

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83657

RECEIVED

JAN 21 2020

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) PATRICIA ASHER

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 21 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant PATRICIA ASHER Phone (208) 673-6215
Mailing Address PO BOX 143, ALBION ID 83311 Email _____

- ☐ 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.

Patricia Asher
Signature of Applicant or Authorized Representative

Patricia Asher
Print Name and Title if applicable

1-20-2020
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	45-14312	No	Yes	No	No	No	No

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 change the point of diversion of a ground water right for irrigation to a neighbors well for better utilization of the water right.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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
45-14312	0.220 cfs	49.0 af	N/A	14.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.220 cfs	49.0 af	N/A	14.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.22 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.

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
The proposed point of diversion has a measuring device and lockable controlling works.

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

LeRoy Robinson

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

LeRoy Robinson has given his permission to use his 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: N/A

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:

No change is proposed to the existing land

- 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:

Surface water right 45-14313 for irrigation of 9.6 acres

- 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:

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.:

Water right 45-14313 is used when available

FOR DEPARTMENT USE ONLY

Transfer Contains 7 pages and _____ attachments.

Received By BW Date 1/21/20 Prelim. Check By _____ Date _____

Fee Paid \$300.00 Date 1/21/20 Received By SG Receipt # 503711

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-14312

10/1/2019

1# 83657

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PATRICIA ASHER PO BOX 143 ALBION, ID 83311
Original Owner	TERRY ASHER PO BOX 55 ALBION, ID 83311
Original Owner	TOM ASHER PO BOX 55 ALBION, ID 83311

Priority Date: 5/27/1977

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.220 CFS	49.0 AF
	<u>Total Diversion</u>		0.220 CFS	49.0 AF

Source and Point(s) of Diversion

GROUND WATER NESWSE Sec. 6, Twp 12S, Rge 25E, CASSIA County

Place Of Use

IRRIGATION within CASSIA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	6													14.0				14.0

POU Total Acres: 14.0

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-7311
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-14312 AND 45-14313.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 14 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-14312 & 45-14313.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Comments:

1. PSKAGGS 1/28/2003 Transferred Right

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-14312

10/1/2019

This is now a approved transfer, transfer number = 69737

2. tfawcett 9/2/2010 split right
This right was split from 45-13428 pursuant to an ownership change.

3. tfawcett 9/2/2010 POU
Updated Shape

4. tfawcett 9/2/2010 POU
Updated PLS

5. tfawcett 9/2/2010 POD
Updated Shape

Dates and Other Information

Decreed Date: 5/13/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 140
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Transfer Water Right 45-13428

1/21/2020

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	TOM ASHER PO BOX 55 ALBION, ID 83311
Original Owner	TERRY ASHER PO BOX 55 ALBION, ID 83311
Current Owner	LEROY ROBINSON 1170 E 810 S ALBION, ID 83311 (20 (8)6) 73--5516
Current Owner	KARLA ROBINSON 1170 E 810 S ALBION, ID 83311 (208) 673-5516

Priority Date: 5/27/1977

Basis: Decreed

Right Status: Active

Transfer Status: See Remarks

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.310 CFS

Volume

70.0 AF

Total Diversion

0.310 CFS

70.0 AF

Source and Point(s) of Diversion

GROUND WATER

NESE

Sec. 6, Twp 12S, Rge 25E, CASSIA County

Place Of Use

IRRIGATION within CASSIA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	6													20.0				20.0

POU Total Acres: 20.0

Conditions of Approval:

- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 20.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-13463 & 45-13428
- P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-7311
- WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-13463 AND 45-13428.

IDAHO DEPARTMENT OF WATER RESOURCES
Transfer Water Right 45-13428

1/21/2020

4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Comments:

1. PSKAGGS 1/28/2003 Transferred Right
This is now a approved transfer, transfer number = 69737
2. tfawcett 9/2/2010 ownership change
Water right 45-13428 was split into 45-13428 (Tom and Terry Asher) and 45-14312 (Patricia Asher) pursuant to an ownership change.
3. tfawcett 9/2/2010 POU
Updated Shape
4. tfawcett 2/14/2012 split right
This right was split into 45-13728 (Asher) and 45-14405 (Adams) pursuant to an ownership change.
5. tfawcett 2/14/2012 POU
Updated Shape
6. ameritt 6/11/2012 correct pou shape
put it on 20 acres instead of only the 10 acres 45-13463 was connected. This matches original lines of recommendation.
7. ameritt 6/11/2012 POU
Updated Shape

