

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 81544

**RECEIVED****APR 04 2017**DEPT OF WATER RESOURCES  
SOUTHERN REGION

**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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) GARY ERICKSON; RICH REDMAN; TODD ERICKSON

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

**Yes 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 #1-9.**

- ☐ ☐ #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 transfer 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).
- ☐ ☐ #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 <http://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.
- ☐ ☐ #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.)
- ☐ ☐ #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 Other. Please describe: \_\_\_\_\_

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

**APR 04 2017**

DEPT OF WATER RESOURCES  
SOUTHERN REGION

|                                                    |                             |
|----------------------------------------------------|-----------------------------|
| Name of Applicant <u>GARY ERICKSON</u>             | Phone <u>(208)673-5367</u>  |
| Mailing Address <u>PO BOX 545, ALBION ID 83311</u> | Email _____                 |
| Name of Applicant <u>RICH REDMAN</u>               | Phone <u>(208) 673-5343</u> |
| Mailing Address <u>PO BOX 14, ALBION ID 83311</u>  | Email _____                 |
| Name of Applicant <u>TODD ERICKSON</u>             | Phone <u>(208)673-5367</u>  |
| Mailing Address <u>PO BOX 545, ALBION ID 83311</u> | Email _____                 |

- ☐ 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 _____ | Phone _____ |
| Mailing Address _____        | Email _____ |

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

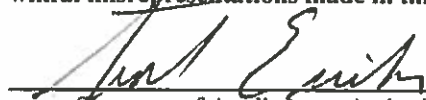
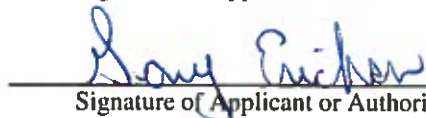
☐ Send original correspondence to the applicant and copies to the representative.

☐ 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.

|                                                                                                                                           |                                                            |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------|
| <br>Signature of Applicant or Authorized Representative | <u>Todd Erickson</u><br>Print Name and Title if applicable | <u>4-1-17</u><br>Date |
| <br>Signature of Applicant or Authorized Representative | <u>GARY Erickson</u><br>Print Name and Title if applicable | <u>4-1-17</u><br>Date |

### A. PURPOSE OF TRANSFER

|    |          |       |     |     |         |               |               |
|----|----------|-------|-----|-----|---------|---------------|---------------|
| 1. | Right    | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|    | 45-13429 | No    | Yes | No  | No      | No            | No            |

APR 04 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant GARY ERICKSON Phone (208)673-5367  
Mailing Address PO BOX 545, ALBION ID 83311 Email \_\_\_\_\_

Name of Applicant RICH REDMAN Phone (208) 673-5343  
Mailing Address PO BOX 14, ALBION ID 83311 Email \_\_\_\_\_

Name of Applicant TODD ERICKSON Phone (208)673-5367  
Mailing Address PO BOX 545, ALBION ID 83311 Email \_\_\_\_\_

- ☐ 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 \_\_\_\_\_ Phone \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

☐ 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.

 Rich Redman 4/3/17  
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

| 1. | Right    | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----|----------|-------|-----|-----|---------|---------------|---------------|
|    | 45-13429 | No    | Yes | No  | No      | No            | No            |

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. 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

Application purposes to change the point of diversion of a ground water right for irrigation to a neighbors well for better utilization of the water right

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

**Summary of Water Rights After the Approved Change**

| Transferred Right (All or Part) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | Original Right (Remaining Portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|---------------------------------|---------------|-----------------|------------|-------------|------------------------------------|----------------|------------------|----------------------|-----------------------|
| 45-13429                        | 0.270 cfs     | 63.0 af         | N/A        | 18.0        |                                    | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED TOTALS</b>          | 0.270 cfs     | 63.0 af         | N/A        | 18.0        |                                    | N/A            | N/A              | N/A                  | N/A                   |

2. Total amount of water proposed to be transferred or changed 0.27 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 45-13429**

