

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81602**

This is to certify that: **KARLA ROBINSON
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>
45-11043	WR/DECREED	4/1/1952	0.800 cfs	N/A	29.0	150.0	WASTE WATER
45-244A	WR/DECREED	4/12/1892	2.220 cfs	N/A	N/A	150.0	HOWELL CREEK
45-260A	WR/DECREED	3/31/1876	0.700 cfs	N/A	133.0	150.0	HOWELL CREEK
45-326	WR/DECREED	12/1/1880	1.220 cfs	N/A	N/A	150.0	HOWELL CREEK
45-7183	WR/DECREED	8/12/1974	0.300 cfs	102.4 af	29.0	29.0	UNNAMED STREAM

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>
45-11043	NO	NO	YES	NO	NO	NO
45-244A	NO	NO	YES	NO	NO	NO
45-260A	NO	NO	YES	NO	NO	NO
45-326	NO	NO	YES	NO	NO	NO
45-7183	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>
45-11043	45-11043	0.800 cfs	N/A	29.0	150.0	N/A	N/A	N/A	N/A	N/A
45-244A	45-244A	2.220 cfs	N/A	N/A	150.0	N/A	N/A	N/A	N/A	N/A
45-260A	45-260A	0.700 cfs	N/A	133.0	150.0	N/A	N/A	N/A	N/A	N/A
45-326	45-326	1.220 cfs	N/A	N/A	150.0	N/A	N/A	N/A	N/A	N/A
45-7183	45-7183	0.300 cfs	102.4 af	29.0	150.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.240 cfs	N/A	N/A	150.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 45-244A

Transfer No. 81602

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81602

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 22nd day of December, 2017.



Southern Region Manager



WATER RIGHT NO. 45-326

As Modified by Transfer No. 81602

In accordance with the approval of Transfer No. 81602, Water Right No. 45-326 is now described as follows:

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

Priority Date: 12/1/1880

Source: HOWELL CREEK

Tributary: MARSH CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

1.220 cfs

1.220 cfs

LOCATION OF POINT(S) OF DIVERSION

HOWELL CREEK

NWSWSE

Sec 4 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	
12S	25E	4													51.0
12S	25E	5													32.0
12S	25E	9					34.0	33.0							67.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

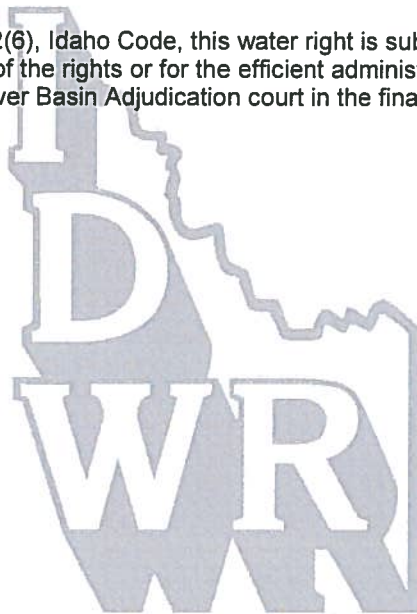
1. Rights 45-326, 45-260A, 45-244A, 45-7183, and 45-11043 when combined shall not exceed the irrigation of 150 acres.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/06/2005
3. Use of water under this right will 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.
4. 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. 81602

WATER RIGHT NO. 45-326
As Modified by Transfer No. 81602

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one 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. 45-260A
As Modified by Transfer No. 81602

In accordance with the approval of Transfer No. 81602, Water Right No. 45-260A is now described as follows:

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

Priority Date: 3/31/1876

Source: HOWELL CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
 IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
 0.700 cfs
 0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

HOWELL CREEK NWSWSE Sec 4 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	4											21.0	21.0			9.0		51.0
12S	25E	5																32.0	32.0
12S	25E	9					34.0	33.0											67.0

Right Acre Limit: 133.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 133 acres within the authorized place of use in a single irrigation season.
2. Rights 45-260A, and 45-244A when combined shall not exceed a total diversion rate of 2.92 cfs at the field headgate, and the irrigation of 150 acres.
3. Rights 45-326, 45-260A, 45-244A, 45-7183, and 45-11043 when combined shall not exceed the irrigation of 150 acres.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/06/2005.

