

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81546

This is to certify that: GARY ERICKSON
PO BOX 545
ALBION, ID 83311
AND
RICH REDMAN
PO BOX 14
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>
45-13464	WR/DECREED	8/8/1875	0.070 cfs	N/A	N/A	3.7	MARSH CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-13464	NO	YES	NO	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>
45-13464	45-13464	0.070 cfs	N/A	N/A	3.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.070 cfs	N/A	N/A	3.7		N/A	N/A	N/A	N/A

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 27th day of July 2017


Southern Region Manager

Transfer No. 81546

WATER RIGHT NO. 45-13464

As Modified by Transfer No. 81546

In accordance with the approval of Transfer No. 81546, Water Right No. 45-13464 is now described as follows:

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

Priority Date: 8/8/1875

Source: MARSH CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
0.070 cfs
0.070 cfs

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: IRRIGATION

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

POU Total Acres: 3.7

CONDITIONS OF APPROVAL

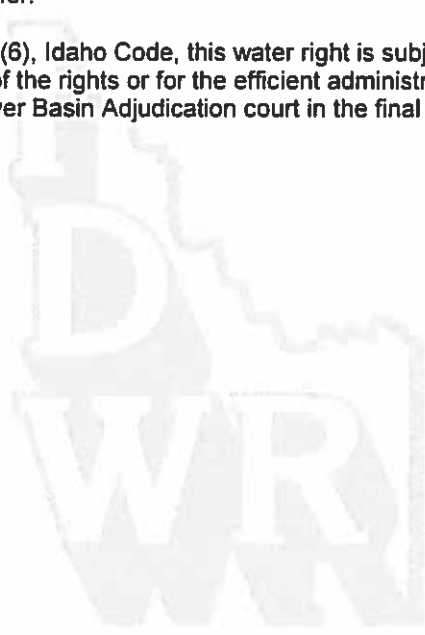
1. Rights 45-13464 and 45-13429 when combined shall not exceed the irrigation of 18 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.45F.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that other elements of the right are not exceeded. The use of water before 4/1 under this remark is subordinate to all water rights having no subordinated early use and a priority date earlier than the SRBA partial decree date of 5/13/2005.

Transfer No. 81546

WATER RIGHT NO. 45-13464
As Modified by Transfer No. 81546

CONDITIONS OF APPROVAL

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.

