

JUN 03 2016

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80972

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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AUG 26 2016

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) RAY ROBINSON

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☒ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

WITHDRAWN

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUN 03 2016

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

Name of Applicant RAY ROBINSON

Phone (208)678-3813

Mailing Address 506 E 500 S, BURLEY ID 83318

Email

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative

Phone

Mailing Address

Email

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

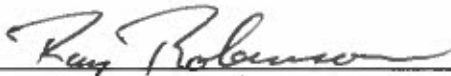
OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative



Print Name and Title if applicable

6 3 16

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	45-280	No	Yes	Yes	No	No	No
	45-295	No	Yes	Yes	No	No	No
	45-322	No	Yes	Yes	No	No	No
	45-7288	No	No	Yes	No	No	No
	45-7349	No	No	Yes	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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DEPT OF WATER RESOURCES
SOUTHERN REGION

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2

Applicant proposes to create a 431.0 acre permissible place of use for all water rights. In addition the
applicant proposes to move the Howell Creek water rights to a single point of diversion on Howell Creek.

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

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

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-295	0.200 cfs	N/A	79.0	431.0		N/A	N/A	N/A	N/A
45-322	3.200 cfs	N/A	160.0	431.0		N/A	N/A	N/A	N/A
45-280	1.400 cfs	N/A	157.0	431.0		N/A	N/A	N/A	N/A
45-7349	3.140 cfs	628.0 af	157.0	431.0		N/A	N/A	N/A	N/A
45-7288	5.240 cfs	1108.0 af	274.0	431.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

10.040 cfs N/A N/A 431.0 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 10.04 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

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

4. Place of Use:

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

Ras Robinson
8-26-16

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Applicant proposes to create a 431.0 acre permissible place of use for all water rights. In addition the applicant proposes to move the Howell Creek water rights to a single point of diversion on Howell Creek.

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

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

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-295	0.200 cfs	N/A	79.0	431.0		N/A	N/A	N/A	N/A
45-322	3.200 cfs	N/A	160.0	431.0		N/A	N/A	N/A	N/A
45-280	1.400 cfs	N/A	157.0	431.0		N/A	N/A	N/A	N/A
45-7349	3.14 cfs	628.0 af	157.0	431.0		N/A	N/A	N/A	N/A
45-7288	5.240 cfs	1108.0 af	274.0	431.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	13.180 cfs		N/A	431.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 13.18 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

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

4. Place of Use:

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

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

Proposed Water Right No. 45-295

Current Water Right Owner RAY ROBINSON
506 E 500 S
BURLEY, ID 83318

Priority Date: 3/31/1883

Origin: Water Right

Basis: Decreed

Status: Active

Source: HOWELL CREEK **Tributary:** MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.200 CFS	
STOCKWATER	04/01	10/31	0.030 CFS	
Total Diversion			0.200 CFS	

Source and 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	
11S	25E	33									40.0	39.0	39.0	39.0					157.0
12S	25E	5	39.0	39.0	40.0	40.0									40.0	40.0	36.0		274.0
			L 1	L 2															

Right Acre Limit: 79.0

POU Total Acres: 431.0

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	
11S	25E	33									X	X	X	X					0
12S	25E	5	X	X	X	X									X	X	X		0
			L 1	L 2															

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

Proposed Water Right No. 45-322

Current Water Right Owner

RAY ROBINSON
 506 E 500 S
 BURLEY, ID 83318

Priority Date: 3/1/1878

Origin: Water Right

Basis: Decreed

Status: Active

Source: HOWELL CREEK

Tributary: MARSH CREEK

Beneficial Use

IRRIGATION

STOCKWATER

From

04/01

To

10/31

Diversion Rate

3.200 CFS

0.030 CFS

3.200 CFS

Subuse Code

Total Diversion

Source and 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	
11S	25E	33									40.0	39.0	39.0	39.0					157.0
12S	25E	5	39.0	39.0	40.0	40.0									40.0	40.0	36.0		274.0
			L 1	L 2															

Right Acre Limit: 160.0

POU Total Acres: 431.0

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	
11S	25E	33									X	X	X	X					0
12S	25E	5	X	X	X	X									X	X	X		0
			L 1	L 2															

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

Proposed Water Right No. 45-280

Current Water Right Owner

RAY ROBINSON
506 E 500 S
BURLEY, ID 83318

Priority Date: 4/30/1881

Origin: Water Right

Basis: Decreed

Status: Active

Source: HOWELL CREEK

Tributary: MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.400 CFS	
STOCKWATER	04/01	10/31		
Total Diversion			1.400 CFS	

