

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80728**

This is to certify that: **PATRICK FLORENCE AND
WENDY FLORENCE
PO BOX EE
TWIN FALLS, ID 83303**

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>
37-22785	WR/DECREED	4/18/1906	0.150 cfs	N/A	N/A	9.7	SAMPSON CREEK

Purpose of Transfer (Changes Proposed)

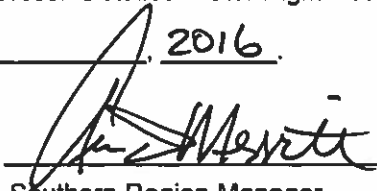
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22785	NO	YES	NO	NO	NO	NO

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>
37-22785	37-22785	0.150 cfs	N/A	N/A	9.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.150 cfs	N/A	N/A	9.7		N/A	N/A	N/A	N/A

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

Dated this 16th day of May, 2016.


Southern Region Manager

WATER RIGHT NO. 37-22785

As Modified by Transfer No. 80728

In accordance with the approval of Transfer No. 80728, Water Right No. 37-22785 is now described as follows:

Right Holder: PATRICK FLORENCE AND
WENDY FLORENCE
PO BOX EE
TWIN FALLS, ID 83303

Priority Date: 4/18/1906

Source: SAMPSON CREEK

Tributary: SOLDIER CREEK

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
0.150 cfs
0.150 cfs

LOCATION OF POINT(S) OF DIVERSION

SAMPSON CREEK NWNE Sec 16 Twp 01N Rge 14E CAMAS 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	
01N	14E	16		9.7															9.7

POU Total Acres: 9.7

CONDITIONS OF APPROVAL

1. 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. 37B.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 80728

WATER RIGHT NO. 37-22785

As Modified by Transfer No. 80728

CONDITIONS OF APPROVAL

6. 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.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 80728
37-22785

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.

14E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles





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

May 17, 2016

PATRICK FLORENCE
WENDY FLORENCE
PO BOX EE
TWIN FALLS ID 83303

Re: Transfer No: 80728
Water Right No(s): 37-22785

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

RUSTY KRAMER WATER MASTER
WATER DISTRICT 37B
PO BOX 591
FAIRFIELD ID 83327

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80728
Water Right No(s): 37-22785**

**PATRICK FLORENCE
WENDY FLORENCE
PO BOX EE
TWIN FALLS ID 83303**

**RUSTY KRAMER WATER MASTER
WATER DISTRICT 37B
PO BOX 591
FAIRFIELD ID 83327**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
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.

RECEIVED

MAY 09 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

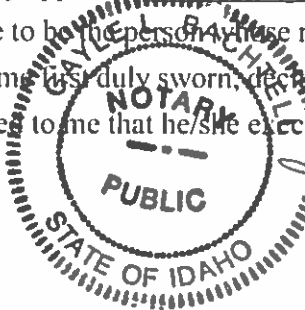
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
SS.
County of Camas)

Edward Reagan, being first duly sworn, deposes and says that he is the designated agent for the publisher of The Courier NEWS, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, identified as Transfer 80728, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6th day of April, 2016, and the date of the last publication was on the 13th day of April, 2016.

Edward Reagan

On this 6th day of May, in the year of 2016 before me, a Notary Public, personally appeared Edward Reagan, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.



Gayle L. Backtell
Notary Public for Idaho
Residing in Fairfield
My commission expires: 10-19-2017

✓ OK DM
5-9-2016

Cost of Publication

Pica Count 933
of runs 2

Cost for Advert: First run \$ 74.64
Additional runs \$ 65.31
Total Cost \$ 139.95

Legal ad rates:
1st or single run - \$ 0.08 per pica
Additional runs - \$ 0.07 per pica
Table & Figures - \$ 0.09 per pica

Mail payment to:
THE COURIER NEWS
Post Office Box 339
Fairfield, Idaho 83327

~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80728

PATRICK FLORENCE and WENDY FLORENCE, PO BOX EE, TWIN FALLS, ID 83303; has filed Application No. 80728 for changes to the following water rights within CAMAS County(s): Right No(s). 37-22785; 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: Ap-

plication for transfer proposes changing the point of diversion (POD) for a 0.15 cfs, 9.7 acre Sampson Creek right. The transfer seeks to change to a new POD located on the applicant's property approximately 0.4 miles downstream of the currently authorized diversions. The new POD and place of use are located approximately 5.6 miles north of Fairfield.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Pro-

tests 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, 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 April 25, 2016. The protestant must also send a copy of the protest to the applicant.

