

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80206

RECEIVED

JUL 06 2015

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPT OF WATER RESOURCES

SOUTHERN REGION

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) EVARD LLC;

Check 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
JUL 06 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant EVARD LLC

Phone (208)654-2733

Mailing Address 872 E PEBBLE DR, BURLEY ID 83318

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 EVARD H GIBBY

Phone (208) 423-4795

Mailing Address 2058 NORTHERN SKY DR, TWIN FALLS ID 83301

Email EHGIBBY@GIBBYGROUP.COM

- ☐ 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 Representative

Reed Gibby THY
Print Name and Title if applicable

7/4/15
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
43-13741	No	No	No	No	Yes	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

Application filed to add two potential well sites as possible points of diversion.

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
43-13741	17.020 cfs	5748.0 af	1437.0	1440.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

17.020 cfs	5,748.0 af	1,437.0	1,440.0	N/A	N/A	N/A	N/A
------------	------------	---------	---------	-----	-----	-----	-----

2. Total amount of water proposed to be transferred or changed 17.02 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. 43-13741

Current Water Right Owner
**EVARD LLC
 872 E PEBBLE DR
 BURLEY, ID 83318**

Priority Date: 7/25/1973

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	17.020 CFS	5748.0 AFA	
Total Diversion			17.020 CFS	5748.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESE	Sec. 5 Twp 10S Rge 28E CASSIA County
GROUND WATER	NWNWSW	Sec. 5 Twp 10S Rge 28E CASSIA County
GROUND WATER	SESESW	Sec. 5 Twp 10S Rge 28E CASSIA County
GROUND WATER	NENE	Sec. 8 Twp 10S Rge 28E CASSIA County
GROUND WATER	NWNW	Sec. 8 Twp 10S Rge 28E CASSIA County
GROUND WATER	SWSWNW	Sec. 8 Twp 10S Rge 28E CASSIA 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	
10S	28E	4			22.0	22.0		3.6	5.4		40.0	38.0	40.0	40.0	40.0	40.0	40.0	40.0	371.0
10S	28E	5	38.0	40.0	40.0	38.0	40.0	41.0	40.0	40.0	40.0	40.0	40.0	40.0	30.0	38.0	40.0	40.0	625.0
			L 1	L 2			L 3	L 4											
10S	28E	8	33.0	40.0	40.0	33.0	40.0	39.0	40.0	40.0	29.0	38.0	2.0		38.0	32.0			444.0

Right Acre Limit: 1,437.0

POU Total Acres: 1,440.0

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
System of up to six interconnected wells to sprinkler systems. Measuring devices will be installed when 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. 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:

No change

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:

None

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: Land was in CRP

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

Current Water Right No. 43-13741

Current Water Right Owner
**EVARD LLC
 872 E PEBBLE DR
 BURLEY, ID 83318**

Priority Date: 7/25/1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	17.020 CFS	5748.0 AFA	
Total Diversion			17.020 CFS	5748.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENE	Sec. 8 Twp 10S Rge 28E	CASSIA County
GROUND WATER	NWNWSW	Sec. 5 Twp 10S Rge 28E	CASSIA County
GROUND WATER	SESESW	Sec. 5 Twp 10S Rge 28E	CASSIA County
GROUND WATER	SWSWNW	Sec. 8 Twp 10S Rge 28E	CASSIA 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	
10S	28E	4			22.0	22.0		3.6	5.4		40.0	38.0	22.0	40.0	40.0	40.0	40.0	40.0	371.0
10S	28E	5	38.0	40.0	40.0	38.0	40.0	41.0	40.0	40.0	40.0	40.0	40.0	40.0	30.0	38.0	40.0	40.0	625.0
			L 1	L 2			L 3	L 4											
10S	28E	8	33.0	40.0	40.0	33.0	40.0	39.0	40.0	40.0	29.0	38.0	2.0		38.0	32.0			444.0
Right Acre Limit:			1,437.0																
POU Total Acres:			1,440.0																

Conditions/Remarks:

1. This right is limited to the irrigation of 1437.0 acres within the place of use described above in a single irrigation season.
2. 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 lands above.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

7. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☐ 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.

☐ If you propose to change the nature of use or period of use of all or part of the right(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**.

