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JUN 13 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

82462

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 www.idwr.idaho.gov.

Name of Applicant(s) See Exhibit A Attached HeretoCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

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DEPARTMENT OF
WATER RESOURCESYes 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 #1-10.

- ☐ ☒ #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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) See Exhibit A Attached Hereto Phone 208-232-6101
Mailing address c/o T.J. Budge, P.O. Box 1391, Pocatello, Idaho 83204-1391 Email tjb@racinelaw.net

- ☐ 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 T.J. Budge, Attorney Phone 208-232-6101
Mailing address P.O. Box 1391, Pocatello, Idaho 83204-1391 Email tjb@racinelaw.net

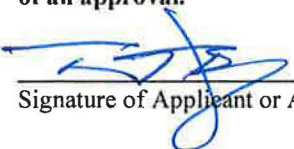
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DEPARTMENT OF
WATER RESOURCES

- ☒ 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.

 T.J. Budge, Attorney 6.8.18
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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**.
Add mitigation delivery points at the Sandy Pond and the Morris Pond.

EXHIBIT A

AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT
BINGHAM GROUND WATER DISTRICT
BONNEVILLE JEFFERSON GROUND WATER DISTRICT
CAREY VALLEY GROUND WATER DISTRICT
FREMONT MADISON IRRIGATION DISTRICT
JEFFERSON CLARK GROUND WATER DISTRICT
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER DISTRICT
NORTH SNAKE GROUND WATER DISTRICT
SOUTHWEST IRRIGATION DISTRICT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	36-17028	10	FISH PROP/MIT	01/01 to 12/31	THOUSAND SPRINGS
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 10 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	31			M/F	M/F									M				N/A
07S	14E	32							M/F			M							N/A
08S	14E	05										M							N/A
Total Acres (for irrigation use)																			N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:

Pump and pipeline to deliver water from Magic Springs to the mitigation and fish propagation points of delivery.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

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: No

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Mitigation of Curren Tunnel water right nos. 36-102, 36-134A, 36-134B, 36-134D, 36-134E, 36-135A, 36-135B, 36-135D, 36-135E, 36-2551, 36-7694, 36-10141A, 36-10141B, 36-15501

- g. 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-17028

Current Owner: NORTH SNAKE GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER DISTRICT
CAREY VALLEY GROUND WATER DISTRICT
SOUTHWEST IRRIGATION DISTRICT
BONNEVILLE JEFFERSON GROUND WATER DISTRICT
BINGHAM GROUND WATER DISTRICT
AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT
MADISON GROUND WATER DISTRICT
FREMONT MADISON IRRIGATION DISTRICT
JEFFERSON CLARK GROUND WATER DISTRICT

Priority Date: 9/5/1969
Origin: Water Right
Status: Active
Basis: Decreed

Source

THOUSAND SPRINGS

Tributary

SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	01/01 to 12/31	10 CFS	
MITIGATION	01/01 to 12/31	10 CFS	
	<u>Total Diversion</u>	10 CFS	

Location of Point(s) of Diversion

THOUSAND SPRINGS	L8(SE1/4SE1/4SE1/4)	Sec. 6,	Twp 08S,	Rge 14E B.M.
GOODING County				
THOUSAND SPRINGS	L1(NW1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E B.M.
GOODING County				
THOUSAND SPRINGS	L1(SE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E B.M.
GOODING County				
THOUSAND SPRINGS	L8(SE1/4SE1/4SE1/4)	Sec. 6,	Twp 08S,	Rge 14E B.M.
GOODING County				
THOUSAND SPRINGS	L1(NE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E B.M.
GOODING County				
THOUSAND SPRINGS	L1(NW1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E B.M.
GOODING County				
THOUSAND SPRINGS	L1(SE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E B.M.
GOODING County				
THOUSAND SPRINGS	L1(SE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E B.M.
GOODING County				
THOUSAND SPRINGS	L1(SE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E B.M.
GOODING County				

Place of Use

FISH PROPAGATION Within GOODING County

T07S R14E S31	SWNE	T07S R14E S31	SENE
T07S R14E S32	SWNW		

MITIGATION Within GOODING County

T07S R14E S31	SWNE	T07S R14E S31	SENE
T07S R14E S32	SWNW		

Conditions of Approval:

