

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 82876**

This is to certify that: LEROY ROBINSON  
PO BOX 486  
ALBION, ID 83311

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

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 45-13429           | WR/DECREED          | 5/27/1977            | 0.270 cfs             | 63.0 af                 | N/A               | 18.0               | GROUND WATER  |
| 45-2296            | WR/DECREED          | 3/2/1949             | 1.250 cfs             | 500.0 af                | N/A               | 125.0              | GROUND WATER  |

**Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 45-13464           | WR/DECREED          | 8/8/1875             | 0.070 cfs             | N/A                     |                   | 3.7                | MARSH CREEK   |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 45-13429              | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 45-2296               | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 45-13429               | 45-14513                         | 0.080 cfs            | 14.0 af                | 4.0               | 129.0              | 45-13429                           | 0.180 cfs             | 42.0 af                 | N/A                         | 12.0                         |
| 45-2296                | 45-2296                          | 1.250 cfs            | 500.0 af               | 125.0             | 129.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>1.330 cfs</b>     | <b>514.0 af</b>        | <b>129.0</b>      | <b>129.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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

Dated this 30<sup>th</sup> day of April, 2019

**SUPPORT DATA**

\_\_\_\_\_  
Southern Region Manager

Transfer No. 82876

**IN FILE # 45-2296**

**WATER RIGHT NO. 45-13429**  
**As Modified by Transfer No. 82876**

In accordance with the approval of Transfer No. 82876, Water Right No. 45-13429 is now described as follows:

**Right Holder:** GARY ERICKSON AND  
TODD ERICKSON  
PO BOX 545  
ALBION, ID 83311  
AND  
RICH REDMAN  
PO BOX 14  
ALBION, ID 83311

**Priority Date:** 5/27/1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.180 cfs             | 42.0 af                 |
|                       |             |           | 0.180 cfs             | 42.0 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      NESE                      Sec 6    Twp 12S Rge 25E    CASSIA County

**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  |        |
| 12S | 25E | 6   |    |    |    |    |    |    |    |    |    |    |    |    | 5.5 |    |    | 6.5 | 12.0   |

POU Total Acres:                      12.0

**CONDITIONS OF APPROVAL**

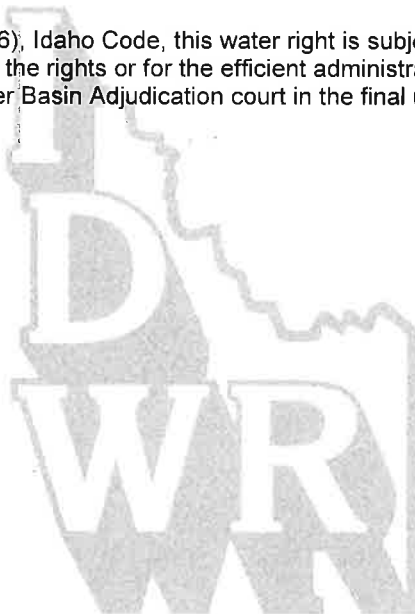
1. Rights 45-13464 and 45-13429 when combined shall not exceed the irrigation of 12 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Transfer No.    82876

**WATER RIGHT NO. 45-13429**  
**As Modified by Transfer No. 82876**

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, 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.



**WATER RIGHT NO. 45-14513**  
**As Modified by Transfer No. 82876**

In accordance with the approval of Transfer No. 82876, Water Right No. 45-14513 is now described as follows:

**Right Holder:** LEROY ROBINSON  
 PO BOX 486  
 ALBION, ID 83311

**Priority Date:** 5/27/1977

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 0.080 cfs                    | 14.0 af                        |
|                              |                    |                  | 0.080 cfs                    | 14.0 af                        |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SESW                      Sec 5    Twp 12S Rge 25E    CASSIA County

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 12S | 25E | 5   |    |    |    |    |    |    |    |    | 12.0 | 40.0 | 40.0 | 37.0 |    |    |    |    | 129.0  |