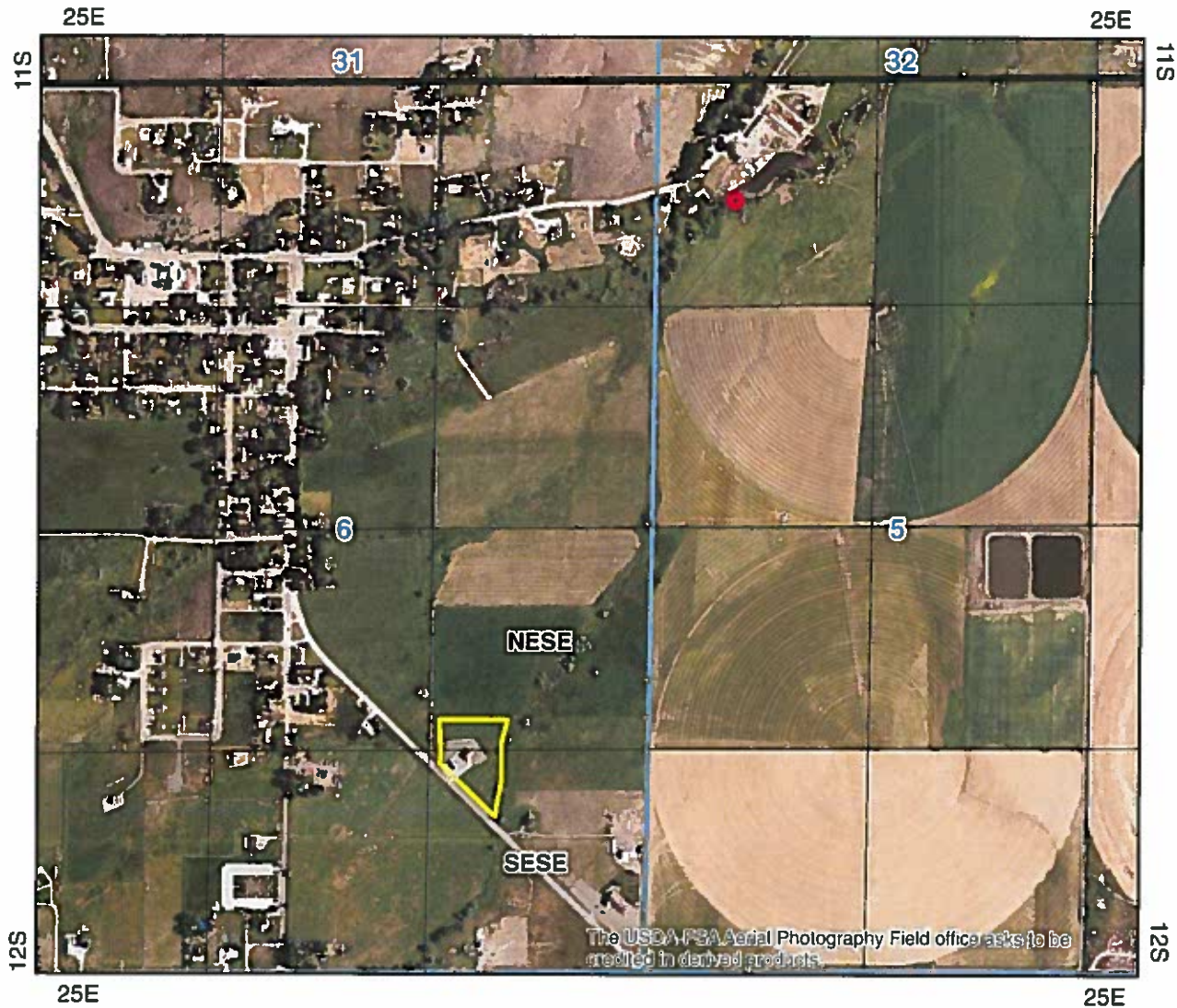


State of Idaho
Department of Water Resources

Attachment to Transfer # 81546

45-13464

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

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

August 4, 2017

GARY ERICKSON
PO BOX 545
ALBION ID 83311

RICH REDMAN
PO BOX 14
ALBION ID 83311

Re: Transfer No: 81546
Water Right No(s): 45-13464

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent 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 August 4, 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.: 81546
Water Right No(s): 45-13464

GARY ERICKSON
PO BOX 545
ALBION ID 83311

RICH REDMAN
PO BOX 14
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.

RECEIVED

MAY 22 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

Transfer Application No.: 81546

Water Right No(s): 45-13464

Transfer Applicant's Name: GARY ERICKSON
PO BOX 545
ALBION ID 83311

RICH REDMOND
PO BOX 14
ALBOIN 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:

provided the applicants above, when calling for their water contacts the watermaster. At that time he will deliver OTCFS to the new POD which is owned by Leroy Robinson -

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

d) X Additional comments: *the water will be turned and charged at time of delivery until said date that the watermaster cannot meet this request whether they use the water or not. Leroy Robinson will be the sole party responsible since he has other rights going to his pond for distribution of his own.*

Dated this 18th day of May, 2017

Water District No. 45F



Water master's Signature

DONALD G. GUNDERSON

Printed Name



May 18, 2017

Marsh Creek Water District 45F

1047 E 1000 S
Albion, Idaho 83311



"Ole Rose Creek Channel"
5/18/17 800 South,

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

RECEIVED

MAY 22 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Transfer No. 81546, Water Right No. 45-13464

Dear Denise,

I have reviewed the documentation pertaining to the above reference transfer 81546 dealing with water Right's 45-13464. As I have indicated on the Recommendation Form, I have no problem with the POD transfer provided the User's provides the Watermaster the call to activate the .07 cfs.

Since the new POD will be diverted to Leroy Robinsons' central pond for redistribution by Mr. Robinson which has other rights being distributed from same pond. The Watermaster will be charging the User(s) till he can no longer supply water due to the decreed date, whether he is irrigating or not. The sole responsibility falls on Mr. Leroy Robinson.

