

RECEIVED

APR 29 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Keith and Sandra Helmick Phone (208) 386-9679
2. **MAILING ADDRESS** 16E Indian Creek Rd City Boise
State ID Zip 83716 Email koneilh@hotmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.
If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 37-343A

- ☐ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 1.46 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, Water Rights, Water Right Transfers, Modeling Resources.

New?	Lot	%	%	%	Sec	Twp	Rge	County	Source	Local name or tag #
X		NE	SE	NE	31	01S	11E	ELMORE	MALAD RIVER	
		NE	NW	SE	32	01S	11E	ELMORE	MALAD RIVER	

6. 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:

3 foot Cutoffthroat flume already installed and inspected by watermaster. Lockable headgate in place.

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

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Keith O'Neil Helmick
Signature of applicant or authorized agent

Keith O Neil Helmick
Print name and title if applicable

4-27-20
Date

Sandra R. Helmick
Signature of applicant or authorized agent

Sandra R. Helmick
Print name and title if applicable

4-27-20
Date

9. FEE - ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by DM

Date 4-29-2020

Fee paid \$580- Date 4-29-2020

Received by DM

Receipt # 5037900

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

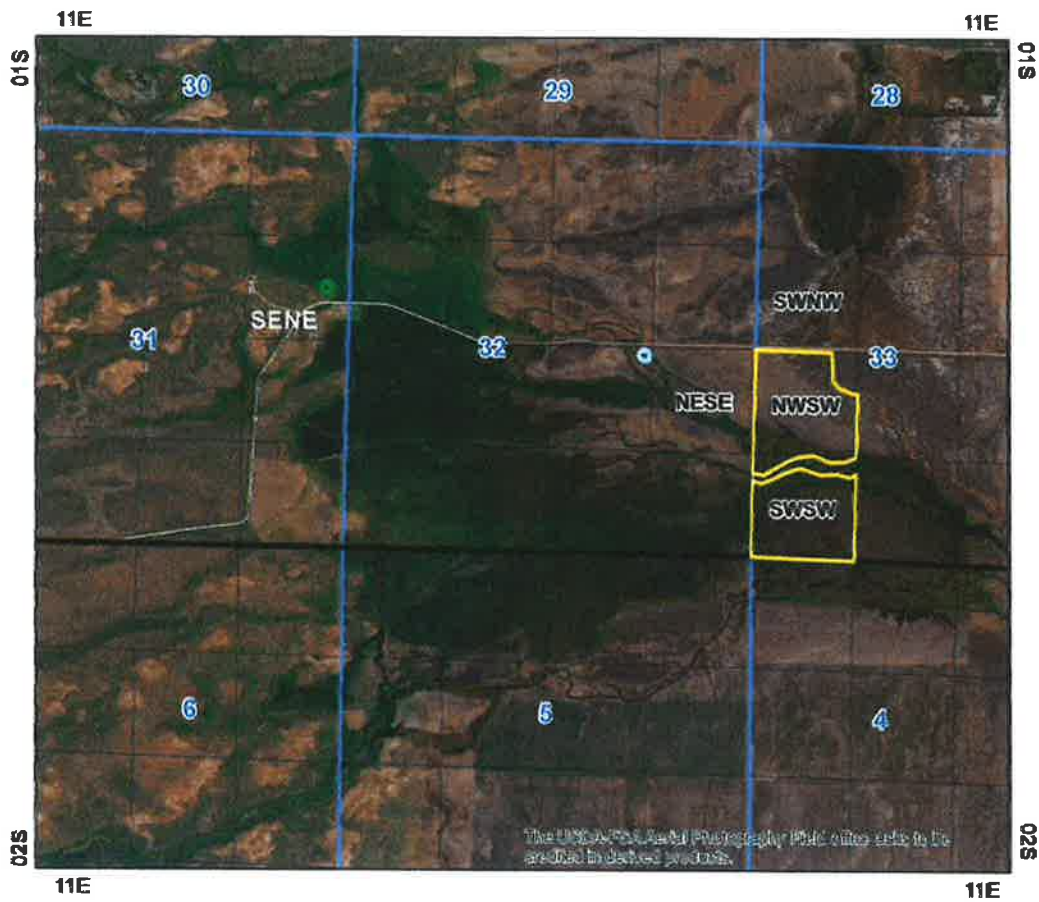
Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

State of Idaho
Department of Water Resources
Current & Proposed Water Right Map
37-343A

This map depicts the current and Proposed IRRIGATION
place of use boundary for this water right.



- ⊙ Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- POD to be Added

0 0.225 0.45 0.9 Miles



Maline, Denise

From: Rusty Krame <waterdistrict37b@outlook.com>
Sent: Friday, May 01, 2020 11:21 PM
To: Maline, Denise
Subject: Re: Comment Letters for transfer 84035 & 84038 (Helmick)

Denise,

I have no comments or concerns with this application. I have been intimately involved with this transfer since the start.

Thank you
Rusty Kramer
Water District 37B Watermaster

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Friday, May 1, 2020 10:44 AM
To: Rusty Kramer (WD 37B) <waterdistrict37B@outlook.com>
Subject: Comment Letters for transfer 84035 & 84038 (Helmick)

Hi Rusty,

Attached are 2 applications for transfer currently being processed within your Water District. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions regarding these applications.

