise limited under Article Two of this living trust, the survivor of us shall act as primary trustee of this trust with full power and authority to deal with any and all assets of this trust, including community assets or individual assets of either of us, in any manner that said survivor sees fit."

4. The name and address of each trustee empowered to act under the trust agreement at the time of the execution of this Certificate of Trust are:

Primary Trustee: MATTHEW EMMET MORAN
11024 Fallcrest Way
San Diego, California 92126

Primary Trustee: VERONICA DALILA MORAN
11024 Fallcrest Way
San Diego, California 92126

Successor Trustee: KARLA J. ROJO
11024 Fallcrest Way
San Diego, California 92126

First Alternate: RUBY ROJO DE DIAZ
13979 Haystack Peak Cir.
Riverton, Utah 84096-6453

Authority of the successor trustee(s) is provided by the following provisions in the Declaration of Trust:
"We designate KARLA J. ROJO as the successor trustee of this trust. Our successor trustee is to assume the duties as trustee hereunder upon the resignation of both of us or the survivor of us, the death of the

survivor of us, the disappearance of both of us or the survivor of us, or if both of us or the survivor of us is certified in writing to be incompetent as provided under Article Five of this Declaration of Trust. Except as otherwise specified within the provisions of this Declaration of Trust, in the event of the incompetency or resignation of both of us or the survivor of us, our successor trustee is to use the income and assets of this trust exclusively for our health, education, support, and maintenance, and the health, education, support, and maintenance of our dependents.

If KARLA J. ROJO is unable or unwilling to act as successor trustee, we designate RUBY ROJO DE DIAZ as successor trustee to serve with all rights and responsibilities given to the original successor trustee."

5. The trustee(s) are authorized by the trust agreement to have all the rights, powers and authority to deal with and manage the assets of this trust that an individual owner would have if there were no trust and the trustee(s) were acting as legally competent individual(s) dealing with their own property. This includes, but is by no means limited to the right to borrow against or pledge any of the trust assets, including the right to mortgage real estate and margin stocks or other securities owned by the trust. This includes all powers now or hereafter conferred upon trustee(s) by applicable state law, and also those powers appropriate to the orderly and effective administration of the trust.
6. The undersigned hereby represent that the statements contained in this Certificate of Trust are true and correct, and that there are no other provisions in the trust agreement or amendments to it that limit the powers of the trustee(s) to sell, convey, pledge, mortgage, lease, manage, operate, control, transfer title, divide, convert, allot, or sell upon deferred payments trust property, including real and personal property, that would create liability for any third party relying on this document as authorization for trustee(s)' authority.
7. This trust has not been revoked, modified, or amended in any manner which would cause the representations in this certification of trust to be incorrect. This Certificate of Trust is being signed by all currently acting trustees of the trust.


MATTHEW EMMET MORAN


VERONICA DALILA MORAN

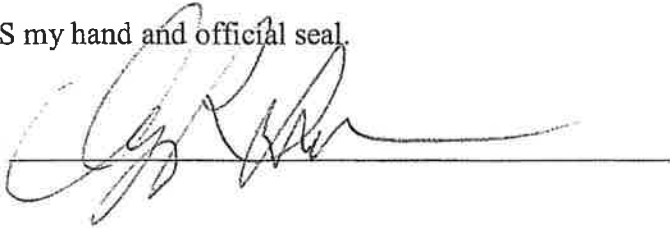
State of California)
County of San Diego)

On July 28, 2014 before me, Douglas R. Irwin, Notary Public, personally appeared MATTHEW EMMET MORAN and VERONICA DALILA MORAN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

