

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 80124

This is to certify that: MELODY F LANDIS  
TIMOTHY LANDIS  
20028 HWY 51  
MOUNTAIN HOME, ID 83647

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

| Water Right | Origin/Basis | Priority Date | Diversion Rate | Diversion Volume | Acre Limit | Total Acres | Source      |
|-------------|--------------|---------------|----------------|------------------|------------|-------------|-------------|
| 2-2092B     | WR/DECREED   | 8/25/1958     | 1.620 cfs      | N/A              | N/A        | 81.0        | SNAKE RIVER |
| 2-2124      | WR/DECREED   | 8/18/1954     | 3.940 cfs      | N/A              | N/A        | 197.0       | SNAKE RIVER |
| 2-2277      | WR/DECREED   | 2/26/1964     | 0.320 cfs      | 94.5 af          | N/A        | 21.0        | SNAKE RIVER |

Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 2-2092B        | NO    | NO  | YES | NO      | NO            | NO            |
| 2-2124         | NO    | NO  | YES | NO      | NO            | NO            |
| 2-2277         | NO    | YES | YES | NO      | NO            | NO            |

Summary Of Water Rights After the Approved Change

| Existing Right  | New No. (Changed Portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|-----------------|---------------------------|---------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 2-2092B         | 2-2092B                   | 1.620 cfs     | N/A             | 81.0       | 403.0       | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 2-2124          | 2-2124                    | 3.940 cfs     | N/A             | 197.0      | 403.0       | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 2-2277          | 2-2277                    | 0.320 cfs     | 94.5 af         | 21.0       | 403.0       | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| COMBINED TOTALS |                           | 5.420 cfs     | N/A             | 299.0      | 403.0       |                             | N/A            | N/A              | N/A                  | N/A                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 7<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 80124

IN FILE # 2-2092B

# **WATER RIGHT NO. 2-2124** **As Modified by Transfer No. 80124**

In accordance with the approval of Transfer No. 80124, Water Right No. 2-2124 is now described as follows:

**Right Holder:** MELODY F LANDIS  
 20028 HWY 51  
 MOUNTAIN HOME, ID 83647

TIM LANDIS  
 HC 85 BOX 29  
 MOUNTAIN HOME, ID 83647

**Priority Date:** 8/18/1954

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

**BENEFICIAL USE**  
 IRRIGATION

**From** 03/15 **To** 11/15

**Diversion Rate**  
 3.940 cfs  
 3.940 cfs

## **LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER L1 (NESE) Sec 33 Twp 05S Rge 06E ELMORE 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 |        |
| 05S | 06E | 33  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 36.0 | 24.0 | 40.0 |    |    |    |    | 9.0 | 28.0 |    |    | 337.0  |
| 05S | 06E | 34  |      |      |      |      |      | 40.0 | 26.0 |      |    |    |    |    | L1  | L2   |    |    | 66.0   |

Right Acre Limit: 197.0

POU Total Acres: 403.0

## **CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right is limited to the irrigation of 197 acres within the authorized place of use in a single irrigation season.

Transfer No. 80124

**WATER RIGHT NO. 2-2124**  
**As Modified by Transfer No. 80124**

**CONDITIONS OF APPROVAL**

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 place of use.
6. Rights 02-2124 and 02-2092B when combined shall not exceed a total diversion rate of 5.1 cfs.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 5/13/2009.
8. 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. 2.
9. 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.
10. This right does not grant any right-of-way or easement across the land of another.

# WATER RIGHT NO. 2-2092B

## As Modified by Transfer No. 80124

In accordance with the approval of Transfer No. 80124, Water Right No. 2-2092B is now described as follows:

**Right Holder:** MELODY F LANDIS  
20028 HWY 51  
MOUNTAIN HOME, ID 83647

TIM LANDIS  
HC 85 BOX 29  
MOUNTAIN HOME, ID 83647

**Priority Date:** 8/25/1958

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

**BENEFICIAL USE**  
IRRIGATION

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

**Diversion Rate**  
1.620 cfs  
1.620 cfs

### LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L1 (NESE) Sec 33 Twp 05S Rge 06E ELMORE 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 |        |
| 05S | 06E | 33  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 36.0 | 24.0 | 40.0 |    |    |    |    | 9.0 | 28.0 |    |    | 337.0  |
| 05S | 06E | 34  |      |      |      |      |      | 40.0 | 26.0 |      |    |    |    |    | L 1 | L 2  |    |    | 66.0   |

Right Acre Limit: 81.0  
POU Total Acres: 403.0

### CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

Transfer No. 80124

**WATER RIGHT NO. 2-2092B**  
**As Modified by Transfer No. 80124**

**CONDITIONS OF APPROVAL**

4. This right is limited to the irrigation of 81 acres within the authorized place of use in a single irrigation season.
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 place of use.
6. Rights 02-2124 and 02-2092B when combined shall not exceed a total diversion rate of 5.1 cfs.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 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 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2009.
8. 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. 2.
9. 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.
10. This right does not grant any right-of-way or easement across the land of another.

