

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 79267

This is to certify that: KARLA ROBINSON AND  
LEROY ROBINSON  
1170 E 810 S  
ALBION, ID 83311

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 45-13463           | WR/DECREED          | 8/8/1875             | 0.210 cfs             | N/A                     | N/A               | 10.4               | MARSH CREEK   |
| 45-529             | WR/DECREED          | 4/1/1876             | 0.580 cfs             | N/A                     | 126.0             | 126.0              | MARSH CREEK   |

Purpose of Transfer (Changes Proposed)

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 45-13463              | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 45-529                | NO           | YES        | NO         | NO             | NO                   | NO                   |

Summary Of Water Rights After the Approved Change

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 45-13463               | 45-13463                         | 0.210 cfs            | N/A                    | 10.4              | 10.4               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 45-529                 | 45-529                           | 0.580 cfs            | N/A                    | 126.0             | 126.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.790 cfs</b>     | <b>N/A</b>             | <b>136.4</b>      | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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

Dated this 10<sup>th</sup> day of June, 2015.

  
Southern Region Manager

SUPPORT DATA

IN FILE # 45-529

Transfer No. 79267

**WATER RIGHT NO. 45-529****As Modified by Transfer No. 79267**

In accordance with the approval of Transfer No. 79267, Water Right No. 45-529 is now described as follows:

**Right Holder:** LEROY ROBINSON AND  
KARLA ROBINSON  
1170 E 810 S  
ALBION, ID 83311

**Priority Date:** 4/1/1876

**Source:** MARSH CREEK

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION  
STOCKWATER

**From**

04/01  
04/01

to 10/31  
to 10/31

**Diversion Rate**

0.580 cfs  
0.030 cfs  
0.580 cfs

**LOCATION OF POINT(S) OF DIVERSION**

MARSH CREEK L4 (NWNW) Sec 5 Twp 12S Rge 25E 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 |        |
| 12S | 25E | 5   |    |    |    |    | 37.5 | 11.9 | 37.6 | 39.0 |    |    |    |    |    |    |    |    | 126.0  |
|     |     |     |    |    |    |    | L3   | L4   |      |      |    |    |    |    |    |    |    |    |        |

Right Acre Limit: 126.0

POU Total Acres: 126.0

**PLACE OF USE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 12S | 25E | 5   |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L3 | L4 |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. Rights 45-283, and 45-529 when combined shall not exceed the irrigation of 126 acres.

Transfer No. 79267

**WATER RIGHT NO. 45-529**  
**As Modified by Transfer No. 79267**

**CONDITIONS OF APPROVAL**

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/6/2005 SRBA partial decree date.
5. 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. 45 F.
6. 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(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

**WATER RIGHT NO. 45-13463**  
**As Modified by Transfer No. 79267**

In accordance with the approval of Transfer No. 79267, Water Right No. 45-13463 is now described as follows:

**Right Holder:** KARLA L ROBINSON AND  
LEROY ROBINSON  
1170 E 810 S  
ALBION, ID 83311

**Priority Date:** 8/8/1875

**Source:** MARSH CREEK

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 **To** 10/31

**Diversion Rate**  
0.210 cfs  
0.210 cfs

**LOCATION OF POINT(S) OF DIVERSION**

MARSH CREEK L4 (NWNW) Sec 5 Twp 12S Rge 25E CASSIA 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 |        |
| 12S | 25E | 6   |    |    |    |    |    |    |    |    |    |    |    |    | 10.4 |    |    |    | 10.4   |

