

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79975

APR 09 2015

DEPARTMENT OF
WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Adrian Rand Robison and Dorothy H RobisonPhone (208) 745-5144Mailing address 503 N 4000E Rigby, ID 53442Email rand.robison@gmail.com
grandmadorothy@yahoo.com

- ☐ 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.

A. Rand Robison
Signature of Applicant or Authorized Representative

A. RAND ROBISON
Print Name and Title if applicable

3/21/15
Date

Dorothy Robison
Signature of Applicant or Authorized Representative

DOROTHY ROBISON
Print Name and Title if applicable

3/21/15
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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**. Applicant proposes to change his place of use to irrigate approximately 5 acres that were not previously irrigated. Applicant proposes to dry up 5 acres close to the drainage.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: _____
Measuring devices are now in place and easily monitored by water master Rick Sager.
- b. Who owns the property at the point(s) of diversion? KARL SNYDER
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
HISTORICAL POD - NO CHANGE
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 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: N/A
- 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:
The acres that are dried up will no longer be irrigated.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
N/A
- 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	74-1593	5.3	Irrigation	3/15 to 11/15	Lemhi River/Salmon River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.3 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.12 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	24E	10										29	20	20					69
17N	24E	15		14	27	14	30	3		3					9				100

Total Acres (for irrigation use) 169

Total Acres (for irrigation use)

04-18-2013

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 74-1593

WATER RIGHT NUMBER: 74-1593

<u>Owner Type:</u>	<u>Name and Address</u>
Current Owner	ADRIAN RAND ROBISON 503 N 4000 E RIGBY, ID 83442 (208)745-5144
Current Owner	DOROTHY H ROBISON 503 N 4000 E RIGBY, ID 83442 (208)745-5144
Current Owner	JOEL RAND ROBISON 503 N 4000 E RIGBY, ID 83442
Current Owner	STACEY ROBISON 503 N 4000 E RIGBY, ID 83442
Current Owner	ADRIAN RUSSELL ROBISON 503 N 4000 E RIGBY, ID 83442

Priority Date: 5/4/1886Basis: DecreedStatus: Active

<u>Source:</u>	<u>Tributary:</u>
LEMHI RIVER	SALMON RIVER

<u>Beneficial Use:</u>	<u>From / To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	5.300 CFS	
	<u>Total Diversion</u>	5.300 CFS	

Location of Point(s) of Diversion:

LEMHI RIVER NWNE Sec. 25, Twp 17N, Rge 24E B.M. LEMHI County

Place of Use:IRRIGATION within LEMHI County

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	24E	10									29.0	20.0	20.0						69
17N	24E	15		14.0	27.0	14.0	34.0	3.0		3.0					5.0				100
Total Acres: 169.0																			

Conditions of Approval:

- 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.
- E64 This right authorizes the irrigation of 169.2 total acres.
- U42 Place of use does not include federal public lands

Comments:

- dsmith 2/20/2004 12:00:00 AM Recommendation
Comment: Based on Lemhi Decree

2. cmoore 4/3/2007 12:00:00 AM Objection Resolution
 Comment: Adjusted POU remarks and added U42 as requested by BLM.

Dates and Other Information:

Decreed Date: 7/12/2007
 State or Federal: S
 Owner Name Connector: AND
 Civil Case Number: 39576
 Judicial District: FIFTH
 Mitigation Plan: False
 Error: Subreport could not be shown.

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary	2/20/2004 11:47:26 AM	dsmith	2/20/2004 11:47:26 AM	dsmith	Closed

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POU	3/30/2007 8:09:41 AM	narave	Updated shape for Active POU
POU	11/1/2002 11:15:10 AM	dsmith	Edited shape boundary
POU	11/1/2002 11:56:26 AM	dsmith	Edited shape boundary
POU	11/1/2002 11:14:31 AM	dsmith	Created polygon from PLS
POU	11/1/2002 12:08:17 PM	dsmith	Edited shape boundary
POU	11/1/2002 12:09:23 PM	dsmith	Edited shape boundary
POU	11/1/2002 10:58:32 AM	dsmith	Created polygon from PLS
Summary	2/20/2004 11:47:26 AM	dsmith	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

SubCase:

SubCase Number: 74-1593
 Class: 1
 Special Master Recom Signed Date: 4/17/2007
 Adjudication Agent: dsmith
 Basis of Claim: Decreed
 Date Filed: 6/29/2006
 Objection Status: Active
 Water Supply Bank: N/A

Received by LSH Date 4-9-15 Prelim. Check by JH Date 4-9-2015
 Fee Paid 225.00 Date 4-9-15 Received by LSH Receipt # C 100269
 Add'l Fee Paid _____ Date _____ Received by _____ Receipt # C 100269

Warranty Deed

For Value Received JOEL RAND ROBISON AND STACEY ROBISON, husband and wife,
the grantors, do hereby grant, bargain, sell and convey unto

ADRIAN RAND ROBISON AND DOROTHY H. ROBISON, husband and wife,

whose current address is 503 N. 4000 E, Rigby ID 83442

the grantees, the following described premises, in Lemhi County Idaho, to wit:

A 2% interest in and to the following:

SEE EXHIBIT "A" ATTACHED HERETO:

The above conveyance is made free and clear of all other encumbrances except Rights-of-way and easements, reservation in Federal patents and State deeds, or other restrictions imposed by law, building and zoning regulations and ordinances of any governmental unit, whether of sight or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that he/she/they warrant the owner(s) in fee simple of said premises; that they are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 27, 2011

JOEL RAND ROBISON

STACEY ROBISON

STATE OF Id County of Mason ss:

On this 29 day of April 2011
before me, a Notary Public in and for said State, personally appeared

JOEL RAND ROBISON AND STACEY ROBISON

Known or proved to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they has/have executed the same.