Right Acre Limit: 4.0  
 POU Total Acres: 129.0

**CONDITIONS OF APPROVAL**

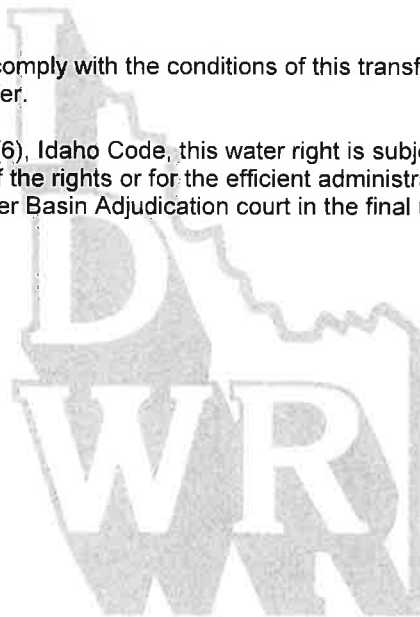
1. A portion of right 45-13429 in the amount of 0.01 cfs, 7.0 AF, and 2.0 acres shall be considered forfeited through approval of Transfer 82876 resulting in the remaining amount of 0.08 cfs, 14.0 AF, and 4.0 acres for transferred right 45-14513.
2. This right is limited to the irrigation of 4.0 acres within the authorized place of use in a single irrigation season.
3. Rights 45-2296, and 45-14513 when combined shall not exceed a total diversion rate of 1.33 cfs, a total annual maximum diversion volume of 514.0 af at the field headgate, and the irrigation of 129 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140

Transfer No. 82876

**WATER RIGHT NO. 45-14513**  
**As Modified by Transfer No. 82876**

**CONDITIONS OF APPROVAL**

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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.



# **WATER RIGHT NO. 45-2296**

## **As Modified by Transfer No. 82876**

In accordance with the approval of Transfer No. 82876, Water Right No. 45-2296 is now described as follows:

**Right Holder:** LEROY ROBINSON  
PO BOX 486  
ALBION, ID 83311

**Priority Date:** 3/2/1949

**Source:** GROUND WATER

### **BENEFICIAL USE**

IRRIGATION

### **From**

04/01

### **To**

to 10/31

### **Diversion Rate**

1,250 cfs

1,250 cfs

### **Diversion Volume**

500.0 af

500.0 af

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER

SESW

Sec 5 Twp 12S Rge 25E CASSIA County

### **PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 12S | 25E | 5   |    |    |    |    |    |    |    |    | 12.0 | 40.0 | 40.0 | 37.0 |    |    |    |    | 129.0  |

Right Acre Limit: 125.0

POU Total Acres: 129.0

### **CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 125.0 acres within the authorized place of use in a single irrigation season.
2. Rights 45-2296, and 45-14513 when combined shall not exceed a total diversion rate of 1.33 cfs, a total annual maximum diversion volume of 514.0 af at the field headgate, and the irrigation of 129 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 82876

**WATER RIGHT NO. 45-2296**

**As Modified by Transfer No. 82876**

**CONDITIONS OF APPROVAL**

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, 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.



**WATER RIGHT NO. 45-13464**  
**As Modified by Transfer No. 82876**

In accordance with the approval of Transfer No. 82876, Water Right No. 45-13464 is now described as follows:

**Right Holder:** GARY ERICKSON  
 PO BOX 545  
 ALBION, ID 83311  
 And  
 RICH REDMAN  
 PO BOX 14  
 ALBION, ID 83311

**Priority Date:** 8/8/1875

**Source:** MARSH CREEK

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/01

to

**To**

10/31

**Diversion Rate**

0.070 cfs

0.070 cfs

**LOCATION OF POINT(S) OF DIVERSION**

MARSH CREEK L4 (NWNW) Sec 5 Twp 12S Rge 25E CASSIA County

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE  |    |    |     | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|-----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE  | NW | SW | SE  |        |
| 12S | 25E | 6   |    |    |    |    |    |    |    |    |    |    |    |    | 1.7 |    |    | 2.0 | 3.7    |