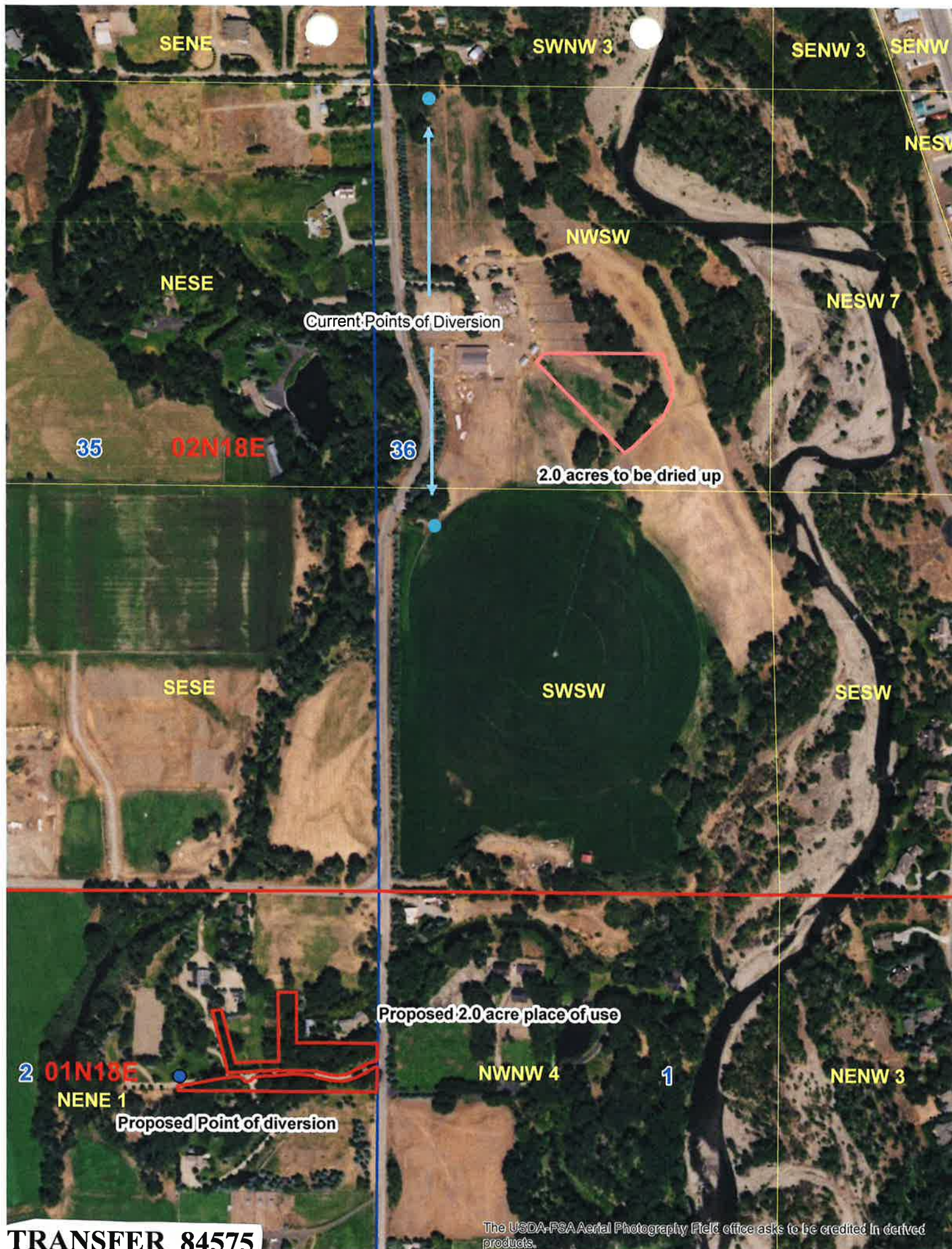
Signature



(Seal)



This instrument was drafted by
Douglas R. Irwin, Attorney-at-Law
12520 High Bluff Drive Suite 220, San Diego, California 92130



TRANSFER 84575

The USDA-PSA Aerial Photography Field office asks to be credited in derived products.



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

Brad Little
Governor

Gary Spackman
Director

January 28, 2021

MORAN TRUST
13979 S HAYSTACK PEAK CIR
RIVERTON, UT 84096-6453

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

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

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 **IDAHO MOUNTAIN EXPRESS** on **2/3/2021** and **2/10/2021**. 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 **February 22, 2021**.

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

Denise Maline
Administrative Assistant 1

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 28, 2021 4:45 PM
To: Kevin Lakey (WD37); Cyndi WD37
Subject: Comment Letter for Transfer 84575 (Bouttier & Moran)
Attachments: Comment Letter to WD37 for 84575.docx; Transfer 84575 (Bouttier & Moran).pdf

Good afternoon,

Attached is an application for transfer currently being processed by the department. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions regarding this application.

Thank you in advance,

Denise @ IDWR

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



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

Brad Little
Governor

Gary Spackman
Director

January 28, 2021

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

RE: Transfer No. 84575 (Drinkers of the Wind Trust – Robert Bouttier and
Moran Trust - Veronica Moran)

Dear Kevin:

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.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 28, 2021 2:53 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn express ad.docx

Attached please find **(1)** legal notice being submitted for publication on February 3rd & 10th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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



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

Brad Little
Governor

Gary Spackman
Director

January 28, 2021

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

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

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 February 22, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

**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

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
Published on February 3rd & 10th, 2021

MEMORANDUM

Date: January 25, 2021
To: Transfer 84575 File
From: Benny Walker
Re: Transfer Synopsis

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 will be solicited. Application will be subject to notice and protest.

MEMORANDUM

TO: Transfer 84575 File

FROM: Benny Walker

DATE: January 25, 2021

SUBJECT: Filing Fee

The filing fee of, \$200.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.04 cfs. The transfer fee schedule for a transfer involving 0.00-0.20 cfs indicates that the filing fee is \$200.00. The applicant submitted a fee of \$200.00 for this transfer. (Receipt S038309).

RECEIVED

JAN 04 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

December 29, 2020

Dear Benny,

Please find the Certificate Trust for the Moran Trust listing Veronica D. Moran as a Trustee. Accordingly, I have full power and authority to make decisions on behalf of the Moran Trust.

Regards,

Veronica D. Moran

Veronica D. Moran



State of 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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 21, 2020

MORAN TRUST
VERONICA D MORAN
13979 HAYSTACK PEAK CIR
RIVERTON, UT 84096-6453

RE: Transfer Application 84575

Dear Mrs. Moran,

Enclosed is the transfer application 84575 that I have drafted for you and for Mr. Bouttier. To change the point of diversion and place of use for a portion of Mr. Bouttier's water right 37-4277 in Blaine County. The transfer proposes to move 2.0 acres and 0.04 cfs to your parcel and existing well owned by Moran Trust. Please review the application for accuracy, sign, print your name and title as (Trustee) and date the application on page 2. Then return all original pages and maps to IDWR, for processing to my attention. Please include documentation that you can sign on behalf of Moran Trust, as a trustee. A self-addressed envelope is included for your convenience.

If you have any question please feel free to contact me at your convenience.

Sincerely,

Benny Walker
Sr. Water Resource Agent

Enclosures