1. IGWA and Southwest Irrigation District will continue into the future aquifer enhancement activities equal to the rate of flow to be diverted from Magic Springs due to the transfer (No. 79560). Prior to the start of each irrigation season, IGWA must submit documentation to the State Office of the Department stating: (a) the rate of flow to be diverted from Magic Springs for the upcoming year (April 1 through March 31), and (b) past aquifer enhancement activities to sufficiently mitigate for water diverted from Magic Springs the upcoming year. For example, if 8 cfs will be diverted from Magic Springs pursuant to the transfer, IGWA and Southwest Irrigation District must submit documentation establishing mitigation from aquifer enhancement activities of 8 cfs to the Snake River between Kimberly and King Hill. If IGWA fails to document sufficient mitigation through aquifer enhancement activities as required, diversions from Magic Springs will not be authorized pursuant to this transfer for the year in which documentation is lacking.

Decreed Date: 12/29/1997

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/11/2018

WATER RIGHT NO. 36-17028

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT
Current Owner	BINGHAM GROUND WATER DISTRICT
Current Owner	BONNEVILLE JEFFERSON GROUND WATER DISTRICT
Current Owner	CAREY VALLEY GROUND WATER DISTRICT
Current Owner	FREMONT MADISON IRRIGATION DISTRICT
Current Owner	JEFFERSON CLARK GROUND WATER DISTRICT
Current Owner	MADISON GROUND WATER DISTRICT
Current Owner	MAGIC VALLEY GROUND WATER DISTRICT
Current Owner	NORTH SNAKE GROUND WATER DISTRICT
Current Owner	SOUTHWEST IRRIGATION DISTRICT
	C/O RANDALL C BUDGE
	PO BOX 1391
	POCATELLO, ID 83204-1391
	2082326101
Original Owner	PISCES INVESTMENTS INC
	3069 OSTER LAKES RD
	HAGERMAN, ID 83332
	2088376541

Priority Date: 09/05/1969

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
THOUSAND SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	01/01	12/31	10 CFS	
MITIGATION	01/01	12/31	10 CFS	
Total Diversion			10 CFS	

Location of Point(s) of Diversion:

THOUSAND SPRINGS	SESESE Lt 8	Sec. 06	Township 08S	Range 14E	GOODING County
THOUSAND SPRINGS	SESESE Lt 8	Sec. 06	Township 08S	Range 14E	GOODING County
THOUSAND SPRINGS	NENWNW Lt 1	Sec. 08	Township 08S	Range 14E	GOODING County
THOUSAND SPRINGS	NWNWNW Lt 1	Sec. 08	Township 08S	Range 14E	GOODING County
THOUSAND SPRINGS	NWNWNW Lt 1	Sec. 08	Township 08S	Range 14E	GOODING County
THOUSAND SPRINGS	SENWNW Lt 1	Sec. 08	Township 08S	Range 14E	GOODING County
THOUSAND SPRINGS	SENWNW Lt 1	Sec. 08	Township 08S	Range 14E	GOODING County
THOUSAND SPRINGS	SENWNW Lt 1	Sec. 08	Township 08S	Range 14E	GOODING County
THOUSAND SPRINGS	SENWNW Lt 1	Sec. 08	Township 08S	Range 14E	GOODING County

Place(s) of use:

Place of Use Legal Description: FISH PROPAGATION GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	14E	31		SWNE			SENE							
		32		SWNW										

Place of Use Legal Description: MITIGATION GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	14E	31		SWNE			SENE							
		32		SWNW										

Conditions of Approval:

1. IGWA and Southwest Irrigation District will continue into the future aquifer enhancement activities equal to the rate of flow to be diverted from Magic Springs due to the transfer (No. 79560). Prior to the start of each irrigation season, IGWA must submit documentation to the State Office of the

82462

http://www.idwr.idaho.gov/apps/LatSearch/RightReport.js.asp?Bas...
Department stating: (a) the rate of flow to be diverted from Magic Springs for the upcoming year (April 1 through March 31), and (b) past aquifer enhancement activities to sufficiently mitigate for water diverted from Magic Springs the upcoming year. For example, if 8 cfs will be diverted from Magic Springs pursuant to the transfer, IGWA and Southwest Irrigation District must submit documentation establishing mitigation from aquifer enhancement activities of 8 cfs to the Snake River between Kimberly and King Hill. If IGWA fails to document sufficient mitigation through aquifer enhancement activities as required, diversions from Magic Springs will not be authorized pursuant to this transfer for the year in which documentation is lacking.

