



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Director

September 8, 2016

Rim Rock Ranch LLC
c/o Alan, Diane & Shane Hubbard
426 Bench Lago Rd
Grace ID 83241

RE: Written Notice of Application for Transfer 81133 (Rim Rock Ranch LLC)

On August 15, 2016, Rim Rock Ranch LLC, filed Application for Transfer 81133 with the Idaho Department of Water Resources, seeking to change elements of water rights 13-726, 13-727, 13-742, 13-776, 13-777 and 13-778 from a spring tributary to the North Fork of Trout Creek, the North Fork of Trout Creek and the Middle Fork of Trout Creek. The Department will publish notice of the application in the Carbiou County Sun on September 15 and 22, 2016, as required by Idaho Code § 42-222. Any person desiring to protest the application must file a protest with the appropriate filing fee (\$25) on or before October 3, 2016. Application 81133 can be viewed in its entirety at:

<http://www.idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=13&Sequence=885&SplitSuffix=A>

Idaho Code § 42-222 allows the Department to provide additional public notice of a transfer application as it deems appropriate. In this case, I have decided to provide written notice of the transfer application to adjacent property owners who have not signed a release of interest in the above water rights. If you believe you have an ownership interest in the water rights included in the application your protest against Application 81133 must be filed with the Department on or before October 3, 2016.

I hope this short summary of the history of the water rights involved in the application will help clarify the changes proposed by Rim Rock Ranch. The 1920 Bear River Decree included the following water rights in the name of Joseph Swenson & Merintha Hansen:

Entry # 335 Joseph Swenson

(a) May 1, 1880	0.70 cfs	Springs/NF Trout	(water right 13-726)
(b) May 1, 1902	1.80 cfs	North Fork Trout	(water right 13-727)

Entry # 346 Joseph Swenson

(a) May 1, 1889	0.70 cfs	Middle Fork Trout	(water right 13-742)
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Entry # 367 Merintha E Hansen

(a) May 1, 1883	0.30 cfs	Middle Fork Trout	(water right 13-776)
(b) May 1, 1886	1.30 cfs	Middle Fork Trout	(water right 13-777)

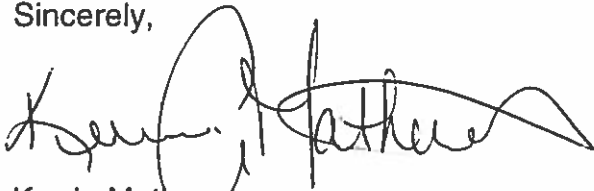
(c) April 15, 1901 1.60 cfs Middle Fork Trout (water right 13-778)

Water rights 13-726 and 13-727, in combination, were used to irrigate 125 acres in the SENW, SWNE, NESW, NENE, and SWNW section 9, T11S, R41E. Water right 13-742 was used to irrigation 35 acres in Section 9, T11S, R41E. Water rights 13-776, 13-777 and 13-778, in combination, were used to irrigate 160 acres in the South ½ of the SW quarter, section 9, T11S, R41E.

Application for Transfer 81133 proposes to combine the place of use of all six water rights into a 179 acre parcel located within the property boundaries of Rim Rock Ranch LLC and update and correct the points of diversion. Rim Rock Ranch is asserting that they are the legal owner of these water rights and have the authority to correct the place of use and point of diversion.

This letter is meant to notify you that water rights 13-726, 13-727, and 13-742, which are still in the name of Joseph Swenson and water rights, 13-776, 13-777 and 13-778, which are still in the name of Merintha E Hansen will be moved to a new place of use with a new point of diversion, if Application 81133 is approved as proposed. If you believe you are the owner of all or a portion of the water rights described above and can demonstrate ownership of a portion of these water rights, please contact me on or before the protest deadline (October 3, 2016). You are also free to contact me if you have questions about the transfer application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kerrie Mathews', with a large, stylized flourish extending from the end of the signature.

Kerrie Mathews
Sr. Water Resources Agent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of September, 2016, a true and correct copy of this letter was served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed, to the following:

Jorgensen Farms LTD
1928 Old Hwy 30
Bancroft ID 83217

Robert Harris
406 Fish Hatchery Road
Grace ID 83241

TJ Budge
Racine Olson Nye Budge & Bailey
PO Box 1391
Pocatello, ID 83204-1391



Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 8, 2016

Lynn Rasmussen
Water District 13Q
168 Lago-Liberty Rd
Grace ID 83241-5352

RE: Application for Transfer 81133

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

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 during regional review. 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.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, September 08, 2016 9:07 AM
To: 'Caribou County Sun (ccsun10@aol.com)'
Subject: Legal Notice for your paper
Attachments: Caribou County Sun E-Mail.rtf

Contacts: Caribou County Sun

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

RIM ROCK RANCH LLC, C/O ALAN, DIANE & SHANE HUBBARD, 426 BENCH LAGO ROAD, GRACE, ID 83241; has filed Application No. 81133 for changes to the following water rights within CARIBOU County(s): Right No(s). 13-726, 13-727, 13-742, 13-776, 13-777, 13-778; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Change point of diversion and change the place of use. The points of diversion for rights 13-726 and 13-727 are in SESENW and NESENW Sec 9 T11S R41E for 2.50 cfs from North Fork Trout Creek and a tributary spring. The point of diversion for rights 13-742, 13-776, 13-777 and 13-778 is in Lot 3 (SENSW) Sec 15 T11S R41E for 3.90 cfs from Middle Fork Trout Creek. The place of use is within Sec 9 T11S R41E for 179 acres. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 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 15 and 22, 2016

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81133

RIM ROCK RANCH LLC, C/O ALAN, DIANE & SHANE HUBBARD, 426 BENCH LAGO ROAD, GRACE, ID 83241; has filed Application No. 81133 for changes to the following water rights within CARIBOU County(s): Right No(s). 13-726, 13-727, 13-742, 13-776, 13-777, 13-778; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Change point of diversion and change the place of use. The points of diversion for rights 13-726 and 13-727 are in SESENW and NESENW Sec 9 T11S R41E for 2.50 cfs from North Fork Trout Creek and a tributary spring. The point of diversion for rights 13-742, 13-776, 13-777 and 13-778 is in Lot 3 (SENWSW) Sec 15 T11S R41E for 3.90 cfs from Middle Fork Trout Creek. The place of use is within Sec 9 T11S R41E for 179 acres.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

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GARY SPACKMAN, Director

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