Residing at

Comm. Expires

State of

Notary Public

BREC WRIGHT
Notary Public
State of Idaho

Reserved for recording information

Instrument # 286151 # Pages: 2
LEMHI COUNTY, Idaho
Jun 10, 2011 9:17:08 am Fee: \$ 13.00
For: BILL ALLEN-ESCROW
TERRI J. MORTON, Recorder
BOADIN, Deputy

78070

Apr 07 11 01:19p

bill allen

208-756-2714

p.3

LEGAL DESCRIPTION
EXHIBIT 'A'

EXHIBIT "A"

TOWNSHIP 17 N., R. 14 E., B.M. LEMHI COUNTY, IDAHO.

SECTION 10: SOUTH HALF

SECTION 11: WEST HALF SOUTHWEST QUARTER, SOUTHWEST QUARTER
SOUTHEAST QUARTER AND SOUTHEAST QUARTER SOUTHWEST QUARTERSECTION 12: NORTHEAST QUARTER, NORTH HALF NORTHWEST QUARTER,
EAST HALF SOUTHWEST QUARTER NORTHWEST QUARTER, NORTH HALF
NORTHEAST QUARTER SOUTHEAST QUARTER NORTHWEST QUARTER AND
NORTH HALF NORTHWEST QUARTER NORTH EAST QUARTER SOUTHEAST
QUARTER.

EXCEPTING THEREFROM:

ALL HIGHWAY AND ROAD RIGHT OF WAYS RECORDED OR UNRECORDED
AFFECTING THE ENTIRE LEGAL DESCRIPTION LISTED ABOVE.

SUBJECT TO:

1. That certain Right-of-Way Deed between Don Pynatt and Georgia Pynatt, husband and wife and the State of Idaho, dated July 19, 1932, and recorded December 12, 1982 in Book 36 of Deeds at page 207, records of Lemhi County, Idaho.
2. That certain Resolution and Easement between Idaho Power Company and Lemhi County, State of Idaho, dated February 11, 1947, and recorded March 24, 1947 in Book C of Agreements, page 639, records of Lemhi County, Idaho.
3. That certain Power Line Easement between John S. McKinney and Laura McKinney, husband and wife and Idaho Power Company, dated August 18, 1948 and recorded March 24, 1947 in Book C of Agreements at page 636, records of Lemhi County, Idaho.
4. That certain Easement Agreement between Sam P. McKinney and Barbara McKinney, husband and wife, Laura McKinney and the State of Idaho for the benefit of the Department of Fish and Game, dated September 9, 1958 and recorded February 12, 1960 in Book E of Agreements at page 328, records of Lemhi County, Idaho.
5. That certain Patent between the United States of America and Sam P. McKinney and Barbara C. McKinney, dated June 17, 1981 and recorded August 3, 1981 as Instrument No. 158454, records of Lemhi County, Idaho.
6. That certain Exclusive Road Easement between Sam P. McKinney and Barbara McKinney, husband and wife and the United States of America, dated July 16, 1988, and recorded August 7, 1988 as Instrument No. 181634, records of Lemhi County, Idaho.
7. That certain Agreement recorded May 10, 2004 as Instrument No. 258650, records of Lemhi County, Idaho.

Apr 07 11 01:19p

bill allen

208-756-2714

p.2

Warranty Deed

For Value Received ADRIAN RUSSELL ROBISON, a single person,
Who acquired title as Adrian Russell Robison, a married man as his sole and
Separate property.

the grantor, does hereby grant, bargain, sell and convey unto

ADRIAN RAND ROBISON AND DOROTHY H. ROBISON, husband and wife

whose current address is 503 N. 4000 E, Rigby ID 83442

the grantees, the following described premises, in Lemhi County Idaho, to wit:

A 2% interest in and to the following:

SEE EXHIBIT "A" ATTACHED HERETO:

The above conveyance is made free and clear of all other encumbrances except: Rights-of-way and easements, reservation in Federal patents and State deeds, or other restrictions imposed by law, building and zoning regulations and ordinances of any governmental unit, whether of sight or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 7, 2011

Adrian Russell Robison
ADRIAN RUSSELL ROBISON



STATE OF Idaho County of Bonneville

On this 7 day of April 2011
before me, a notary public in and for said State, personally appeared

ADRIAN RUSSELL ROBISON

Known or proved to me to be the person whose name is
subscribed in the within instrument, and acknowledged to me that
he has executed the same.

