

Maximum Diversion Rate: 3.00 CFS
Maximum Diversion Volume: 17.4 AF

has applied for a permit to appropriate water from:

Tributary: RAFT RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		17.4 AF
AESTHETIC STORAGE	01/01 to 12/31		17.4 AF
WILDLIFE STORAGE	01/01 to 12/31		17.4 AF
AESTHETIC	04/01 to 10/31	3.00 CFS	
RECREATION	04/01 to 10/31	3.00 CFS	
WILDLIFE	04/01 to 10/31	3.00 CFS	

GROUND WATER	NE1/4NE1/4	Sec. 16, Twp 15S, Rge 24E, B.M.
CASSIA County		
ALMO CREEK	SE1/4SE1/4SW1/4	Sec. 9, Twp 15S, Rge 24E, B.M.
CASSIA County		

[illegible][illegible]

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 43-13740

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
15S	24E	16	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
			X																

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
15S	24E	16	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
			X																

PLACE OF USE: RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
15S	24E	16	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
			X																

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
15S	24E	16	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
			X																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2018**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 13.2 acre-feet or a total surface area of 1.4 acres.
4. Right 43-13740 authorizes the diversion of 13.2 acre-feet to be used for storage in the pond and 4.2 acre-feet for losses due to evaporation.
5. Rights 43-13740, 43-386, 43-2232A, 43-10797, and 43-10823 when combined shall not exceed a total diversion rate of 72.02 cfs.
6. Right 43-13740 provides additional use of Almo Water Company shares and does not allow for additional diversion of water from Almo Creek above and beyond what is allowed by Almo Water Company rights 43-386, 43-2232A, 43-10797, and 43-10823.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 43-13740

7. 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. 43D.
8. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
9. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water right for the purpose and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
43-2594	Irrigation	0.03	4.9	1.4

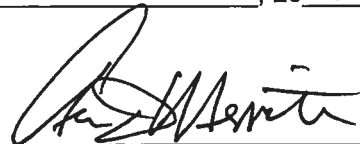
The land that will no longer be irrigated under this right is located within the SENW, Section 16, Township 15S, Range 24E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

10. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
11. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of May, 2015.

FOR



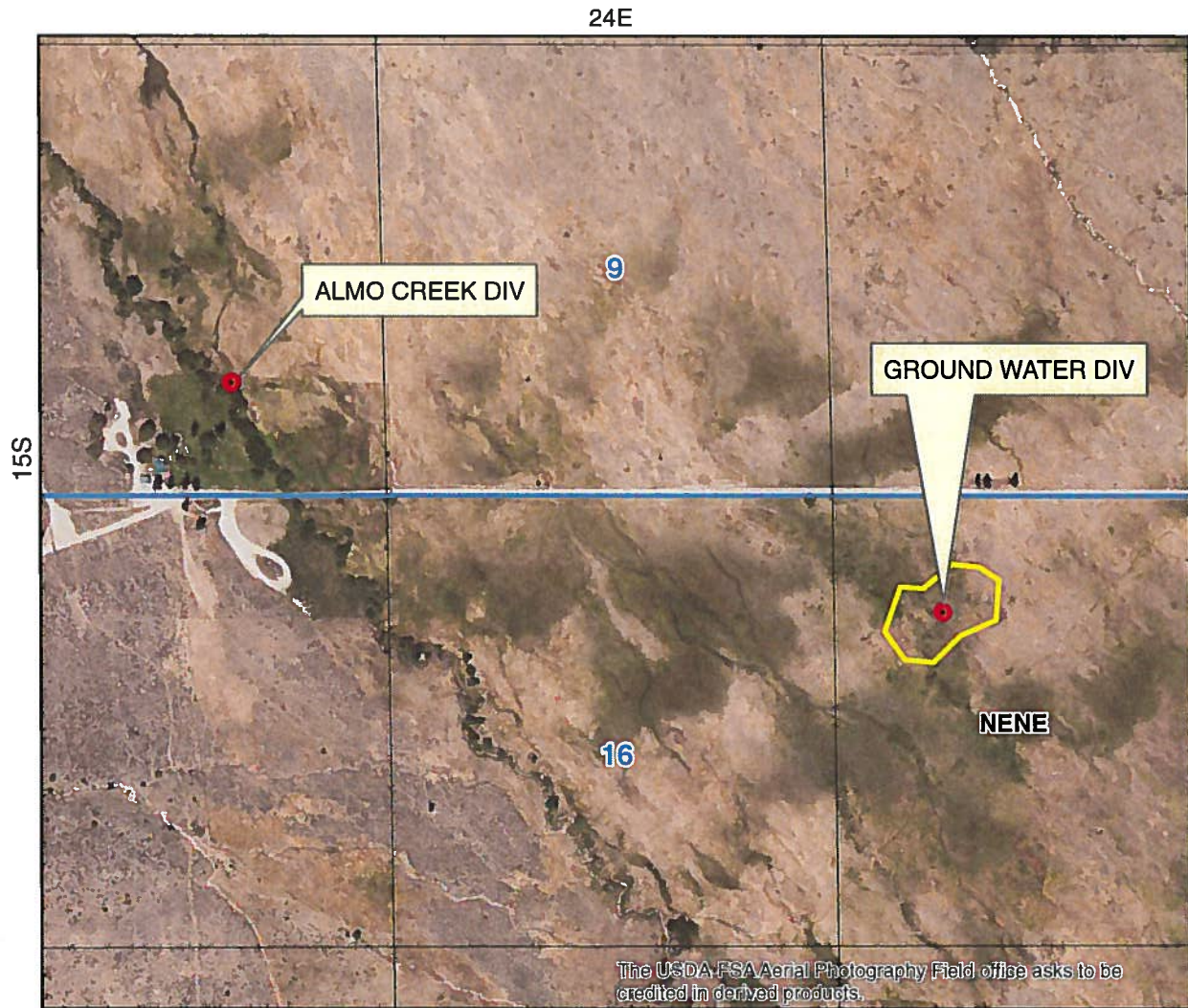
GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