Right Acre Limit: 10.4

POU Total Acres: 10.4

**CONDITIONS OF APPROVAL**

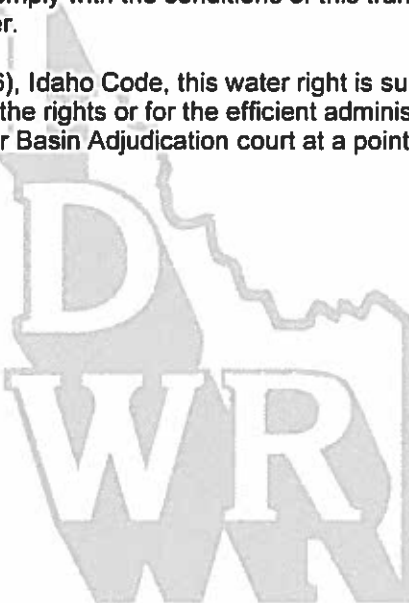
1. Rights 45-13463, and 45-13428 when combined shall not exceed the irrigation of 20 acres.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005 SRBA partial decree date.
3. 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. 45 F.
4. 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(s).

Transfer No. 79267

**WATER RIGHT NO. 45-13463**  
**As Modified by Transfer No. 79267**

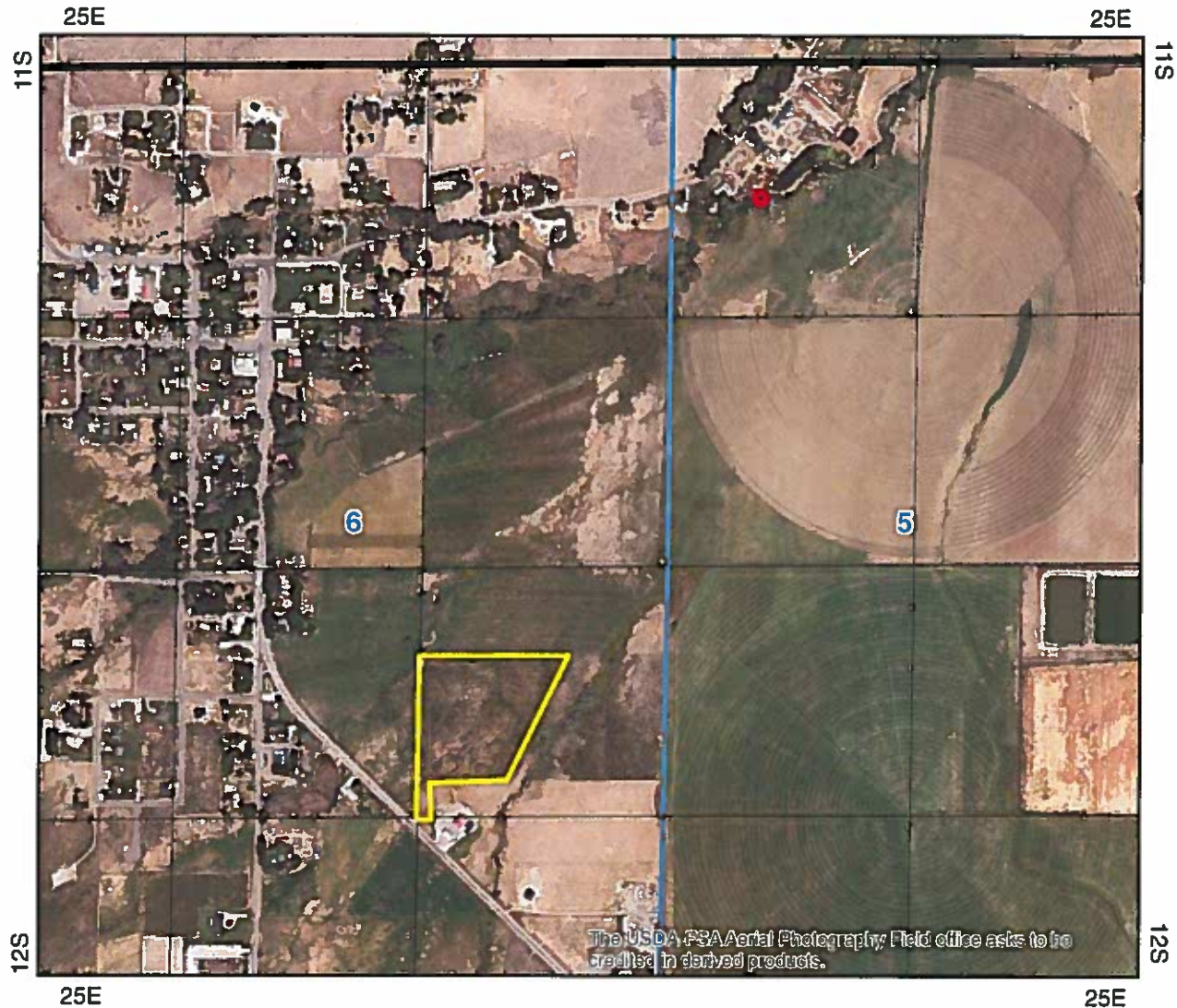
**CONDITIONS OF APPROVAL**

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.



State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79267**  
45-13463

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



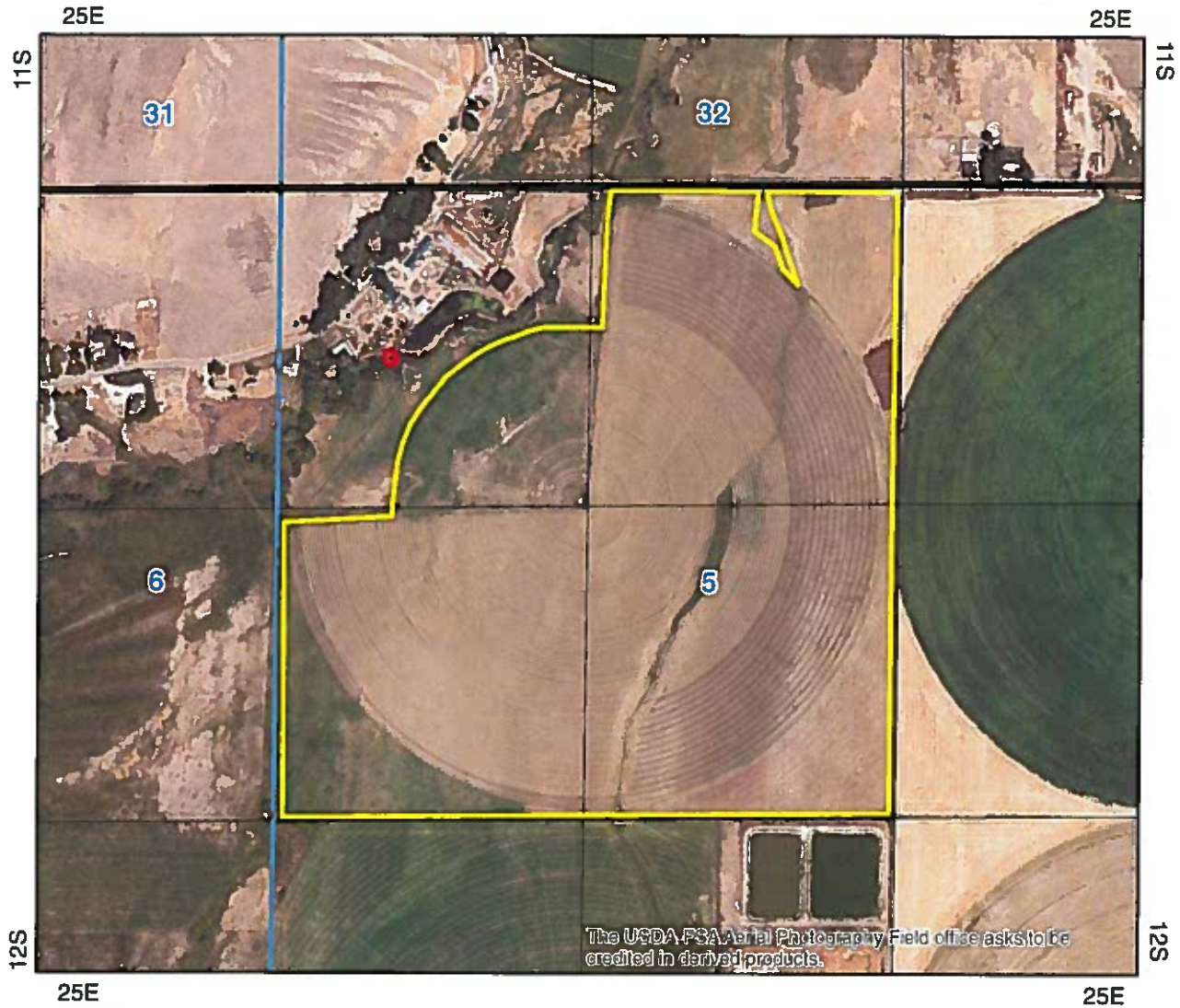
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.1 0.2 0.4 Miles



