

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

FEB 10 2017

DEPT OF WATER RESOURCES SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- Change diversion point(s) Add diversion point(s) Ownership change Ownership split

1. APPLICANT(S) A&B Irrigation District Phone 208-436-3152

2. MAILING ADDRESS P.O. Box 675 City Rupert

State ID Zip 83350 Email abid@pmt.org

- If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) Attachment A

Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 6 cubic feet per second and/or acre-feet per annum. (diversion rate) (storage volume)

5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

Table with 11 columns: New?, Lot, 1/4, 1/4, 1/4, Sec, Twp, Rge, County, Source, Local name or tag #. Row 1: x, 94, NW, NE, SE, 7, 8 S., 24 E., Minidoka, , 7C824

FEB 10 2017

6. 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:

The new point of diversion will be hooked direct to the district water users. All systems will have lockable valves, controlled by the district, and flow meters.

b. Who owns the property at the point(s) of diversion? PKD Properties (Paul Duncan)

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

A&B will prepare or has legal grants of operation and maintenance easements.

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

Yes No

- undergone a period of five or more consecutive years of non-use, currently used in a mitigation plan limiting the use of water under the right(s), or currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

The district has an approved mitigation plan on file with the department for the Blue Lake delivery call, and approx. 121 acres enrolled in the CREP program.

d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? Yes No

- If yes and there are multiple owners, attach a Lessor Designation form. If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9. (Disregard if these items are on file and ownership has not changed.)

7. MAP - Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent: [Signature] Print name and title if applicable: Dan Temple Mgr. Date: 2-2-17

Signature of applicant or authorized agent: _____ Print name and title if applicable: _____ Date: _____

9. FEE - The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

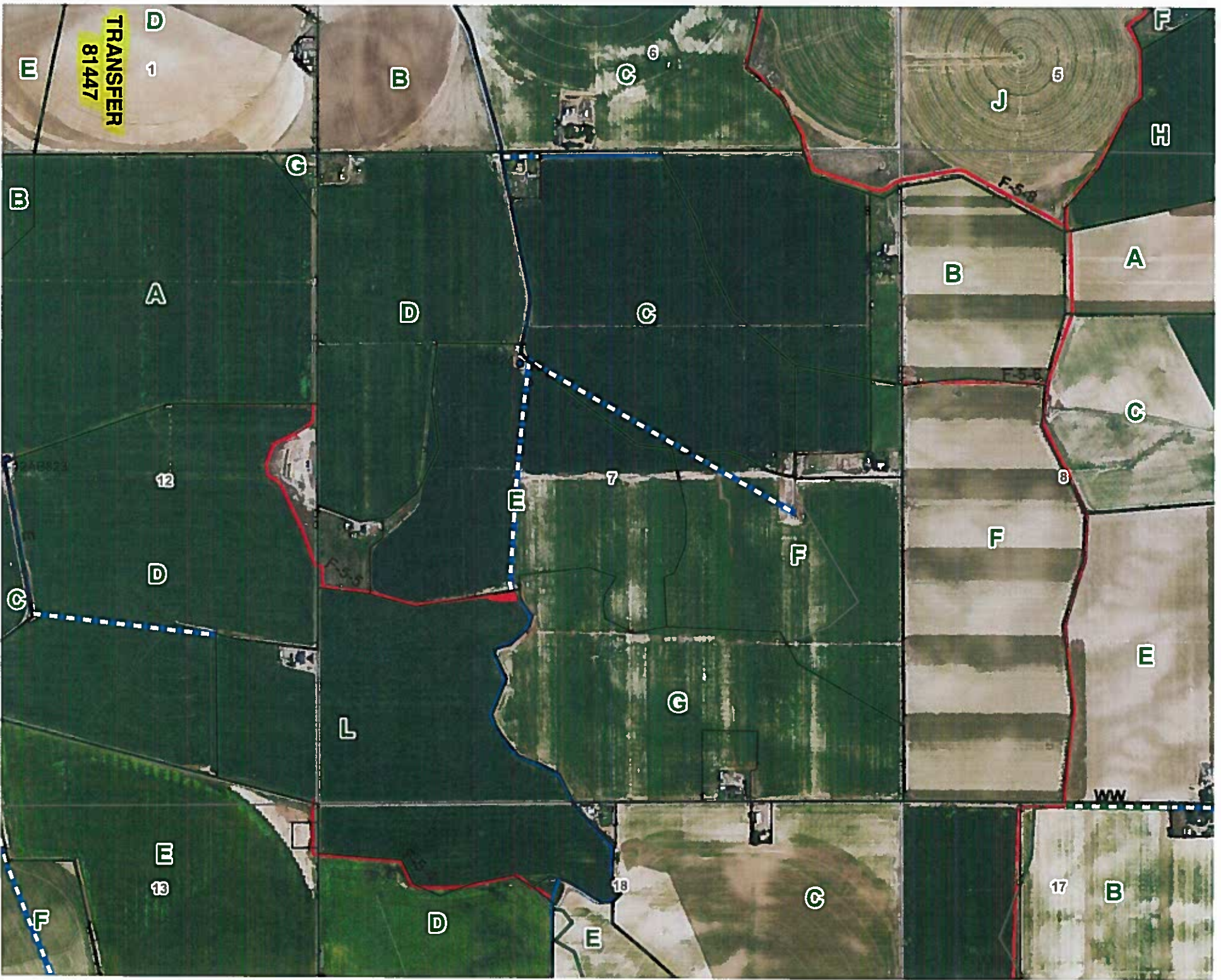
Transfer includes _____ pages of attachments. Received by TF/DM Date 2-10-2017
Fee paid \$900- Date 2-10-2017 Received by DM Receipt # 5035936
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes No
W-9 received? Yes No Name on W-9 _____ W-9 forwarded to fiscal? Yes No

