

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 20 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

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 § 42-221.0.8. Attach an explanation and any supporting documentation.

1. APPLICANT(S) A&B Irrigation District Phone 204-436-3152
 2. MAILING ADDRESS P.O. Box 675 City Rupert
 State ID Zip 83350 Email abid@pmt.org

- 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) Attachment A

- 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 7 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X	98	NW	NW	NE	17	8 S	24 E	Minidoka		17B824
									REMOVE BELOW	
	99	NE	SW	SW	4	8 S	24 E	Minidoka		4C824

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:

The new point of diversion will be hooked up direct to the district water users. All systems will have lockable valves, controlled by the district, and flow meters. The point of diversion being removed will be permitted to be a close loop injection well the same as the District uses all over the project.

b. Who owns the property at the point(s) of diversion? Sageland LLC for the addition Earl Ward for the removed POD.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: A&B will prepare or has legal grants of operation and maintenance easements.

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:

The district has an approved mitigation plan on file with the department for the Blue Lake delivery call, and approx. 121 acres enrolled in the CREP program.

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 ¼ ¼ 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.

		
Signature of applicant or authorized agent	Print name and title if applicable	Date

Signature of applicant or authorized agent	Print name and title if applicable	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 CH Date 9-20-2019
 Fee paid \$980- Date 9-20-2019 Received by sg Receipt # S037553
 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)

ATTACHMENT "A"
Summary of Water Rights Affected

Water Right:	Priority:	Rate:	Volume:
36-2080	09/09/1948	1,100.00 cfs	250,416.0 af
36-15127A	04/01/1962	20.00 cfs	4,823.2 af
36-15127B	04/01/1984	34.03 cfs	8,206.0 af
36-15192	04/01/1962	0.60 cfs	---
36-15193A	04/01/1962	0.21 cfs	50.0 af
36-15193B	04/01/1965	0.31 cfs	75.6 af
36-15194A	04/01/1962	0.23 cfs	54.8 af
36-15194B	04/01/1968	2.53 cfs	609.6 af
36-15195A	04/01/1962	0.87 cfs	210.0 af
36-15195B	04/01/1978	2.25 cfs	542.4 af
36-15196A	04/01/1962	0.29 cfs	69.6 af
36-15196B	04/01/1981	0.08 cfs	18.8 af

ATTACHMENT "A"Summary of Water Rights Affected

<u>Right</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>
36-2080	09/09/1948	1100.00 cfs	250416.0 af
36-15192	04/01/1962	0.60 cfs	
36-15127A	04/01/1962	20.00 cfs	4823.2 af
36-15127B	04/01/1984	34.03 cfs	8206.0 af
36-15193B	04/01/1965	0.31 cfs	75.6 af
36-15195B	04/01/1978	2.25 cfs	542.4 af
36-15196B	04/01/1981	0.08 cfs	18.8 af
36-15194A	04/01/1962	0.23 cfs	54.8 af
36-15194B	04/01/1968	2.53 cfs	609.6 af
36-15193A	04/01/1962	0.21 cfs	50.0 af
36-15195A	04/01/1962	0.87 cfs	210.0 af
36-15196A	04/01/1962	0.29 cfs	69.6 af



NWNWNE1/4 of Sec. 17, Twp 08S, Rge 24E

TRANSFER 83636



United States Department of the Interior



BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY REFER TO:

PN-3300

SEP 17 2019

RECEIVED
SEP 20 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

Mr. Dan Temple
Manager
A&B Irrigation District
P.O. Box 675
Rupert, ID 83350

Corey Skinner
Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave. W. STE 500
Twin Falls, ID 83301-5858

Subject: Application for Transfer of Water Rights 36-2080 etc., A&B Irrigation District,
Minidoka Project, Idaho

Dear Sirs:

Reclamation consents to the transfer of the Point of Diversion for the groundwater rights for the district. The change will add a P.O.D. at lot 98, NWNWNE, Section 17, 8 South 24 East, Minidoka County and will be named 17B824. The P.O.D. named 4C824 at lot 99, NESWSW Section 4, 8 South 24 East will be removed.

If you have any questions, please call me at 208-378-5306.

Sincerely,

E. Gail McGarry
Program Manager
Reclamation Law Administration

TRANSFER 83636



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

October 10, 2019

A & B IRRIGATION DISTRICT
PO BOX 675
RUPERT, ID 83350-0675

RE: Transfer No. 83636

Water Right No(s). 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A,
36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B, 36-2080

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 10/17/2019 and 10/24/2019**. 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 **November 4, 2019**.