Transfer No. 81602

WATER RIGHT NO. 45-260A
As Modified by Transfer No. 81602

CONDITIONS OF APPROVAL

5. Use of water under this right will 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.
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 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. 45-7183**As Modified by Transfer No. 81602**

In accordance with the approval of Transfer No. 81602, Water Right No. 45-7183 is now described as follows:

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

Priority Date: 8/12/1974

Source: UNNAMED STREAM

Tributary: SINKS

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

03/15
01/01

To

to 11/15
to 12/31

Diversion Rate

0.300 cfs
0.020 cfs
0.300 cfs

Diversion Volume

101.5 af
0.9 af
102.4 af

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM

SESWSW

Sec 4 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	4											21.0	21.0			9.0		51.0
12S	25E	5																32.0	32.0
12S	25E	9					34.0	33.0											67.0

Right Acre Limit: 29.0

POU Total Acres: 150.0

PLACE OF USE: STOCKWATER

			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	4											X						
12S	25E	9					X	X											

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 29 acres within the authorized place of use in a single irrigation season.
2. Rights 45-326, 45-260A, 45-244A, 45-7183, and 45-11043 when combined shall not exceed the irrigation of 150 acres.

Transfer No. 81602

WATER RIGHT NO. 45-7183
As Modified by Transfer No. 81602

CONDITIONS OF APPROVAL

3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005.
4. Use of water under this right will 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.
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).
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.

WATER RIGHT NO. 45-11043**As Modified by Transfer No. 81602**

In accordance with the approval of Transfer No. 81602, Water Right No. 45-11043 is now described as follows:

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

Priority Date: 4/1/1952

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

0.800 cfs

0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER SWNWNW Sec 9 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	4											21.0	21.0			9.0		51.0
12S	25E	5																32.0	32.0
12S	25E	9					34.0	33.0											67.0

Right Acre Limit: 29.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

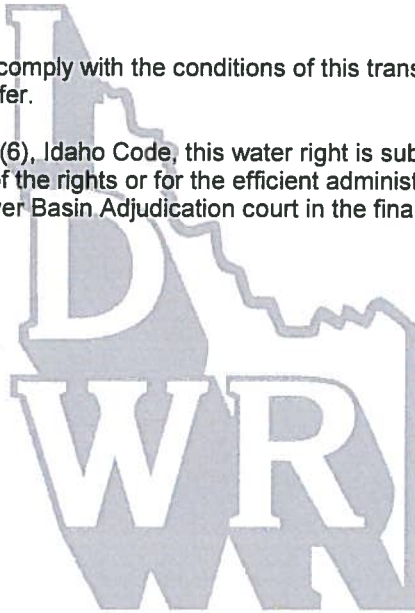
1. This right is limited to the irrigation of 29 acres within the authorized place of use in a single irrigation season.
2. Rights 45-326, 45-260A, 45-244A, 45-7183, and 45-11043 when combined shall not exceed the irrigation of 150 acres.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005.
4. Use of water under this right will 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.

Transfer No. 81602

WATER RIGHT NO. 45-11043
As Modified by Transfer No. 81602

CONDITIONS OF APPROVAL

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).
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.



WATER RIGHT NO. 45-244A
As Modified by Transfer No. 81602

In accordance with the approval of Transfer No. 81602, Water Right No. 45-244A is now described as follows:

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

Priority Date: 4/12/1892

Source: HOWELL CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
2.220 cfs
2.220 cfs

LOCATION OF POINT(S) OF DIVERSION

HOWELL CREEK NWSWSE Sec 4 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	4											21.0	21.0			9.0		51.0
12S	25E	5																32.0	32.0
12S	25E	9					34.0	33.0											67.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

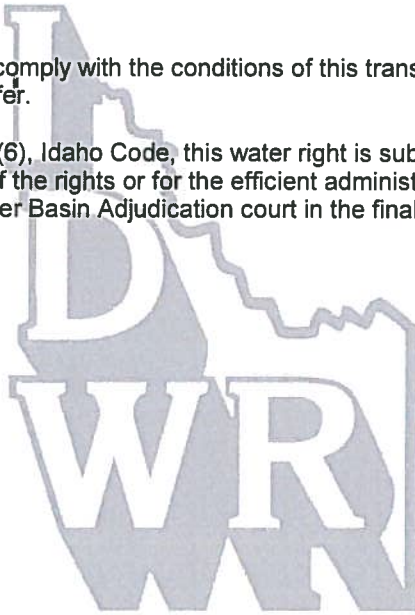
1. Rights 45-260A, and 45-244A when combined shall not exceed a total diversion rate of 2.92 cfs, and the irrigation of 150 acres.
2. Rights 45-326, 45-260A, 45-244A, 45-7183, and 45-11043 when combined shall not exceed the irrigation of 150 acres.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/06/2005
4. Use of water under this right will 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.