43-13740

This map depicts the RECREATION STORAGE, AESTHETIC STORAGE, WILDLIFE STORAGE, RECREATION, AESTHETIC and WILDLIFE 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 0.05 0.1 0.2 Miles





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

May 19, 2015

BRUCE DURFEE WATERMASTER
WATER DISTRICT # 43-D
PO BOX 187
ALMO, ID 83312

Re: **APPROVED Permit No. 43-13740 (Idaho Dept of Parks & Recreation)**

Dear Mr. Durfee:

For your information and records, we have enclosed a copy of an APPROVED Application for Permit 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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 13, 2015

STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065

RE: Permit No. 43-13740

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit. Please note, water right no. 43-2594 has also been modified accordingly, for mitigation purposes. A copy of this water right is also enclosed.

The permit 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 a party 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, 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", with a stylized flourish at the end.

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: STATE OF IDAHO DEPT OF PARKS & RECREATION (ALMO)

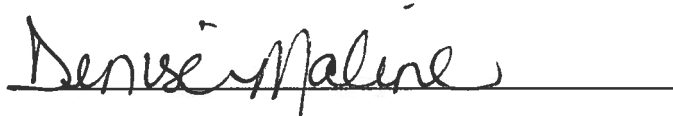
CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 43-13740

**STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065**

**STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 169
ALMO ID 83312**

A handwritten signature in cursive script, 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.

Merritt, Allen

From: Keck, Wallace [wallace_keck@partner.nps.gov]
Sent: Thursday, April 30, 2015 9:05 AM
To: Merritt, Allen
Cc: Skinner, Corey; Adam Straubinger; Jim Thomas; Garth Taylor
Subject: Re: Draft permit for pond

Mr. Merritt,

The Idaho Department of Parks and Recreation has no more questions or concerns with the permit as written, and would like for you to issue the permit as soon as possible. Once again, thank you and Corey for guiding us through this process, and helping us to come into compliance with our water rights.

On Mon, Apr 27, 2015 at 11:30 AM, Merritt, Allen <Allen.Merritt@idwr.idaho.gov> wrote:

Folks,

Attached is the draft permit for the pond at Castle Rocks State Park. I think we have captured what was discussed during our April 1 meeting. Please look it over and let me know if you have any concerns or questions. I will be out of the office later this week and will return next week. You may contact Corey Skinner to answer questions in my absence.