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,

A handwritten signature in blue ink that reads "Denise Maline".

Denise Maline
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 10, 2019

WATER DISTRICT #130 *via hand delivery*
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

RE: Transfer No. 83636
Water Right No(s): 36-2608, etc. (A & B Irrigation District)

Dear Nathan:

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,

A handwritten signature in blue ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 10, 2019 11:24 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 October 17 & 24, 2019. 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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 10, 2019

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 83636

Water Right No(s): 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A,
36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B, 36-2080,

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 November 4, 2019. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83636**

A & B IRRIGATION DISTRICT, PO BOX 675, RUPERT, ID 83350-0675; has filed Application No. 83636 for changes to the following water rights within JEROME, MINIDOKA County(s): Right No(s). 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B, 36-2080; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes addition of a new well and removal of an existing well as authorized points of diversion (POD) within the A & B Irrigation District system. The proposed new well is located approximately 7.9 miles north and 0.48 miles west of the intersection of Baseline Road and Meridian Road in Rupert. The new well will be limited to a diversion rate of 7.0 cfs for irrigation within the A & B Irrigation District system. There are currently twelve water rights that allow for the diversion of up to 1100.00 cfs from 189 wells located in Jerome and Minidoka counties for the irrigation of up to 66686.2 acres. This transfer will allow for the continued diversion of water from 189 authorized PODs to maintain the overall production capacity of the A & B Irrigation District system.

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 **November 4, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 17th & 24th, 2019

MEMORANDUM

Date: October 3, 2019
To: Transfer 83636 File
From: Bill Mills
Re: Transfer Proposal

Application proposes addition of a new well and removal of an existing well as authorized points of diversion (POD) within the A & B Irrigation District system. The proposed new well is located approximately 7.9 miles north and 0.48 miles west of the intersection of Baseline Road and Meridian Road in Rupert. The new well will be limited to a diversion rate of 7.0 cfs for irrigation within the A & B Irrigation District system. There are currently twelve water rights that allow for the diversion of up to 1100.00 cfs from 189 wells located in Jerome and Minidoka counties for the irrigation of up to 66686.2 acres. This transfer will allow for the continued diversion of water from 189 authorized PODs to maintain the overall production capacity of the A & B Irrigation District system.

The POD that is proposed to be removed as an authorized irrigation POD from the twelve water rights is located approximately 9.2 miles north and 0.2 miles east of the intersection of Baseline Road and Meridian Road in Rupert. According to the transfer application, the applicant will seek to permit this well as a close loop injection well after the transfer is approved.

The rights associated with this transfer are as follows:

36-2080 – 1100.00 cfs; 250,417.0 af; 62,604.3 acres
36-15127A – 31.12 cfs; 7545.6 af; 1886.4 acres
36-15127B – 28.89 cfs; 7,006.0 af; 1,751.5 acres
36-15192 – 0.60 cfs; 145.2 af; 36.3 acres
36-15193A – 0.21 cfs; 50.0 af; 12.5 acres
36-15193B – 0.31 cfs; 75.6 af; 18.9 acres
36-15194A – 0.23 cfs; 54.8 af; 13.7 acres
36-15194B – 2.51 cfs; 609.6 af; 152.4 acres
36-15195A – 0.87 cfs; 210.0 af; 52.5 acres
36-15195B – 2.24 cfs; 542.4 af; 135.6 acres
36-15196A – 0.29 cfs; 609.6 af; 17.4 acres
36-15196B – 0.08 cfs; 18.8 af; 4.7 acres
Combined totals: 1100.00 cfs; 266,744.8 af; 66,686.2 acres

The applicant requested a rate of 7.0 cfs on the application and paid transfer application fees based on 7.0 cfs. Therefore, a condition will be placed on all the water rights in the transfer limiting the diversion rate from the proposed well to 7.0 cfs.

The water rights in this transfer are actually owned by the Bureau of Reclamation (B.O.R.) but are appurtenant to the A & B Irrigation District. A letter of consent regarding this transfer application from the B.O.R. was provided with the transfer application. The proposed well is located within the ESPA, but it is located in the same modeling cell as another existing A & B irrigation well, so no modeling is required. The proposed well is also located within Water District 130 and Watermaster comments will be solicited.

MEMORANDUM

Date: October 3, 2019
To: Transfer 83636 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #8636 are based on the current transfer fee schedule and are set at \$980.00 for the requested 7.0 cfs being transferred in the transfer application (S037553).