Transfer No. 81602

WATER RIGHT NO. 45-244A
As Modified by Transfer No. 81602

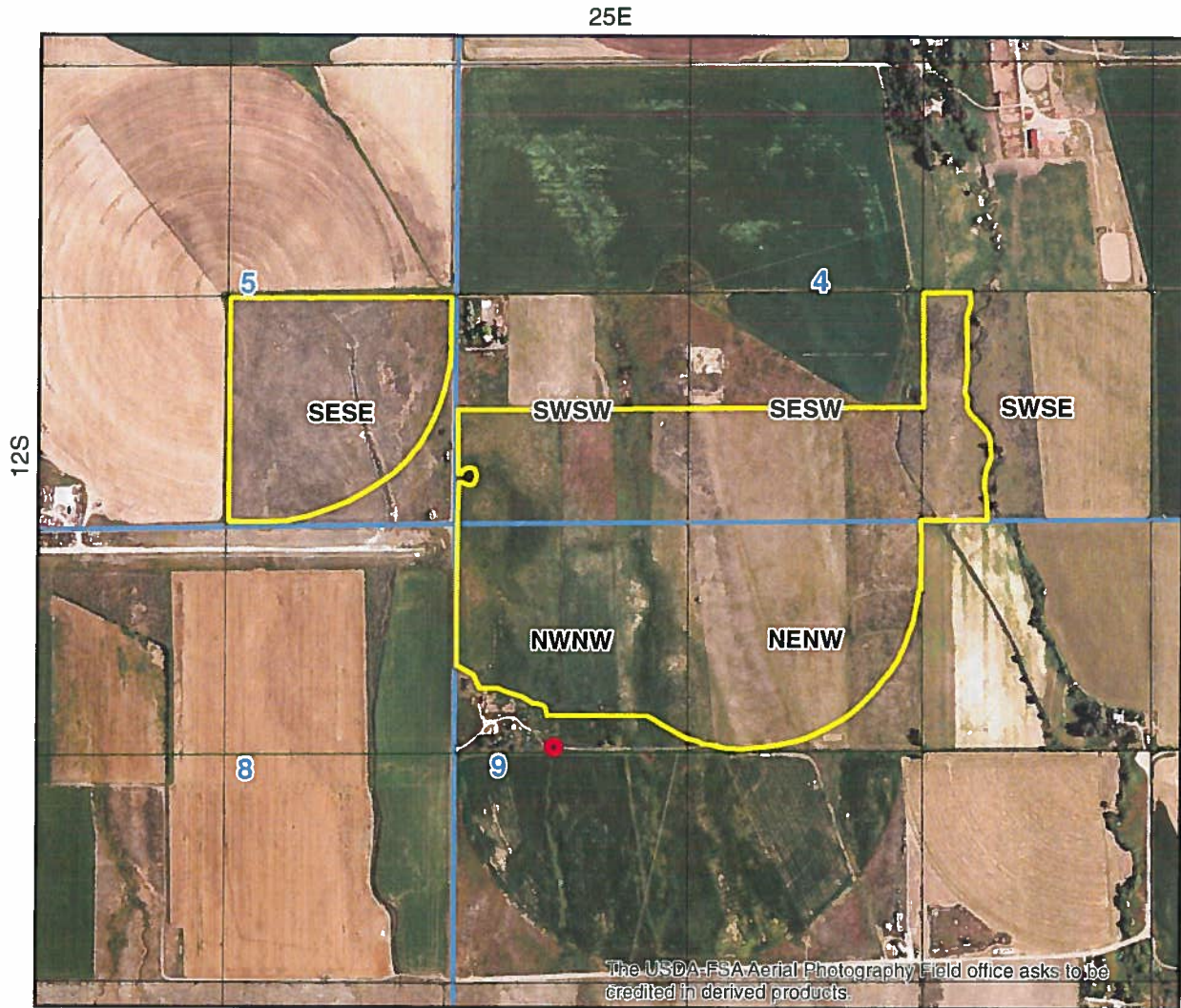
CONDITIONS OF APPROVAL

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).
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 # 81602
45-11043