Dorothy M. Robison

Residing at Idaho Falls, ID
Comm. Expires 6-14-14

Notary Public

ALLIANCE

Reserved for recording information

(2)

Instrument # 206150 # Pages: 2
LEMHI COUNTY, Idaho
Jun 10, 2011 9:17:07 am Fee: \$ 13.00
For: BILL ALLEN ESCROW
TERRI J. MORTON, Recorder
ECARDIN, Deputy

272528

Order No.: 3070704324L-G

LEGAL DESCRIPTION
EXHIBIT 'A'

EXHIBIT "A"

TOWNSHIP 17 N., R. 24 E., B.M. LEMHI COUNTY, IDAHO.

SECTION 10: SOUTH HALF

SECTION 11: WEST HALF SOUTHWEST QUARTER, SOUTHWEST QUARTER
SOUTHEAST QUARTER AND SOUTHEAST QUARTER SOUTHWEST QUARTERSECTION 15: NORTHEAST QUARTER, NORTH HALF NORTHWEST QUARTER,
EAST HALF SOUTHWEST QUARTER NORTHWEST QUARTER, NORTH HALF
NORTHEAST QUARTER SOUTHEAST QUARTER NORTHWEST QUARTER AND
NORTH HALF NORTHWEST QUARTER NORTH EAST QUARTER SOUTHEAST
QUARTER.

EXCEPTING THEREFROM:

ALL HIGHWAY AND ROAD RIGHT OF WAYS RECORDED OR UNRECORDED
AFFECTING THE ENTIRE LEGAL DESCRIPTION LISTED ABOVE.

State of Idaho }
County of Lemhi } SS No. _____
This instrument was filed for record at the request
of Alliance Title
at 2:00 o'clock P.m. 7-27 2007
and duly filed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder
By Terri J. Morton Deputy
Fee 12.00 by BAE
Return to _____

272528

STATE OF IDAHO)
) SS
 County of Lemhi)

On this 25th day of July, 2007, before me, a Notary Public in and for said State, personally appeared BARBARA G. McKINNEY, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

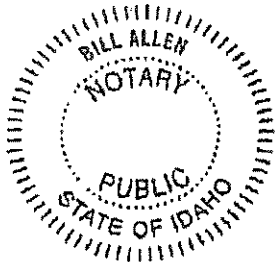


Bill Allen
 Notary Public for Idaho
 Residing at Salmon, Idaho
 Commission Expires: 2/19/2009

STATE OF IDAHO)
) SS
County of Lemhi)

On this 25th day of July, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN S. McKINNEY known to me to be the Personal Representative of the Estate of Sam P. McKinney, and the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



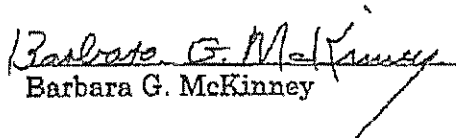
Bill Allen
 Notary Public for Idaho
 Residing at Salmon, Idaho
 Commission Expires: 2/19/2009

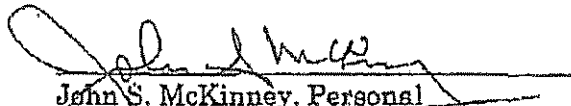
272528

4. That certain Easement Agreement between Sam P. McKinney and Barbara McKinney, husband and wife, Laura McKinney and the State of Idaho for the benefit of the Department of Fish and Game, dated September 9, 1958 and recorded February 12, 1960 in Book E of Agreements age Page 328, records of Lemhi County, Idaho.
5. That certain Patent between the United States of America and Sam P. McKinney and Barbara C. McKinney, dated June 17, 1981 and recorded August 3, 1981 as Instrument No. 158454, records of Lemhi County, Idaho.
6. That certain Exclusive Road Easement between Sam P. McKinney and Barbara McKinney, husband and wife and the United States of America, dated July 16, 1985, and recorded August 7, 1986 as Instrument No. 181634, records of Lemhi County, Idaho.
7. That certain Agreement recorded May 10, 2004 as Instrument No. 258550, records of Lemhi County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that Grantors are the owners in fee simple of said premises; that they are free from all encumbrances and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED: July 25, 2007.


Barbara G. McKinney


John S. McKinney, Personal
Representative of the Estate of
Sam P. McKinney

272528

WARRANTY DEED

FOR VALUE RECEIVED, BARBARA G. McKINNEY, a single person, and JOHN S. McKINNEY, as the qualified Personal Representative of the Estate of SAM P. McKINNEY, filed as Probate Number CV-05-442, Lemhi County, Idaho, the Grantors, do hereby grant, bargain, sell and convey unto ADRIAN RAND ROBISON and DOROTHY H. ROBISON, husband and wife, as to a ninety-six percent (96%) interest, JOEL RAND ROBISON and STACEY ROBISON, husband and wife, as to a two percent (2%) interest, and ADRIAN RUSSELL ROBISON, a married man dealing with his sole and separate property, as to a two percent (2%) interest, whose current address is 503 North 4000 East, Rigby, ID 83442, the Grantees, the following described premises, in Lemhi County, Idaho, to-wit:

See attached Exhibit "A."