(Do NOT scan the W-9 - confidential information is held by fiscal only)

ATTACHMENT "A"

Summary of Water Rights Affected

<u>Right</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>
36-2080	09/09/1948	1100.00 cfs	250416.0 af
36-15192	04/01/1962	0.60 cfs	
36-15127A	04/01/1962	20.00 cfs	4823.2 af
36-15127B	04/01/1984	34.03 cfs	8206.0 af
36-15193B	04/01/1965	0.31 cfs	75.6 af
36-15195B	04/01/1978	2.25 cfs	542.4 af
36-15196B	04/01/1981	0.08 cfs	18.8 af
36-15194A	04/01/1962	0.23 cfs	54.8 af
36-15194B	04/01/1968	2.53 cfs	609.6 af
36-15193A	04/01/1962	0.21 cfs	50.0 af
36-15195A	04/01/1962	0.87 cfs	210.0 af
36-15196A	04/01/1962	0.29 cfs	69.6 af



TRANSFER
81447

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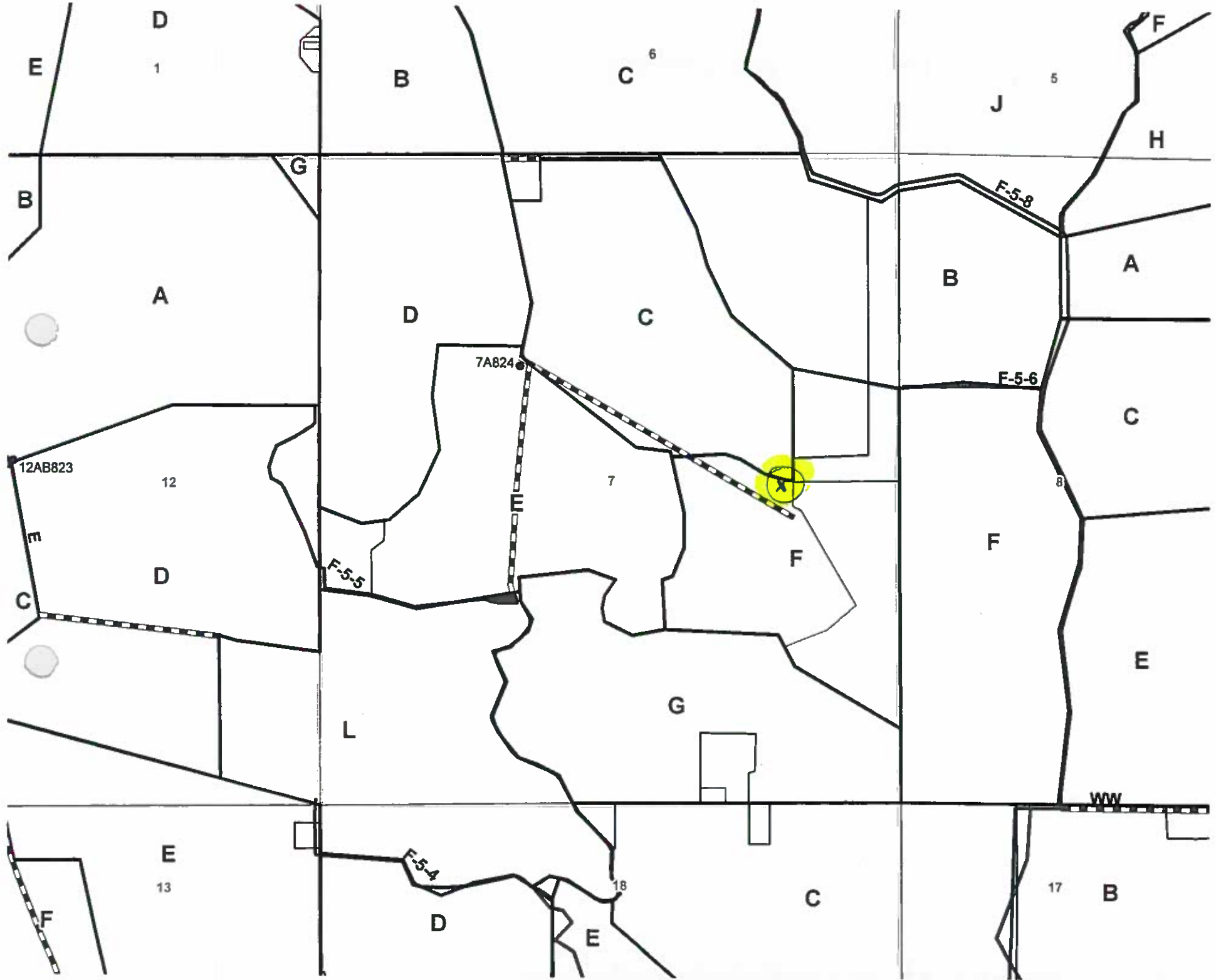
B

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13



TRANSFER 81447



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

February 23, 2017

A & B IRRIGATION DISTRICT
PO BOX 675
RUPERT, ID 83350-0675

RE: Transfer No. 81447
Water Right No(s). 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B,
36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B, 36-2080

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 **3/2/2017** and **3/9/2017**. 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 **March 20, 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



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

February 23, 2017

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

via hand delivery

RE: Transfer No. 81447
Water Right No(s). 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B,
36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B, 36-2080

Dear Nathan:

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,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 23, 2017 1:06 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News Ad.doc

Attached please find **(1)** legal notice being submitted for publication on March 2nd & 9th, 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
