

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80574

DEC 10 2015

MINIMUM REQUIREMENTS CHECKLIST

DEPT OF WATER RESOURCES
SOUTHERN REGION
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable 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) HOWARD L MORRISCheck 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: _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT OF WATER RESOURCES
SOUTHERN REGIONName of Applicant HOWARD L MORRISPhone (208) 837-6213Mailing Address 1101 E 2900 S, HAGERMAN ID 83332

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 RepresentativeHoward L. Morris
Print Name and Title if applicable12-10-13
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
	36-8723	No	Yes	Yes	No	No	No

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**

The purpose of this transfer is to correct the point of diversion to the location of the existing place
where water is diverted from Lateral 26 waste stream. This change was made in 2015. Additionally the
transfer will create a permissible place of use to allow this water at times to be used on the lands
in S31 and 32 T7S, R 14E that are also served by the Martin-Curren Tunnel. Use will continue at times
on land in S6 T8S R 14E where originally licensed. This will allow more flexibility and efficiency.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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
36-8723	2.400 cfs	500.0 af	125.0	200.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	2.400 cfs	500.0 af	125.0	200.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 2.4 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. 36-8723

Current Water Right Owner
**HOWARD L MORRIS
1101 E 2900 S
HAGERMAN, ID 83332**

Priority Date: 4/11/1994

Origin: Water Right

Basis: License

Status Active

Source: WASTE WATER Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	2.400 CFS	500.0 AFA	
Total Diversion			2.400 CFS	500.0 AFA	

Source and Point(s) of Diversion:
WASTE WATER

NWSW

Sec. 5 Twp 08S Rge 14E GOODING 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	
07S	14E	31													20.0			40.0	60.0
07S	14E	32										9.0	6.0						15.0
08S	14E	6	37.0	36.0	7.0	35.0	10.0												125.0
			L 1	L 2			L 3												

Right Acre Limit: 125.0

POU Total Acres: 200.0

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
100HP pump from lateral 26 waste stream delivering to 12" buried pipeline to sprinklers.
- 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:
Does not apply
- 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:
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:
Land will continue to be irrigated with other water rights but use will be limited to 125 acres with
in the proposed PPU.
- 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:
This right supplements decreed rights from Martin-Curren tunnel which will not change.
- 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:

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

Current Water Right No. 36-8723

Current Water Right Owner
HOWARD L MORRIS
1101 E 2900 S
HAGERMAN, ID 83332

Priority Date: 4/11/1994

Origin: Water Right

Basis: License

Status: Active

Source: WASTE WATER Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	2.400 CFS	500.0 AFA	
Total Diversion			2.400 CFS	500.0 AFA	

Source and Point(s) of Diversion:
WASTE WATER NESESE Sec. 6 Twp 08S Rge 14E GOODING 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	
08S	14E	6	37.0	36.0	7.0	35.0	10.0												125.0
			L 1	L 2			L 3												

POU Total Acres: 125.0

Conditions/Remarks:

1. The source of this water right is waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it. This water right is subject to the future use and distribution of waste water by the Northside Canal Company Ltd., Inc. for use on its shareholder lands.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.
3. Rights 36-134D, 36-135D, 36-10141A and 36-8723 when combined shall not exceed a total diversion rate of 3.98 cfs and the irrigation of 143 acres.
4. 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. 130.
5. 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.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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 rights(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