SUBJECT TO:

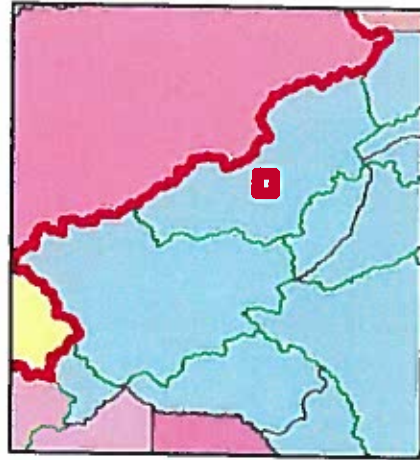
1. That certain Right-of-Way Deed between Don Pyeatt and Georgia Pyeatt, husband and wife and the State of Idaho, dated July 19, 1932, and recorded December 12, 1932 in Book 30 of Deeds, at page 267, records of Lemhi County, Idaho.
2. That certain Resolution and Easement between Idaho Power Company and Lemhi County, State of Idaho, dated February 11, 1947, and recorded March 24, 1947 in Book C of Agreements, page 633, records of Lemhi County, Idaho.
3. That certain Power Line Easement between John S. McKinney and Laura McKinney, husband and wife and Idaho Power Company, dated August 18, 1946 and recorded March 24, 1947 in Book C of Agreements at page 635, records of Lemhi County, Idaho.



Idaho Department of Water Resources

Water Right
74-1593
(IRRIGATION)

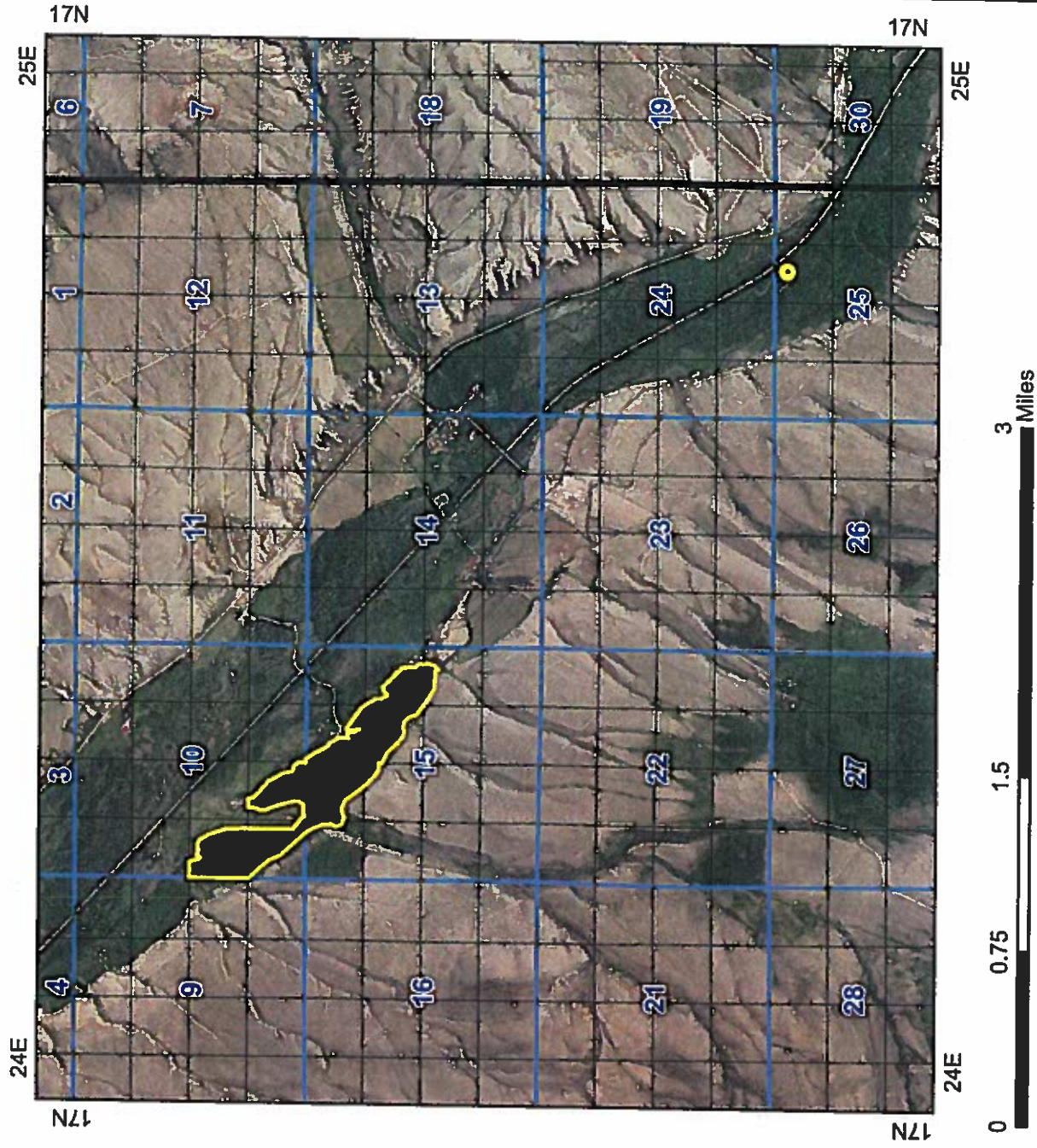
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 74