POU Total Acres: 3.7

**CONDITIONS OF APPROVAL**

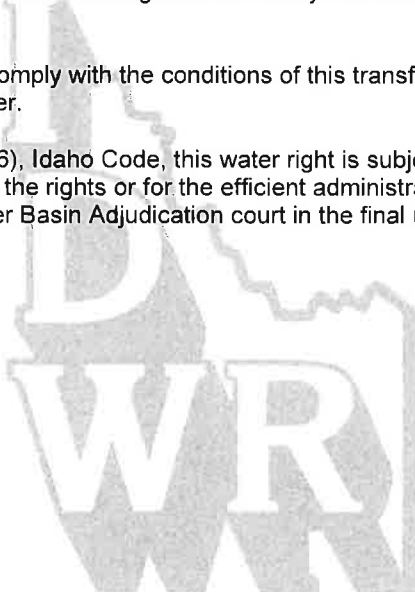
1. Rights 45-13464 and 45-13429 when combined shall not exceed the irrigation of 12 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.45F.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82876

**WATER RIGHT NO. 45-13464**  
**As Modified by Transfer No. 82876**

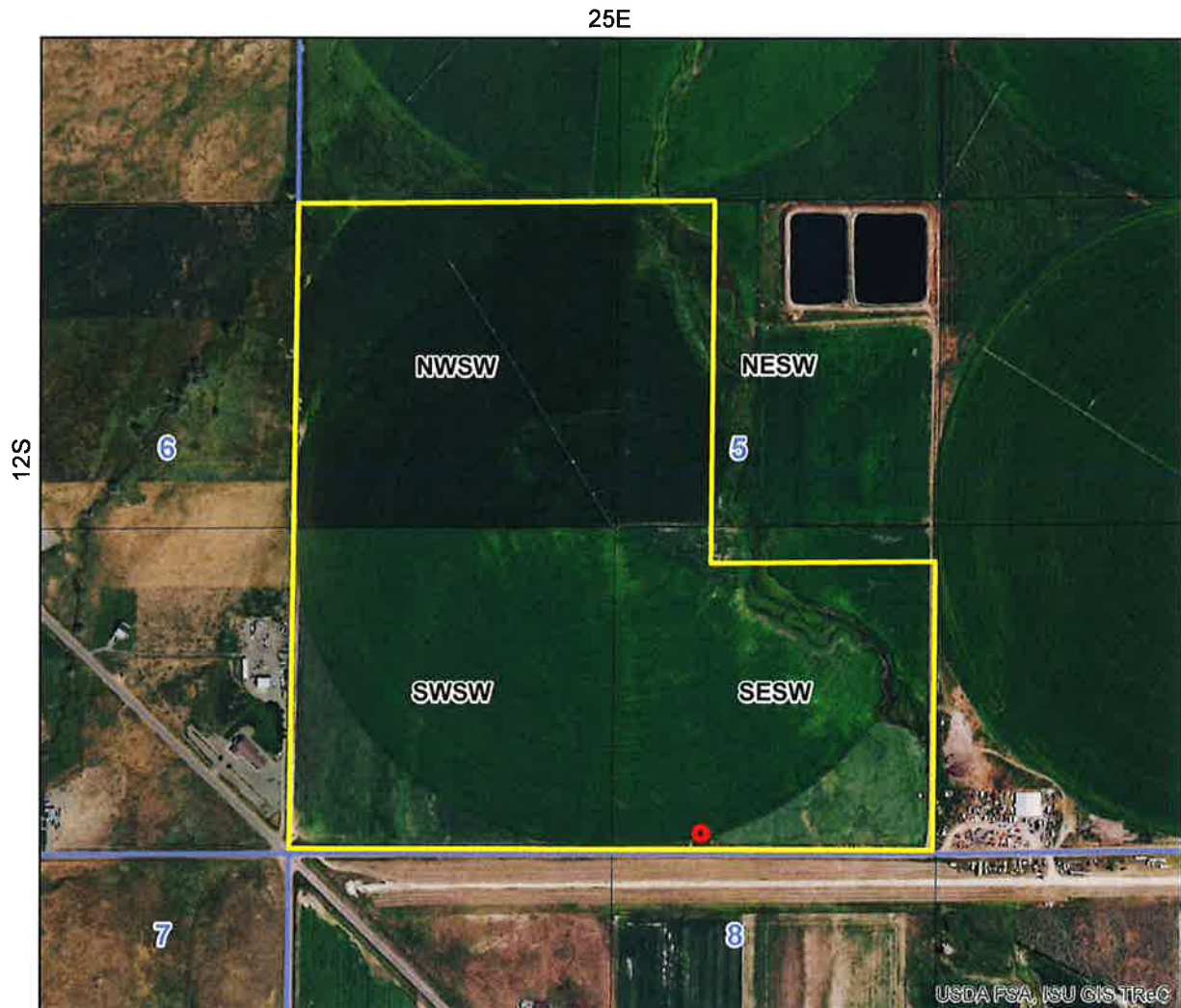
**CONDITIONS OF APPROVAL**

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that other elements of the right are not exceeded. The use of water before 4/1 under this remark is subordinate to all water rights having no subordinated early use and a priority date earlier than the SRBA partial decree date of 5/13/2005.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 82876**  
45-2296 & 45-14513

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



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

0 0.075 0.15 0.3 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

May 1, 2019

LEROY ROBINSON  
PO BOX 486  
ALBION ID 83311

Re: Transfer No: 82876  
Water Right No(s): 45-2296, 45-13429, 45-13464

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner  
Southern Regional Manager

Enclosure

c:

GARY ERICKSON  
TODD ERICKSON  
PO BOX 545  
ALBION ID 83311

RICH REDMAN  
PO BOX 14  
ALBION ID 83311

WATER DISTRICT 140  
BRIAN HIGGS  
355 W 500 S  
BURLEY ID 83318

## CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 82876

Water Right No(s): 45-2296, 45-13429, 45-13464

LEROY ROBINSON  
PO BOX 486  
ALBION ID 83311

GARY ERICKSON  
TODD ERICKSON  
PO BOX 545  
ALBION ID 83311

RICH REDMAN  
PO BOX 14  
ALBION ID 83311

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



Denise Maline  
Administrative Assistant

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

### **REQUEST FOR HEARING**

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

### **ORAL ARGUMENT**

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

## **CERTIFICATE OF SERVICE**

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

## **FINAL ORDER**

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

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

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

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

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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

## Skinner, Corey

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**From:** Jaxon Higgs <jaxon@waterwellconsultants.com>  
**Sent:** Thursday, April 04, 2019 4:36 PM  
**To:** Skinner, Corey  
**Subject:** RE: Comment Letter for Transfer 82876 (Leroy Robinson)  
**Attachments:** IMG\_7306 (1).jpg; IMG\_7307 (1).jpg; IMG\_7308 (1).jpg; IMG\_7309 (1).jpg; IMG\_7310 (1).jpg; IMG\_7311 (1).jpg; IMG\_7312 (1).jpg

Corey,

I apologize for getting back to this so late. I went out and confirmed that there is indeed a well at that location. We typically lean on your office to create the WMIS record when a new well is drilled and we didn't follow through to be sure. Attached are some pictures from that diversion to populate the new WMIS record.

The GPS Location of that well in meters is: 2535344.553, 1245236.552

We'll make sure to continue readings on this well. Thanks for notifying us. Let me know if there is anything else you need.