State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79267**  
45-529

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.075 0.15 0.3 Miles

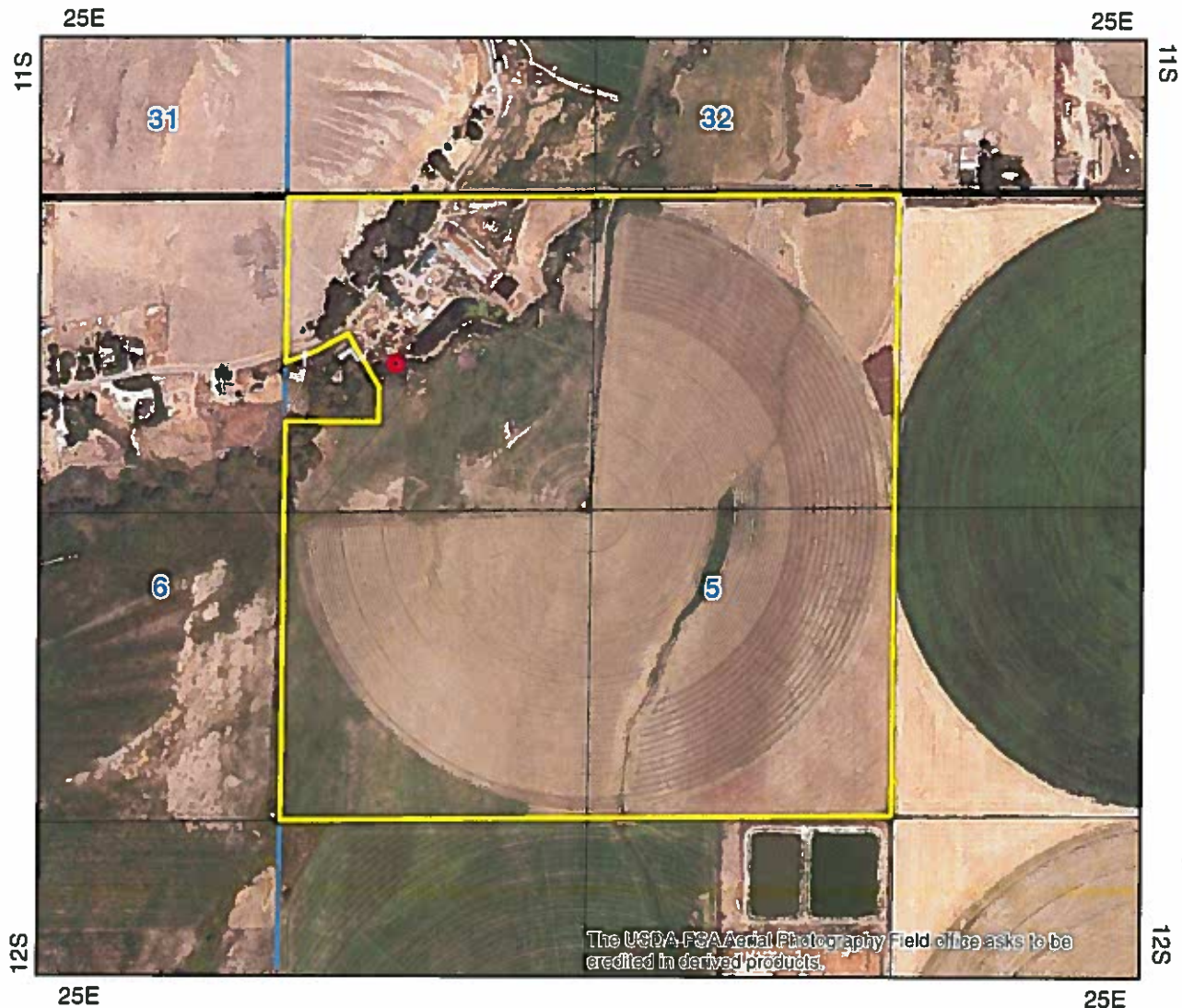


State of Idaho  
Department of Water Resources

# Attachment To Transfer No. 79267

45-529

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.075 0.15 0.3 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 15, 2015

DONALD GUNDERSON WATERMASTER  
WATER DISTRICT # 45F  
1047 E 1000 S  
ALBION, ID 83311

Re: **APPROVED** Transfer No. 79267 (Leroy & Karla Robinson)

Dear Mr. Gunderson:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline  
Administrative Assistant

Enclosure



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](http://www.idwr.idaho.gov)

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 15, 2015

BRIAN HIGGS WATERMASTER  
WATER DISTRICT # 140  
355 W 500 S  
BURLEY, ID 83318

*Via e-mail*

Re: **APPROVED Transfer No. 79267 (Leroy & Karla Robinson)**

Dear Mr. Higgs:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 11, 2015

LEROY ROBINSON  
KARLA ROBINSON  
1170 E 810 S  
ALBION ID 83311

Re: Transfer No: 79267  
Water Right No(s): 45-529, 45-13463

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

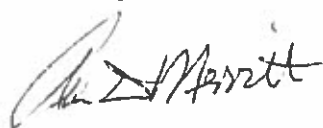
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and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

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

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

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

Sincerely,

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

Allen Merritt  
Southern Regional Manager

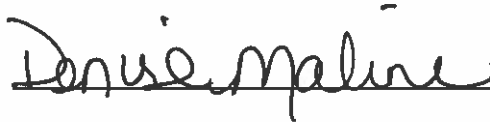
Enclosure

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 11, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79267**  