Prepared by Raymond, Kade

2009 Aerial Photography



Trial	Group A (○)	Group B (●)	Group C (□)	Group D (▲)
1	100	85	75	65
2	95	80	70	60
3	90	75	65	55
4	85	70	60	50
5	80	65	55	45



- 



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720 0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 9, 2015

UNITED STATES BUREAU OF LAND MANAGEMENT
1206 S CHALLIS ST
SALMON ID 83467

RE: Transfer 79975
Water Right 74-1593

Dear Interested Party:

The Department of Water Resources is seeking written comments and/or recommendations from your agency regarding the above referenced water right transfer. I have enclosed a copy of the application for your reference.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice.

If your written response is not received within 14 days from the date of this letter, the Department will presume that you do not oppose approval of the application and that you have no comments for consideration.

If you have any questions regarding the application, contact Pam Skaggs at (208) 287-4951. Thank you.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: BLM- State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720 0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 9, 2015

RICK SAGER
WATER DISTRICT NO. 74
985 HWY 28
SALMON ID 83467

RE: Transfer # 79975
Water Right 74-1593

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 14 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.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice.

If IDWR has not received your written recommendation within 14 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,

Jean Hersley
Technical Records Specialist

Enclosure(s)

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION FORM

Transfer 79975
Water Right 74-1593

Applicant's Name:
Adrian Rand Robison
Dorothy H Robison
503 N 4000 E
Rigby ID 83442

Watermaster's Recommendation:

- a) _____ 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 _____ day of _____, 2015

Water District No. 74

Watermaster's Signature _____

MEMORANDUM

Date: July 8, 2015
To: Transfer 79975
From: Pam Skaggs 
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: July 8, 2015
To: Transfer 79975
From: Pam Skaggs 
Re: Review & Evaluation of Sufficiency of Information

The proposed change in place of use shifts 4 acres of irrigation from NENW to NESE, Section 15, T17N, R24E. A total of 9 irrigated acres are proposed in the NESE, S15. The applicants own 5 acres of land in the NESE, S15 per Lemhi County tax lot information. The remaining land is owned by BLM and McFarland Livestock Co. Inc. A condition of this right states the place of use does not include federal public lands and that will not change through this transfer.

On 06-23-2015 the applicant provided a letter of agreement signed by A. Rand Robison and Tex J. Kauer allowing irrigation on McFarland Livestock Co. Inc. land in the NESE, S15. A check of the Idaho Secretary of State business entity registry confirmed that Mr. Kauer is current president of McFarland Livestock Co. Inc. Documents are included in the water right file for reference. The place of use was amended to this location per the agreement and does not include BLM land.

Authority to File:

The applicants are two of five current owners according to IDWR records. Warranty Deeds from the other three owners of record to the applicants as the remaining owners were included with the application. An ownership change fee of \$25.00 was also submitted to accomplish the removal of three previous owners through this process.

Water Right Validity:

A partial decree from the Snake River Basin Adjudication was issued for Right 74-1593 on 07/12/2007. Irrigation appears to have continued per review of recent aerial photography. No forfeiture concerns identified.

Injury to Other Water Rights:

This transfer proposed shifting of a small number of acres on adjacent land and does not change the point of diversion. No injury concerns were identified and the transfer does not require advertisement.

Enlargement of Use:

The same number of acres will be authorized for irrigation as before the transfer. No enlargement concerns identified.

Local Public interest:

A letter will be sent to Water District 74 requesting comment or concerns.

Beneficial Use/Conservation of Water Resources:

Irrigation is a recognized beneficial use and no concerns about conservation were found through this review.

Effect on Economy the Local Area:

No change to local economy through this transfer.

Effect on Agricultural Base of the Local Area:

No change proposed that would affect the local agricultural base.

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.

RECEIVED

JUN 23 2015

DEPARTMENT OF
WATER RESOURCES

6/15/15

Dear Pamela

Please proceed with the transfer of the water for 3 acres from the NENW to the NESE of section 15, Township 17N range 24E.

The description does not interfere with any irrigated or dry land used by McFarland livestock co. inc. This transfer would be acceptable to McFarland ~~and~~ livestock co inc.

6/15/15

Sincerely

For of Kansas

A. Randal Robison

FILED EFFECTIVE

Mailing Address:

McFarland Livestock Co., Inc.