Thank you & have a good weekend,

Denise

Denise Maline
Administrative Assistant
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

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 84035**

KEITH O NEIL HELMICK and SANDRA R HELMICK, 16 E INDIAN CREEK RD, BOISE, ID 83716-3410 has filed Application No. 84035 for changes to the following water rights within ELMORE County(s): Right No(s) 37-343A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding an existing point of diversion (POD) to a 1.46 cfs Malad River water right used to irrigate 73 acres. The proposed POD is located approximately 19.9 miles west and 3.5 miles south of Fairfield. The current POD and the place of use are located approximately 0.8 miles to 1.3 miles downstream from the proposed POD.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 84038**

KEITH O NEIL HELMICK and SANDRA R HELMICK, 16 E INDIAN CREEK RD, BOISE, ID 83716-3410 has filed Application No. 84038 for changes to the following water rights within ELMORE County(s): Right No(s) 37-2158. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding an existing point of diversion (POD) to a 1.00 cfs Unnamed Stream water right that is tributary to the Malad River and is used to irrigate (1.00 cfs) 69 acres and for stockwater use (0.09 cfs, 1.0 cfs combined). The proposed POD is located approximately 19.8 miles west and 3.8 miles south of Fairfield. The current POD and the place of use are located approximately 1.0 miles to 1.2 miles downstream from the proposed POD.

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 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 26, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

First Publication:
May 6, 2020
Second Publication:
May 13, 2020

11.25
90 Lines

Please review, sign and return by fax or e-mail with any corrections by Noon the Friday prior to run date.

Total cost will be 121.50. If signed proof and pre-payment (if required) is not received by deadline, this legal will not run.

Thank you,
Legal Department
Mountain Home News
ph (208) 587-3331
fax (208) 587-9205
legaldept@mountainhomenews.com

Proofed	
Date <u>5.1.2020</u>	
<input type="checkbox"/>	Ok, with changes
<input checked="" type="checkbox"/>	Ok, no changes
<input type="checkbox"/>	Re-proof
Proofed by <u>Smaline</u>	

**Legals canceled prior to publication will incur a \$10 processing/typesetting fee*

☐ Prepayment ☒ Charge

Thanks, Brenda



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

May 1, 2020

KEITH O NEIL HELMICK
SANDRA R HELMICK
16 E INDIAN CREEK RD
BOISE, ID 83716-3410

RE: Transfer No. 84035
Water Right No(s). 37-343A

RE: Transfer No. 84038
Water Right No(s). 37-2158

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 **MOUNTAIN HOME NEWS on 5/6/2020 and 5/13/2020**. 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 26, 2020**.

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

Maline, Denise

From: Maline, Denise
Sent: Friday, May 01, 2020 11:44 AM
To: Rusty Kramer (WD 37B)
Subject: Comment Letters for transfer 84035 & 84038 (Helmick)
Attachments: Comment Letter to WD37B for 84035 & 84038.docx; Transfer 84035 Helmick (1 of 2).pdf; Transfer 84038 Helmick (2 of 2).pdf

Hi Rusty,

Attached are 2 applications for transfer currently being processed within your Water District. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions regarding these applications.

Thank you & have a good weekend,

Denise

Denise Maline

Administrative Assistant

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



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Brad Little
Governor

Gary Spackman
Director

May 1, 2020

WATER DISTRICT #37B
RUSTY KRAMER
246B S HWY 46
FAIRFIELD ID 83327

RE: Transfer No(s): 84035 & 84038 (Helmick)

Dear Rusty:

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: Friday, May 01, 2020 12:09 PM
To: Keats Conley
Subject: Comment Letters for (3) applications for transfer
Attachments: Comment Letter to F&G for 83946, 84035, 84038.docx; Transfer 83946 Blaine County Rec. Dist..pdf; Transfer 84035 Helmick (1 of 2).pdf; Transfer 84038 Helmick (2 of 2).pdf

Good afternoon Keats,

Attached is information regarding (3) applications currently being processed by the Department. Please review the information, complete the attached recommendation form(s), and submit it to this office within 21 days.

Please feel free to contact this office if you have any questions.

Thank you & have a good weekend,

Denise Maline, IDWR Twin Falls

Denise Maline

Administrative Assistant

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

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Brad Little
Governor

Gary Spackman
Director

May 1, 2020

IDAHO DEPT OF FISH & GAME *via e-mail*
KEATS CONLEY
324 S 417 E STE 1
JEROME ID 83338

RE: Transfer No(s). 83946 (Blaine County Recreation District)
RE: Transfer No(s). 84035 & 84038 (Keith & Sandra Helmick)

Dear Keats:

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

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before May 26, 2020**).

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

Sincerely,
Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, May 01, 2020 8:23 AM
To: Mountain Home News
Subject: LEGAL NOTICE
Attachments: Mountain Home News cover letter.docx; Mountain Home News ad.docx

Attached please find **(1)** legal notice being submitted for publication on May 6th & 13th, 2020. 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
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

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Brad Little
Governor

Gary Spackman
Director

May 1, 2020

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Transfer No. 84035
Water Right No(s). 37-343A

RE: Transfer No. 84038
Water Right No(s). 37-2158

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 26, 2020. Your cooperation is appreciated.

Sincerely,
Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84035**

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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 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 26, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 6th & 13th, 2020

MEMORANDUM

Date: April 30, 2020
To: Transfer 84035 File
From: William Mills
Re: Transfer Proposal

Application for transfer proposes adding an existing point of diversion (POD) to a Malad River water right, 37-343A (1.46 cfs; 73 acres). The proposed POD is located approximately 19.9 miles west and 3.5 miles south of Fairfield. The current POD and the place of use are located approximately 0.8 miles to 1.3 miles downstream from the proposed POD.

Overlap review indicates the proposed POD is also utilized as part of the diversion systems for two other water rights, 37-514 & 37-4403.

Pods and POU are located in Water District 37B and The Watermaster comments will be solicited.

MEMORANDUM

Date: April 30, 2020
To: Transfer 84035
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #84035 were based on the on the current transfer fee schedule and included \$580.00 for the 1.46 cfs being transferred in the application (Receipt No.S037900).