

RECEIVED

SEP 14 2018

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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) A&B Irrigation District Phone 208-436-3152

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 4 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	99	SE	NE	NE	15	8 S	24 E	Minidoka		15C824

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 direct to the district water users. All systems will have lockable valves, controlled by the district, and flow meters.

- b. Who owns the property at the point(s) of diversion? C. Hector Parkin

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.

	<u>Dan Temple Mgr.</u>	<u>9-12-2018</u>
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 TF Date 9.14.2018
 Fee paid \$740- Date 9.14.2018 Received by dm Receipt # 5036957
 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)

Original
attachment

ATTACHMENT "A"

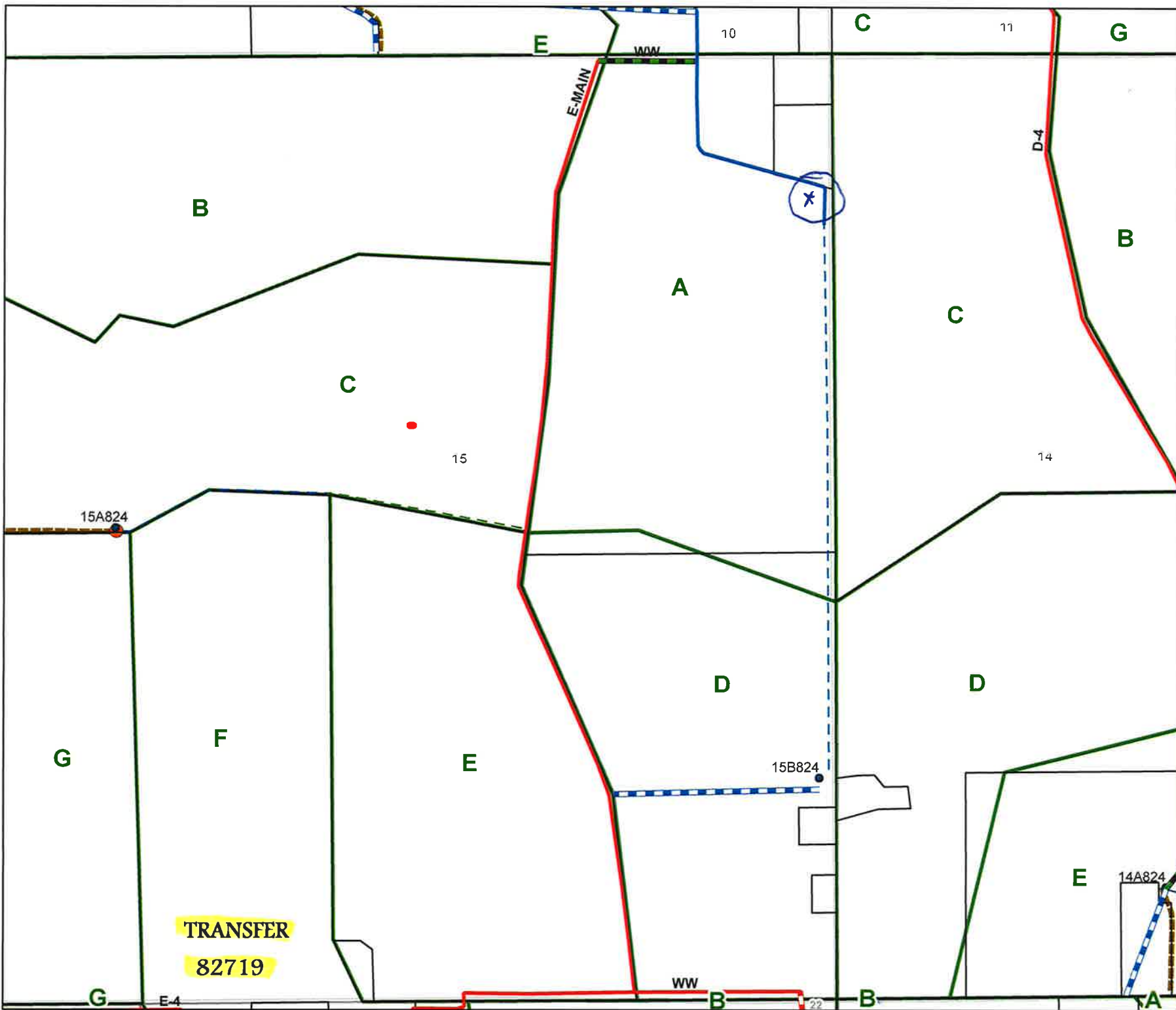
Summary of Water Rights Affected

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

Numerical
Order

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



A&B Irrigation District

Date: 9/12/2018

The A&B Irrigation District property boundaries, which may be displayed on this map, are not legal land survey records. This data cannot be used as a substitute for a legal land survey. They can be used for record keeping, mapping, graphics and planning purposes only. No warranty is made by the A&B Irrigation District for the use of this data.

