

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80926**

This is to certify that: **KARLA ROBINSON AND/OR
LEROY ROBINSON
PO BOX 486
ALBION, ID 83311**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-326	WR/DECREED	12/1/1880	1.220 cfs	N/A	N/A	150.0	HOWELL CREEK

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
45-260A	WR/DECREED	3/31/1876	0.700 cfs	N/A	133.0	150.0	HOWELL CREEK
45-7183	WR/DECREED	8/12/1974	0.300 cfs	102.4 af	29.0	29.0	UNNAMED STREAM
45-11043	WR/DECREED	4/1/1952	0.800 cfs	N/A	40.0	150.0	WASTE WATER
45-244A	WR/DECREED	4/12/1892	2.220 cfs	N/A		150.0	HOWELL 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>
45-326	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>
45-326	45-326	1.220 cfs	N/A	N/A	150.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.220 cfs	N/A	N/A	150.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 45-326

Transfer No. 80926

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80926

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 25th day of November, 2016.



Southern Region Manager



WATER RIGHT NO. 45-326

As Modified by Transfer No. 80926

In accordance with the approval of Transfer No. 80926, Water Right No. 45-326 is now described as follows:

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

Priority Date: 12/1/1880

Source: HOWELL CREEK

Tributary: MARSH CREEK

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

1.220 cfs

1.220 cfs

LOCATION OF POINT(S) OF DIVERSION

HOWELL CREEK

NWSWSE

Sec 4 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	4											21.0	21.0			15.0		57.0
12S	25E	5																17.0	17.0
12S	25E	9					40.0	36.0											76.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

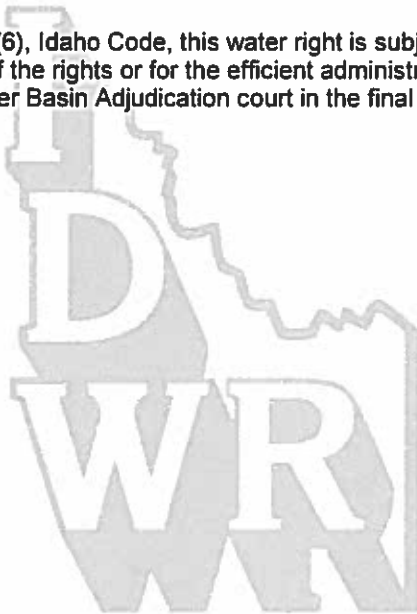
1. Rights 45-326, 45-260A, 45-244A, 45-7183, and 45-11043 when combined shall not exceed the irrigation of 150 acres.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/06/2005
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45F.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 80926

WATER RIGHT NO. 45-326
As Modified by Transfer No. 80926

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 45-260A
As Modified by Transfer No. 80926

In accordance with the approval of Transfer No. 80926, Water Right No. 45-260A is now described as follows:

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

Priority Date: 3/31/1876

Source: HOWELL CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.700 cfs
 0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

HOWELL CREEK NWSWSE Sec 4 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	4											21.0	21.0			15.0		57.0
12S	25E	5																17.0	17.0
12S	25E	9					40.0	36.0											76.0

Right Acre Limit: 133.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

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

Transfer No. 80926

WATER RIGHT NO. 45-260A
As Modified by Transfer No. 80926

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.45F.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-7183**As Modified by Transfer No. 80926**

In accordance with the approval of Transfer No. 80926, Water Right No. 45-7183 is now described as follows:

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

Priority Date: 8/12/1974

Source: UNNAMED STREAM

Tributary: SINKS

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

03/15
01/01

to

To

11/15
12/31

Diversion Rate

0.300 cfs
0.020 cfs
0.300 cfs

Diversion Volume

101.5 af
0.9 af
102.4 af

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM SESWSW Sec 4 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	4											7.0						7.0
12S	25E	9					4.0	18.0											22.0

Right Acre Limit: 29.0

POU Total Acres: 29.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	4											X						
12S	25E	9					X	X											

CONDITIONS OF APPROVAL

1. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. Use of the rights listed below is limited to the irrigation of a combined total of 150 acres in a single irrigation season. Combined right nos. 45-326, 45-260A, 45-7183, 45-11043 and 45-244A.