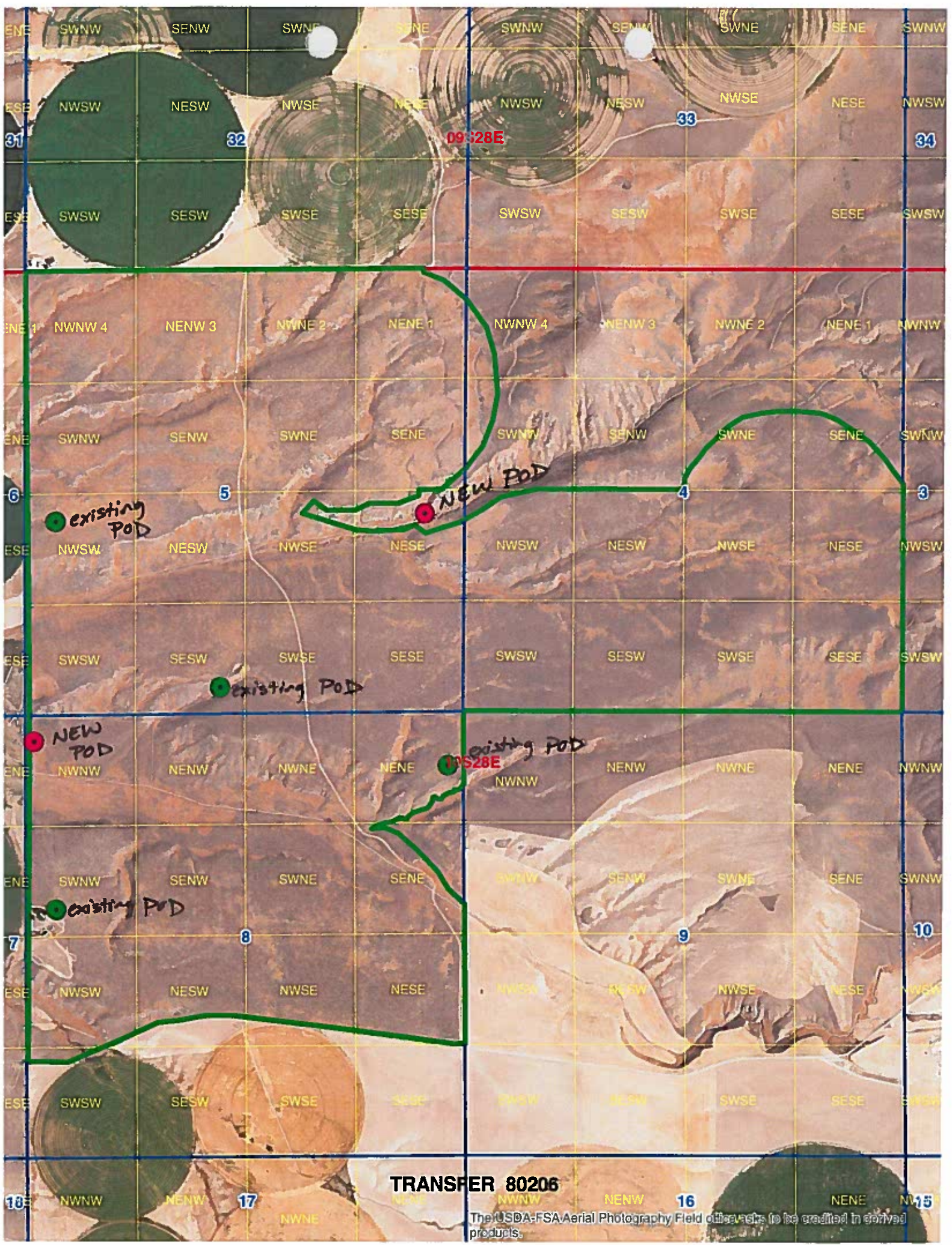
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it Attachment #8b

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.:

[illegible]

Transfer Contains 8 pages and attachments.

Received By CH / DM Date 7-6-2015 Prelim. Check By _____ Date _____
 Fee Paid \$1,800- Date 7-6-2015 Received By DM Receipt # 5034887
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____



TRANSFER 80206

The USDA-FSA Aerial Photography Field Office is to be credited in derived products.

No. W 2104	Due no later than Feb 28, 2015		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Annual Report Form		REED GIBBY 873 EAST PEBBLE DRIVE BURLEY 83318			
	1. Mailing Address: Correct in this box if needed. EVARD, L.L.C. REED GIBBY 872 E PEBBLE DR BURLEY ID 83318		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held MANAGER	Name REED GIBBY	Street or PO Address 873 EAST PEBBLE DRIVE	City BURLEY	State ID	Country	Postal Code 83318
5. Organized Under the Laws of: ID W 2104		6. Annual Report must be signed.* Signature: Reed Gibby Name (type or print): Reed Gibby Date: 12/16/2014 Title: Manager				
Processed 12/16/2014		* Electronically provided signatures are accepted as original signatures.				