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



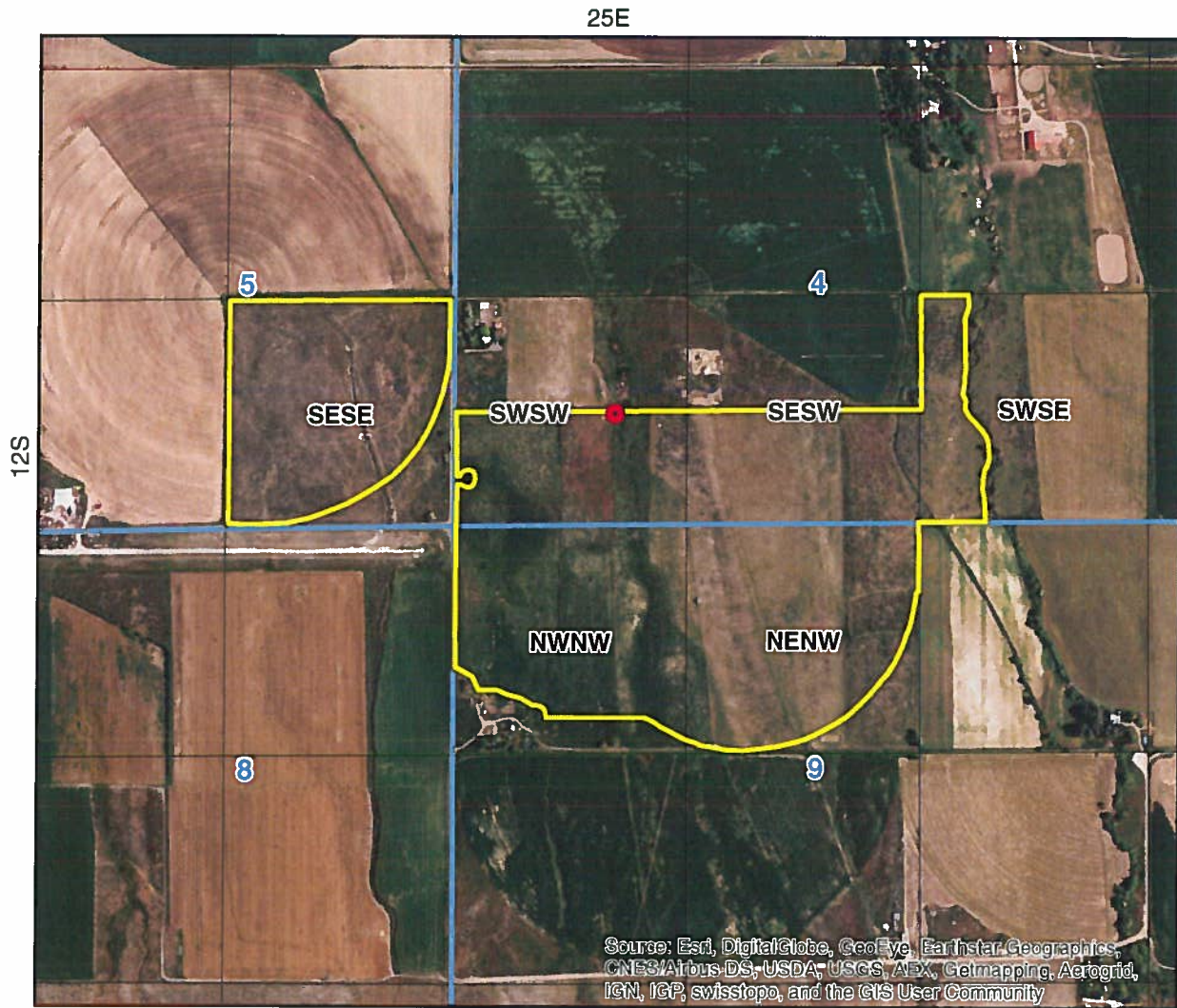
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81602
45-7183