Dates:

Licensed Date:

Decreed Date: 12/29/1997

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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DEPT OF WATER RESOURCES
SOUTHERN REGION

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 2nd day of May, 2014.

IDAHO GROUND WATER APPROPRIATORS, INC.
(IGWA) acting for and on behalf of its Ground
Water District members

By: [Signature]
Name: Tim Deeg
Title: President

STATE OF IDAHO)
County of Bannock)
:SS

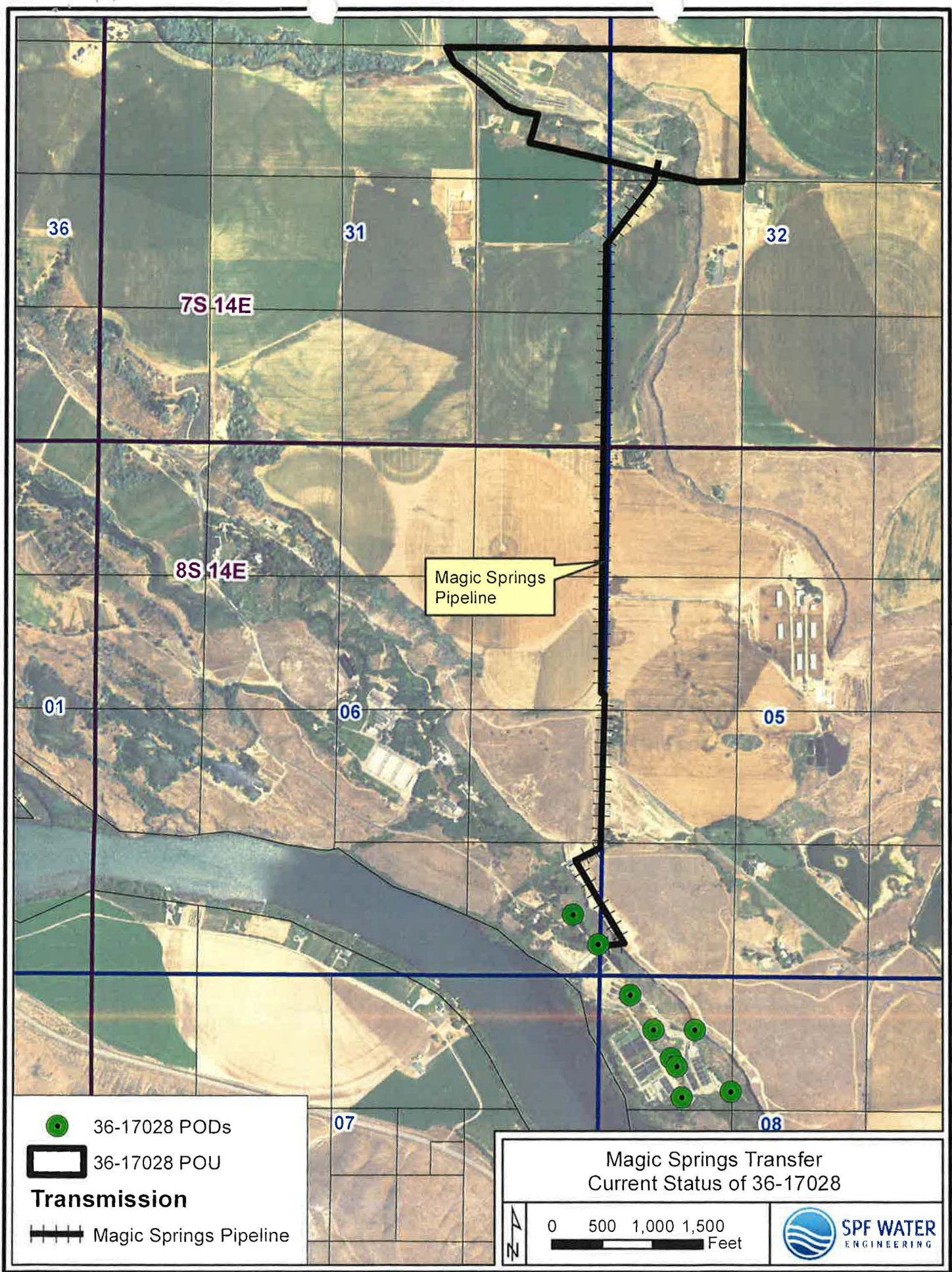
On this 2nd day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Tim Deeg, known or identified to me to be the President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