**Current Water Right Owner**

**TODD ERICKSON  
PO BOX 545  
ALBION, ID 83311**

**AND**

**RICH REDMAN  
PO BOX 545  
ALBION, ID 83311**

**GARY ERICKSON  
PO BOX 545  
ALBION, ID 83311**

**AND**

**Priority Date: 5/27/1977**

**Origin: Water Right**

**Basis: Decreed**

**Status Active**

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 0.270 CFS             | 63.0 AFA      |                    |
| Total Diversion       |             |           | 0.270 CFS             | 63.0 AFA      |                    |

**Source and Point(s) of Diversion:**  
GROUND WATER

NESE

Sec. 6 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   |    |    |    |    |    |    |    |    |    |    |    |    | 5.5 |    |    | 12.5 | 18.0   |

POU Total Acres: 18.0

**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  
Existing well that can be fitted with a measuring device and lockable controlling works as necessary

b. Who owns the property at the point(s) of diversion  
LeRoy Robinson  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
The applicants have permission to use LeRoy Robinsons well

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
No, ☒ 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:  
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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
None, no change is proposed to the place of use.

e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:  
Surface water right 45-13464 for irrigation of 3.7 acres

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

| Yes                      | No                                  |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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

**Current Water Right No. 45-13429**

**Current Water Right Owner**

TODD ERICKSON  
 PO BOX 545  
 ALBION, ID 83311

AND

RICH REDMAN  
 PO BOX 545  
 ALBION, ID 83311

GARY ERICKSON  
 PO BOX 545  
 ALBION, ID 83311

AND

Priority Date: 5/27/1977

Origin: Water Right

Basis: Decreed

Status: Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 0.270 CFS             | 63.0 AFA      |                    |
| Total Diversion       |             |           | 0.270 CFS             | 63.0 AFA      |                    |

**Source and Point(s) of Diversion:**

GROUND WATER

NWSESE

Sec. 6 Twp 12S Rgc 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   |    |    |    |    |    |    |    |    |    |    |    |    | 5.5 |    |    | 12.5 | 18.0   |

POU Total Acres: 18.0

**Conditions/Remarks:**

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 19 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-13464 and 45-13429.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. 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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) 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.

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Supplemental right is used when available

Transfer Contains 7 pages and            attachments.  
 Received By TF Date 4.4.2017 Prelim. Check By            Date             
 Fee Paid \$500 Date 4.4.2017 Received By TF Receipt # 5036037  
 Add'l Fee Paid            Date            Received By            Receipt #

SWNE

SENE

SWNW

NWSE

NESE

NWSW

6

12525E

5

← Place of Use

● Current  
POD

SWSE

SESE

SWSW

**TRANSFER**  
**81544**

**Maline, Denise**

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**From:** Maline, Denise  
**Sent:** Monday, May 01, 2017 12:55 PM  
**To:** Brian Higgs (WD 140)  
**Subject:** Comment Letter  
**Attachments:** Comment Letter to WM140 for 81544.docx; Transfer 81544.pdf

Hi Brian,

Attached is an application for transfer currently being processed within your district. Please review the information and provide any necessary comments within 21 days.

Thank you in advance,

Denise @ IDWR

*Denise Maline  
Administrative Assistant  
Idaho Dept of Water Resources, Southern Region  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)*



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

May 1, 2017

BRIAN HIGGS  
WATER DISTRICT #140  
355 W 500 S  
BURLEY, ID 83318

*via e-mail*

RE: Transfer No. 81544  
Water Right No(s). 45-13429

Dear Brian:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 28, 2017

GARY ERICKSON  
TODD ERICKSON  
PO BOX 545  
ALBION, ID 83311

RICH REDMAN  
PO BOX 14  
ALBION, ID 83311

RE: Transfer No. 81544  
Water Right No(s). 45-13429

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 5/4/2017 and 5/11/2017**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **May 22, 2017**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline  
Administrative Assistant

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Thursday, April 27, 2017 4:45 PM  
**To:** Times News  
**Subject:** LEGAL NOTICE  
**Attachments:** Times News cover letter.docx; Times News ad.doc

Attached please find (1) legal notices being submitted for publication on May 4<sup>th</sup> & 11<sup>th</sup>, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline*  
*Administrative Assistant I*  
*Idaho Dept of Water Resources, Southern Region*  
*650 Addison Ave W, Ste 500*  
*Twin Falls, ID 83301*  
*(208) 736-3033*  
*[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)*