32 Maiers Lane

Box 50

Lemhi, Idaho 83465

2015 FEB -5 AM 8:38

SECRETARY STATE
STATE OF IDAHO

C 41195
update
officers

To Whom It May Concern:

The annual meeting of McFarland Livestock Co., Inc. of 32 Maiers Lane, Lemhi, Idaho 83465 was held on January 15, 2015. The following officers were elected as follows:

Pres.	Tex J. Kauer	PO Box 50	Lemhi, ID	U.S.	83465
Co-V. Pres	Thayne R. Kauer	PO Box 50	Lemhi, ID	U.S.	83465
Co-V. Pres	Trent L. Kauer	PO Box 50	Lemhi, ID	U.S.	83465
Sec.	Melva M. Kauer	PO Box 50	Lemhi, ID	U.S.	83465
Director	Tex J. Kauer	PO Box 50	Lemhi, ID	U.S.	83465
Director	Thayne R. Kauer	PO Box 50	Lemhi, ID	U.S.	83465
Director	Trent L. Kauer	PO Box 50	Lemhi, ID	U.S.	83465
Director	Melva M. Kauer	PO Box 50	Lemhi, ID	U.S.	83465

Signature: Melva M. Kauer Date: January 15, 2015

Name: Melva M. Kauer Date: January 15, 2015
Secretary

Organized Under the Laws of:

Idaho C 41195

IDSOS - 6-22-2015 CS

No. C 41195 Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Jul 31, 2014 Annual Report Form 1. Mailing Address: Correct in this box if needed. MCFARLAND LIVESTOCK COMPANY, INC. MELVA M KAUER 32 MAJERS LN PO BOX 50 LEMHI ID 83465	2. Registered Agent and Office (NOT A P.O. BOX) MELVA M KAUER 32 MAJERS LN LEMHI ID 83465 3. <u>New</u> Registered Agent Signature.				
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors, Treasurer, Vice Pres.						
Office Held Pres. Co-V.P. Co-V.P. Sec. Asst. Sec. Director Director Director Director	Name Tex J. Kauer Thayne R. Kauer Trent L. Kauer Melva M. Kauer Melody F. Kauer Tex J. Kauer Thayne R. Kauer Trent L. Kauer Celestia Calhoun	Street or PO Address PO Box 50 PO Box 50 PO Box 50 PO Box 50 PO Box 50 PO Box 50 PO Box 50 PO Box 50 W. Granberry Drive	City Lemhi Lemhi Lemhi Lemhi Lemhi Lemhi Lemhi Lemhi	State ID ID ID ID ID ID ID ID	Country U.S.A. U.S.A. U.S.A. U.S.A. U.S.A. U.S.A. U.S.A. U.S.A. U.S.A.	Postal Code 83465 83465 83465 83465 83465 83465 83465 83465 99712
5. Organized Under the Laws of: IDAHO C 41195		6. Signature: <u>Melva M. Kauer</u> Name (type or print): <u>Melva M. Kauer</u> Date: <u>23 June 2014</u> Title: <u>Sec.</u>				
Issued 05/14/2014 by KAH		120283				

#41195-a

**CERTIFICATE OF APPOINTMENT
OF REGISTERED AGENT**

JUL 25 AM 10

ENTERED

KNOW ALL MEN BY THESE PRESENTS:

That McFarland Livestock Co, Inc. (Name of Corporation) STATE OF

an Idaho corporation, pursuant to section 30-1-12, Idaho Code, and by authority of its Board of Directors, does

hereby appoint Melva M. Kauer (Name of Registered Agent),

of P.O. Box 50 (street address), Lemhi (city), Idaho as its

Registered Agent in the State of Idaho, upon whom process issued by authority of or under any law of the State of Idaho may be served.

IN WITNESS WHEREOF the corporation has caused this certificate to be executed and verified by its

President (or Vice-President) on this 18th day of June, 19 79.

McFarland Livestock Co, Inc. (Name of Corporation)
By Tex J Kauer (President or Vice-President)
President (Title)

STATE OF Idaho }
County of Lemhi } ss.

Subscribed and sworn to before me this 18th day of June, 19 79.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

[Signature]
Notary (Title)

Skaggs, Pam

From: Field, Christine
Sent: Friday, June 19, 2015 3:16 PM
To: Skaggs, Pam
Subject: FW: Fax Forward **79975 ROBISON - McFarland Livestock Agreement**
Attachments: Fax.pdf

-----Original Message-----

From: idwr.fax@idwr.idaho.gov [mailto:idwr.fax@idwr.idaho.gov]
Sent: Friday, June 19, 2015 3:07 PM
To: IDWR Fax
Subject: Fax Forward

Three steps above stone tablets, I present to you a fax from days gone by.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: Water Rights 8R904
Device Name: Copier_507

To

6/19/15

Idaho Dept of Water Resources

Attn

Pamela Skaggs

Water rights supervisor

ref application for Transfer 79975

fax

208-287-6700

6/15/15

Dear Pamela

Please proceed with the transfer of the water for 3 acres from the NENW to the NESE of section 15, Township 17N Range 24E.

The description does not interfere with any irrigated or dry land used by McFarland livestock co. inc. This transfer would be acceptable to McFarland and livestock co inc.