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*



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

February 23, 2017

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 81447

Water Right No(s): 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B, 36-2080

RE: Transfer No. 81264

Water Right No(s): 43-10421, 43-10422, 43-10423, 43-13549, 43-13551, 43-13563, 43-13565, 43-13567, 43-13569, 43-13571, 43-13573, 43-13776, 43-13777, 43-13778, 43-13779, 43-196, 43-2335, 43-7122A, 43-7122B, 43-7311

RE: Transfer No. 81430

Water Right No(s): 43-10478, 43-13268, 43-13681, 43-13682, 43-13683, 43-13684, 43-13685, 43-2346C, 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E

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 March 20, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81447**

A & B IRRIGATION DISTRICT, PO BOX 675, RUPERT, ID 83350-0675; has filed Application No. 81447 for changes to the following water rights within JEROME, MINIDOKA County(s): Right No(s). 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B, 36-2080. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well as an authorized point of diversion within the A & B Irrigation District system. The proposed well is located approximately 8.5 miles north and 1.1 mile west of the intersection of E. Baseline Rd and N. Meridian in Rupert. The new well will be limited to the diversion of 6.0 cfs for use in the A & B Irrigation District system. Currently, 12 water rights allow for the diversion of 1100.0 cfs from 187 authorized diversion points (wells) located in Jerome and Minidoka counties for the irrigation of up to 66,686.2 acres within the system. The application will allow for the continued diversion of water from 188 authorized points of diversion to maintain the overall production capacity of the A & B Irrigation District system.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81264**

GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 81264 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10421, 43-10422, 43-10423, 43-13549, 43-13551, 43-13563, 43-13565, 43-13567, 43-13569, 43-13571, 43-13573, 43-13776, 43-13777, 43-13778, 43-13779, 43-196, 43-2335, 43-7122A, 43-7122B, 43-7311. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes the creation of a 792.8 acre irrigation Permissible Place of Use (PPU) for 12 ground water rights and 8 surface water rights (Raft River) which currently irrigate 792.8 acres with a total flow rate of 25.42 cfs on ground located approximately 14.4 to 15.4 miles east and 1.2 miles north to 0.7 mile south of the intersection of Interstate Highways I-84 and I-86 east of Burley. The rights are currently irrigating ground on three separate farms and this transfer will consolidate the rights into a single PPU in the same general area. One group of 10 rights irrigates 423.2 acres, another group of 4 rights irrigates 156.6 acres, and the final group of 6 rights irrigates 213.0 acres. After the transfer, 792.8 acres will be irrigated within the proposed 792.8 acre PPU. Currently, the rights in the three separate farms have distinct Points of Diversion (POD) for each farm. This transfer proposes to add a new well to each ground water right. In addition, this transfer will add the ground water and surface water PODs from each farm to the other two farms so that each ground water right will have 6 ground water PODs and each surface water right will have 4 PODs from Raft River.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81430**

DUSTY FARMS LLC, 301 SCOTT AVE STE 2, RUPERT, ID 83350; and RAFT RIVER VALLEY FARMS LLC, 390 N 925 E, DECLO, ID 83323; has filed Application No. 81430 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10478, 43-13268, 43-13681, 43-13682, 43-13683, 43-13684, 43-13685, 43-2346C, 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creating a 3308.5 acre permissible place of use for 21 irrigation ground water rights with a combined limit of 48.46 cfs and the irrigation of 3019 acres. Application also proposes to identify 15 existing wells as authorized PODs for the 21 ground water rights. Place of use and all PODs are located approximately 7.0 to 10.0 miles north and 1.7 to 3.8 miles east of Malta.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. 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, 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 **March 20, 2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on March 2nd & 9th, 2017

MEMORANDUM


Date: February 21, 2017
To: Transfer 81447 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes adding a new well as an authorized point of diversion within the A & B Irrigation District System. The proposed well is located approximately 8.5 miles north and 1.1 mile west of the intersection of E. Baseline Rd and N. Meridian in Rupert. The proposed well will be limited to the diversion of 6.0 cfs for use in the A & B Irrigation District system and added as an authorized point of diversion to the following 12 water rights: 36-2080; 36-15127A; 36-15127B; 36-15192; 36-15193A; 36-15193B; 36-15194A; 36-15194B; 36-15195A; 36-15195B; 36-15196A and 36-15196B. Currently, these 12 water rights allow for the diversion of up 1100.0 cfs from 187 authorized diversion points (wells) located in Jerome and Minidoka counties for the irrigation of up to 66,686.2 acres within the system. The application will allow for the continued diversion of water from 188 authorized points of diversion (PODs) to maintain the overall production capacity of the A & B Irrigation District system. The 12 water rights in this transfer were subject to three previously approved transfers in recent years: transfer #77744 in 2012; transfer #78433 in 2013 and transfer #80659 in 2016, all of which were adding and/or changing PODs to help maintain the overall production capacity of the system.

The application for transfer indicated that the total amount of water to be transferred and diverted from the proposed well will be limited to 6.0 cfs. The fees paid with the transfer application were also based on this amount. A condition limiting the proposed POD to the diversion of 6.0 cfs will be added to all 12 water rights in the transfer process.

The proposed well is located within the ESPA and Water District 130. It is located in a modeling cell adjacent to another A & B irrigation well and therefore, ESPA ground water modeling analysis is not required. Watermaster comments will be solicited from the Water District 130 Watermaster.

- **Authority to File:** The applicant is listed as the current owner of the water rights in this transfer along with the United States Bureau of Reclamation. The Bureau of Reclamation provided an email indicating they consent to the actions proposed by this transfer application and it is included in the file.