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



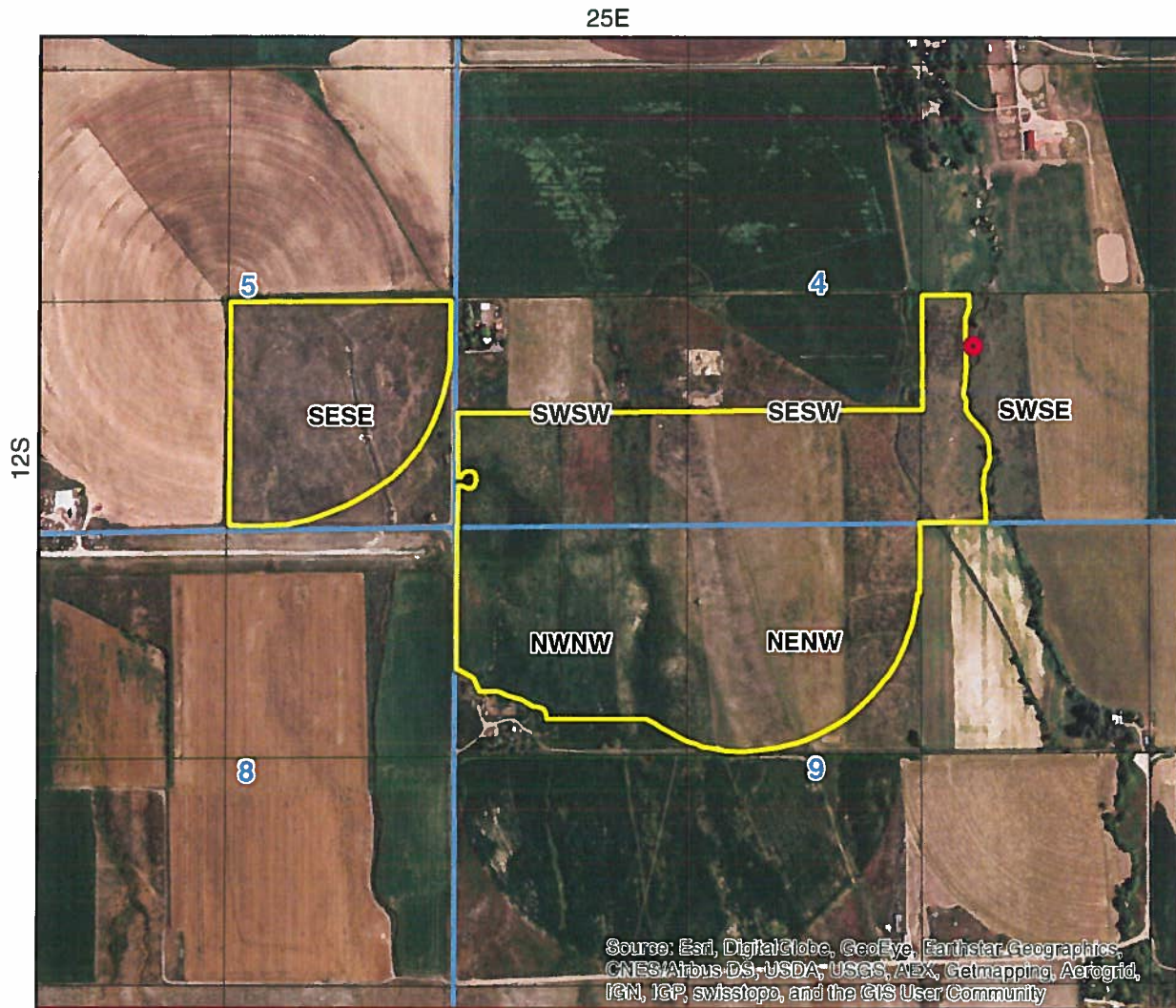
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81602
45-326, 45-260A, and 45-244A

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

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 22, 2017

LEROY ROBINSON
KARLA ROBINSON
PO BOX 486
ALBION ID 83311

Re: Transfer No: 81602
Water Right No(s): 45-244A, 45-260A, 45-326, 45-7183, 45-11043

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 black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