Source and Point(s) of Diversion:

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

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	25E	33									40.0	39.0	39.0	39.0					157.0
12S	25E	5	39.0	39.0	40.0	40.0									40.0	40.0	36.0		274.0

Right Acre Limit: 157.0

POU Total Acres: 431.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	25E	33									X	X	X	X					
12S	25E	5	X	X	X	X									X	X	X		

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

Proposed Water Right No. 45-7349

Current Water Right Owner

RAY ROBINSON
506 E 500 S
BURLEY, ID 83318

Priority Date: 7/26/1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	3.140 CFS	628.0 AFA	
Total Diversion			3.140 CFS	628.0 AFA	

Source and Point(s) of Diversion:
GROUND WATER

SESWSW

Sec. 33 Twp 11S 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	
11S	25E	33									40.0	39.0	39.0	39.0					157.0
12S	25E	5	39.0	39.0	40.0	40.0									40.0	40.0	36.0		274.0
			L 1	L 2															

Right Acre Limit: 157.0

POU Total Acres: 431.0

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

Proposed Water Right No. 45-7288

Current Water Right Owner

RAY ROBINSON
506 E 500 S
BURLEY, ID 83318

Priority Date: 3/28/1977

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	5.240 CFS	1108.0 AFA	
Total Diversion			5.240 CFS	1108.0 AFA	

Source and Point(s) of Diversion:
GROUND WATER

SESWSW

Sec. 33 Twp 11S 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	
11S	25E	33									40.0	39.0	39.0	39.0					157.0
12S	25E	5	39.0	39.0	40.0	40.0									40.0	40.0	36.0		274.0
			L 1	L 2															

Right Acre Limit: 274.0

POU Total Acres: 431.0

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

Diversion from creek to pond with pump pressurizing sprinkler system. Measuring device is installed

- b. Who owns the property at the point(s) of diversion

Applicants brother LeRoy Robinson owns point of diversion on Howell Creek

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

Shared point of diversion

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Northwest Farm Credit.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Applicant is creating a permissible place of use.

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

Ground water rights and surface water rights are included in this transfer

- f. 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 leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: No

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

Current Water Right No. 45-295

Current Water Right Owner
RAY ROBINSON
506 E 500 S
BURLEY, ID 83318

Priority Date: 3/31/1883

Origin: Water Right

Basis: Decreed

Status: Active

Source: HOWELL CREEK Tributary: MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.200 CFS	
STOCKWATER	04/01	10/31	0.030 CFS	
Total Diversion			0.200 CFS	

Source and Point(s) of Diversion:
HOWELL CREEK NWSESE Sec. 5 Twp 12S Rge 25E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	5	39.0	39.0	40.0	40.0									40.0	40.0	36.0		274.0
			L 1	L 2															

Right Acre Limit: 79.0

POU Total Acres: 274.0

Place of Use: STOCKWATER

Conditions/Remarks:

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-295, 45-322, and 45-7288.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 274 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-295, 45-322, and 45-7288.
5. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

7. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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

Current Water Right No. 45-322

Current Water Right Owner
RAY ROBINSON
506 E 500 S
BURLEY, ID 83318

Priority Date: 3/1/1878

Origin: Water Right

Basis: Decreed

Status: Active

Source: HOWELL CREEK Tributary: MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	3.200 CFS	
STOCKWATER	04/01	10/31	0.030 CFS	
Total Diversion			3.200 CFS	

Source and Point(s) of Diversion:
HOWELL CREEK SWSESW Sec. 16 Twp 12S Rge 25E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	5	39.0	39.0	40.0	40.0									40.0	40.0	36.0		274.0
			L 1	L 2															

Right Acre Limit: 160.0

POU Total Acres: 274.0

Place of Use: STOCKWATER

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 274 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-295, 45-322, and 45-7288.
4. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-295, 45-322, and 45-7288.
5. 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.
6. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Current Water Right No. 45-280

Current Water Right Owner
 RAY ROBINSON
 506 E 500 S
 BURLEY, ID 83318

Priority Date: 4/30/1881

Origin: Water Right

Basis: Decreed

Status: Active

Source: HOWELL CREEK **Tributary:** MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.400 CFS	
STOCKWATER	04/01	10/31		
Total Diversion			1.400 CFS	

Source and Point(s) of Diversion:
 HOWELL CREEK SESESW Sec. 33 Twp 11S Rge 25E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	25E	33									40.0	39.0	39.0	39.0					157.0

POU Total Acres: 157.0

Place of Use: STOCKWATER

Conditions/Remarks:

1. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 157 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-280 and 45-7349.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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.
6. 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.
7. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-280 AND 45-7349.