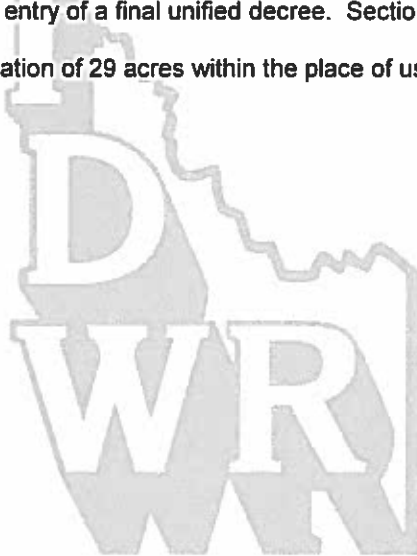
Transfer No. 80926

WATER RIGHT NO. 45-7183

As Modified by Transfer No. 80926

CONDITIONS OF APPROVAL

3. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. 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.
5. This right is limited to the irrigation of 29 acres within the place of use described above in a single irrigation season.



WATER RIGHT NO. 45-11043
As Modified by Transfer No. 80926

In accordance with the approval of Transfer No. 80926, Water Right No. 45-11043 is now described as follows:

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

Priority Date: 4/1/1952

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.800 cfs
 0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER SWNWNW Sec 9 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	4											21.0	21.0			15.0		57.0
12S	25E	5																17.0	17.0
12S	25E	9					40.0	36.0											76.0

Right Acre Limit: 40.0
 POU Total Acres: 150.0

CONDITIONS OF APPROVAL

1. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. This right is limited to the irrigation of 29 acres within the place of use described above in a single irrigation season.
3. Use of the rights listed below is limited to the irrigation of a combined total of 150 acres in a single irrigation season. Combined right nos. 45-326, 45-260A, 45-7183, 45-11043 and 45-244A
4. 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.

Transfer No. 80926

WATER RIGHT NO. 45-244A
As Modified by Transfer No. 80926

In accordance with the approval of Transfer No. 80926, Water Right No. 45-244A is now described as follows:

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

Priority Date: 4/12/1892

Source: HOWELL CREEK

Tributary: MARSH CREEK

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
2.220 cfs
2.220 cfs

LOCATION OF POINT(S) OF DIVERSION

HOWELL CREEK NWSWSE Sec 4 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	4											21.0	21.0			15.0		57.0
12S	25E	5																17.0	17.0
12S	25E	9					40.0	36.0											76.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

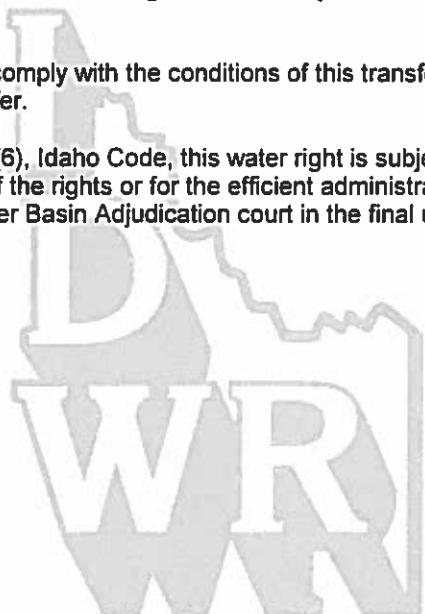
1. Rights 45-260A, and 45-244A when combined shall not exceed a total diversion rate of 2.92 cfs, and the irrigation of 150 acres.
2. Rights 45-326, 45-260A, 45-244A, 45-7183, and 45-11043 when combined shall not exceed the irrigation of 150 acres.
3. The period of use for the irrigation described in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