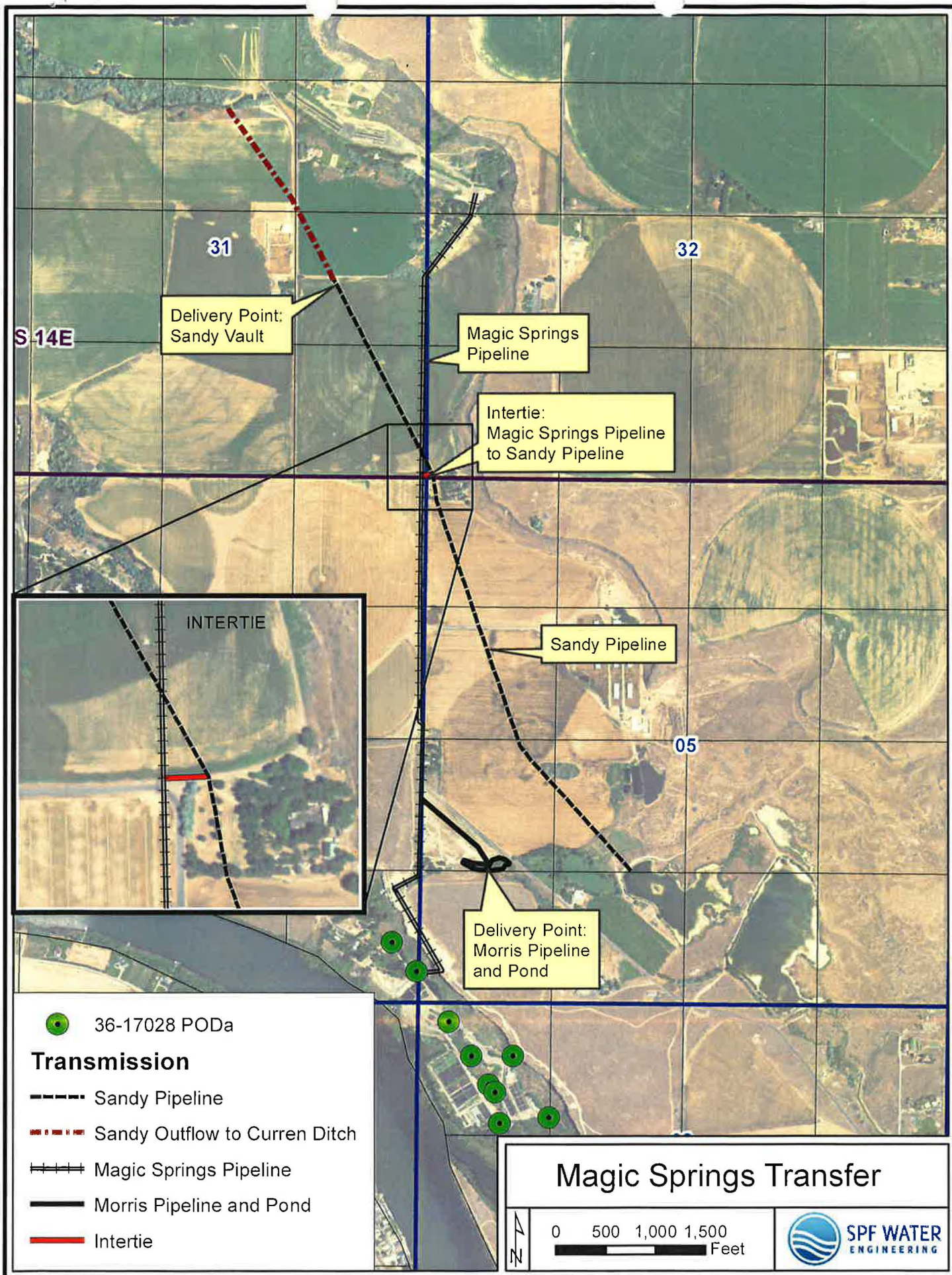
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
Commission expires: 10/05/2015

82462





82462

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, July 11, 2018 12:30 PM
To: 'LEGALS@MAGICVALLEY.COM'
Subject: Legal Notice
Attachments: Legal Notice.doc