- UnitA_PumpingPlants
- PP2 pipeline (Rough)
- Lateral, Active
- Lateral, Removed
- Pipeline-Distribution, Active
- Pipeline-Distribution, Abandoned
- Drain, Active
- Drain, Active-FarmerMaintained
- Drain, Removed
- Pipeline-Drain, Active
- Pipeline-Drain-FarmerOwned, Active
- Pipeline-Wasteway, Abandoned
- Pipeline-Wasteway, Active
- Wasteway, Active
- Wasteway, Removed
- CurrentTracts
- Pumpback
- Relift
- Active Production Wells
- Active Recirculating Wells
- Railroads

TRANSFER
82719



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 11, 2018

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

RE: Transfer No. 82719

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 10/18/2018 and 10/25/2018**. 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 5, 2018**.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 11, 2018

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

RE: Transfer No. 82719
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 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".

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 11, 2018 4:14 PM
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 18th & 25th, 2018. 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) 736-3033

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 11, 2018

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 82719

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 11/5/2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82719**

A & B IRRIGATION DISTRICT, PO BOX 675, RUPERT, ID 83350-0675; has filed Application No. 82719 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 research.idwr.idaho.gov/apps/waterrights/QueryNewTransfers. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes the addition of a new well as an authorized point of diversion (POD) within the A & B Irrigation District system. The proposed well is located approximately 7.8 miles north and 2.0 miles east of the intersection of Baseline Road and Meridian Road in Rupert. The new well will be limited to the diversion of 4.0 cfs for irrigation within the A & B Irrigation District system. Currently, twelve water rights allow for the diversion of 1100.00 cfs from 188 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 5, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 18th & 25th, 2018

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DEPT OF WATER RESOURCES
SOUTHERN REGION



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

IN REPLY REFER TO:

PN-3300

OCT 11 2018

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

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

Subject: Application for transfer No. 82719, A&B Irrigation District, Minidoka Project

Dear Sirs:

Reclamation consents to transfer application No. 82719, which will add an alternate Point of Diversion to Water Rights 36-2080, 36-15192, 36-15127A, 36-15127B, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B. The POD will be Lot 99, SENENE Section 15, Township 8S Range 24E, Minidoka County. The local name or tag No. will be 15C824.

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

Sincerely,

E. Gail McGarry
Reclamation Law Administration

TRANSFER SYNOPSIS

Date: September 21, 2018
To: A&B Irrigation District Transfer #82719 file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes the addition of a new well as an authorized point of diversion (POD) within the A & B Irrigation District system. The proposed well is located approximately 7.8 miles north and 2.0 miles east of the intersection of Baseline Road and Meridian Road in Rupert. The new well will be limited to the diversion of 4.0 cfs for irrigation within the A & B Irrigation District system. Currently, twelve water rights allow for the diversion of 1100.00 cfs from 188 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.

Because the transfer involves adding a POD within the ESPA, the transfer will be advertised. Comments will be solicited from the Watermaster of WD-130.

The rights involved in the transfer are: 36-2080 (1100.00 cfs, 62604.3 acres), 36-15127A (31.12 cfs, 1886.4 acres), 36-15127B (28.89 cfs, 1751.5 acres), 36-15192 (0.60 cfs, 36.3 acres), 36-15193A (0.21 cfs, 12.5 acres), 36-15193B (0.31 cfs, 18.9 acres), 36-15194A (0.23 cfs, 13.7 acres), 36-15194B (2.51 cfs, 152.4 acres), 36-15195A (0.87 cfs, 52.5 acres), 36-15195B (2.24 cfs, 135.6 acres), 36-15196A (0.29 cfs, 17.4 acres), and 36-15196B (0.08 cfs, 4.7 acres). The rights are Bureau of Reclamation rights appurtenant to the A & B Irrigation District place of use, so a letter of consent from the Bureau concerning the transfer will be supplied by the B.O.R.

The applicant has requested that a diversion rate of 4.0 cfs be diverted from the new well, and the fee charged for the transfer was based on 4.0 cfs, so a condition limiting it as such will be added to all twelve rights.

The proposed well is located within the ESPA, but since it is located in the same modeling cell as another A & B irrigation well, ground water modeling analysis is not required.

FEE MEMORANDUM

Date: September 20, 2018
To: A & B Irrigation District Transfer #82719 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on September 14, 2018 and is intended to add a point of diversion to 12 ground water irrigation rights. The flow rate from the well will be limited to 4.0 cfs, so that is the basis for the \$740.00 fee, which was paid with check #8262 by the A & B Irrigation District General Fund when the application was filed. The IDWR receipt number is S036957.