Dates and Other Information

Application Received Date: 2/14/2014
Decreed Date: 5/13/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 45F
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Application Type: Transfer
Mitigation Plan: False
Transfer Status: See Remarks
Transfer Total Acres: 20.0
Transfer Total Diversion Rate: 0.560
Transfer Total Diversion Volume: 77.0
Transfer Number: 79265

Combined Use Limits

IDAHO DEPARTMENT OF WATER RESOURCES
Transfer Water Right 45-13428

1/21/2020

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
45-13428 ,45-13463		20.0

SubCase:
N/A

Water Supply Bank:
N/A



TRANSFER 83657

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

LeRoy Robinson
1170 E 810 S
Albion, ID 83311

December, 6, 2019

Patricia Asher
P.O. Box 143
Albion, ID 83311

RE: Water Right 45-14312

Dear Patricia,

1/21/2020 J.P. SW
This letter grants you permission to transfer your water right #45-14312 [NESE Section 6, Township 12S, Range 25E, Cassia County.] to my point of diversion located at [NESE Section 6, Township 12S, Range 25E Cassia County.] See map for visual locations.

When this transfer is completed you will continue to retain ownership of your water right.

Sincerely,



LeRoy Robinson

CC Idaho Department of Water Resources

TRANSFER 83657

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 98460

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	227.25
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	227.25
Fax			
Section	Legals	Start/End Dates	02/20/2020 - 02/27/2020
SubSection		Insertions	2
Category	50 Legal	Size	150
Ad Key	98460-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer No 83657, 83658, 83880	Taken By	Ruby Aufderheide
Notes			

Ad Proof

Proof of legal notice received

from Times News 2/14/2020 (2 pgs)

✓ DM 2/14/2020

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 98460

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17712

LOUIS N BERG

TERRISA J BERG

19032 HIGHWAY 30

BUHL, ID 83316-5060

Point of Diversion NWSE S30 T08S R14E TWIN FALLS County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 1/13/2020

Place Of Use: DOMESTIC

T08S R14E S30 NWSE

Application proposes diverting up to 0.04 cfs from an existing well for domestic uses associated with an existing home. The Place of Use (POU) and Point of Diversion (POD) are located approximately 4.7 miles west and 6.8 miles north of Buhl. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83657

PATRICIA ASHER, PO BOX 143, ALBION, ID 83311; has filed Application No. 83657 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14312. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.22 cfs ground water irrigation right currently diverted from a well located approximately 0.6 miles south and 0.1 mile east from the northwest corner of the Albion City Park in Albion. The proposed new point of diversion is an existing well located approximately 0.4 miles south and 0.4 miles east from the northwest corner of the Albion City Park.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83658

PATRICIA ASHER, PO BOX 143, ALBION, ID 83311; has filed Application No. 83658 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14313. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.19 cfs Marsh Creek irrigation right to a new location approximately 1.8 miles downstream. The right is currently diverted at a point located approximately 1.0 mile south and 1.0 mile west from the northwest corner of the Albion City Park in Albion. The proposed new diversion location is an existing diversion point located approximately 0.1 mile north and 0.5 mile east from the northwest corner of the Albion City Park.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83880

DANIEL G WARD, 227 E 400 S, BURLEY, ID 83318; has filed Application No. 83880 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14422. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a point of diversion (add a new well to an existing system) to a 0.06 cfs ground water right for commercial and stockwater uses for a facility located approximately 5.25 to 5.5 miles south and 4.8 to 5.0 miles west of the center of Burley. The new well is intended to be a backup well to two existing wells and will be drilled approximately 600 feet east of the facility.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://re-search.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 **March 9, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: February 20 and 27, 2020





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

February 13, 2020

PATRICIA ASHER
PO BOX 143
ALBION, ID 83311

RE: Transfer No. 83657
Water Right No(s): 45-14312

RE: Transfer No. 83658
Water Right No(s): 45-14313

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 2/20/2020 and 2/27/2020**. 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 **March 9, 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: Thursday, February 13, 2020 5:18 PM
To: Brian Higgs (WD 140)
Subject: Comment Letters: Transfer 83657 & 83880
Attachments: Comment letter to WD140 for 83657 & 83880.docx; Transfer 83657 (Patricia Asher).pdf; Transfer 83880 (Daniel Ward).pdf

Good afternoon,

Attached is an application(s) for transfer currently being processed within your district. Please review the attached information and provide any necessary comments within 21 days.