SCANNED

JUN 12 2015

TRANSFER 80206

Skinner, Corey

From: Hernandez, Gloria - FSA, Burley, ID [Gloria.Hernandez@id.usda.gov]
Sent: Monday, March 02, 2015 4:26 PM
To: Skinner, Corey
Cc: Evard H. Gibby (ehgibby@gmail.com)
Subject: Gibbys
Attachments: t1719.jpg; t1765.jpg

Hi Corey.

This email is to inform you that the fields on the two attached maps have been in CRP since 1987 and 1989, respectively. The legal descriptions for each of the tracts are as follows:

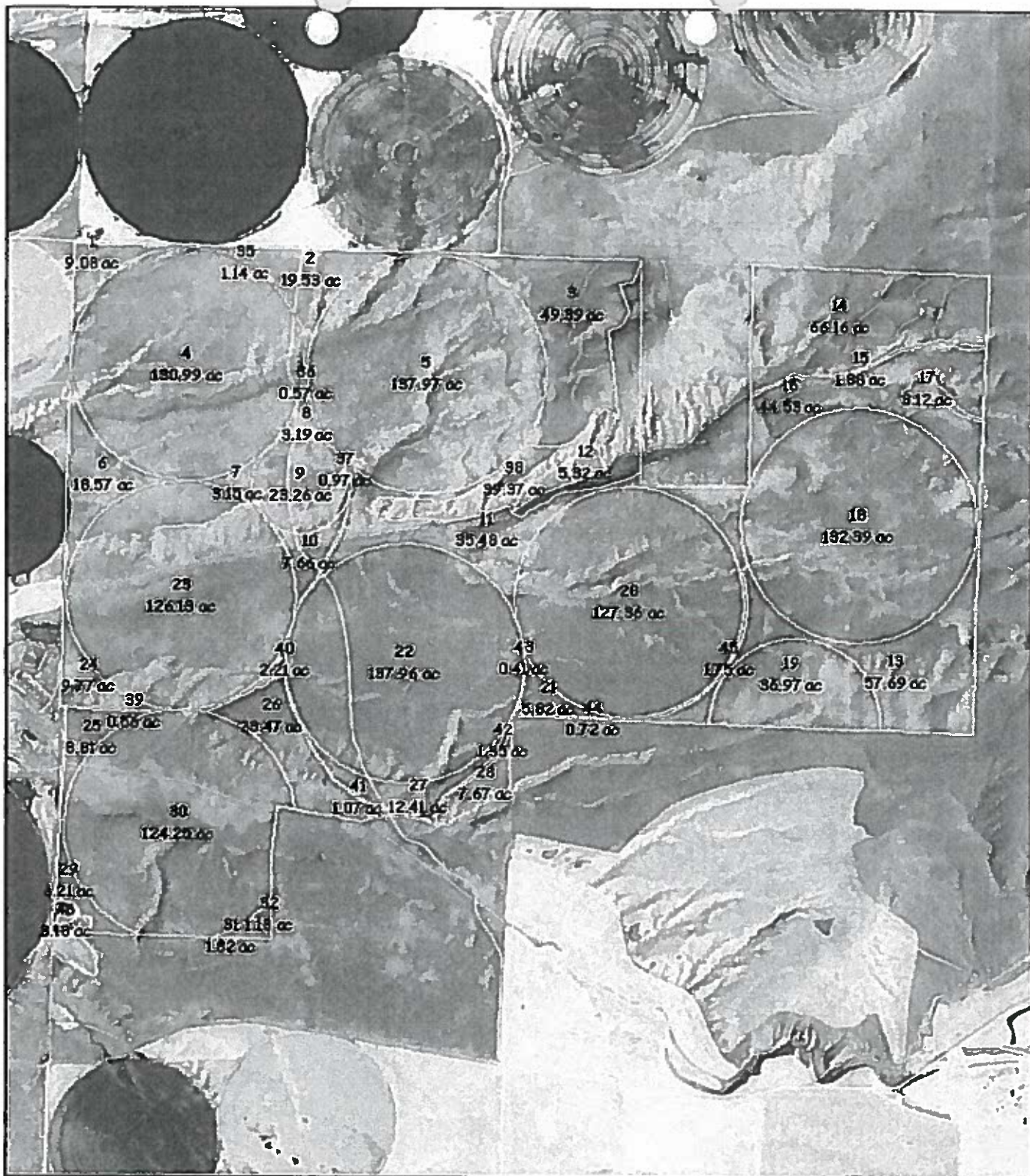
T1719 Sections 4,5 & 8, Township 10, Range 28

T1765 Section 8, Township 10, Range 28

If you have any questions, please contact me. Thanks.