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before August 6, 2018. Your cooperation is appreciated. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82462

AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, BONNEVILLE JEFFERSON GROUND WATER DISTRICT, CAREY VALLEY GROUND WATER DISTRICT, FREMONT MADISON IRRIGATION DISTRICT, JEFFERSON CLARK GROUND WATER DISTRICT, MADISON GROUND WATER DISTRICT, MAGIC VALLEY IRRIGATION DISTRICT, NORTH SNAKE GROUND WATER DISTRICT, SOUTHWEST IRRIGATION DISTRICT, C/O TJ BUDGE, RACINE LAW, PO BOX 1391, POCATELLO, IDAHO, 83204-1391 has filed Application No. 82462 for changes to the following water rights within GOODING County(s):

Right No(s). 36-17028; The purpose of the transfer is to change a portion of the above rights as follows:

to add places of use for mitigation to include Sandy Vault located about 0.7 miles east of the intersection of S 1175 E and Vader Grade roads in Gooding County, the Morris Pond east of the Hagerman National Fish Hatchery and the NWSW, S32, T07S, R14E to include the southern portion of Rangen Inc property.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

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, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 8/6/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/19/2018 and 7/26/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, July 11, 2018 12:30 PM
To: 'LEGALS@LMTRIBUNE.COM'
Subject: Legal Notice
Attachments: Legal Notice.doc

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before August 6, 2018. Your cooperation is appreciated. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82462

AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, BONNEVILLE JEFFERSON GROUND WATER DISTRICT, CAREY VALLEY GROUND WATER DISTRICT, FREMONT MADISON IRRIGATION DISTRICT, JEFFERSON CLARK GROUND WATER DISTRICT, MADISON GROUND WATER DISTRICT, MAGIC VALLEY IRRIGATION DISTRICT, NORTH SNAKE GROUND WATER DISTRICT, SOUTHWEST IRRIGATION DISTRICT, C/O TJ BUDGE, RACINE LAW, PO BOX 1391, POCA TELLO, IDAHO, 83204-1391 has filed Application No. 82462 for changes to the following water rights within GOODING County(s):

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GARY SPACKMAN, Director

Published on 7/19/2018 and 7/26/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, July 11, 2018 12:30 PM
To: 'LEGALNOTICES@POSTREGISTER.COM'
Subject: Legal Notice
Attachments: Legal Notice.doc

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before August 6, 2018. Your cooperation is appreciated. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82462

AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, BONNEVILLE JEFFERSON GROUND WATER DISTRICT, CAREY VALLEY GROUND WATER DISTRICT, FREMONT MADISON IRRIGATION DISTRICT, JEFFERSON CLARK GROUND WATER DISTRICT, MADISON GROUND WATER DISTRICT, MAGIC VALLEY IRRIGATION DISTRICT, NORTH SNAKE GROUND WATER DISTRICT, SOUTHWEST IRRIGATION DISTRICT, C/O TJ BUDGE, RACINE LAW, PO BOX 1391, POCATELLO, IDAHO, 83204-1391 has filed Application No. 82462 for changes to the following water rights within GOODING County(s):

Right No(s). 36-17028; The purpose of the transfer is to change a portion of the above rights as follows:

to add places of use for mitigation to include Sandy Vault located about 0.7 miles east of the intersection of S 1175 E and Vader Grade roads in Gooding County, the Morris Pond east of the Hagerman National Fish Hatchery and the NWSW, S32, T07S, R14E to include the southern portion of Rangen Inc property.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

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, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 8/6/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/19/2018 and 7/26/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, July 11, 2018 12:30 PM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Legal Notice for your Paper
Attachments: Legal Notice.doc

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before August 6, 2018. Your cooperation is appreciated. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82462

AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, BONNEVILLE JEFFERSON GROUND WATER DISTRICT, CAREY VALLEY GROUND WATER DISTRICT, FREMONT MADISON IRRIGATION DISTRICT, JEFFERSON CLARK GROUND WATER DISTRICT, MADISON GROUND WATER DISTRICT, MAGIC VALLEY IRRIGATION DISTRICT, NORTH SNAKE GROUND WATER DISTRICT, SOUTHWEST IRRIGATION DISTRICT, C/O TJ BUDGE, RACINE LAW, PO BOX 1391, POCA TELLO, IDAHO, 83204-1391 has filed Application No. 82462 for changes to the following water rights within GOODING County(s): Right No(s). 36-17028; The purpose of the transfer is to change a portion of the above rights as follows: to add places of use for mitigation to include Sandy Vault located about 0.7 miles east of the intersection of S 1175 E and Vader Grade roads in Gooding County, the Morris Pond east of the Hagerman National Fish Hatchery and the NWSW, S32, T07S, R14E to include the southern portion of Rangen Inc property.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