Respectively submitted,

Don G. Gunderson

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

Enclosure(s):

Cover Letter
Water Right disclosure 80926
Attached PDF File (emailed)

*** 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 45883

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 11 day of May 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.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5-10-22



PUBLISHED ON: 05/04/2017, 05/11/2017

TOTAL AD COST: 340.74
FILED ON: 5/11/2017

RECEIVED

MAY 18 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

→
over

✓ OK DM 5-18-2017

✓ 47-17660

DOUGLAS L ELGAN

PO BOX 544

SODA SPRINGS, ID 83276

Point of Diversion SWSE S30 T08S R14E TWIN FALLS County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Use: HEATING 09/01 to 05/31 0.05 CFS

Total Diversion: 0.07 CFS

Date Filed: 3/20/2017

Place Of Use: DOMESTIC, HEATING

T08S R14E S30 SWSE

Application for permit proposes to divert up to 0.07 cfs of low temperature geothermal water from an existing well for in-house domestic and heating uses. The property and point of diversion are located on the east side of Hwy 30 approximately 8.1 miles south and 2.0 miles east of Hagerman.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81344

✓ HANK T HIGLEY and LACEY G HIGLEY, PO BOX 652, MALTA, ID 83342, has filed Application No. 81344 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13287, 43-13289, 43-13291, 43-13738, 43-13739, 43-13746, 43-2277, 43-2354A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 0.21cfs and 20 acre portion of a groundwater right from the northwest edge of Malta to a farm located 2.7 to 3.2 miles south 0.0 to 0.5 miles east of Malta. The transferred right will be combined with seven other ground water rights on the farm southeast of Malta to create a 120 acre permissible place of use. The transferred right and the existing rights will divert up to 1.4 cfs from an existing well located on the farm southeast of Malta.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81347

✓ HANK T HIGLEY and LACEY G HIGLEY, PO BOX 652, MALTA, ID 83342, has filed Application No. 81347 for changes to the following water rights within CASSIA County(s): Right No(s). 43-103B, 43-2310. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 0.4 cfs portion of a ground water right and a 0.41 cfs portion of a Cassia Creek right used to irrigate 20 acres on a farm located approximately 1.0 to 1.2 miles south and 0.1 to 0.7 miles east of Malta to a farm located on the northwest edge of Malta. The 0.41 cfs of surface water will be moved from a diversion located approximately 1.0 mile south and 0.3 miles west of Malta to an existing diversion and ditch located approximately 0.3 miles downstream. The transferred ground water will be diverted from an existing well at the farm on the northwest edge of Malta.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81350

✓ HANK T HIGLEY and LACEY G HIGLEY, PO BOX 652, MALTA, ID 83342, has filed Application No. 81350 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10237, 43-103B, 43-11263, 43-2310, 43-2355, 43-242, 43-243, 43-2530A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes irrigating 325 acres within a 340 acre permissible place of use with 4 ground water rights and 4 Cassia Creek rights with a combined limit of 13.19 cfs that are currently used on adjacent properties. Application also proposes identifying 3 existing wells as authorized PODs for all 4 ground water rights. Place of use and existing wells are located approximately 0.5 to 1.3 miles south and 0.0 to 0.8 miles east of Malta.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81544

✓ GARY ERICKSON and TODD ERICKSON, PO BOX 545, ALBION, ID 83311; RICH REDMAN, PO BOX 14, ALBION, ID 83311; has filed Application No. 81544 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13429. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion of a ground water irrigation right currently authorized to be diverted from a well located approximately 0.3 miles east and 0.5 miles south of the City of Albion (Main and Market streets) to an existing well located approximately 0.5 miles east and 0.3 miles south of the City of Albion. This water right allows for the diversion of up to 0.27 cfs (63.0 af) and the irrigation of 18.0 acres.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81546

✓ GARY ERICKSON, PO BOX 545, ALBION, ID 83311; RICH REDMAN, PO BOX 14, ALBION, ID 83311; has filed Application No. 81546 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13464. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion for a Marsh Creek irrigation right currently authorized to be diverted from a point located approximately 1.0 mile south and 1.0 mile west of the City of Albion (Main and Market streets) to an existing point of diversion on Marsh Creek located approximately 0.5 miles east and 0.15 miles north of the City of Albion. This water right allows for the diversion of up to 0.07 cfs and the irrigation of 3.7 acres. 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 May 22, 2017. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
Published on May 4th & 11th, 2017

✓ OK DM 5-18-2017