**Water Right No(s): 45-529, 45-13463**

**LEROY ROBINSON**  
**KARLA ROBINSON**  
**1170 E 810 S**  
**ALBION ID 83311**

A handwritten signature in black ink, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline**  
**Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



*Marsh Creek Water District 45F*

RECEIVED

APR 20 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

April 18, 2015

Denise Maline  
Administrative Assistant  
State of Idaho  
Department of Water Resources  
Southern Region  
650 Addison Ave W, Suite 500  
Twin Falls, Idaho 83301-5858

Re: Transfer No. 79267  
Water Right No(s): 45-529, 45-13463

Dear Denise,

Leroy Robinson indicates all three water rights proposed for the new POD off of Marsh Creek goes directly to the current pond that he stores Land Creek water Right 45-283 therefore, intermingling of waters and delivering by pumping said rights by underground lines to be used at the POU of said rights. As I indicated in my attachment "A".

If transfer is approved, I want IDWR to set up controls other than my measuring of water at the primary POD, that there is no enlargement of water at the primary water right of 45-283 and said water is being used at there perspective sites.

- Leroy's transfer will consist of Water Right 45-13463 (Elaine Asher) delivery date of 8/08/1875 (Marsh Creek POD is T12s-R24E-S12nwne POU is T12S -R25E-S06nese. Water Right 45-529 (Leroy Robinson) delivery date of 4/01/1876 (Marsh Creek POD is T12S-R25E-S06nene and will include the City Of Albion 45-14165 delivery date of 4/01/1873 (Marsh Creek POD is T12s-R24E-S12nwne and 2<sup>nd</sup> diversion off Vaughn (T12S -R25E-S06swnw) into the city. The new POD proposed would be in T12S-R25E-S05nwnw

It will be noted that I did submit the City of Albion's previous approved Transfer of water right 45-14165 "Narrative Summary" within this document package.