**WATER RIGHT NO. 2-2277**  
**As Modified by Transfer No. 80124**

In accordance with the approval of Transfer No. 80124, Water Right No. 2-2277 is now described as follows:

**Right Holder:** MELODY F LANDIS  
 20028 HWY 51  
 MOUNTAIN HOME, ID 83647

**Priority Date:** 2/26/1964

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.320 cfs             | 94.5 af                 |
|                       |             |           | 0.320 cfs             | 94.5 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER L1 (NESE) Sec 33 Twp 05S Rge 06E ELMORE 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 |        |
| 05S | 06E | 33  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 36.0 | 24.0 | 40.0 |    |    |    |    | 9.0 | 28.0 |    |    | 337.0  |
| 05S | 06E | 34  |      |      |      |      |      | 40.0 | 26.0 |      |    |    |    |    | L 1 | L 2  |    |    | 66.0   |

Right Acre Limit: 21.0  
 POU Total Acres: 403.0

**CONDITIONS OF APPROVAL**

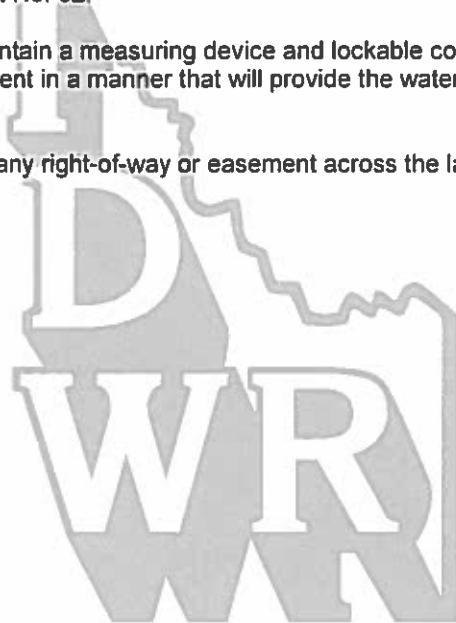
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho 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.
4. This right is limited to the irrigation of 21 acres within the authorized place of use in a single irrigation season.
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 place of use.

Transfer No. 80124

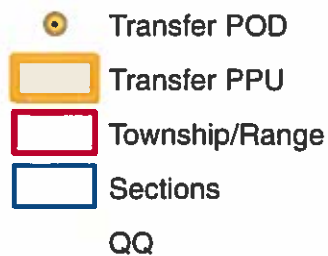
**WATER RIGHT NO. 2-2277**  
**As Modified by Transfer No. 80124**

**CONDITIONS OF APPROVAL**

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 2/10/10.
7. 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. 02.
8. 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).
9. This right does not grant any right-of-way or easement across the land of another.



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.





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

October 7, 2016

**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Director

MELODY F LANDIS  
TIMOTHY LANDIS  
20028 HWY 51  
MOUNTAIN HOME ID 83647

Re: Transfer No: 80124  
Water Right No(s): 2-2092B , 2-2124, 2-2277

**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)334-2190.

Sincerely,

 *Nick Miller* for:

Nick Miller

Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706

ROB WHITNEY  
WATERMASTER OF DISTRICT 2  
IDWR STATE OFFICE

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80124  
Water Right No(s): 2-2092B , 2-2124, 2-2277**

**MELODY F LANDIS  
TIMOTHY LANDIS  
20028 HWY 51  
MOUNTAIN HOME ID 83647**

**SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706**

**ROB WHITNEY  
WATERMASTER OF DISTRICT 2  
IDWR STATE OFFICE**



**Rachel Neely  
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.

## MEMORANDUM

TO: Transfer No. 80124  
FROM: D. Merriman  
DATE: 6/16/16  
RE: Evaluation of Application

---

The transfer proposes changing the point of diversion for 2-2277 from an abandoned pump station to an existing pump station approximately half a mile downstream that is currently used for rights 2-2124 and 2-2092B. The transfer will also change the irrigation place of use to a 403 acre permissible place of use.

The POD site is in the NESE of T05S R06E Sec33 and the POU is 403 acres immediately to the east of State Highway 51 and north of the Snake River, approximately five miles north of Bruneau.

Contact person for the applicant is Lori Graves of SPF Engineering at 300 E Mallard Dr. Suite 350, Boise ID 83706.

### Summary of Information Submitted

**Authority to File:** The Application for Transfer of Water Right was submitted and signed by Timothy D and Melody F Landis, who are the owners of land at the POU as well as of water right 2-2277, 2-2124, and 2-2092B. The Application included a copy of the sales agreement between Landis and Bachman that agreed to the splitting of Water Right 2-2277, with 22 acres going towards Transfer 80123 and 21 acres going towards 80124. The proposed POD is on land owned by Idaho Power, with whom the applicants have a special use permit to access the land.