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SEP 14 2018

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

To whom it may concern,

Due to timing restraints, we are sending the application for adding a point of diversion so you can start your internal review. We have made the request to the Bureau of Reclamation for an approval letter, and we will forward that to you in the next couple of weeks. Feel free to contact me with any questions. 208-670-2488

Thank you,

Justin Temple

A&B Irrigation

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AUG 10 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

A&B IRRIGATION DISTRICT - RUPERT, IDAHO

Regular Meeting of the Board of Directors – January 8, 2018

President Harold Mohlman called the Regular meeting of the A&B Irrigation District Board of Directors to order at 10:00 A.M. Director's Hector Parkin, Clay Harrison and Bart Webster were present. Manager Dan Temple and Secretary-Treasurer Diana Warburton represented the A&B staff.

Agenda Amendment:

Hector Parkin made a motion to amend the agenda to include under Old Business - FEMA and Well Driller. Bart Webster seconded the motion. The Board approved.

Minutes:

Regular meeting minutes of December 11, 2017 and Special Minutes of January 3, 2018 were presented to the Board. Hector Parkin made a motion to approve the Regular Meeting minutes of December 11, 2017 and Special Minutes of January 3, 2018 as written. The motion was seconded by Clay Harrison. The Board approved.

Attorney Travis Thompson arrived at the meeting.

December Treasurer's Report:

The December Treasurer's Report was presented to the Board for their review. Clay Harrison made a motion to approve the December Treasurer's Report. The motion was seconded by Hector Parkin. The Board approved.

December Expenses:

The Board reviewed the expense vouchers in the amount of \$218,148.44 (\$217,763.88 + \$384.56 Board Expense). Clay Harrison made a motion to approve the expense vouchers and authorized payment from general fund. The motion was seconded by Hector Parkin. The Board approved.

Old Business:

Pending Issue of Tax Deed:

Secretary-Treasurer Warburton informed the Board there are no Pending Issue of Tax Deeds that need to be issued.

Modification #6 to BOR Memorandum of Agreement:

Manager Temple presented a Modification #6 to Memorandum of Agreement with the Bureau of Reclamation for Unit A Pumping Plant #2. This modification extends the effective period of the MOA from December 31, 2017 to December 31, 2018 in order to complete remaining tasks in the original MOA and to complete the transfer of legal title for the pumping plant appurtenance to Reclamation.

Hector Parkin made a motion to sign Modification #6 of the Memorandum of Agreement with the Bureau of Reclamation. Clay Harrison seconded the motion. The Board approved.

Board Member Rett Cameron arrived at the meeting.

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AUG 10 2018

DEPT. OF WATER RESOURCES
SOUTHERN REGION

January 8, 2018
Page 2

Paslay, Ottman and Tateoka Bros. Lawsuit:

Attorney Thompson reviewed and discussed the Settlement Agreement prepared by Paslay, Ottman and Tateoka Brothers' attorney, Rob Harris.

It was the consensus of the Board to not accept this proposed Settlement Agreement. The Board requested Attorney Thompson to write a letter to Attorney Rob Harris stating their position.

Old Board Adjourned:

With no further business, President Harold Mohlman adjourned the Board of Directors at 10:45 A.M.

Official Oath:

Secretary-Treasurer Warburton swore in Bart Webster, Director Division #4 for a term of three years.

New Board:

Secretary-Treasurer Warburton called the new Board of Directors to order at 10:50 A.M. The Secretary-Treasurer asked the group for nominations for Board President. Rett Cameron nominated Harold Mohlman. Clay Harrison seconded the motion. Hector Parkin moved nominations cease and Harold Mohlman be declared President. Bart Webster seconded the motion. The Board approved by acclamation.

President Mohlman opened nominations for Board Vice-President. Rett Cameron nominated Hector Parkin. Bart Webster moved nominations cease and Hector Parkin be declared Vice-President. Clay Harrison seconded the motion. The Board approved by acclamation.

Executive Session:

As per Idaho Code §74-206 Paragraph 1, Sub-Paragraph A, Hector Parkin made a motion to call an Executive Session of the Board at 10:55 A.M. to discuss the hiring of personnel. The motion was seconded by Rett Cameron. The Board approved.

President Mohlman called for a Roll Call vote as follows:

Bart Webster – aye	Hector Parkin - aye
Clay Harrison – aye	Rett Cameron - aye

After a unanimous aye vote, the Board adjourned into executive session.

Hector Parkin made a motion to adjourn the Executive Session adjourned at 11:34 A.M. The motion was seconded by Bart Webster. The Board approved.

District Manager

Rett Cameron made a motion to rehire Dan Temple as District Manager and increase the current salary of Manager Temple to \$95,000.00 per year effective January 1, 2018. The motion was seconded by Bart Webster. The Board approved.

District Secretary-Treasurer:

Hector Parkin made a motion to rehire Diana Warburton as District Secretary-Treasurer and increase the current salary of Secretary-Treasurer Warburton to \$80,420.00 per year effective January 1, 2018. The motion was seconded by Rett Cameron. The Board approved.