**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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 27, 2017

**LEGAL NOTICE DEPARTMENT**

**TIMES NEWS**

**PO BOX 548**

**TWIN FALLS, ID 83303-0548**

RE: Application For Permit No.(s): 1-10644, 47-17660

RE: Transfer No. 81344

Water Right No(s): 43-13287, 43-13289, 43-13291, 43-13738, 43-13739, 43-13746, 43-2277,  
43-2354A

RE: Transfer No. 81347

Water Right No(s): 43-103B, 43-2310

RE: Transfer No. 81350

Water Right No(s): 43-10237, 43-103B, 43-11263, 43-2310, 43-2355, 43-242, 43-243,  
43-2530A

RE: Transfer No. 81544

Water Right No(s): 45-13429

RE: Transfer No. 81546

Water Right No(s): 45-13464

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 22, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

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

**1-10644**

**RAFT RIVER RECHARGE GROUP LLC**

**246 E 300 S**

**BURLEY, ID 83318**

**Point of Diversion NWSE S19 T09S R28E CASSIA County Source SNAKE RIVER Tributary COLUMBIA RIVER**

**Water to be injected &/or rediverted at the following locations on Raft River, Heglar Creek, &/or Calder Creek:**

**SWNW S24 T10S R27E CASSIA County**

**NENW S24 T10S R27E CASSIA County**

**SWNW S24 T10S R27E CASSIA County**

**NENW S35 T10S R27E CASSIA County**

**NWSW S36 T10S R27E CASSIA County**

**SESW S36 T10S R27E CASSIA County**

**NESE S3 T11S R27E CASSIA County**

**NENW S10 T11S R27E CASSIA County**

**NWNW S16 T11S R27E CASSIA County**

**SWSE S13 T10S R27E CASSIA County**

**SESE S23 T10S R27E CASSIA County**

**NENW S24 T10S R27E CASSIA County**

**SWNE S26 T10S R27E CASSIA County**

**SESW S26 T10S R27E CASSIA County**

**L7(SWSW) S6 T10S R28E CASSIA County**

**L1(NWNW) S7 T10S R28E CASSIA County**

**SENW S7 T10S R28E CASSIA County**

**SENW S7 T10S R28E CASSIA County**

**NENW S18 T10S R28E CASSIA County**

**L1(NWNW) S18 T10S R28E CASSIA County**

**L2(SWNW) S18 T10S R28E CASSIA County**

**NESE S36 T09S R27E CASSIA County**

**L1(NENE) S1 T10S R27E CASSIA County**

**NWSE S13 T10S R27E CASSIA County**

**NESE S23 T10S R27E CASSIA County**

**SWNE S26 T10S R27E CASSIA County**

**SWSE S26 T10S R27E CASSIA County**

**NENE S35 T10S R27E CASSIA County**

**NESW S36 T10S R27E CASSIA County**

**L5(SWNW) S6 T10S R28E CASSIA County**

**L6(NWSW) S6 T10S R28E CASSIA County**

**NENE S7 T10S R28E CASSIA County**

**NENE S7 T10S R28E CASSIA County**

**NWNE S7 T10S R28E CASSIA County**

**SENW S7 T10S R28E CASSIA County**

**NENW S18 T10S R28E CASSIA County**

**L2(SWNW) S18 T10S R28E CASSIA County**

**L3(NWSW) S18 T10S R28E CASSIA County**

**L3(NENW) S2 T11S R27E CASSIA County**

**SWSE S3 T11S R27E CASSIA County**

**SWNW S10 T11S R27E CASSIA County**

**SWSE S18 T11S R27E CASSIA County**

**SENW S19 T11S R27E CASSIA County**

**L5(SWNW) S6 T11S R28E CASSIA County**

**SESE S6 T11S R28E CASSIA County**

**SESE S36 T09S R27E CASSIA County**

**NESE S23 T10S R27E CASSIA County**

**NWNE S35 T10S R27E CASSIA County**

**SENE S35 T10S R27E CASSIA County**

**NENW S35 T10S R27E CASSIA County**

**L4(NWNW) S6 T10S R28E CASSIA County**

L5(SWNW) S6 T10S R28E CASSIA County  
 L6(NWSW) S6 T10S R28E CASSIA County  
 L7(SWSW) S6 T10S R28E CASSIA County  
 NENE S7 T10S R28E CASSIA County  
 NWNE S7 T10S R28E CASSIA County  
 NENW S7 T10S R28E CASSIA County  
 L1(NWNW) S7 T10S R28E CASSIA County  
 NESW S7 T10S R28E CASSIA County  
 SESW S7 T10S R28E CASSIA County  
 L2(SWNW) S18 T10S R28E CASSIA County  
 L2(NWNE) S1 T11S R27E CASSIA County  
 SESW S9 T11S R27E CASSIA County  
 SWSE S9 T11S R27E CASSIA County  