**Water Right Validity:** Water right 2-2277 was decreed on 2/10/2010 and water rights 2-2124 and 2-2092B were decreed on 5/13/2009. Department standards on determining forfeiture state that forfeiture will not be found if use is resumed by the end of the sixth year following the decree. Based on aerial photography and infrared imagery, the use was certainly resumed in 2015, before the deadline. The proposed transfer application was received May 21, 2015, before the end of the forfeiture period.

**Injury to Other Water Rights:** Transfer proposes to change the point of diversion to another pumping station half a mile downstream that is currently being used. Combined use limits are maintained to match pre and post rates and volumes. No enlargement is anticipated as a result of the proposed changes. Changes to water supply will not occur and injury to other water rights is not apparent.

**Enlargement of Use:** Transfer proposes to move a total of 5.42 cfs, 94.5 af, and 299 acres within a 403 acre PPU from water rights 2-2277, 2-2124, and 2-2092B. No enlargement is anticipated as a result of the proposed changes.

**Local Public Interest:** Review staff has no information to suggest this application is inconsistent with the local public interest.

**Beneficial Use/Conservation of Water Resources:** The application proposes beneficial use consistent with conservation of water resources in Idaho.

**The application is consistent with criteria of I. C. § 42-222 and should be processed.**

### **Discussion**

Watermaster comments were requested for change in diversion on the Snake River, water district 2. No comments were received.

Overlap review finds no overlapping water rights exist on 2-2277, 2-2124, and 2-2092B pre-transfer.

This transfer was processed in conjunction with transfer number 80123. 80123 split 2-2277 and created 2-10523 with 22 acres. Transfer 80124 will not be finalized until after the 14 day post-approval period for transfer 80123. The pre-transfer details of 2-2277 will be different than the 2a documentation submitted in the original transfer filing. As noted in page 3 of three of the application form, only the remaining, post-split, 21 acre portion of 2-2277 will be transferred in 80124.

### **Summary**

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

# NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34186 *✓ OK RD 3/29/16*  
HOWARD KEVAN FAMILY TRUST  
405 EDWARDS DR  
TWIN FALLS, ID 83331  
Point of Diversion L10(SES) S31 T02N  
R10E ELMORE County Source GROUND  
WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 1/5/2016  
Place of Use: DOMESTIC  
T02N R10E S31 L10(SES)  
Water bearing zone to be appropriated is from 110 to 350 feet.

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80123

CINDY L BACHMAN and FRANK L BACHMAN, PO BOX 186, BRUNEAU, ID 83604; has filed Application No. 80123 for changes to the following water rights within ELMORE County(s): Right No(s) 2-10497, 2-2277; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The purpose of this transfer is to change the points of diversion from an abandoned pump to an existing pump approximately half a mile downstream. This transfer of 3.0 cfs for irrigation will consolidate 196 acres to 188 acres within a 222 acre permissible place of use (PPU). 22 acres of water right 2-2277 will be included in the PPU for this transfer and the remaining 21 acres will be included in transfer 80124. The irrigated acres are located east of Highway 51, north of the Snake River, and approximately 5 miles north of Bruneau. The POD site is half a mile east of Highway 51 off Apricot Lane, north of the Snake River.

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80124

MELODY F LANDIS and TIMOTHY LANDIS, 20028 HWY 51, MOUNTAIN HOME, ID 83647; has filed Application No. 80124 for changes to the following water rights within ELMORE County(s): Right No(s) 2-2092B, 2-2124, 2-2277; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The purpose of this transfer is to change the points of diversion for water rights 2-2277 from an abandoned pump to an existing pump approximately half a mile downstream. This transfer of 5.42 cfs for irrigation will change the place of use to 299 acres within a 403 acre place of use. The irrigated acres are located east of Highway 51, north of the Snake River, and approximately 5 miles north of Bruneau. The POD site is half a mile east of Highway 51 off Apricot Lane, north of the Snake River.

# AFFIDAVIT OF PUBLICATION

County of Elmore } ss.  
State of Idaho

I, **Brenda M. Fincher**, do solemnly swear that I am the Publisher of the:

## Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 2nd day of March, 2016, and the last publication having been made on the 9th day of March, 2016; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

*Brenda M Fincher*

Publisher

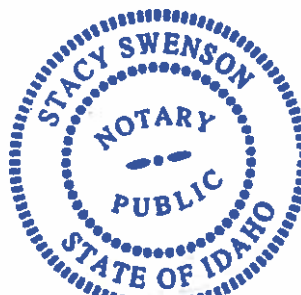
Subscribed and sworn to me this 24th day of March 2016.

*[Signature]*

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 11-17-2017.



RECEIVED

MAR 28 2016

WATER RESOURCES  
WESTERN REGION

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see [www.idwr.idaho.gov/WaterManagement/WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 3/21/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
First Publication: March 2, 2016  
Second Publication: March 9, 2016