Respectively submitted,

  
Don G. Gunderson, Watermaster  
Marsh Creek Water District 45F  
[gundy@safelink.net](mailto:gundy@safelink.net)

Enclosure (s)

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

RECEIVED

APR 20 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Transfer Application No.: 79267

Water Right No(s): 45-529, 45-13463

Transfer Applicant's Name: LEROY & KARLA ROBINSON  
1170 E 810 S  
ALBION, ID 83311

Watermaster's Recommendation:

- a) \_\_\_\_\_ I do not oppose approval of this application.
- b) K I do not oppose approval of this application if it is conditioned as follows:

*See Attachment "A" for Remarks & Conditions.  
and Variations Summary 45-14165 and Cover Letter.*

- c) \_\_\_\_\_ I oppose approval of this application for the following reasons:

- d) \_\_\_\_\_ Additional comments:

Dated this 18<sup>th</sup> day of April, 2015

Water District No. 45-F



Watermaster's Signature

DONALD G. GUNDERSON

Printed Name

## ATTACHMENT "A"

Rev date: 4/18/2015

| Sort | Marsh Creek Tributary, 45F | CFS   | IN    | Total  | acro  |             | Stream                      | LIMIT       | Div                |
|------|----------------------------|-------|-------|--------|-------|-------------|-----------------------------|-------------|--------------------|
| Key: | Priority Date/Decree       | Rate: | Inch  | A/C    | Limit | POU         | NAME:                       | Name:       | ID'S               |
|      | 04/01/1873 45-14165        | 0.91  | 45.5  | 63.1   | 37.8  | 12S25E8NENW | City of Albion              | Marsh Creek | 45-307C city right |
| MC   | 04/01/1873 CityTran 78482  | 0.26  | 13    | 20     |       | 12S25E5NEWW | CityTransfer 78482 Approved |             |                    |
| MC   | 04/01/1876 45-529          | 0.58  | 29    | 30.4 * |       | 12S25E5NWNW | Robinson, L                 | Marsh Creek |                    |
| MC   | 08/08/1875 45-13463        | 0.21  | 10.5  | 16.6   |       | 12S25E6NESE | Robinson, L (Asher Ranch)   |             | 10.5 3             |
|      | PropTranTotals:            | 1.05  | 52.5  | 67     |       |             |                             |             |                    |
| LD** | 03/01/1875 45-283          | 2     | 100   | 126 *  |       | 12S25E5NWNW | Robinson, Leroy             | Land Creek  |                    |
|      | Totals:                    | 3.05  | 152.5 | 193    |       |             |                             |             |                    |

Note: As of 10/22/2013 meeting w/Leroy where the contractor has indicated in placing the Diversion on Marsh Creek North side of creek and just south of his current Pond, which is designated as his Land Creek Water Right 45-283. Leroy would be putting his transfer rights into the same pond verses going with a separate pond as he first indicated to me. Therefore, we are looking at (1.05cfs) or 52.5 inches being moved into the same pond intermingled with the 45-283 right dated 3/01/1875 (Land Creek). Leroy indicated that he would be pumping it through designated lines to point of use which are three different places plus his designated Land Creek Pivot setup!

\* Total combined rights 45-529 and 45-283.....

4/18/2015

If IDWR approves the Transfer No. 79267, they are going to have to make sure that the designated water that is intermingled into said pond is controled to the point that all Four rights are going to the designated ground. There will be overall three transferred rights being pumped into said pond from the new POD that was created in the city of Albion Transfer No. 78482.