Sincerely

~~Don J. Kanner~~

A. Rand Robison

6/15/15



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN

Director

May 19, 2015

C.L. "BUTCH" OTTER

Governor

ADRIAN RAND ROBISON

DOROTHY H ROBISON

503 N 4000 E

RIGBY, ID 83442

Re: Application for Transfer 79975

Dear Applicant(s):

The Department of Water Resources has received your Application For Transfer. Preliminary review of the application finds additional information is needed.

The transfer proposes to move 4 acres of irrigation from the NENW to the NESE of Section 15, Township 17N, Range 24E. Review of 01-20-2015 Lemhi County tax records for the NESE, Section 15 show only a 5-acre parcel in your ownership, while the addition of 4 more acres would be a total of 9 acres irrigation in the quarter-quarter (QQ).

There already appears to be irrigation occurring in part on McFarland Livestock Co. Inc. 20-acre parcel according to the existing GIS representation of this right. Please provide an access agreement or documentation from McFarland Livestock Co. Inc. that the current and the additional 4 acres are authorized on their property? Also, you should be aware that a decreed water right is real property and appurtenant to the land. There could be a question of ownership of the portion of right irrigated on McFarland Livestock Co. Inc. property in the future unless ownership is specifically retained in agreements.

The remaining portion of the land in the NESE of Section 15, Township 17N, Range 24E is owned by the Bureau of Land Management (BLM). There is a specific condition of this right that states the place of use does not include federal public lands. The transferred acres cannot be described on BLM land without specific agreement from BLM.

Please use the enclosed copy of the application map (Attachment 7) to identify where you intend the additional 4 acres to be irrigated on your property, or provide documentation from McFarland Livestock Co. Inc. allowing use of their land, and exclude all BLM lands. Please initial and date any changes to the map before returning. I have also enclosed a map showing the current place of use and tax lots for your reference.

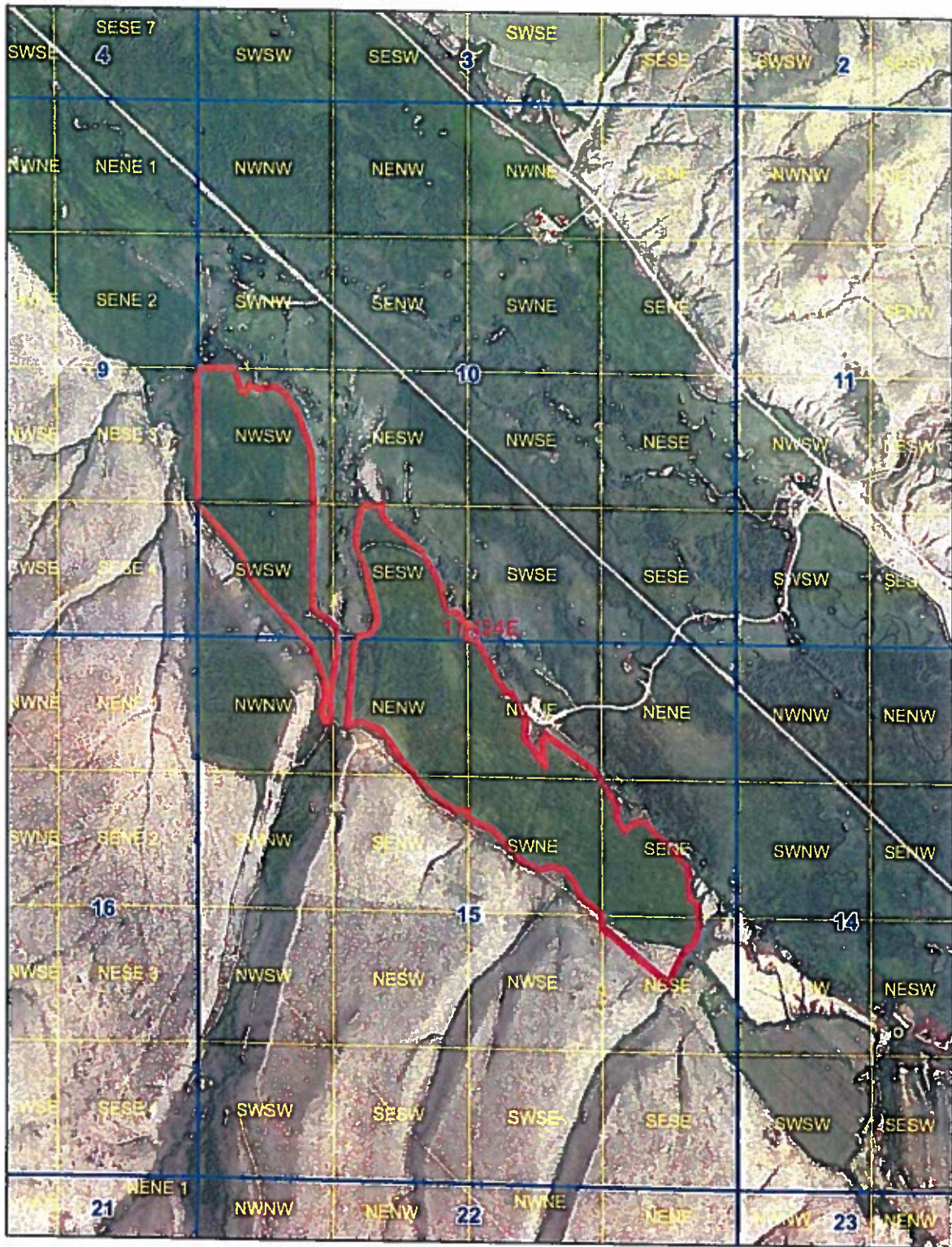
I will hold the application from processing for 14 days to allow for your response and return of the amended map. Please contact me at (208) 287-4951 if you have any questions regarding this matter.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure(s) – Maps & Receipt