WATER DISTRICT 45F
DONALD GUNDERSON
1047 E 1000 S
ALBION ID 83311

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2017 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.: 81602

Water Right No(s): 45-244A, 45-260A, 45-326, 45-7183, 45-11043

**LEROY ROBINSON
KARLA ROBINSON
PO BOX 486
ALBION ID 83311**

**WATER DISTRICT 45F
DONALD GUNDERSON
1047 E 1000 S
ALBION ID 83311**



**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.

MEMORANDUM

Date: December 21, 2017
To: Transfer 81602 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes shifting the place of use (POU) of 15 acres to contiguous lands for 5 surface water irrigation rights. The proposed POU is located approximately 1.2 to 2.0 miles east and 0.5 to 1.0 miles south of the center of the City of Albion (Main and Market streets). The 5 irrigation water rights allow for the irrigation of a total of 150 acres and the diversion of up to 5.24 cfs. The POU involved with the application is located within Water District 45F. Water master comments were solicited and received. Standard Department conditions will address the water master concerns.

- **Authority to File:**
Applicant is listed as the current owner of the water rights involved in the application. The applicant also included authorization from the lien holder giving their consent.
- **Water Right Validity:**
The rights involved with this transfer were decreed in 2005. Aerial photography indicates that the lands involved with the transfer have been irrigated in recent years. Therefore forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. No changes were proposed for the points of diversion.
- **Enlargement of Use:**
None anticipated. The water rights involved in the transfer are limited to their current allowable irrigation of 150 acres.
- **Local Public Interest:**
Application was subject to public notice and protest and no protests were received.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
No issues 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 57545

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 24 day of Nov in the year of 2017 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.

Noelle R. Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-13-2023

PUBLISHED ON: 11/16/2017, 11/23/2017

TOTAL AD COST: 169.05
FILED ON: 11/24/2017

NOELLE R. SMITH
Notary Public
State of Idaho

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

36-17120
RESERVE HOLDINGS LLC
PO BOX 536
RUPERT, ID 83350
Point of Diversion NESE S4 T09S R25E MINIDOKA County
Source GROUND WATER Tributary
Use: DIVERSION TO STORAGE 01/01 to 12/31 2.7 CFS
Use: INDUSTRIAL FROM STORAGE 01/01 to 12/31 10 AF
Use: INDUSTRIAL STORAGE 01/01 to 12/31 15.9 AF
Total Diversion: 2.7 CFS
Date Filed: 10/10/2017
Place Of Use: INDUSTRIAL STORAGE, INDUSTRIAL FROM STORAGE
T09S R25E S4 NESE

Application for Permit proposes to appropriate up to 2.7 cfs from an existing well into two proposed ponds with a total storage volume of 15.9 acre-feet (10.0 AF storage volume plus evaporative losses) for year-round industrial use at a gravel pit. The point of diversion is located approximately 3.3 miles east and 0.2 mile north of Acequia. The proposed place of use is located approximately 3.0 to 3.3 miles east and 0.2 mile north to 0.1 mile south of Acequia. The application includes a mitigation plan to cover evaporative losses from the ponds.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81602**

✓ LEROY ROBINSON and KARLA ROBINSON, PO BOX 486, ALBION, ID 83311; has filed Application No. 81602 for changes to the following water rights within CASSIA County(s): Right No(s). 45-11043, 45-244A, 45-260A, 45-326, 45-7183. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes shifting the place of use (POU) of 15 acres to contiguous lands for 5 surface water irrigation rights. The proposed POU is located approximately 1.2 to 2.0 miles east and 0.5 to 1.0 miles south of the center of the City of Albion (Main and Market streets). The 5 irrigation water rights allow for the irrigation of a total of 150 acres and the diversion of up to 5.24 cfs.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before **December 4, 2017**. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
PUBLISH: November 16 and 23, 2017

RECEIVED

DEC 04 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK DM 12/4/2017

Maline, Denise

From: gundy@safelink.net
Sent: Friday, December 01, 2017 1:43 PM
To: Maline, Denise
Cc: Erickson, Nathan; Gunderson's..... KiGun's Rancho Por LaVida II
Subject: Fw: Robinson's Water Transfer No. 81602

Importance: High

Dear Denise,

Hope your doing fine and ready for Christmas! Sorry that its being sent in this manner as an email. I have a problem dealing with sending attachments at this time. Hopefully this will work and I will have in the mail the complete package for your files. Have a great weekend.