Don Gunderson,

Watermaster 45-F

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APR 20 2015  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

RECEIVED

APR 20 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

NARRATIVE SUMMARY  
APPLICATION FOR TRANSFER OF WATER RIGHT 45-14165  
CITY OF ALBION

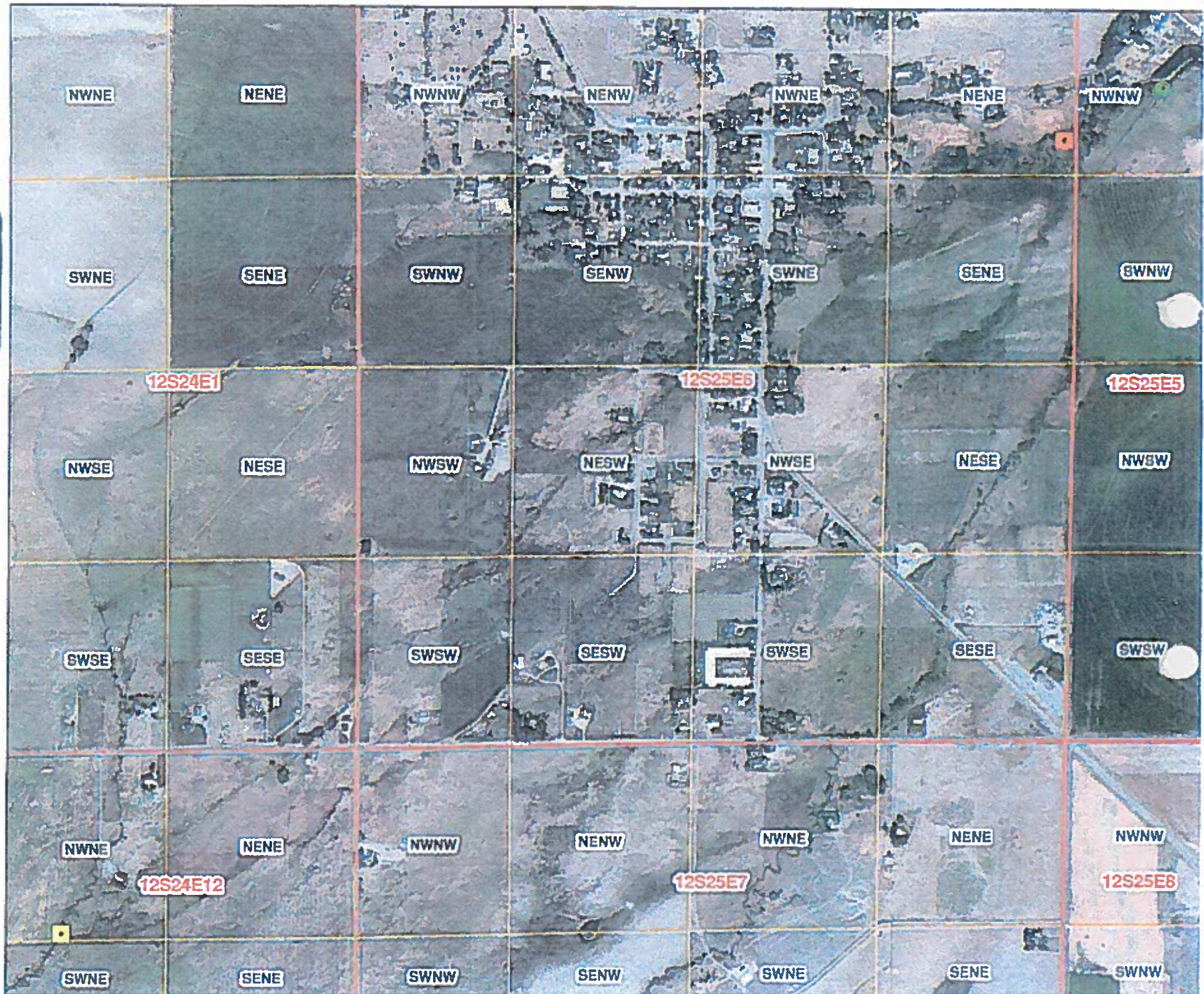
The City of Albion seeks this transfer to provide water for irrigation at a land application site near the City. At the land application site, the City will irrigate approximately 12 acres. Water will be needed primarily in the early parts of the irrigation season.