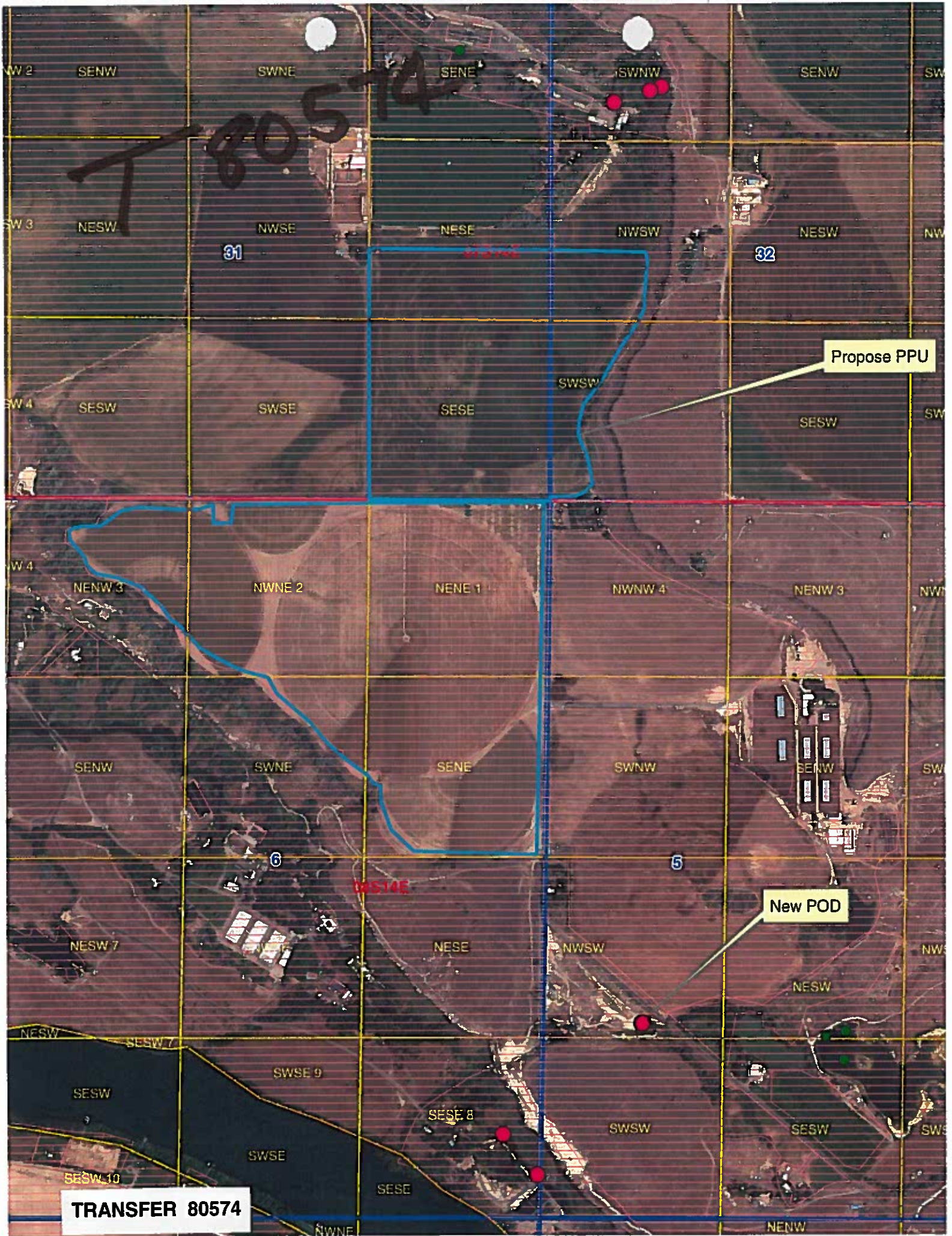
- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

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.:

This right has been used because decreed rights from tunnel have decreased over time. This right has been used because decreed rights from tunnel have decreased over time.

FOR DEPARTMENT USE ONLY

Transfer Contains 7 pages and 1 attachments.
Received By ADM Date 12/10/2015 Prelim. Check By _____ Date _____
Fee Paid \$6600- Date 12-10-2015 Received By ADM Receipt # S035145
Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____





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

December 30, 2015

HOWARD L MORRIS
1101 E 2900 S
HAGERMAN, ID 83332

RE: Transfer No. 80574
Water Right No(s). 36-8723

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 1/7/2016 and 1/14/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**January 25, 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: Wednesday, December 30, 2015 11:57 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 January 7th & 14th, 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 & Happy New Year,

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
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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 30, 2015

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 43-13745

RE: Transfer No. 80574

Water Right No(s): 36-8723

RE: Transfer No. 80575

Water Right No(s): 36-15165, 36-16417, 36-16419, 36-16421, 36-16423, 36-16425, 36-16501,
36-2339, 36-2340, 36-2346, 36-2360, 36-2363, 36-2389, 36-2431, 36-2451, 36-4200, 36-8403

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 January 25, 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:

43-13745

CLAIR TEETER

JUDY TEETER

1355 E 1750 S

MALTA, ID 83342

Point of Diversion SWNW S22 T13S R25E CASSIA County Source GROUND WATER Tributary

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

Use: HEATING 01/01 to 12/31 0.09 CFS

Use: RECREATION 01/01 to 12/31 0.09 CFS

Use: STOCKWATER 01/01 to 12/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 7/25/2015

Place Of Use: DOMESTIC, HEATING, RECREATION, STOCKWATER

T13S R25E S22 SWNW

Application proposes to divert up to 0.09 cfs from an existing well for domestic, heating, stockwater and recreational uses on a property located approximately 2.1 miles north and 1.5 miles east of the City of Elba. After the water is used, it discharges into an open channel and sinks into the aquifer.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80574

