

RECEIVED**AUG 30 2016**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

DEPT OF WATER RESOURCES

1. Name of applicant(s) Kurt and/or Terril Catmull Phone 208-670-2101Name connector (check one): ☐ and ☐ or ☒ and/orMailing address PO Box 131 Albion, ID 83311 Email kurtcatmull@gmail.com

2. Name of representative, if any _____ Phone _____

Mailing address _____ Email _____

- a. ☐ 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.
- b. ☐ 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.

3. Source of water supply Ground water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12S	25E	6	1		NE	NE	Cassia	Ground water	

5. Water will be used for the following purposes:

Amount 3.4 for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 3.4 acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. This area was historically the City of Albion sewer lagoons, ground water in this area is very shallow and seeps into the pond that has been excavated.b. Height of storage dam na feet; active reservoir capacity 2 acre-feet; total reservoir capacity 2 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ Noc. Proposed well diameter is na inches; proposed depth of well is na feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? na; drilling firm na;
well was drilled for (well owner) na; Drilling Permit No. na.

For Department Use

Received by 3. Walker Date 8/30/16 Time 10:58 Preliminary check by 3. Walker
 Fee \$ 100.00 Received by 3. Walker Receipt No. 5035703 Date 8/30/16

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. na
 - Stockwatering; list number and kind of livestock. na
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households na
 - Other; describe fully. na
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	6	JS																
			Lt 1																

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Water right 45-4274 for irrigation identifies this pond as a point of diversion.
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Pond was recently excavated and covers 1/2 acre. The applicant proposes to mitigate for the evaporation from the pond with water right 45-4274. The pond is located next to Marsh Creek, the water level in the pond is higher than Marsh Creek so there should be no impact to Marsh Creek.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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.


Signature of Applicant

Kurt Catmull

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Kurt Catmull
WR 45-4274
Pond elevation compared to Marsh Creek
(measurements are in feet)
8/12/2016



NENE-1

6

12S25E

SENE

45-14482

The USDA-FSA Aerial Photography Field Office asks to be credited in derived products.

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	262.17
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	262.17
Fax			
Section	Legals	Start/End Dates	09/15/2016 - 09/22/2016
SubSection		Insertions	2
Category	50 Legal	Size	174
Ad Key	32057-1	Salesperson(s)	Ruby Aufderheide
Keywords	Permit No 45-14482/Transfer No 80972 & 81125	Taken By	Janet Cranney
Notes			

Ad Proof

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

45-14482
KURT CATMULL
TERRIL CATMULL
PO BOX 131
ALBION, ID 83311
Point of Diversion L1(NENE) S6 T12S R25E CASSIA County
Source GROUND WATER Tributary
Use: AESTHETIC STORAGE 01/01 to 12/31 3.4 AF
Total Diversion: 3.4 AF
Date Filed: 8/30/2016
Place Of Use: AESTHETIC STORAGE
T12S R25E S6 L1(NENE)
Application proposes appropriating 3.4 acre feet of ground water for aesthetic use associated with an existing pond located north of Marsh Creek approximately 0.2miles east of Albion City Park.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80972

RAY ROBINSON, 506 E 500 S, BURLEY, ID 83318; has filed Application No. 80972 for changes to the following water rights within CASSIA County(s): Right No(s). 45-280, 45-295, 45-322, 45-7288, 45-7349. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a 431.0 acre permissible place of use (PPU) for two ground water rights and three Howell Creek water rights that allow for the total combined diversion of 10.04 cfs and the irrigation of 431.0 acres. The proposed PPU is located approximately 0.9 to 1.9 miles east and 0.8 miles north to 0.7 miles south of the center of the City of Albion (Main and Market streets). In addition, the transfer proposes changing the three currently authorized points of diversion for the three Howell Creek rights to a single point of diversion location on Howell Creek. The currently authorized Howell Creek points of diversion are located approximately 0.3 miles north and 1.9 miles east; 0.47 miles south and 1.3 miles east; and 2.6 miles south and 1.8 miles east of the center of the City of Albion. The new proposed point of diversion is an existing Howell Creek diversion located approximately 0.5 miles south and 2.0 miles east of the center of the City of Albion and will be used to divert up to 4.8 cfs