Jaxon

-----Original Message-----

**From:** Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Sent:** Friday, March 22, 2019 9:19 AM  
**To:** Brian Higgs <brian@waterwellconsultants.com>  
**Cc:** Jaxon Higgs <jaxon@waterwellconsultants.com>  
**Subject:** RE: Comment Letter for Transfer 82876 (Leroy Robinson)

Brian,

Denise forwarded your water master comments on to me regarding this particular transfer. The right that is subject to this transfer, was transferred to a well located within the NESE of Section 6 (north of the property near the convenience store) in the summer of 2017. It looks like the well was drilled in 2016 by Chesley Drilling for LeRoy Robinson. Mr. Robinson has another irrigation right from this well for property to the north of the convenience store. It does not look like there is a WIMIS point associated with this well. Perhaps this well has been missed?

Corey

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**From:** Brian Higgs [brian@waterwellconsultants.com]  
**Sent:** Monday, March 11, 2019 11:48 AM  
**To:** Maline, Denise  
**Cc:** Jaxon Higgs  
**Subject:** Re: Comment Letter for Transfer 82876 (Leroy Robinson)

Hi Denise.

We have reviewed the LeRoy Robinson transfer number 82876.

The Erickson water right is for 18 acres. This water right has not been used since we have been watermaster beginning in 2010. There is no irrigation well on the property. There is a domestic well at the convenience store. However, there is no domestic or commercial use listed on that right. The well is de minimis use and has no meter or measuring requirement.

Thank you.

Brian

From: Maline, Denise

Sent: Thursday, February 14, 2019 9:42 AM

To: Brian Higgs (WD 140)

Subject: Comment Letter for Transfer 82876 (Leroy Robinson)

Good morning Brian,

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

Thank you,

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) 736-3033

denise.maline@idwr.idaho.gov

## Sufficiency Memorandum

**Date:** March 29, 2019  
**To:** Transfer #82876, LeRoy Robinson.  
**From:** Benny Walker  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application proposes to transfer a 0.09 cfs and 6.0 acre portion of a ground water irrigation right from a parcel located approximately 0.5 – 0.6 miles south and 0.25 – 0.5 miles east of Albion. This water right will be moved to a farm, located approximately 0.25 – 0.75 miles south and 0.5 – 1.0 miles east of Albion. Also a portion of the existing water right located at the proposed place of use will be shifted to include the transferred 6.0 acres. This will create a 131 acre permissible place use and a total diversion of 1.34 cfs for both water rights diverted from an existing well located on the proposed place of use. During the review of water right 45-13429 it was determined that only 4.0 acres were transferable and that 2.0 acres will be forfeited due to the inability to prove that the full 6.0 acres had been irrigated in the last 8 years. Consequently the transferred portion will be reduced to 4.0 acres, 0.08 cfs, and 14 af. Therefore the permissible place of use will be reduced to 129.0 acres, a total diversion 1.33 cfs, and 514 af for both water rights at approval.

The rights involved with the application are located within Water District #140 so watermaster comments were solicited. The water master expressed some concerns, he was unaware of an irrigation well located on the property or the use of water right 45-13429. The point of diversion used for water right 45-13429 is located on a neighboring property. The watermaster has now been informed of this well location. Application was subject to notice and protest. No protests were received

- **Authority to File:**  
Applicant is listed as current owner on IDWR records for water right 45-2296. The applicant provided deeds allowing for the portion of water right 45-13429 to be transferred.
- **Water Right Validity:**  
The water rights 45-2296 and 45-13429 were decreed in 2005. Review of recent aerial photography indicates that water right 45-13429 appears to have not been used up to the total allowable acres in recent years. As a result the transferred portion of this right will be reduced to 4.0 acres, 0.08 cfs and 14 af.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated. The proposed place of use will be limited to 129 acres allowed by the water rights. The portion of water right 45-13429 being transferred will be dried up at the existing place of use.
- **Local Public Interest:**  
No negative impacts anticipated. The watermaster did not oppose the approval of this transfer, but did express some concerns as discussed above. No protest were received
- **Beneficial Use/Conservation of Water Resources:**  
Proposed uses are recognized as beneficial uses of water
- **Effect on Economy of the Local Area:**  
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**  
None anticipated.