HOWARD L MORRIS, 1101 E 2900 S, HAGERMAN, ID 83332; has filed Application No. 80574 for changes to the following water rights within GOODING County(s): Right No(s). 36-8723. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing the point of diversion (POD) for a 2.40 cfs, 125 acre irrigation waste water right to identify the actual location where water is diverted from the waste stream. The POD is located approximately 2.6 miles east and 4.0 miles south of Hagerman. Application also proposes creating a 200 acre permissible place of use (PPU). Proposed PPU is located 2.9 to 3.8 miles south and 1.6 to 2.6 miles east of Hagerman.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80575

GLOBAL AG PROPERTIES USA LLC, C/O WESTCHESTER GROUP INVESTMENT MANAGEMENT 2004 FOX DR STE L, CHAMPAIGN, IL 61820; has filed Application No. 80575 for changes to the following water rights within JEROME County(s): Right No(s). 36-15165, 36-16417, 36-16419, 36-16421, 36-16423, 36-16425, 36-16501, 36-2339, 36-2340, 36-2346, 36-2360, 36-2363, 36-2389, 36-2431, 36-2451, 36-4200, 36-8403. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 3,110 acre permissible place of use for 17 ground water irrigation rights. The proposed permissible place of use and points of diversion are located approximately 8.5 to 11.5 miles north and 6.2 to 9.7 miles east of Hazelton. The application proposes the diversion of 38.84 cfs from eight existing wells for the irrigation of 2,545.9 acres within the 3,110 acre permissible 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 January 25, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on January 7th & 14th, 2016



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

December 30, 2015

NATHAN ERICKSON
WATER DISTRICT #130
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

Via hand delivery

RE: Transfer No.: 80574
Water Right No(s). 36-8723

RE: Transfer No. 80575
Water Right No(s). 36-15165, 36-16417, 36-16419, 36-16421, 36-16423, 36-16425,
36-16501, 36-2339, 36-2340, 36-2346, 36-2360, 36-2363, 36-2389, 36-2431,
36-2451, 36-4200, 36-8403

Dear Nathan:

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 30, 2015

FRANK ERWIN
WATER DISTRICT #36A
711 E AVE N
HAGERMAN, ID 83332

RE: Transfer No. 80574
Water Right No(s). 36-8723

Dear Frank:

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)

MEMORANDUM

Date: December 18, 2015
To: Transfer 80574
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes updating the point of diversion (POD) for a 2.40 cfs, 125 acre waste water right, 36-8723, to correctly identify the location where water is diverted from the lateral 26 waste stream and reflect changes made in 2015. POD is located 2.6 miles east and 4.0 miles south of Hagerman. Application also proposes creating a 200 acre permissible place of use (PPU) for this 125 acre right. Proposed PPU is located 2.9 to 3.8 miles south and 1.6 to 2.6 miles east of Hagerman.

Overlap review indicates this waste water right can be combined with surface water rights 36-134D (1.58 cfs; 143 acres), 36-135D (1.58 cfs; 143 acres), and 36-10141A (0.82 cfs; 143 acres) at its current place of use (POU). A condition on 36-8723 limits all 4 rights when combined to 3.96 cfs, which is equivalent to the total combined flow allowed under the three surface water rights. There are also three surface water rights appurtenant to the 75 additional acres being added to this water right's PPU: rights 36-134E (0.820 cfs); 36-135E (0.820 cfs) and 36-10141B (0.430 cfs). All of the surface water rights have been added as associated rights in this transfer to allow adding combined limit conditions. A combined limit condition was added to 36-8723 (125 acres) and to the three rights appurtenant to the 75 acres being added to this right, (36-134E; 36-135E; 36-10141B) that limits all four rights when combined to 200 acres. A combined limit was also added to the three surface water rights at the current POU for 36-8723, which limits 36-134D, 36-135E, 36-10141A and 36-8723 when combined to 3.96 cfs and 143 acres. A third combined limit was added to all the rights limiting all rights when combined to 218 acres (75 acres + 143 acres).

There is also a waste water permit, 36-17011, that has a mitigation use and shape that identifies the PPU in the NESE of Sec. 31, Twp. 07S, Rge. 14E. The intent of the mitigation is to provide waste water as an alternate source of irrigation water for water rights diverted from the Martin-Curren Tunnel to mitigate the Rangen curtailment order. The three associated water rights currently used to irrigate the applicant's portion of the NESE of Sec. 31 (36-134E; 36-135E & 36-10141B), do use the Martin-Curren Tunnel as their source of water.

The GIS irrigation shapefile ("206 map") for right 36-8723 identifies the 125 acres where this right was originally licensed as the current POU.

This waste water right's POD is in water district 130 and the associated water right's PODs are in water district 36A. Watermaster comments will be solicited from the Watermasters of both water districts.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water right and the associated water rights in the transfer.
- **Water Right Validity:**
Water right 36-8723 was licensed on 5/11/2011. Recent aerial photography indicates that the property associated with this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
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.