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

Thank you & have a good evening,

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

February 13, 2020

WATER DISTRICT #140 *via e-mail*
BRIAN HIGGS
355 W 500 S
BURLEY ID 83318

RE: Transfer No. 83657
Water Right No(s): 45-14312

RE: Transfer No. 83880
Water Right No(s): 45-14422

Dear Brian:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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 water master, 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's regional offices 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
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 13, 2020 9:01 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.doc

Attached please find **(1)** legal notice being submitted for publication on February 20th & 27th, 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
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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 13, 2020

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 47-17712

RE: Transfer No. 83657
Water Right No(s): 45-14312

RE: Transfer No. 83658
Water Right No(s): 45-14313

RE: Transfer No. 83880
Water Right No(s): 45-14422

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 March 9, 2020. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17712

LOUIS N BERG

TERRISA J BERG

19032 HIGHWAY 30

BUHL, ID 83316-5060

Point of Diversion NWSE S30 T08S R14E TWIN FALLS County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 1/13/2020

Place Of Use: DOMESTIC

T08S R14E S30 NWSE

Application proposes diverting up to 0.04 cfs from an existing well for domestic uses associated with an existing home. The Place of Use (POU) and Point of Diversion (POD) are located approximately 4.7 miles west and 6.8 miles north of Buhl. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83657

PATRICIA ASHER, PO BOX 143, ALBION, ID 83311; has filed Application No. 83657 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14312. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.22 cfs ground water irrigation right currently diverted from a well located approximately 0.6 miles south and 0.1 mile east from the northwest corner of the Albion City Park in Albion. The proposed new point of diversion is an existing well located approximately 0.4 miles south and 0.4 miles east from the northwest corner of the Albion City Park.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83658

PATRICIA ASHER, PO BOX 143, ALBION, ID 83311; has filed Application No. 83658 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14313. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.19 cfs Marsh Creek irrigation right to a new location approximately 1.8 miles downstream. The right is currently diverted at a point located approximately 1.0 mile south and 1.0 mile west from the northwest corner of the Albion City Park in Albion. The proposed new diversion location is an existing diversion point located approximately 0.1 mile north and 0.5 mile east from the northwest corner of the Albion City Park.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83880

DANIEL G WARD, 227 E 400 S, BURLEY, ID 83318; has filed Application No. 83880 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14422. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a point of diversion (add a new well to an existing system) to a 0.06 cfs ground water right for commercial and stockwater uses for a facility located approximately 5.25 to 5.5 miles south and 4.8 to 5.0 miles west of the center of Burley. The new well is intended to be a backup well to two existing wells and will be drilled approximately 600 feet east of the facility.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 **March 9, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 20th & 27th, 2020

MEMORANDUM

Date: February 3, 2020
To: Transfer 83657 File
From: Benny Walker
Re: Transfer Synopsis

Application proposes to change the point of diversion for a 0.22 cfs ground water irrigation right currently diverted from a well located approximately 0.6 miles south and 0.1 mile east from the northwest corner of the Albion City Park in Albion. The proposed new point of diversion is an existing well located approximately 0.4 miles south and 0.4 miles east from the northwest corner of the Albion City Park.

The proposed change will allow for better utilization of the water right.

The right involved with the application is located within Water District #140. Therefore watermaster comments will be solicited. Application will be subject to notice and protest.

MEMORANDUM

TO: Transfer 83657 File

FROM: Benny Walker

DATE: February 3, 2020

SUBJECT: Filing Fee

The filing fee of, \$500.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.22 cfs. The transfer fee schedule for a transfer involving 0.21-1.00 cfs indicates that the filing fee is \$500.00. The applicant's consultant, LeRoy Robinson (Lazy R7 Farms Inc), submitted a fee of \$500.00 for this transfer. (Receipt S037711).