

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80123

This is to certify that: CINDY L BACHMAN
FRANK L BACHMAN
PO BOX 186
BRUNEAU, ID 83604

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-10497	WR/DECREED	2/26/1964	2.660 cfs	787.5 af	N/A	174.0	SNAKE RIVER
2-2277	WR/DECREED	2/26/1964	0.660 cfs	193.5 af	N/A	43.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

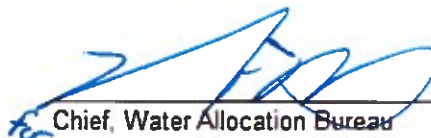
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10497	NO	YES	YES	NO	NO	NO
2-2277	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10497	2-10497	2.660 cfs	787.5 af	166.0	222.0	N/A	N/A	N/A	N/A	N/A
2-2277	2-10523	0.340 cfs	99.0 af	22.0	222.0	2-2277	0.320 cfs	94.5 af	N/A	21.0
COMBINED TOTALS		3.000 cfs	886.5 af	188.0	222.0		0.32 cfs	94.5 af	N/A	21.0

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 7th day of June, 2016.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 2-2277

Transfer No. 80123

WATER RIGHT NO. 2-10497
As Modified by Transfer No. 80123

In accordance with the approval of Transfer No. 80123, Water Right No. 2-10497 is now described as follows:

Right Holder: FRANK L BACHMAN
 CINDY L BACHMAN
 PO BOX 186
 BRUNEAU, ID 83604

Priority Date: 2/26/1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

2.660 cfs

2.660 cfs

Diversion Volume

787.5 af

787.5 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	34		40.0	40.0	40.0	40.0			22.0					37.0	3.0			222.0
															L1	L2			

Right Acre Limit: 166.0

POU Total Acres: 222.0

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. The right holder shall cease irrigation of 8 acres previously authorized under this right, and consolidate use of water on the remaining 166 acres.
5. This right is limited to the irrigation of 166 acres within the authorized place of use in a single irrigation season.

Transfer No. 80123

WATER RIGHT NO. 2-10497
As Modified by Transfer No. 80123

CONDITIONS OF APPROVAL

6. Rights 2-10497 and 2-10523 when combined shall not exceed the irrigation of 188 acres.
7. 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.
8. 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 or late irrigation use and a priority date earlier than 2/10/2010.
9. 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.
10. 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.
11. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
12. This right does not grant any right-of-way or easement across the land of another.
13. The following rights are diverted through point of diversion described above: 2-10497, 2-2277, 2-2092B, 2-2124, and 2-10523.

WATER RIGHT NO. 2-2277

As Modified by Transfer No. 80123

In accordance with the approval of Transfer No. 80123, 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 SWSSEW Sec 34 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	34						10.0	11.0										21.0

POU Total Acres: 21.0

CONDITIONS OF APPROVAL

1. 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 or late irrigation use and a priority date earlier than 2/10/2010.
2. 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.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Transfer No. 80123

WATER RIGHT NO. 2-10523**As Modified by Transfer No. 80123**

In accordance with the approval of Transfer No. 80123, Water Right No. 2-10523 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

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.340 cfs

0.340 cfs

Diversion Volume

99.0 af

99.0 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	34		40.0	40.0	40.0	40.0			22.0					37.0	3.0			222.0
															L 1	L 2			

Right Acre Limit: 22.0

POU Total Acres: 222.0

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 22 acres within the authorized place of use in a single irrigation season.
5. Rights 2-10497 and 2-10523 when combined shall not exceed the irrigation of 188 acres.