 L4(SWSW) S19 T11S R27E CASSIA County  
 L1(NWNW) S30 T11S R27E CASSIA County  
 NESW S6 T11S R28E CASSIA County  
 Use: GROUND WATER RECHARGE 01/01 to 12/31 70 CFS  
 Total Diversion: 70 CFS  
 Date Filed: 1/25/2017

Place Of Use: GROUND WATER RECHARGE

Located within portions of:

T09S R27E S36  
 T10S R27E S1, S13, S23, S24, S26, S35, S36  
 T10S R28E S6, S7, S8, S18  
 T11S R27E S1, S2, S3, S9, S10, S16, S18, S19, S28, S29, S30, S33, S34  
 T11S R28E S6  
 T12S R27E S3, S4

Application for permit proposes to divert up to 70 cfs from a new point of diversion on the Snake River at a site located approximately 21.8 miles north and 7.4 miles east of Malta. This application proposes to inject &/or redivert this water at various sites within the Raft River, Heglar Creek and Calder Creek drainages for ground water recharge purposes on lands owned by members of the Raft River Recharge Group. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on May 4<sup>th</sup> & 11<sup>th</sup>, 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](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). For additional information on new permits, please see [www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings](http://www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings). 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 4<sup>th</sup> & 11<sup>th</sup>, 2017

## MEMORANDUM

**Date:** April 26, 2017  
**To:** Transfer # 81544 File  
**From:** Benny Walker  
**Re:** Evaluation of Sufficiency of Information Submitted

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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.

The points of diversion involved with the application are located within Water District 140 so water master comments will be solicited.

- **Authority to File:**  
Applicants are listed as the current owners of the water right involved in the transfer according to IDWR records.
- **Water Right Validity:**  
The right involved with this transfer was decreed in 2005. Aerial photography indicates that the land involved with the transfer has been irrigated in recent years.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated. No change is proposed to the place of use of the water right.
- **Local Public Interest:**  
Application will be subject to public notice and protest.
- **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.**

## **MEMORANDUM**

**TO:** Transfer # 81544 File

**FROM:** Benny Walker

**DATE:** April 26, 2017

**SUBJECT:** Filing Fee

The filing fee of, \$500.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.27 cfs. The transfer fee schedule for a transfer involving 0.21-1.00 cfs indicates that the filing fee is \$500.00. The applicant submitted a fee of \$500.00 for this transfer (Receipt S036037).

February 2, 2017

RECEIVED

FEB 09 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Leroy Robinson  
1170 E 810 S  
Albion, Idaho 83311

Rich Redman  
PO Box 14  
Albion, Idaho 83311

Todd Erickson  
PO Box 125  
Almo, Idaho 83312

Gary Erickson  
PO Box 545  
Albion, Idaho 83311

**RE: Water Right 45-13429**

Dear Rich, Todd and Gary,

This letter grants you permission to transfer your water right #45-13429 located at [NWSESE Section 6, Township 12S, Range 25E, Cassia County] to my point of diversion located at [NESE Section 6, Township 12S, Range 25E Cassia County.] See maps for visual locations.

When this transfer is completed you will continue to retain ownership of your water right.

Sincerely,



Leroy Robinson

CC: Idaho Department of Water Resources

Enclosures