- 
- **Water Right Validity:** The rights in this transfer have all been decreed in the SRBA. Recent aerial and satellite imagery indicate that water rights in this transfer appear to have been used.
 - **Injury to Other Water Rights:**
None anticipated.
 - **Enlargement of Use:**
None anticipated.
 - **Local Public Interest:**
No issues anticipated. Application is subject to public notice and protest.
 - **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
 - **Effect on the Economy of the Local Area:**
None Anticipated.
 - **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

MEMORANDUM

Date: February 21, 2017
To: Transfer 81447 File
From: Bill Mills
Re: Fee Evaluation

The filing fee for this transfer is based on a 6.0 cfs diversion rate limit requested in the transfer application. A \$900.00 fee was paid for the transfer application based on the current transfer fee schedule (Receipt No.S035936).

Mills, William

From: Dan <abid@pmt.org>
Sent: Tuesday, February 21, 2017 9:52 AM
To: Mills, William
Subject: FW: Transfer 36-2080 etc A&B Irrigation District

William,

This is BOR's consent on the new well that we applied for. If you would add this letter to our application. We are also wondering with this, are you going to proceed with our expedited drilling permit.

Thanks,
Dan Temple

From: McGarry, Elizabeth [mailto:emcgarry@usbr.gov]
Sent: Friday, February 17, 2017 3:02 PM
To: abid@pmt.org
Subject: Transfer 36-2080 etc A&B Irrigation District

To Dan Temple,

We are fine with adding an additional POD to the District water rights as described in your February 2, 2017 letter. The additional POD will be in lot 94, the NW NE SE corner of section 7; 8 South, 24 East; Minidoka county.

E. Gail McGarry, P.E.
Program Manager Water Rights and Acquisition
PN-6100, Bureau of Reclamation Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, ID 83706
208-378-5306

Mills, William

From: Skinner, Corey
Sent: Tuesday, February 21, 2017 10:11 AM
To: abid
Cc: Mills, William
Subject: RE: Transfer 36-2080 etc A&B Irrigation District

Dan,

Bill Mills forwarded me your e-mail below. Our policy is to not grant expedited drilling permits until an application has been through the public notice and protest period without any protests. In your case, Bill was able to jump on your application right away, and it is scheduled to hit the newspaper on March 2nd (initial publication) which will put the protest deadline on Monday March 20th. Assuming that there are no protests filed, you can anticipate an approval by the end of March.

Corey

From: Mills, William
Sent: Tuesday, February 21, 2017 9:59 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: FW: Transfer 36-2080 etc A&B Irrigation District

From: Dan [<mailto:abid@pmt.org>]
Sent: Tuesday, February 21, 2017 9:52 AM
To: Mills, William <William.Mills@idwr.idaho.gov>
Subject: FW: Transfer 36-2080 etc A&B Irrigation District

William,



This is BOR's consent on the new well that we applied for. If you would add this letter to our application. We are also wondering with this, are you going to proceed with our expedited drilling permit.

Thanks,
Dan Temple

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Sent: Friday, February 17, 2017 3:02 PM
To: abid@pmt.org
Subject: Transfer 36-2080 etc A&B Irrigation District

To Dan Temple,

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E. Gail McGarry, P.E.
Program Manager Water Rights and Acquisition
PN-6100, Bureau of Reclamation Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, ID 83706
208-378-5306

Mills, William

From: Mills, William
Sent: Tuesday, February 14, 2017 2:26 PM
To: 'abid@pmt.org'
Subject: Letter of Consent from Bureau of Reclamation for Transfer Application #81447
Attachments: Previous B.O.R. Letter of Consent.pdf

Gentlemen:

I am preparing the transfer application (transfer #81447) to add the new well located in the NWNESE (Lot 94 = Tract F), S7, T8S, R24E, and there is one little item that needs to be addressed. Since the Bureau of Reclamation is listed as a current owner on the water rights, The Department needs a letter consenting to the change proposed by the transfer application from the Bureau of Reclamation before we can actually approve the transfer application. I have attached a copy of a similar letter provided in a previous transfer merely as an example. I will move forward with advertising the application in order to expedite the process, but we will need consent from the Bureau prior to transfer approval. Feel free to call me at (208) 736-3033 or email if you have any questions.

Sincerely,

Bill Mills

Senior Water Resource Agent

Southern Region