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81125

ALBION 12 INVESTMENTS LLC and ROSE CREEK RANCH LLC, 7595 E MC DONALD DR STE 130, SCOTTSDALE, AZ 85250; has filed Application No. 81125 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240, 45-246B, 45-259, 45-275, 45-284B, 45-285, 45-285A, 45-287, 45-290, 45-291, 45-327D, 45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707. The purpose of the transfer

✓ OK DM
9-9-2016
E-mail sent

Proof of legal notice
received from
Times News on
9/8/2016

(4 pgs. total)

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

is to change a portion of the above rights as follows: Application for transfer proposes the creation of a 1699.2 acre Irrigation Permissible Place of Use (PPU) for 23 surface water rights and 1 ground water right which currently irrigate 1131.7 acres on ground located approximately 1.2 to 3.2 miles south and 0.4 to 2.4 miles east of the intersection of Market and Main Streets in Albion. The rights are currently irrigating ground on two separate farms and this transfer will consolidate the rights into a single PPU encompassing the two farms. One group of 11 rights currently irrigates 399.2 acres with a 4.33 cfs flow rate on Albion 12 Investments, LLC ground, and the other group currently irrigates 732.5 acres with a flow rate of 21.08 cfs on Rose Creek Ranch, LLC ground. After the transfer, 1131.7 acres will be irrigated within the proposed 1699.2 acre PPU.

The transfer also proposes to add a new point of diversion (POD) to an Albion 12 Investments, LLC waste water right, and add one existing Albion 12 Investments, LLC POD to four of the Rose Creek Ranch, LLC Howell Creek rights. These new points of diversion will be located within the proposed place of use.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 738-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. 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 October 3, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: September 15 and 22, 2016

✓ OK DM

Customer Ad Proof

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✓ OK
 DM

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

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GARY SPACKMAN, Director

PUBLISH: September 15 and 22, 2016

✓ OK DM



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

September 9, 2016

KURT CATMULL
TERRIL CATMULL
PO BOX 131
ALBION, ID 83311

RE: Application For Permit No. 45-14482

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS** on **9/15/2016** and **9/22/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**October 3, 2016**).

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 permit.

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

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Friday, September 09, 2016 9:12 AM
To: 'Brian Higgs'
Subject: Comment letters for T# 80972 (Robinson); T# 81125 (Albion 12 & Rose Creek Ranch); and 45-14482 (Catmull)
Attachments: Comment Letter to WM140 for 80972, 81125, 45-14482.docx; Transfer 80972 Ray Robinson.pdf; Transfer 81125 Albion & Rose Creek.pdf; 45-14485 Catmull.pdf

Good morning Brian,

Attached are copies of the (3) applications referenced above, which are currently being processed. Please review the information and provide any necessary comments within 21 days.

Thank you in advance & have a great weekend,

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*



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 8, 2016

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

via e-mail

RE: Application For Permit No. 45-14482

RE: Transfer No. 80972
Water Right No(s). 45-280, 45-295, 45-322, 45-7288, 45-7349

RE: Transfer No. 81125
Water Right No(s). 45-13589, 45-14449, 45-14450, 45-14451, 45-14452, 45-236, 45-240,
45-246B, 45-259, 45-275, 45-284B, 45-285, 45-285A, 45-287, 45-290, 45-291, 45-327D,
45-517D, 45-518, 45-519, 45-523A, 45-528, 45-706, 45-707

Dear Mr. Higgs:

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 watermaster, 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)

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 08, 2016 12:28 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on September 15th & 22nd, 2016. 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*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 8, 2016

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

RE: Application For Permit No.(s): 45-14482

RE: Transfer No. 80972
Water Right No(s): 45-280, 45-295, 45-322, 45-7288, 45-7349

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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 October 3, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

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45-14482

KURT CATMULL
TERRIL CATMULL
PO BOX 131

ALBION, ID 83311

Point of Diversion L1(NENE) S6 T12S R25E CASSIA County Source GROUND WATER Tributary

Use: AESTHETIC STORAGE 01/01 to 12/31 3.4 AF

Total Diversion: 3.4 AF

Date Filed: 8/30/2016

Place Of Use: AESTHETIC STORAGE

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GARY SPACKMAN, Director
Published on September 15th & 22nd, 2016



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 8, 2016

DONALD GUNDERSON
WATER DISTRICT #45F
1047 E 1000 S
ALBION, ID 83311

RE: Application For Permit No. 45-14482

Dear Don:

Attached is a copy of an Application for Permit that may be of interest to you. This application is currently being processed by the Department, and a copy is enclosed for your reference.

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)