If there are no identified issues I plan on issuing the permit after next week.

Allen Merritt

Southern Region Manager

--

Wallace Keck, Superintendent
City of Rocks National Reserve
Castle Rocks State Park
PO Box 169 (3035 Elba-Almo Rd); Almo, ID 83312
(208) 824-5911 office
(208) 312-2796 cell
Wallace_Keck@partner.nps.gov

PHOTO OF DIVERSION
FROM ALMO CREEK
FROM WALLACE KECK
E-MAILED 4/29/2015

43-13740



MAR 3 2009

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P.O. Box 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
LANCE A. LOVELAND
DAVID F. SHIRLEY
JASON R. NAESS
SCOTT B. LINDSTROM

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

April 21, 2015

RECEIVED

APR 23 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Allen Merritt
Idaho Department of Water Resources
650 Addison Ave. W., Suite 500
Twin Falls, ID 83301-5858

**RE: Almo Water Company – Idaho Dept. of Parks & Recreation
Our File No. 1457.150010**

Dear Allen:

Enclosed, for your information, is signed copy of the Memorandum of Agreement between the Idaho Department of Parks and Recreation and the Almo Water Company.

Should you have any questions, please contact me.

Very truly yours,

**PARSONS, SMITH, STONE, LOVELAND
& SHIRLEY, LLP**

Mailed without signature to avoid delay

William A. Parsons

WAP/sw

Enc.

cc: Idaho Dept. of Parks & Recreation w/enc.

RECEIVED

APR 23 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

MEMORANDUM OF AGREEMENT

AGREEMENT MADE this 14th day of April 2015, by and between **IDAHO DEPARTMENT OF PARKS & RECREATION**, of PO Box 83720, Boise, ID 83720-0065 ("PARKS") and **ALMO WATER COMPANY**, of Box 151, Almo, ID 83312 ("ALMO").

1. RECITALS: The parties recite:

1.1 Parks has applied for a Permit with the Idaho Department of Water Resources for the use of Almo water for aesthetic, recreation and wildlife purposes.

1.2 Parks has shares of water in Almo that have been primarily used for irrigation and it is now proposed that water be used in part for aesthetic, recreation and wildlife purposes, including the operation of a fishing pond on Parks' property.

1.3 Parks' use differs from the ordinary and customary use of Almo water for irrigation, in that temporary disruptions in the provision of the water may result in loss of fish. The parties desire to enter into this Agreement to clarify that Park's use of the water for aesthetic, recreation and wildlife purposes shall not impose any additional risk of liability upon Almo for temporary disruptions in the delivery of the water arising from circumstances beyond the immediate control of Almo.

2. AGREEMENT: Parks waives any claim against Almo for the loss of fish in the pond that may result from failure to deliver water to Parks, excepting claims arising from an intentional stoppage of delivery by Almo (unless such stoppage is authorized by law), and claims arising from negligence of the ditch rider in the delivery of Almo water.

This Agreement shall be perpetual in time and so long as Parks has a pond using Almo water to which it is entitled by its Stock ownership in Almo.

IN WITNESS WHEREOF the parties have executed this Agreement.

IDAHO DEPARTMENT OF PARKS & RECREATION

DATED: 4/9/2015

By Wallace F. Kerk
Title: Park manager

ALMO WATER COMPANY

DATED: 4/14/2015

By Led Tracy
Title: president

(AlmoWaterCo/ParksAgree.doc)

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

RECEIVED

MAR 26 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Application No.: 43-13740

Applicant's Name: STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

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) X I oppose approval of this application for the following reasons:

The Almo water company believes. The private irriga
water Right 43-2594 is a duplicate of a water right tha
is controlled by the Almo water company. Also the amount
is claimed, 3.0 cfs (3.0 cfs) is not agreement with the
water right report 43-2594 of (1.64 cfs) we
need some time to reconcile these claims,

d) _____ Additional comments:

Dated this 16 day of March, 2015

Water District No. 43-D

E. Bruce Durfee

Watermaster's Signature

E. Bruce Durfee

Printed Name

RECEIVED

MAR 16 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, Twins 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 5th day of March, 2015 and ending with the issue dated 12th day of March, 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, Legal Clerk

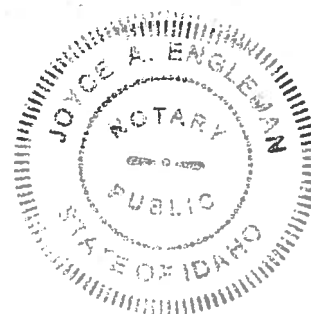
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of March, 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.