Transfer No. 80926

WATER RIGHT NO. 45-244A
As Modified by Transfer No. 80926

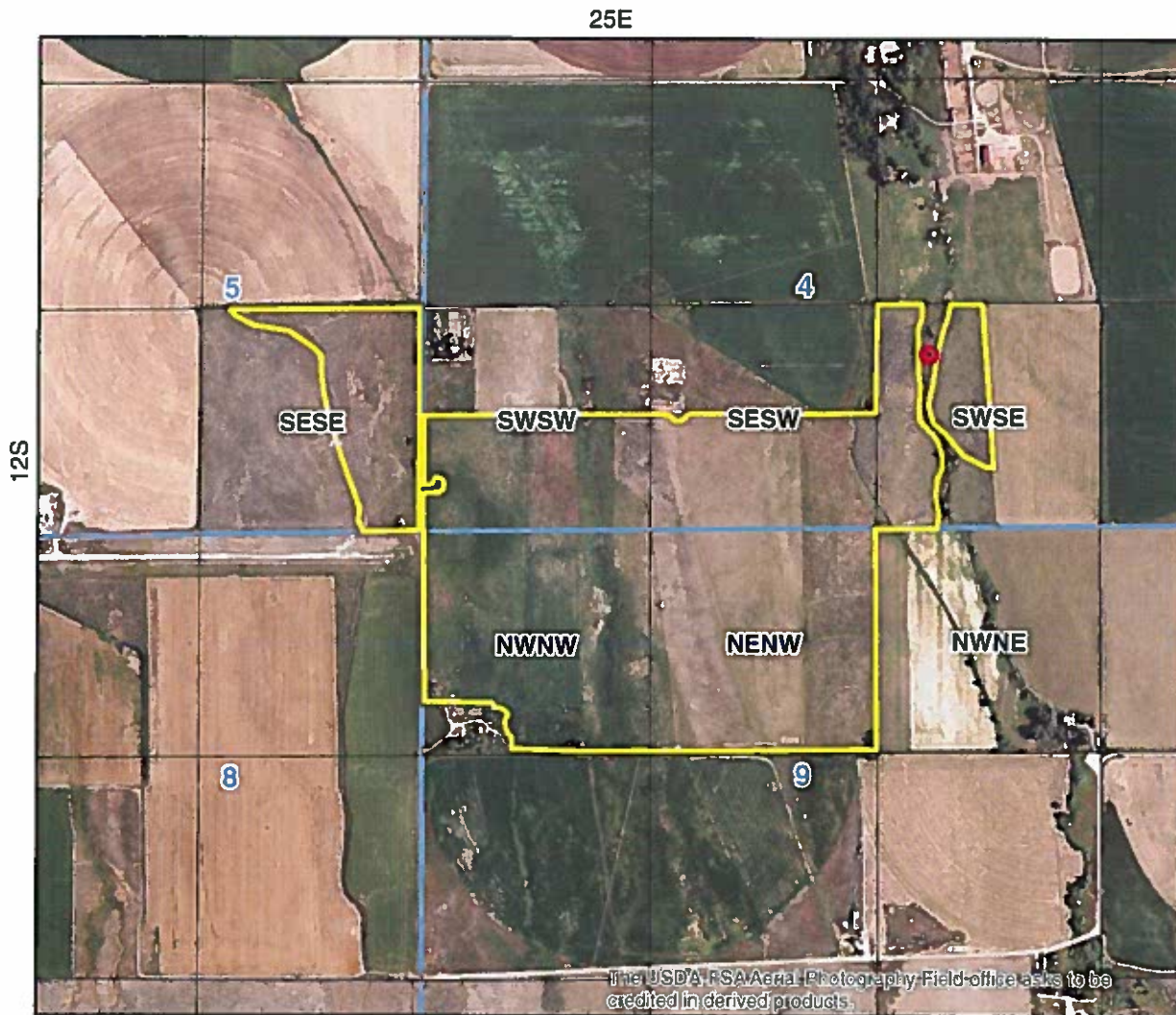
CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer # 80926
45-326

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

November 25, 2016

LEROY ROBINSON
KARLA ROBINSON
PO BOX 486
ALBION ID 83311

Re: Transfer No: 80926
Water Right No(s): 45-244A, 45-260A, 45-326, 45-7183, 45-11043

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

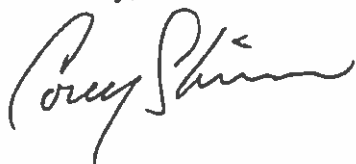
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a small "e" at the end of the last name.

Corey Skinner
Southern Regional Manager

Enclosure

cc:

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

CERTIFICATE OF SERVICE

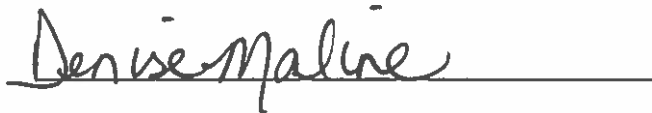
I hereby certify that on November 25, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80926

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

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

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

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**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.

