

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 26 2016

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DEPT OF WATER RESOURCES
SOUTHERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Hattie Zobott, Michael Zobott Phone 208-954-4954

2. MAILING ADDRESS 19950 HWY 30 City Buhl

State ID Zip 83316 Email hattiehiatt@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 47-17654, 47-17655

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.04 cubic feet per second and/or 9.2 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SE	SE	32	8S	14E	Twin Falls	Groundwater	

6. 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:
Lockable controlling devices can be installed if required.

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

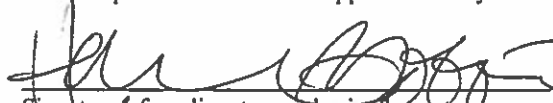
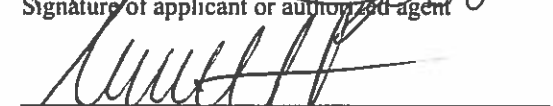
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☒ Yes ☐ No
☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

 Signature of applicant or authorized agent	<u>Michael ZOBOTT</u> Print name and title if applicable	<u>02/25/16</u> Date
 Signature of applicant or authorized agent	<u>Michael ZOBOTT</u> Print name and title if applicable	<u>2/25/16</u> Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by TF/DM Date 2-26-2016
Fee paid \$200 - Date 2-26-2016 Received by DM Receipt # S035299
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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

Current Water Right No.: 47-17655

Current Owner: MICHAEL ZOBOTT
HATTIE ZOBOTT

Priority Date: 1/20/1984

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	01/01 to 12/31	0.03 CFS	6.1 AF
	<u>Total Diversion</u>	0.03 CFS	6.1 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SE1/4 Sec. 32, Twp 08S, Rge 14E B.M.,
TWIN FALLS County

Place of Use

RECREATION Within TWIN FALLS County

T08S R14E S32 SESE

Conditions of Approval:

1. C18 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. THE PLACE OF USE IS TWIN FALLS TAX PARCEL NUMBER:
RP08S14E329060A.
3. E51 Use of this right with Right No. 47-17654 is limited to a total combined diversion rate of .04 cfs.

Decreed Date: 11/4/2009

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

Current Water Right No.: 47-17654

Current Owner: HATTIE ZOBOTT
MICHAEL ZOBOTT

Priority Date: 5/18/1972

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	01/01 to 12/31	0.03 CFS	2.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
<u>Total Diversion</u>		0.04 CFS	3.1 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SE1/4 Sec. 32, Twp 08S, Rge 14E B.M.
TWIN FALLS County

Place of Use

HEATING Within TWIN FALLS County

T08S R14E S32 SESE

DOMESTIC Within TWIN FALLS County

T08S R14E S32 SESE

Conditions of Approval:

1. C18 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. E51 Use of this right with Right No. 47-17655 is limited to a total combined diversion rate of .04cfs.
3. DOMESTIC AND HEATING USE IS FOR ONE HOME.
4. THE PLACE OF USE IS TWIN FALLS TAX PARCEL NUMBER:
RP08S14E329060A.

Decreed Date: 11/4/2009

Legend

ESPA

GCDB Township/Range

GCDB Section

GCDB Quarter-Quarter

Counties

NEW POD

RP08S14E329060A



Zobott POD Transfer Map



TRANSFER 80727

February 26, 2016

- POD - Water Rights
- PLS - quarter quarter
- PLS - Township/Range
- PLS - Section
- Counties
- New POD
- 47-17654, 47-17655 POU



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

March 10, 2016

MICHAEL ZOBOTT
HATTIE ZOBOTT
19950 HWY 30
BUHL, ID 83316

RE: Transfer No. 80727
Water Right No(s). 47-17654, 47-17655

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.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 3/17/2016 and 3/24/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**April 4, 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,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 10, 2016 11:45 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on March 17th & 24th, 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
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 10, 2016

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

RE: Application For Permit No.(s): 36-17064

RE: Transfer No. 80573
Water Right No(s): 36-2257, 36-7517

RE: Transfer No. 80707
Water Right No(s): 36-2357, 36-2574, 36-7629, 36-7828, 36-7839