Notary Public for Idaho
Residing at Twin Falls, Idaho. 6/28/19

My commision expires: _____



✓ The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-13740

STATE OF IDAHO

DEPT OF PARKS & RECREATION

PO BOX 83720

BOISE, ID 83720-0065

Point of Diversion NENE S16 T15S R24E CASSIA County Source
GROUND WATER Tributary

Point of Diversion SESESW S9 T15S R24E CASSIA County
Source ALMO CREEK Tributary RAFT RIVER

Use: AESTHETIC 03/15 to 11/15 3 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 17.4 AF

Use: RECREATION 03/15 to 11/15 3 CFS

Use: RECREATION STORAGE 01/01 to 12/31 17.4 AF

Use: WILDLIFE 03/15 to 11/15 3 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 17.4 AF

Total Diversion: 3 CFS 17.4 AF

Date Filed: 2/24/2015

Place Of Use: RECREATION, AESTHETIC, WILDLIFE,
RECREATION STORAGE, AESTHETIC STORAGE, WILDLIFE
STORAGE

T15S R24E S16 NENE

Application filed to appropriate water for a proposed fishing and wildlife pond located on Castle Rocks State Park property approximately 1.8 miles north and 0.95 miles west of Almo. The pond will be excavated into the ground water table and irrigation water diverted via Almo Water Company shares will flow through the pond. The application seeks to appropriate 17.4 acre-feet of water for storage in the pond and to make up for annual evaporative losses. The application also lists 3.0 cfs of water from Almo Creek to reflect the additional aesthetic, recreation, and wildlife uses of the Almo Water Company shares flowing through the pond. A mitigation plan that involves drying up irrigated lands to offset consumptive uses associated with the pond has been included as part of the application.

✓ 1-10633

A & B IRRIGATION DISTRICT

PO BOX 675

RUPERT, ID 83350-0675

Point of Diversion NENW S20 T10S R22E MINIDOKA County
Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 30 CFS

Total Diversion: 30 CFS

Date Filed: 2/11/2015

Place Of Use: IRRIGATION

T09S R22E S1 SWSW

T09S R22E S2 SESW SESE

T09S R22E S10 NENE SWNE NENW SWSE SESE

T09S R22E S11 NENE NWNW SENW SWSW NWSE

T09S R22E S12 SENW NWSW

T09S R22E S15 NE(ALL) NENW L2(SENW) SW(ALL) NESE
NWSE

T09S R22E S28 SESW NWSE SESE

Total Acres: 1478.5

Application proposes diverting up to 30 cfs from the Snake River, upstream from Milner Dam, at a point located approximately 6.2 miles west and 4.0 miles south of Paul. Water will be used for irrigation of 1478.5 acres of land located approximately 1.8 - 5.1 miles west and 0.0 to 4.2 miles north of the center of Paul. The 1478.5 acres is currently irrigated with groundwater and the 30 cfs will be used when available as a "soft conversion" in lieu of diverting groundwater. Groundwater rights will continue to be utilized on the 1478.5 acres when the 30 cfs is not available. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 5th & 12th, 2015.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79596**

✓ CITY OF KIMBERLY, PO BOX Z, KIMBERLY, ID 83341; has filed Application No. 79596 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4459, 47-4460, 47-7306, 47-7649; allowing for the total diversion of 5.56 cfs. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add all seven of the city's existing municipal wells as authorized points of diversion to the City of Kimberly's groundwater rights 47-4459, 47-4460, 47-7306 and 47-7649. The wells are within the City of Kimberly's service area.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before March 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 5th & 12th, 2015

✓ OK DM
3/18/2015