Gary Spackman, Director
published on April 6th & 13th, 2016

"Pots and Plugs" Tree & Shrub Sale going on NOW!

The Camas Conservation District has a wonderful variety of plants available for the Camas area.

Order forms available at the Camas Conservation District office or by email at camasscd@yahoo.com or call 764-3223

LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~

NOTICE OF TRUSTEE'S SALE

On Friday, July 22, 2016 at the hour of 2:00PM, of said day, on the front steps of the Camas County Courthouse located at 501 Soldier Road, Fairfield, ID 83327, Alliance Title & Escrow Corp., as successor trustee, will sell at public auction, to the highest bidder, for cash, cashiers check, certified check or tellers check, (from a bank which has a branch in the community at the site of the sale), money order, State of Idaho check or local government check, or cash equivalent in lawful money of the United States, all payable at the same time of sale, the following described real property, situated in the County of Camas, State of Idaho, and described as follows, to wit:

Lots 9 and 10 Block 8, of the City of Fairfield, according to the official plat thereof, on file in the office of the County Recorder, Camas County, Idaho.

THE TRUSTEE HAS NO KNOWLEDGE OF A MORE PARTICULAR DESCRIPTION OF THE ABOVE-DESCRIBED REAL PROPERTY, BUT FOR PURPOSES OF COMPLIANCE WITH IDAHO CODE, SECTION 60-113, THE TRUSTEE HAS BEEN INFORMED THAT THE STREET ADDRESS OF: 227 West Ponderosa, Fairfield, ID 83327, MAY SOMETIMES BE ASSOCIATED WITH SAID REAL PROPERTY.

Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the deed of trust executed by Jerome J. Bendel an unmarried man, as Grantor to Alliance Title & Escrow Corp., as Successor Trustee, for the benefit and security of Federal National Mortgage Association ("Fannie Mae"), a corporation organized and

existing under the laws of the United States of America as Successor Beneficiary, recorded February 23, 2010 as Instrument No. 2010-082830, Mortgage records of Camas County, Idaho. THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506(4)(a), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is to be made is failure to:

Make principal and interest payments as set forth on said Deed of Trust and Promissory Note. The original loan amount was \$93,100.00 together with interest thereon at the rate of 4.6250% per annum, as evidenced in Promissory Note dated January 26, 2010. Principal and interest payments are in default for the months of October 2015 through and including March 2016 in the amount of \$289.24 per month and continuing each and every month thereafter until date of sale or reinstatement. The principal balance as of March 15, 2016 is \$62,597.49 together with accrued and accruing interest thereon at the rate of 4.6250% per annum. In addition to the above, there is also due any late charges, advances, escrow collection fees, attorney fees, fees or costs associated with this foreclosure.

The balance owing as of this date on the obligation secured by said deed of trust is \$62,597.49, excluding interest, costs and expenses actually incurred in enforcing the obligations thereunder or in this sale, as trustee's fees and/or reasonable attorney's fees as authorized in the promissory note secured by the aforementioned Deed of Trust.

Dated: March 21, 2016

Alliance Title & Escrow Corp.
By: Bobbi Oldfield, Trust Officer

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

APR 06 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 80728

Water Right No(s): 37-22785

Transfer Applicant's Name: PATRICK FLORENCE
WENDY FLORENCE
PO BOX EE
TWIN FALLS, ID 83303

Water master's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional comments:

Dated this 3rd day of April , 2016

Water District No. 37B

 Rusty Kramer
Water master's Signature

 Rusty Kramer
Printed Name