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

Current Water Right No. 45-7349

Current Water Right Owner

RAY ROBINSON
 506 E 500 S
 BURLEY, ID 83318

Priority Date: 7/26/1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	3.140 CFS	628.0 AFA	
Total Diversion			3.140 CFS	628.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWSW Sec. 33 Twp 11S Rge 25E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	25E	33									40.0	39.0	39.0	39.0					157.0

POU Total Acres: 157.0

Conditions/Remarks:

1. 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.
2. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-280 AND 45-7349.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 157 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-280 and 45-7349.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS COMBINED RIGHT NOS.: 45-7349 and 45-7288

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

Current Water Right No. 45-7288

Current Water Right Owner
 RAY ROBINSON
 506 E 500 S
 BURLEY, ID 83318

Priority Date: 3/28/1977

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	5.240 CFS	1108.0 AFA	
Total Diversion			5.240 CFS	1108.0 AFA	

Source and Point(s) of Diversion:
 GROUND WATER SESWSW Sec. 33 Twp 11S Rge 25E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	5	39.0	39.0	40.0	40.0									40.0	40.0	36.0		274.0
			L 1	L 2															

POU Total Acres: 274.0

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 274 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-295, 45-322, and 45-7288.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS COMBINED RIGHT NOS.: 45-7349 and 45-7288
3. 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.
4. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-295, 45-322, and 45-7288.

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

Applicant is creating a permissible place of use for all water rights.

FOR DEPARTMENT USE ONLY

Transfer Contains 17 pages and attachments.

Received By Date 6/3/2016 Prelim. Check By Date

Fee Paid \$1,540 Date 6-3-2016 Received By DM Receipt # 5035503

Add'l Fee Paid Date Received By Receipt #



815 N College Rd
Twin Falls, ID 83301-3484
Voice: 208.732.1000 Fax: 208.732.1005

June 6, 2016

Idaho Department of Water Resources
650 Addison Avenue West
Suite 500
Twin Falls, ID 83301-5858

RECEIVED
JUN 06 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

re: Transfer No. 80972

To Whom it May Concern:

Northwest Farm Credit Services (NFCS) does have a security interest in water rights impacted by the above referenced Transfer request by Mr. Ray Robinson. The proposed transfer(s) do not negatively impact our collateral position and therefore we have no objection to the transfer(s). NFCS will remain a lien holder on the referenced water rights following the transfer(s).

If I can address any questions or concerns, feel free to give me a call (208)732-1033.

Sincerely,

A handwritten signature in cursive script that reads "Bill Lickley".

Bill Lickley
Relationship Manager/VP

TRANSFER 80972

Here to Help You Grow

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) 736-3033; 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/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before 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

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

Publication	Online		
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

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TERRIL CATMULL
PO BOX 131
ALBION, ID 83311
Point of Diversion L1(NENE) S6 T12S R25E CASSIA County
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Use: AESTHETIC STORAGE 01/01 to 12/31 3.4 AF
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Place Of Use: AESTHETIC STORAGE
T12S R25E S6 L1(NENE)
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✓ OK
DM

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 32057

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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) 736-3033; 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

MEMORANDUM

TO: Sascha Marston *via e-mail*
FROM: Benny Walker / Denise Maline 
DATE: September 9, 2016
RE : Refund of (partial) application fees – Transfer 80972 (45-280, etc.)

Mangy Moose Farms Inc. paid \$1,540.00.00 for an Application for Transfer on June 3, 2016; under receipt S035503. This application was filed in the name of Ray Robinson. After further review, the application was amended, reducing the total cfs amount; and therefore reducing the filing fee. The correct fee is \$1,300.00.

Please issue a refund of \$240.00 to:

MANGY MOOSE FARMS INC
C/O RAY ROBINSON
506 E 500 S
BURLEY ID 83318
TEL. (208) 678-3813

RECEIPT

S035503, copy attached

Copy to: Transfer 80972

Idaho Department of Water Resources Receipt

Receipt ID: S035503

Payment Amount \$1,540.00 Date Received 6/3/2016 3:42 PM Region SOUTHERN
Payment Type Check Check Number 1078
Payer MANGY MOOSE FARMS INC
Comments APPLICATION FOR TRANSFER #80972 - RAY ROBINSON

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,540.00	TRANSFERS	64106	0229	21		1155

Ameline

(Signature Line (Department Representative))

→ correct fee = \$1,300 -
refund due = \$240 -

see memo dated 9-7-2016.