Transfer No. 80123

WATER RIGHT NO. 2-10523
As Modified by Transfer No. 80123

CONDITIONS OF APPROVAL

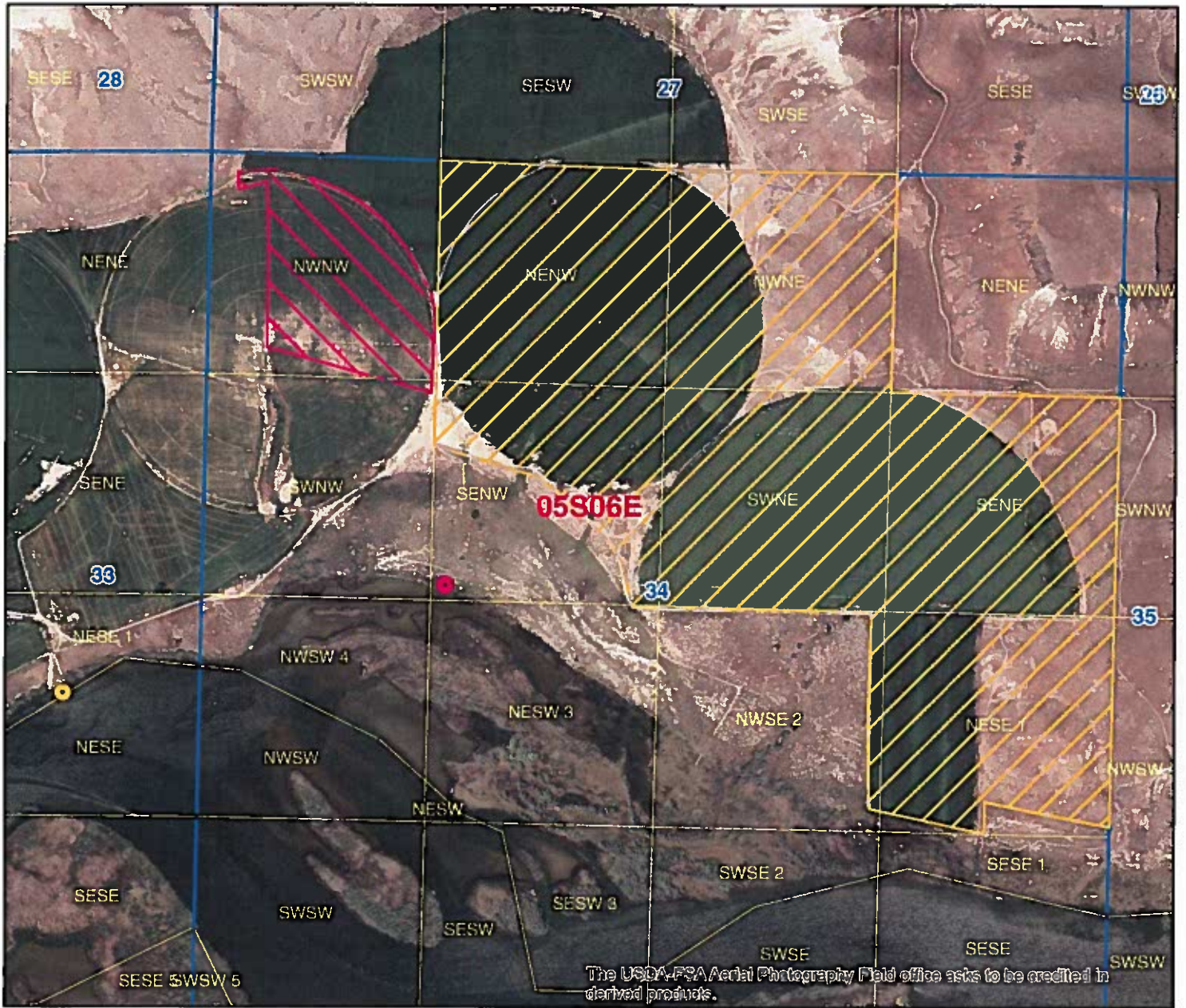
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided 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 or late irrigation use and a priority date earlier than 2/10/2010.
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.
11. The following rights are diverted through point of diversion described above: 2-10497, 2-2277, 2-2092B, 2-2124, and 2-10523.

State of Idaho
Department of Water Resources

Attachment to Application for Transfer No. 80123

Water Right Nos. 2-2277, 2-10497, 2-10523

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.



Legend

- 2-10497 & 2-10523 POD
- 2-2277 POD (unchanged portion)
- 2-10497 & 2-10523 (222 acre PPU)
- 2-2277 POU (unchanged portion)
- Township/Range
- Sections
- QQ

0 0.1 0.2 0.4 Miles





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

June 7, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CINDY L BACHMAN
FRANK L BACHMAN
PO BOX 186
BRUNEAU ID 83604

Re: Transfer No: 80123
Water Right No(s): 2-2277, 2-10497

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.

Although water right 2-2277 was split and the new portion of the right, number 2-10523, is to be used by the Bachmans, the new right will remain in the name of Melody Landis until a change of ownership form and the appropriate fee are submitted.

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,

 Rachel Neely 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 June 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.: 80123
Water Right No(s): 2-2277, 2-10497**

**CINDY L BACHMAN
FRANK L BACHMAN
PO BOX 186
BRUNEAU ID 83604**

**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. 80123

FROM: D. Merriman

DATE: 4/11/16

RE: Evaluation of Application

The transfer proposes changing the points of diversion for 2-2277 and 2-10497 from an abandoned pump station to an existing pump station approximately half a mile downstream. The transfer will also change the irrigation place of use to a 222 acre permissible place of use. 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 transfer will also consolidate the authorized irrigation rate and volume from 196 acres to 188 acres.

The POD site is in the NESE of T05S R06E Sec33 and the POU is in the NENW, NWNE, SENW, SWNE, SENE, and NESE1 of T05S R06W Sec34.