Gloria Hernandez
Cassia County FSA
208-678-1157 ext. 2

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.



United States Department of Agriculture
Farm Service Agency

Cassia County, ID

Farm: 1006
Tract: 1719

Disclaimer: Wetland Identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-020 and attached maps) for exact wetland boundaries and determinations, or contact NRCS. This map is for FSA farm program purposes only. No warranties implied.

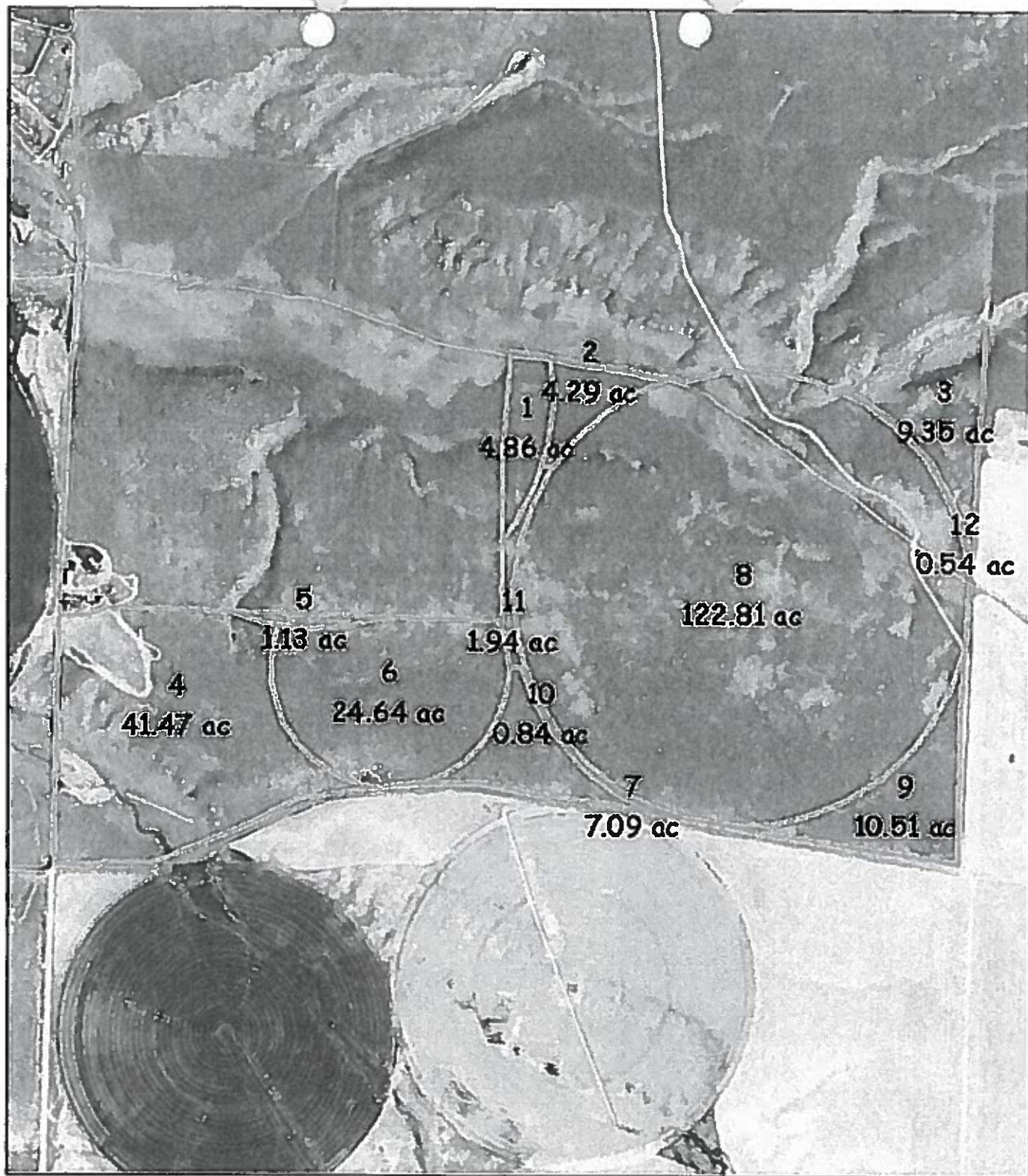
October 20, 2014



SCANNED

TRANSFER 80206

JUN 12 2015



United States Department of Agriculture
Farm Service Agency

Cassia County, ID

Farm: 1006
Tract: 1765

Disclaimer: Wetland Identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-020 and attached maps) for exact wetland boundaries and determinations, or contact NRCS. This map is for FSA farm program purposes only. No warranties implied.