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

RAY ROBINSON
506 E 500 S
BURLEY, ID 83318

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

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. Please note, a refund in the amount of \$240.00 has been submitted to our fiscal department, and will be sent directly to you upon approval.

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 approval document.

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

Sincerely,

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

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*



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 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)



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 8, 2016

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

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 Don:

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

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 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

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 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

Enclosure(s)

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 0.2 miles 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 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) 736-3033; 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/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before October 3, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 15th & 22nd, 2016

MEMORANDUM

TO: Transfer # 80972 File

FROM: Benny Walker

DATE: September 7, 2016

SUBJECT: Filing Fee

The applicant submitted a fee of \$1,540.00, for 13.18 cfs, for this transfer (Receipt S035503). After further review of this transfer, the correct amount to be transferred is 10.04 cfs. The fee for 10.04 cfs is \$1,300.00. A refund of \$240.00 will be requested from Fiscal to be processed during advertising.

MEMORANDUM

Date: September 6, 2016
To: Transfer 80926 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

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, 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. The place of use and points of diversion involved with the application are located within Water District 45F and 140 so water master comments will be solicited.

- **Authority to File:**
The applicant is listed as the current owner of the water rights involved with the transfer according IDWR records. The applicant has also submitted a lien holder letter from North West Farm Credit giving their approval of the transfer.
- **Water Right Validity:**
The water rights from Howell Creek were decreed in 2005 and the ground water rights were decreed in 2011. Aerial photography indicates that the lands involved with the transfer have been irrigated in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. The water rights will be limited to a combined total of 431.0 acres.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
No issues anticipated
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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

I do not have
a problem with
Ray Robinson changing
the point of diversion
on Howell Creek.

Michael Merriman

Michael Merriman
manager

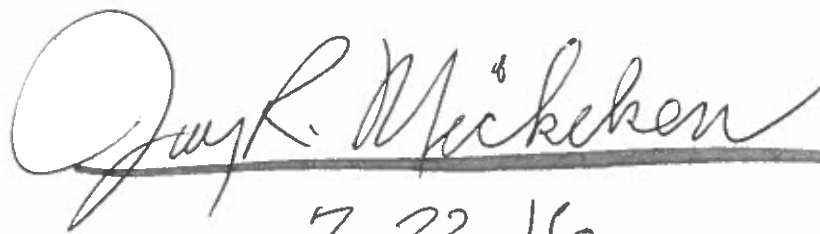
RECEIVED

AUG 19 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

I do not have
a problem with
Ray Robinson changing
the point of diversion
on Howell Creek.

Jay Mickelsen

A handwritten signature in cursive script that reads "Jay R. Mickelsen". The signature is written in dark ink and is positioned above a horizontal line.

7-22-16

RECEIVED

AUG 19 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

I do not have
a problem with
Ray Robinson changing
the point of diversion
on Howell Creek.

By. *J. P. Smith*
Jeff Chatburn

Jeff Chatburn

RECEIVED

AUG 19 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION



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DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 16, 2016

Ray Robinson
506 E. 500 S.
Burley, ID 83318

Re: Transfer of Water Right Application.

Dear Mr. Robinson,

On June 3, 2016 the Department of Water Resources (Department) received an Application for Transfer submitted by you to create a 431.0 acre permissible place of use and to change the currently authorized points of diversion on Howell Creek to a single point of diversion.

During the processing of your transfer application it was discovered that the combined total cubic feet per second (cfs) allowed for the water rights involved in the transfer should be 10.04 cfs and not 13.18 as listed on the transfer item B #1 and #2 on page 3 of the application. The Department is returning this application to correct this error. I have enclosed a new page 3 for you review and approval.

In addition the Department required consent letters from water right holders using the same points of diversions you proposed to move your water rights from on Howell Creek to a single point of diversion on Howell Creek. Their consent avoids the possibility of injury to their water rights should your proposed change in point of diversion on Howell Creek be approved. Therefore the department is unable to move forward with the processing of your application until these consent letters are received.

The fee submitted with the transfer was based on the original 13.18 cfs proposed to be changed. Since the corrected amount is 10.04 cfs the department will refund the difference when processing the corrected application.

If the corrected application (including the original and corrected page 3) and associated documents (consent letters) are not filed with the Department within 30 days from the date of this letter the Department will refund the total application fee in the amount of \$1,540.00, receipt #S035503.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience

Sincerely,

Benny Walker
Water Resource Agent
Enclosures