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

**\*\*\* Proof of Publication \*\*\***

Twin Falls Times-News  
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500  
TWIN FALLS ID 83301

ORDER NUMBER 81183

Ruby Aufderheide  
(Legals Clerk)

STATE OF IDAHO )  
.SS  
COUNTY OF TWIN FALLS )

On this 4 day of March in the year of 2019 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Miriam King  
Notary Public FOR Idaho  
Residing at: Twin Falls, Idaho  
My Commission expires: 5.10.22

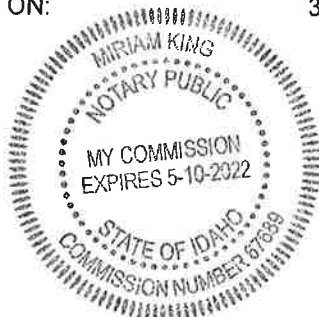
Section: Legals

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**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 82988**

LEVI SCHILDER and RENAE SCHILDER, 1691 SHOESTRING RD, GOODING, ID 83330-5235; has filed Application No. 82988 for changes to the following water rights within GOODING County(s): Right No(s), 37-22306. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) and place of use (POU) for a ground water irrigation right for 0.06 cfs and the irrigation of 6.0 acres. The current POD and POU are located approximately 4.8 to 5.0 miles south and 4.7 to 5.0 miles west of the City of Gooding. The proposed new POD and POU are located approximately 4.3 to 4.5 miles south and 3.8 to 4.0 miles west of the City of Gooding.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 82876**

LEROY ROBINSON, PO BOX 486, ALBION, ID 83311; has filed Application No. 82876 for changes to the following water rights within CASSIA County(s): Right No(s), 45-13429, 45-2296. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to transfer a 0.09 cfs and 6.0 acre portion of a ground water irrigation right from a parcel located approximately 0.5 to 0.6 miles south and 0.25 to 0.5 miles east of Albion. This water right will be moved to a farm, located approximately 0.25 to 0.75 miles south and 0.5 to 1.0 miles east of Albion. Also a portion of the existing water right located at the proposed place of use will be shifted to include the transferred 6.0 acres. This will create a 131 acre permissible place of use and a total diversion of 1.34 cfs for both water rights diverted from an existing well located on the proposed place of use.

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/Query-NewTransfers](http://research.idwr.idaho.gov/apps/waterrights/Query-NewTransfers). 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 March 11, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: February 21 and 28, 2019

RECEIVED

MAR 11 2019

DEPT OF WATER RESOURCES

## Inouye, Allison

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**From:** Brian Higgs <brian@waterwellconsultants.com>  
**Sent:** Monday, March 11, 2019 12:00 PM  
**To:** Inouye, Allison  
**Cc:** Jaxon Higgs  
**Subject:** Fw: Comment Letter for Transfer 82876 (Leroy Robinson)

**From:** brian@waterwellconsultants.com  
**Sent:** Monday, March 11, 2019 11:48 AM  
**To:** Maline, Denise  
**Cc:** Jaxon Higgs  
**Subject:** Re: Comment Letter for Transfer 82876 (Leroy Robinson)

Hi Denise.

We have reviewed the LeRoy Robinson transfer number 82876.

The Erickson water right is for 18 acres. This water right has not been used since we have been watermaster beginning in 2010. There is no irrigation well on the property. There is a domestic well at the convenience store. However, there is no domestic or commercial use listed on that right. The well is de minimis use and has no meter or measuring requirement.

Thank you.

Brian

**From:** Maline, Denise  
**Sent:** Thursday, February 14, 2019 9:42 AM  
**To:** Brian Higgs (WD 140)  
**Subject:** Comment Letter for Transfer 82876 (Leroy Robinson)

Good morning Brian,

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

Thank you,

Denise @ IDWR

Denise Maline  
Administrative Assistant I  
Idaho Dept of Water Resources, Southern Region  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301