October 20, 2014



SCANNED

JUN 12 2015

TRANSFER 80206



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

July 13, 2015

EVARD LLC
872 E PEBBLE DR
BURLEY, ID 83318

RE: Transfer No. 80206
Water Right No(s). 43-13741

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 **IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER, TIMES NEWS** on **7/16/2015 and 7/23/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**August 3, 2015**).

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

cc:

EVARD H GIBBY
2058 NORTHERN SKY DR
TWIN FALLS, ID 83301

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 09, 2015 12:15 PM
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 July 16th & 23rd, 2015. 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

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

July 9, 2015

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

RE: Transfer No. 80206
Water Right No(s): 43-13741

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 August 3, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 09, 2015 1:21 PM
To: Idaho Statesman
Subject: LEGAL NOTICE
Attachments: Idaho Statesman Cover Letter.docx; 80206 Ad.doc

Attached please find (1) legal notice being submitted for publication on July 16th & 23rd, 2015. 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

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

July 9, 2015

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 80206
Water Right No(s): 43-13741

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 August 3, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 09, 2015 1:20 PM
To: Post Register
Subject: LEGAL NOTICE
Attachments: Post Register Cover Letter.docx; 80206 Ad.doc

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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

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

July 9, 2015

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Transfer No. 80206
Water Right No(s): 43-13741

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.

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Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 09, 2015 1:20 PM
To: Lewiston Tribune (legals@lmtribune.com)
Subject: LEGAL NOTICE
Attachments: Lewiston Tribune Cover Letter.docx; 80206 Ad.doc

Attached please find (1) legal notice being submitted for publication on July 16th & 23rd, 2015. 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

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

July 9, 2015

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST
PO BOX 957
LEWISTON, ID 83501

RE: Transfer No. 80206
Water Right No(s): 43-13741

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 August 3, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80206**

EVARD LLC, 872 E PEBBLE DR, BURLEY, ID 83318; has filed Application No. 80206 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13741; 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: Application proposes adding two new wells as authorized points of diversion for an irrigation groundwater right appurtenant to a farm located approximately 17.75 to 19.5 miles north and 7.9 to 9.9 miles east of Malta. Four existing irrigation wells and the two new wells (all located on the farm) will be utilized to divert up to 17.02 cfs for the irrigation of 1437.0 acres on the farm.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, 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 August 3, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on July 16th & 23rd, 2015

MEMORANDUM

Date: July 8, 2015
To: Transfer 80206 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes adding two new wells as authorized points of diversion for an irrigation groundwater right appurtenant to a farm located approximately 17.75 – 19.5 miles north and 7.9 – 9.9 miles east of Malta. Four existing irrigation wells and the two new wells (all located on the farm) will be utilized to divert up to 17.02 cfs for the irrigation of 1437.0 acres on the farm. Note that a similar transfer, # 79877, was approved in April of 2015, but apparently the new well proposed by transfer # 79877 did not yield enough water. This transfer proposes two additional new wells at other locations on the farm. Also note that the farm has been in CRP since the late 1980s (see 3/2/2015 e-mail from Cassia County FSA in file). The farm is located just north of the Raft River Critical Groundwater Area and just south of the ESPA. Due to the farm coming out of a lengthy period of CRP enrollment and the fact that new wells are being drilled on the farm, closer to wells on neighboring properties, it is recommended that the transfer be advertised. The farm is not located within a water district so no water master comments are required.

- **Authority to File:**
The application is filed in the name of Evard LLC, the current recorded owner of the right involved with the transfer. IDSOS information indicates that Reed Gibby can sign on behalf of the applicant.
- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA in 2002 and was involved in an approved transfer in 2002 and in April of 2015. The farm has been in CRP since the late 1980s (see 3/2/2015 e-mail from Cassia County FSA in file).
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use 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 # 80206 File

FROM: Corey Skinner

DATE: July 8, 2015

SUBJECT: Filing Fee

The filing fee, \$1860.00, for this transfer is based on the total amount of water being transferred, 17.02 cfs. The transfer fee schedule for a transfer involving 17.01 – 18.00 cfs indicates that the filing fee is \$1860.00.