***** 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 25192

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 . SS
COUNTY OF TWIN FALLS)

On this 9th day of June in the year of 2016 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.

Melody Hui
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/21/2017

PUBLISHED ON: 06/02/2016, 06/09/2016

TOTAL AD COST: 180.69
FILED ON: 6/9/2016

RECEIVED
JUN 13 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79816**

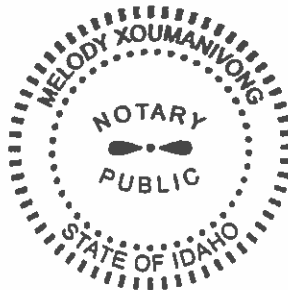
JASON WARR and WENDEE WARR, 2527 S 2400 E, MALTA, ID 83342; has filed Application No. 79816 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10388, 43-12961, 43-12962, 43-12963, 43-12964, 43-12965, 43-170C, 43-173C, 43-177D, 43-178E, 43-2294E, 43-2389, 43-2405, 43-2419, 43-2420B, 43-4034. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a permissible place of use for six ground water rights and ten Raft River water rights that allow for the total combined diversion of 21.88 cfs for the irrigation of 620 acres located approximately 1.8 to 2.8 miles east and 6.7 to 8.2 miles south of Malta. In addition, the transfer also proposes to add a new point of diversion for the six ground water rights. This new point of diversion will be a new well to be drilled and when combined with the three existing wells will allow for the diversion of up to 11.76 cfs of ground water. The proposed new well is located approximately 2.8 miles east and 7.2 miles south of Malta. The application also proposes to update the three existing ground water point of diversion descriptions to more accurately describe their locations.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80926**

✓ LEROY ROBINSON and KARLA ROBINSON, PO BOX 486, ALBION, ID 83311; has filed Application No. 80926 for changes to the following water rights within CASSIA County(s): Right No(s). 45-326. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing two points of diversion for an irrigation water right for 1.22 cfs from Howell Creek to a single location downstream on Howell Creek. The first point of diversion is currently located approximately 2.0 miles south and 1.9 miles east of the center of the City of Albion (Main and Market streets). The application proposes to move this point of diversion approximately 1.6 miles downstream to the new point of diversion. The second point of diversion is currently located approximately 1.1 miles south and 2.1 miles east of the center of the City of Albion. The application proposes to move this point of diversion approximately 0.7 miles downstream to the same new point of diversion. The new point of diversion is located approximately 0.5 miles south and 2.0 miles east of the center of the City of Albion. The proposed point of diversion on Howell Creek will be used to divert up to 1.22 cfs for irrigation of the current places of use for this water right.

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 June 20, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: June 2 and 9, 2016



✓ OK DM
6/20/2016



Via E-mail
RECEIVED

JUN 12 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Marsh Creek Water District 45F

June 11, 2016

1047 E 1000 S
Albion, Idaho 83311

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

Re: Transfer No. 80926, Water Right No(s). 45-326

Dear Denise,

I have reviewed the documentation pertaining to the above reference transfer(s) 80926 dealing with water Right's 45-326 and the additional 45-244A, 260A. As I have indicated on the Recommendation Form, I have no problem with the POD transfer.

I approve the transfer it was gratifying that IDWR followed up on the information presented dealing with the water right error of 45-326. Also it's more beneficial for Leroy to take it out at the new proposed POD.

As the Watermaster of Water District 45F, I again request that the original POD's that were currently being used for the Goodman Ranch stay on the records for the purpose of High Water Emergency if (flooding) should occur.

- Also note, the POD that is currently being diverted at the Goodman Weir in (12S Rge 25E S16senw) is Norman Dayley's off Howell Creek. He diverts his 45-290A and also his Ground Water Recharge once he is in compliance.

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)

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

Via E-mail
RECEIVED

JUN 12 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 80926

Water Right No(s): 45-326

Transfer Applicant's Name: LEROY ROBINSON
KARLA ROBINSON
PO BOX 486
ALBION, ID 83311

Water Master's Recommendation:

- a) *X* I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional comments:

Dated this 10 day of June , 2016

Water District No. 45F

Donald G. Gunderson

Water Master's Signature

Donald G. Gunderson

Printed Name