RE: Transfer No. 80727
Water Right No(s): 47-17654, 47-17655

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 April 4, 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:

36-17064

HAGERMAN WINGS FARM LLC

823 E 2700 S

HAGERMAN, ID 83332

Point of Diversion L3(NESE) S16 T07S R13E GOODING County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/22/2016

Place Of Use: DOMESTIC

T07S R13E S16 L3(NESE)

Application proposes diverting up to 0.04 cfs for domestic uses associated with a home. An existing well will service the home that is located approximately 1.5 miles west of the City of Hagerman.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80573**

VANDERVEGT DAIRY LLC, 4098 HIDDEN LAKES DR, KIMBERLY, ID 83341; has filed Application No. 80573 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-2257, 36-7517. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving portions of two irrigation ground water rights for use in a new place of use using two existing wells on an existing farm located approximately 4.4 to 4.6 miles north and 6.3 to 6.9 miles west of Paul. The total allowed diversion for the moved portions will be 0.25 cfs for the irrigation of 14.5 acres. The current place of use and points of diversion are located approximately 3.8 to 4.8 miles north and 5.2 to 6.2 miles west of Paul.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80707**

FRANK J SUCHAN, 931 W 500 N, PAUL, ID 83347; has filed Application No. 80707 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-2357, 36-2574, 36-7629, 36-7828, 36-7839. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes the creation of a 716.0 acre Permissible Place of Use (PPU) consisting of five ground water rights totaling 8.02 cfs that allow for the irrigation of 396.0 acres. The rights are currently appurtenant to ground located approximately 5.3 to 6.0 miles north and 3.0 to 4.0 miles west of Paul. The proposed PPU will be located approximately 5.3 to 7.0 miles north and 3.0 to 4.0 miles west of Paul. The transfer will also identify two existing wells and a new well to be drilled as authorized points of diversion for the five rights with all three wells being located within the proposed PPU. The transfer proposes allowing for the irrigation of 396.0 acres within the proposed 716.0 acre PPU. Note that portions of some of the rights are currently enrolled in the Conservation Reserve Enhancement Program (CREP) and the Water Supply Bank resulting in 283.9 acres currently available to be irrigated within the proposed 716.0 acre PPU.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80727**

MICHAEL ZOBOTT and HATTIE ZOBOTT, 19950 HWY 30, BUHL, ID 83316; has filed Application No. 80727 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17654, 47-17655. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the authorized point of diversion of two ground water rights to a new well to be drilled located approximately 5.6 miles north and 3.5 miles west of the city of Buhl. The two water rights allow for the diversion of 0.04 cfs and 9.2 af for domestic, heating and recreation uses.

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 April 4, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on March 17th & 24th, 2016

MEMORANDUM

Date: March 7, 2016
To: Transfer 80727 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the authorized point of diversion of two ground water rights to a new well to be drilled located approximately 5.6 miles north and 3.5 miles west of the city of Buhl. The two water rights allow for the diversion of 0.04 cfs and 9.2 af for domestic, heating and recreation uses. The proposed new well will be located on the applicants' property approximately 562 feet southeast of the currently shared well location. The planned well is located within the Banbury Hot Springs Ground Water Management Area.

- **Authority to File:**
The applicant is listed as the current owner of water rights according to department records. Current tax lot information and department records from a previous ownership change for the water rights involved in this transfer included warranty deeds showing that the applicant is the owner of the lands pertaining to this transfer.
- **Water Right Validity:**
The rights 47-17654, and 47-17655 were decreed in the SRBA in 2009. Forfeiture of the rights involved with the transfer does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. Rights 47-17654, and 47-17655 are existing water rights, so no new use will occur.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice and protest
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
None 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.

MEMORANDUM

TO: Transfer # 80727 File

FROM: Benny Walker

DATE: March 7, 2016

SUBJECT: Filing Fee

The filing fee of, \$200.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.04 cfs. The transfer fee schedule for a transfer involving 0.00-0.20 cfs indicates that the filing fee is \$200.00. The applicant's submitted a fee of \$200.00 for this transfer (Receipt S03529).