Sincerely,

Don Gunderson, Water master 45F

Marsh Creek Water District 45F

November 29, 2017

1047 E 1000 S
Albion, Idaho 83311

State of Idaho

Department of Water Resources

Attn: Denise Maline

Administrative Assistant

Southern Region

650 Addison Ave W. Suite 500

Twin Falls, Idaho 83301-5858

** see attached
original letter &
comment form.
DM*

Re: Transfer No. 81602, Water Right No(s). 45-244A, 45-260A, 45-326, 45-7183, 45-11043

Dear Denise,

I have reviewed the documentation pertaining to the above reference transfer(s) 81602 dealing with the above water noted Right's. As I have indicated on the Recommendation Form, I have no problem with the POU transfer. I have yet to meet with Leroy Robinson but I'm aware of his POD's on the ranch.

❖ Therefore, I approve of their transfer, provided 45-244A, 45-260A, 45-326 are the only water currently being used off of their newly acquired POD, off of Howell Creek. That was originally approved with POD Transfer No. 80419. It's more efficient and there is no injury to the downstream Users.

- The decreed Waste Water Right 45-11043 has two diversion points coming off the Rose Creek Ranch (aka Black Jack Ranch) which comes together at the POD indicated on the Robinson/Goodman Ranch which needs a measuring device at the entry point (leeward side). Recommend weir/staff gage (12S Rge 25E S9swnnw).

Note: Since the ranch south of Robinson/Goodman Ranch known as the Albion Investment or Rose Creek Ranch is utilizing pivot irrigation therefore unless there was uncontrolled or high water in the spring(run off) the waste water is unavailable.

- The decreed Unnamed Stream 45-7183 as I am aware, is a possible spring within the Goodman Ranch which I have witnessed water where Leroy has indicated the POD in the SESWSW Sec.4 12S Rge 25E. Way back in time, I've been informed there was coble stone or some other means laid within the area of the drainage!

❖ As the Water master of Water District 45F, I request that the two POD's indicated not be allowed to be transferred to the primary POD off of Howell Creek, but can be used for the POU for his additional use of ground that is currently requested in Transfer No. 81602.



RECEIVED

DEC 04 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Rec'd via
E-mail 12/1/17.

DM

Marsh Creek Water District 45F

1047 E 1000 S
Albion, Idaho 83311

November 29, 2017

State of Idaho
Department of Water Resources
Attn: Denise Maline
Administrative Assistant
Southern Region
650 Addison Ave W. Suite 500
Twin Falls, Idaho 83301-5858

Re: Transfer No. 81602, Water Right No(s). 45-244A, 45-260A, 45-326, 45-7183, 45-11043

Dear Denise,

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- ❖ As the Watermaster of Water District 45F, I request that the two POD's indicated not be allowed to be transferred to the primary POD off of Howell Creek, but can be used for the POU for his additional use of ground that is currently requested in Transfer No. 81602.

Also, that Water Resource's please consider that neither of these Water Rights be source's for transfer to other Users as was in the Albion Investment 12 / Montgomery Transfer.

Respectively submitted,

Don G. Gunderson

Donald G. Gunderson, Water Master 45F
Marsh Creek Water District 45F
gundy@safelink.net

Enclosure(s):

RECEIVED

DEC 04 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Rec'd via E-mail
12/1/17.

State of Idaho
Department of Water Resources
Transfer of Water Right

Recommendation Form

Transfer Application No.: 81602

Water Right No(s): 45-244A, etc.

Transfer Applicants Name: LEROY ROBINSON
KARLA ROBINSON
PO BOX 486
ALBION ID 83311

Water master's Recommendation:

- a) _____ I do not oppose approval of this application.
b) X I do not oppose approval of this application if it is conditioned as follows:

Note: See cover Letter for Water master's conditions

- c) _____ I oppose approval of this application for the following reasons:

- d) _____ Additional comments:

Note: See cover Letter for Water master's conditions

Dated this 29 day of November, 2017

Water District No. 45F

Donald G. Gunderson
Water master's email Signature

Donald Gunderson
Printed Name