Attachment 7

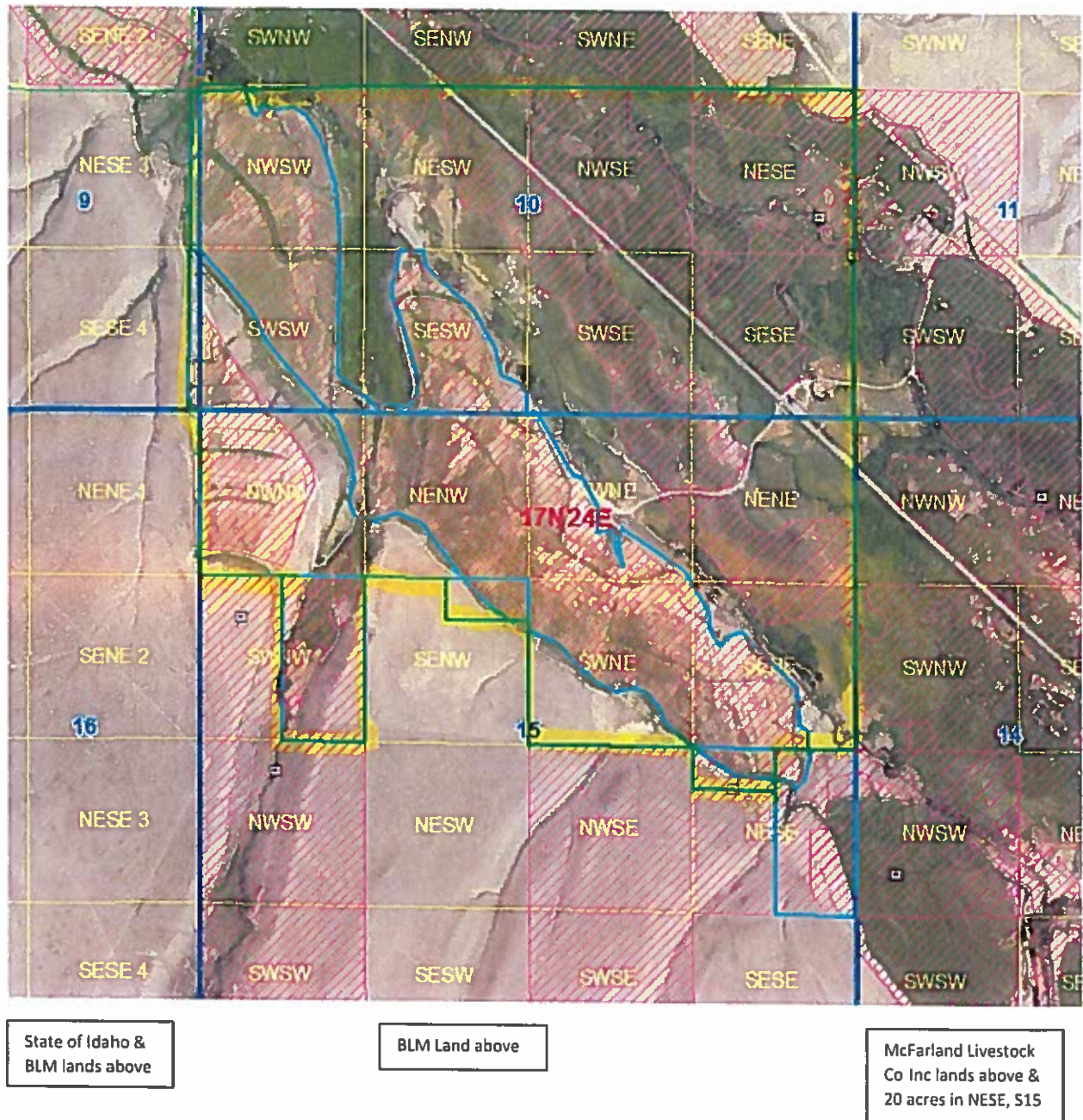


Legend

-  Proposed_POU
-  Township/Range
-  Sections
- QQ

1 inch = 1,530 feet

Transfer 79975 Robison, Right 74-1593 & Overlapping Tax Lot information for reference.



Existing POU boundary for Right 74-1593 blue shape in Sections 10 & 15.

Overlapping Robison tax parcels highlighted in yellow.

Adjacent McFarland tax lots in blue.