This transfer seeks to enlarge the existing permissible place of use to include additional acres at the land application site (total 83.1 acres within permissible place of use). The existing water right includes an irrigated acreage limitation of 37.8 acres in a single irrigation season. This transfer will not affect the acreage limitation as the City will continue to be limited to the irrigation of 37.8 total acres within the permissible place of use in any given irrigation season.

The City seeks to add a new point of diversion (New POD) through this transfer. The New POD is downstream from the existing POD. At the existing POD, water is diverted from Marsh Creek into the Vaughn Ditch for several water users including the City. At certain times during the irrigation season – when the flows of Marsh Creek drop – the Watermaster distributes the entire flow of Marsh Creek into the Vaughn Ditch. At that time, no water passes the Vaughn Ditch diversion and no water will be available to divert at the New POD. The City does not seek to change this administration and agrees it should continue in the future to protect existing water rights. The following remark or condition should be included on the water right as part of the transfer approval:

WATER DIVERSIONS AT NWNW §5, T12S R25E SHALL NOT BE PERMITTED AT ANY TIME WHEN THE WATERMASTER HAS DISTRIBUTED THE ENTIRE FLOW OF MARSH CREEK INTO THE VAUGHN DITCH.

-  45-529 Current POD
-  45-13433 Current POD
-  45-529 & 45-13433  
Proposed POD
-  Section Lines
-  Quarter Quarters



Prepared by:  
Mike H. Marchant

RECEIVED

APR 13 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

**Affidavit of Publication**

STATE OF IDAHO )  
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 2nd day of April, 2015 and ending with the issue dated 9th day of April, 2015

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

*Ruby Aufderheide*  
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO  
COUNTY OF TWIN FALLS

On this 9th day of April, 2015, before me,

Joyce Engleman

a Notary Public, personally appeared Ruby Aufderheide,

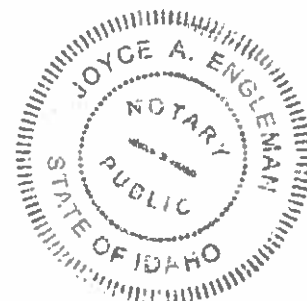
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Joyce A. Engleman*  
Notary Public for Idaho  
Residing at Twin Falls, Idaho.

6/28/19

My commission expires: \_\_\_\_\_

✓ OK DM  
4.20.2015



**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 79839**

✓  
SUNRISE ORGANIC DAIRY LLC, 329 S 417 E, JEROME, ID 83338; has filed Application No. 79839 for changes to the following water rights within JEROME County(s): Right No(s). 36-2254A, 36-2284, 36-8401. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes drying up a 73.8 acre portion of three irrigation rights from a farm located approximately 11.5 to 12.0 miles west of the city of Paul and moving it approximately 1.0 mile east to an adjacent farm for uses associated with a new pivot. Two existing wells on the same farm will divert up to 1.15 cfs and 457.3 AF for the irrigation of 398.4 acres.

✓  
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 79267**

✓  
LEROY ROBINSON and KARLA ROBINSON, 1170 E 810 S, ALBION, ID 83311; has filed Application No. 79267 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13463, 45-529. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for two Marsh Creek irrigation water rights. The first point of diversion is located approximately 1.0 miles south and 1.0 miles west of the center of the City of Albion (Main and Market streets). The application proposes to move this point of diversion approximately 1.8 miles downstream to an existing point of diversion. The second point of diversion is located approximately 0.1 miles north and 0.4 miles east of the center of the City of Albion. The application proposes to move this point of diversion approximately 0.2 miles downstream to the same existing point of diversion. The existing point of diversion is located approximately 0.1 miles north and 0.5 miles east of the center of City of Albion. The proposed point of diversion on Marsh Creek will be used to divert up to 0.79 cfs for irrigation of the current places of use for these water rights.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see

[www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). 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 April 20, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: April 2 and 9, 2015

✓ OK DM 4.20.2015