



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 13, 2017

RE: Application for Transfer 81780 (William and Stacey Rasmussen)

On July 5, 2017, William and Stacey Rasmussen filed Application for Transfer 81780 with the Idaho Department of Water Resources, proposing to change the elements of water right 11-381 from Largilliere Creek and Winchell Creek. The Department will publish notice of the application in the Caribou County Sun (Soda Springs) on July 20 and 27, 2017, as required by Idaho Code § 42-222. Any person desiring to protest the application must file a protest with the proper filing fee (\$25) on or before August 7, 2017. A copy of the Rasmussen transfer application is enclosed.

Idaho Code § 42-222 allows the Department to provide additional public notice of a transfer application as it deems appropriate. In this case, I have decided to provide written notice of Application 81780 to all property owners with parcels lying within the current place of use for water right 11-381, as described in the 1920 Bear River Decree. You are receiving this notice because you own property in the area described. If you believe you have an ownership interest in water right 11-381, please notify me directly or file a protest on or before August 7, 2017. Please be prepared to explain how water from Winchell Creek or Largilliere Creek has been used to irrigate your property.

This short summary of water right 11-381 may help explain the changes proposed by the Rasmussens. The 1920 Bear River Decree included the following water right:

Entry # 77 (water right 11-381) August Largilliere and Catherine Largilliere

June 1, 1887 20.00 cfs Winchell Creek or Largilliere Creek (water right 11-381)

"[F]or the irrigation of 1,280 acres of land in the West half of the Northwest quarter and South half of the Southwest quarter, Section 24, the Southeast quarter of the Southeast quarter, the East half of the Southwest quarter, the East half of the Southwest quarter and the Southwest quarter of the Southwest quarter, Section 23, and the West half of the Northwest quarter, the Southwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter, Section 25, the East half, the Northeast quarter of the Southwest quarter, the East half of the Northwest quarter and the Northwest quarter of the Northwest quarter, Section 26, all in Township 9 South, Range 41 East, B.M."

Included with the application is a map showing the current place of use for water right 11-381. There is a clear error in the decreed place of use. The decree authorizes 1,280 acres of irrigation but only describes a place of use covering 24 quarter-quarters (960 acres). Either the total number of irrigated acres is wrong or part of the place of use was left out of the description.

William and Stacey Rasmussen assert that, for at least 50 years, water right 11-381 has only been used to irrigate the property they currently own. Rasmussens are proposing to reduce the place of use for water right 11-381 to only be appurtenant to their property (and a 5-acre parcel owned by Linda Johnson in the SESW of Section 25, T09S, R41E). Rasmussens also propose changing the nature of use for part of the water right from Irrigation to Irrigation Storage to cover the water stored in four existing reservoirs.

If the proposed transfer application is approved, water right 11-381 will be removed from your property. If you concur with this change, then you do not need to take any action. If, on the other hand, you wish to assert an ownership interest in water right 11-381, you will need to provide deeds for your property tracing back to August Largilliere or Catherine Largilliere. You will also need to demonstrate that you, or your predecessors in interest, have consistently diverted water from Winchell Creek or Largilliere Creek for the irrigation of your property. If you believe you are the owner of a portion of water right 11-381 and can demonstrate continuous delivery and use of your portion of this water right, please contact me on or before the protest deadline (August 7, 2017). Please feel free to contact me if you have questions about the transfer application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James Cefalo', is written over a printed name.

James Cefalo

Encl: Application for Transfer 81780

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July 2017, a true and correct copy of this letter was served by placing a copy of the same with the United States Postal Service, certified with return receipt requested, postage prepaid and properly addressed, to the following:

Michael Pabst Jr.
PO Box 401
Soda Springs, ID 83276

Parcel No. 09S41E243400

Utah Process Agency Inc.
c/o Stephany Wuthrich
214 Canyon Road
Montpelier, ID 83254

Parcel No. 09S41E243001

Randall Hubbard
2220 Alexander Road
Soda Springs, ID 83276

Parcel Nos. 09S41E246001, 09S41E252401,
09S41E260001 and 09S41E232401

Owen and Gaye Gunnell
30 North 3rd East
Soda Springs, ID 83276

Parcel No. 09S41E231200

Courtesy copy sent via regular US Mail to:

William and Stacey Rasmussen
PO Box 185
Soda Springs, ID 83276



Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

July 13, 2017

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Josh Hanks
Water District 11
85 Crayon Court
Logan UT 84321

RE: Application for Exchange 81756 and Application for Transfer 81780

Dear Watermaster:

A copy of the above referenced application is enclosed. 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.

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 during regional review. 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.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, July 13, 2017 10:37 AM
To: 'ccsun10@aol.com'
Subject: Legal Notice for your paper
Attachments: Caribou County Sun E-Mail.rtf

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

PLEASE NOTE: CAN CONTAIN 2 OR MORE PAGES

July 13, 2017

Legal Notice Department

Caribou County Sun

PO Box 815

Soda Springs ID 83276

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 before August 7, 2017. Your cooperation is appreciated.

Sincerely

Sharla Cox

Administrative Assistant

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

.....
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81780**

WILLIAM L RASMUSSEN and STACEY RASMUSSEN, PO BOX 185, SODA SPRINGS, ID 83276; has filed Application No. 81780 for changes to the following water rights within CARIBOU County(s): Right No(s). 11-381; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Add points of diversion, change points of diversion, change place of use and change nature of use. Proposed beneficial uses are irrigation, irrigation storage and irrigation from storage. Proposed place of use for irrigation and irrigation from storage is 434 acres in Sec 25 and 26, T09S R41E. Proposed places of use for 180 AF of irrigation storage are four small reservoirs in Sec 26 and 36, T09S R41E. Proposed points of diversion are located in NWSE, NWSE, and SESW Sec 25, SWSE Sec 26, SENE Sec 35, and NENW, NWNW, and SWNW Sec 36, T09S R41E, for 8.68 cfs from Largilliere Creek and Winchell Creek.

EXCHANGE NO. 81756

PACIFICORP, ATTN BUFFI MORRIS, 1407 W NORTH TEMPLE STE 110, SALT LAKE CITY, UT 84116; has filed Application No. 81756 for changes to the following water rights within CARIBOU County(s): Right No(s). 13-963; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the exchange is to change a portion of the above rights as follows: Change nature of use, change point of diversion, and change place of use. The point of diversion is in NESWSW Sec 28 T10S R40E for 2.8 AF from an unnamed spring tributary to Bear River. The place of use is in NENW and NWNW Sec 33 T10S R40E for fish propagation storage. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 7, 2017. The protestant must also send a copy of the protest to the applicant.

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

13-7996

PACIFICORP

ATTN BUFFI MORRIS

1407 W NORTH TEMPLE STE 110

SALT LAKE CITY, UT 84116

Point of Diversion

NESWSW S28 T10S R40E

CARIBOU County

Source UNNAMED SPRING Tributary BEAR RIVER

Use: FISH PROPAGATION

01/01 to 12/31

1 CFS

Total Diversion: 1 CFS

Date Filed: 5/19/2017

Place Of Use: FISH PROPAGATION

T10S R40E S33 NENW NWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 8, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 20 and 27, 2017

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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ATTN BUFFI MORRIS

1407 W NORTH TEMPLE STE 110

SALT LAKE CITY, UT 84116

Point of Diversion

NESWSW S28 T10S R40E

CARIBOU County

Source UNNAMED SPRING Tributary BEAR RIVER

Use: FISH PROPAGATION

01/01 to 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 5/19/2017

Place Of Use: FISH PROPAGATION

T10S R40E S33 NENW NWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 8, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 20 and 27, 2017