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Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 8/6/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/19/2018 and 7/26/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 11, 2018

AMERICAN FALLS ABERDEEN GROUND WATER DISTRICT
BINGHAM GROUND WATER DISTRICT
BONNEVILLE JEFFERSON GROUND WATER DISTRICT
CAREY VALLEY GROUND WATER DISTRICT
FREMONT MADISON IRRIGATION DISTRICT
JEFFERSON CLARK GROUND WATER DISTRICT
MADISON GROUND WATER DISTRICT
MAGIC VALLEY IRRIGATION DISTRICT
NORTH SNAKE GROUND WATER DISTRICT
SOUTHWEST IRRIGATION DISTRICT
C/O TJ BUDGE
PO BOX 1391
POCATELLO, IDAHO, 83204-1391

RE: Transfer No. 82462
Water Right No(s). 36-17028

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 IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER, TIMES NEWS on 7/19/2018 and 7/26/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Jean Hersley
Technical Records Specialist

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, July 11, 2018 12:40 PM
To: 'pferwin@Q.com'
Subject: Comment Letter via email to watermaster 36A
Attachments: Letter via email to watermaster 36A.docx

The Department of Water Resources is seeking comments for Transfer 82462, water right 36-17028. Please see the attached document. If you have any questions, please contact me. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 11, 2018

WATER DISTRICT #36A
FRANK ERWIN
711 E AVE N
HAGERMAN ID 83332

via e-mail

RE: Transfer No. 82462
Water Right No(s): 36-17028

Dear Nathan:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for transfer. You can find a copy of the application at:
<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the 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,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 82462

Water Right No(s): 36-17028

Transfer Applicant's Name: VARIOUS GROUND WATER AND IRRIGATION DISTRICTS
C/O TJ BUDGE- RACINE LAW
PO BOX 1391
POCATELLO ID 83204-1391

Water master's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2018

Water District No. 36A

Water master's Signature

Printed Name



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 11, 2018

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
650 ADDISON AVE STE 110
TWIN FALLS ID 83301

RE: Application for Transfer No. 82462, Water right 36-17028

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. You can find copies of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

Various ground water and irrigation districts filed this transfer. They are proposing to add an intertie between the Magic Springs Pipeline and Sandy Pipeline. The north end of the Sandy Pipeline discharges water to the Curren Ditch. Discharge in this location is assumed to be covered under SeaPac's NPDES permit for discharge into the Snake River. The Department would like your comments to address this issue.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, July 11, 2018 12:36 PM
To: Erickson, Nathan
Subject: Comment Letter via email to watermaster 130
Attachments: Letter via email to watermaster 130.docx

Transfer 82462- water right 36-17028. Documents will be scanned by the end of the day. If you have any questions, please let me know.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 14, 2018

WATER DISTRICT #130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

via e-mail

RE: Transfer No. 82462
Water Right No(s): 36-17028

Dear Nathan:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for transfer. You can find a copy of the application at:
<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the 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,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 82462

Water Right No(s): 36-17028

Transfer Applicant's Name: VARIOUS GROUND WATER AND IRRIGATION DISTRICTS
C/O TJ BUDGE- RACINE LAW
PO BOX 1391
POCATELLO ID 83204-1391

Water master's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2018

Water District No. 130

Water master's Signature

Printed Name

MEMORANDUM

Date: July 9, 2018

To: Transfer 82462

From: Clay Webster

Re: Review & Evaluation of Sufficiency of Information

This application was received on June 13, 2014 by the Idaho Department of Water Resources (IDWR) to add two places of use and document the pipeline intertie for the Magic Springs Project for Idaho Ground Water Appropriators Inc.'s (IGWA), mitigation plan. The original plan was documented by Technical Memorandum (TM) from Bob Hardgrove and Jason Thompson of SPF Water Engineering dated August 26, 2014. The application follows closely what was documented in the conceptual design in that memo, which can be found in the Application for Transfer through legal notice & comment letters in water right 36-7202 file.