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 Frank L and Cindy L Bachman, who are the owners of land at the POU as well as of water right 2-10497. Water Right 2-2277 is owned by Melody Landis, who is the applicant for Transfer 80124. 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: Both water rights were decreed on February 2, 2010. 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. 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 3 cfs, 886.5 af, and 188 acres within a 222 acre PPU from water rights 2-2277 and 2-10497. It also proposes to consolidate the actual irrigated acres from 196 acres to 188 acres. This would increase the diversion rate per acre from .015 cfs to .016 cfs, but would not affect the overall diversion rate allowed. The volume would also remain the same. 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

The transfer would result in the split of 2-2277 and the creation of new water right 2-10523.

The transfer proposes consolidating the authorized irrigation rate and volume by removing 8 acres from the total number available within the PPU. The 8 acres would be removed from water right 2-10497 rather than 2-10523 because part 2 of the transfer specifically described 22 acres of water right 2-2277 (now 2-10523) to be included in the PPU.

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 and 2-10497 pre-transfer.

Prior to determination of transfer approval, the Bachman's applied for rental water from water rights 2-2356 and 2-7071. The transfer will determine the ability of the Planning Bureau to approve the Water Supply Bank request.

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.

Transfer 80123 Forfeiture Analysis**Invert Imagery**

2011 (1 meter)

Aerial Photography

2011 (1 meter)



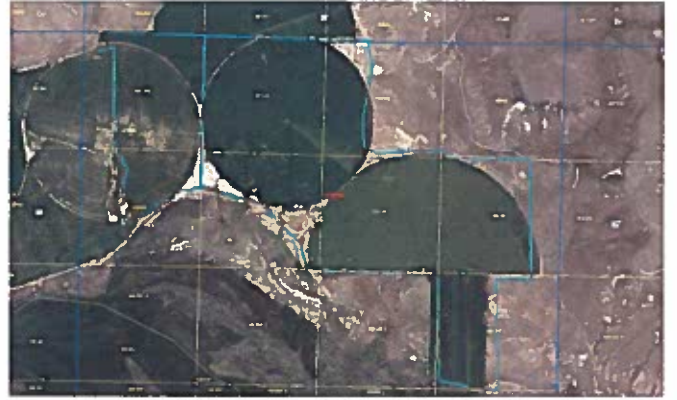
2013 (0.5 meter)



2013 (0.5 meter)



2015 (1 meter PRELIMINARY)



2015 (1 meter PRELIMINARY)

WRs: 2-2277, 2-10497
Decreed Date: 2/10/2010
Use Resumption Deadline: 12/31/2015

Both water rights were decreed on February 2, 2010. 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.

Transfer 80123 Overlap Analysis

Process	Basin Sequence	Owner	Source	POD/ POU	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESE	NWSE	Total Acres	Notes
Transfer	2-10497	LANDIS, MELODY F; LANDIS, TIM	SNAKE RIVER/ COLUMBIA RIVER	POD							X				POD will change
Water Right	2-10497	BACHMAN, CINDY L; BACHMAN, FRANK L	SNAKE RIVER	POD							X				0 POD will change
Water Right	2-2277	LANDIS, MELODY F	SNAKE RIVER	POD							X				0 POD will change
Transfer	2-10497	BACHMAN, CINDY L; BACHMAN, FRANK L	SNAKE RIVER/ COLUMBIA RIVER	POU	15.0	41.0	30.0	42.0			22.0	20.0	4.0	174	TBT
Water Right	2-10497	BACHMAN, CINDY L; BACHMAN, FRANK L	SNAKE RIVER	POU	15.0	41.0	30.0	42.0			22.0	20.0	4.0	174	TBT
Transfer	2-2124	LANDIS, MELODY F; LANDIS, TIM	SNAKE RIVER/ COLUMBIA RIVER	POU					10.0	11.0				21	Same POD. Different acres
Water Right	2-2124	LANDIS, MELODY F; LANDIS, TIM	SNAKE RIVER	POU					10.0	11.0				21	Same POD. Different acres
Water Right	2-2277	LANDIS, MELODY F	SNAKE RIVER	POU					31.0	12.0				43	TBT

NOTICE

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

63-34186

HOWARD KEVAN FAMILY TRUST
405 EDWARDS DR
TWIN FALLS, ID 83331
Point of Diversion L10(SESW) 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(SESW)

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. 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. 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
State of Idaho

}SS

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

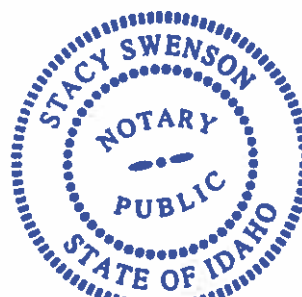
Subscribed and sworn to me this 24th day of March 2016.

[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. 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
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Second Publication: March 9, 2016