This proposal would correct the place of use to include the Rangen Inc. property located in the **NWSW of 07S,14E,S32** to the mitigation portion of the water right.

They are also proposing to add an intertie (located north of the intersection of S 1225 E and E 3000 S) between the Magic Springs Pipeline and Sandy Pipeline. The Sandy Pipeline flows from a pond in the southeast. This pond is supplied by wastewater that is gravity fed into the pipeline when the pond is full. This pond is located on North Snake Groundwater District land located in the **NESW of T08S,R14E,S05**. The purpose of this pipeline is to deliver water to Sandy Vault (located in the **NESE of T07S,R14E,S31** about 0.7 miles east of the intersection of S 1175 E and Vader Grade) for Ground Water Recharge and mitigation. This intertie is proposed to be added to deliver water to the Sandy Vault to provide mitigation to Curren Tunnel water rights during dry years when there is not sufficient wastewater available from permit 36-17011 for mitigation. This section of pipeline is entirely on the property of Howard Morris.

They are also proposing to add a section of pipeline off of the Magic Springs Pipeline to convey water to the Morris Pond for Mitigation. This section of pipeline is entirely on the property of Howard Morris. This section is proposed to be added to deliver water to the point of diversion for water right 36-8723 during dry years when there is not sufficient wastewater. This is located in the **NWSW of T08S,R14E,S05** east of the Hagerman National Fish Hatchery.

The north end of the Sandy Pipeline discharges water to the Curren Ditch (listed as an alternative to the original discharge point on Rangen property in TM). According to page 11 of the TM, discharge in this location is assumed to be covered under SeaPac's NPDES permit for discharge into the Snake River. Request for comment should be sent to IDEQ to address this issue.

Authority to File:

T.J. Budge of Racine Olson Attorneys signed this application on behalf of IGWA. He has provided a special power of attorney for water rights. I discussed this application with him via telephone on 7/5/2018 to clarify some of the finer points of their proposal which are documented in this memo. The Listed owners of this water right are all members of IGWA.

Water Right Validity:

36-17028 was split from decreed water right 36-7072 in 2017 via transfer 79560. It authorizes Fish Propagation and Mitigation uses for 10.0 cfs. There are no concerns of forfeiture at this time.

Injury to Other Water Rights:

This proposed transfer will not provide additional delivery of water, nor change the authorized points of diversion. It clarifies how the project will be accomplished. I have found no indication that an approval of

this proposal will cause injury. The application will be advertised to allow other water users to address any injury concerns. 36-17028 falls within the place of use of Northside Canal Company.

Enlargement of Use:

No additional water will be allowed to be diverted as a result of this transfer. Enlargement is not an issue.

Local Public Interest:

The place of use and points of diversion of this water right falls within the Eastern Snake Plain Aquifer Ground Water Management Area. All of this right's points of diversion fall within Water district 130. There is a minimum stream flow (MSF) water right established for Billingsley Creek (36-8596) that starts at the point of discharge projected. This transfer has the potential to aid in maintaining this MSF. This transfer proposes to continue the concept of delivering mitigation. This transfer has the potential to impact both Water Districts 130 and 36A. Comments will be requested from the watermasters to identify any local public interest concerns. There are no apparent issues identified and the application will be advertised for public comment.

Beneficial Use/Conservation of Water Resources:

This proposed transfer will not change the authorized beneficial use under these rights. The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

No effects are anticipated.

Effect on Agricultural Base of the Local Area:

With no additional water diverted, this application will have no effect.

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.



RACINE OLSON
ATTORNEYS

June 8, 2018

Idaho Department of Water Resources
Southern Region
650 Addison Avenue West, Suite 500
Twin Falls, Idaho 83301-5858

Re: Application for Transfer of Water Right No. 36-17028

To whom it may concern,

Please find enclosed an original and one copy of an Application for Transfer of water right no. 36-17028 together with a check in the amount of \$1,220 for the filing fee. Please file the original and conform stamp and return the copy to me in the enclosed envelope. Should you have any questions regarding this transfer, please feel free to give me a call.

Sincerely,



T.J BUDGE

RECEIVED

JUN 13 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

JUN 20 2018

DEPARTMENT OF
WATER RESOURCES

✓ DM