

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 79877

This is to certify that: **CONDIE BROTHERS**  
4625 W 4100 S  
WEST VALLEY CITY, UT 84120

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 43-7042            | WR/DECREED          | 7/25/1973            | 17.060 cfs            | 5750.4 af               | 1437.0            | 1440.0             | GROUND WATER  |

Purpose of Transfer (Changes Proposed)

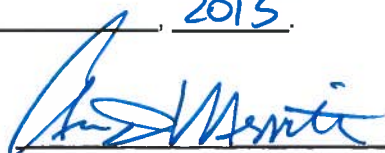
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 43-7042               | YES          | NO         | NO         | YES            | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 43-7042                | 43-13741                         | 17.020 cfs           | 5748.0 af              | 1437.0            | 1440.0             | 43-7042                            | 0.040 cfs             | 2.4 af                  | N/A                         | 1440.0                       |
| <b>COMBINED TOTALS</b> |                                  | <b>17.020 cfs</b>    | <b>5748.0 af</b>       | <b>1437.0</b>     | <b>1440.0</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 9<sup>th</sup> day of April, 2015.

  
Southern Region Manager

SUPPORT DATA

IN FILE # 43-7042

Transfer No. 79877

**WATER RIGHT NO. 43-7042**

**As Modified by Transfer No. 79877**

In accordance with the approval of Transfer No. 79877, Water Right No. 43-7042 is now described as follows:

**Right Holder:** CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY CITY, UT 84120

**Priority Date:** 7/25/1973

**Source:** GROUND WATER

**BENEFICIAL USE**  
DOMESTIC

**From** 01/01 to **To** 12/31

**Diversion Rate**  
0.040 cfs  
0.040 cfs

**Diversion Volume**  
2.4 af  
2.4 af

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

GROUND WATER SWSWNW Sec 8 Twp 10S Rge 28E CASSIA County

**PLACE OF USE: DOMESTIC**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10S | 28E | 8   |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

- Domestic use is for 2 homes.
- 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. 43-13741**  
**As Modified by Transfer No. 79877**

In accordance with the approval of Transfer No. 79877, Water Right No. 43-13741 is now described as follows:

**Right Holder:** CONDIE BROTHERS  
 4625 W 4100 S  
 WEST VALLEY CITY, UT 84120

**Priority Date:** 7/25/1973

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 17.020 cfs                   | 5748.0 af                      |
|                              |                    |                  | 17.020 cfs                   | 5748.0 af                      |

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

|              |        |                                     |
|--------------|--------|-------------------------------------|
| GROUND WATER | NENE   | Sec 8 Twp 10S Rge 28E CASSIA County |
| GROUND WATER | NWNWSW | Sec 5 Twp 10S Rge 28E CASSIA County |
| GROUND WATER | SESESW | Sec 5 Twp 10S Rge 28E CASSIA County |
| GROUND WATER | SWSWNW | Sec 8 Twp 10S Rge 28E CASSIA County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 10S | 28E | 4   |      |      | 22.0 | 22.0 |      | 3.8  | 5.4  |      | 40.0 | 38.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 371.0  |
| 10S | 28E | 5   | 38.0 | 40.0 | 40.0 | 38.0 | 40.0 | 41.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 30.0 | 38.0 | 40.0 | 40.0 | 625.0  |
|     |     |     | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 10S | 28E | 8   | 33.0 | 40.0 | 40.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 29.0 | 38.0 | 2.0  |      | 38.0 | 32.0 |      |      | 444.0  |

Right Acre Limit: 1437.0

POU Total Acres: 1440.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 1437.0 acres within the place of use described above in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79877

**WATER RIGHT NO. 43-13741**  
**As Modified by Transfer No. 79877**

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



State of Idaho  
Department of Water Resources  
**Attachment To Transfer No.79877**  
43-7042

This map depicts the DOMESTIC 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.



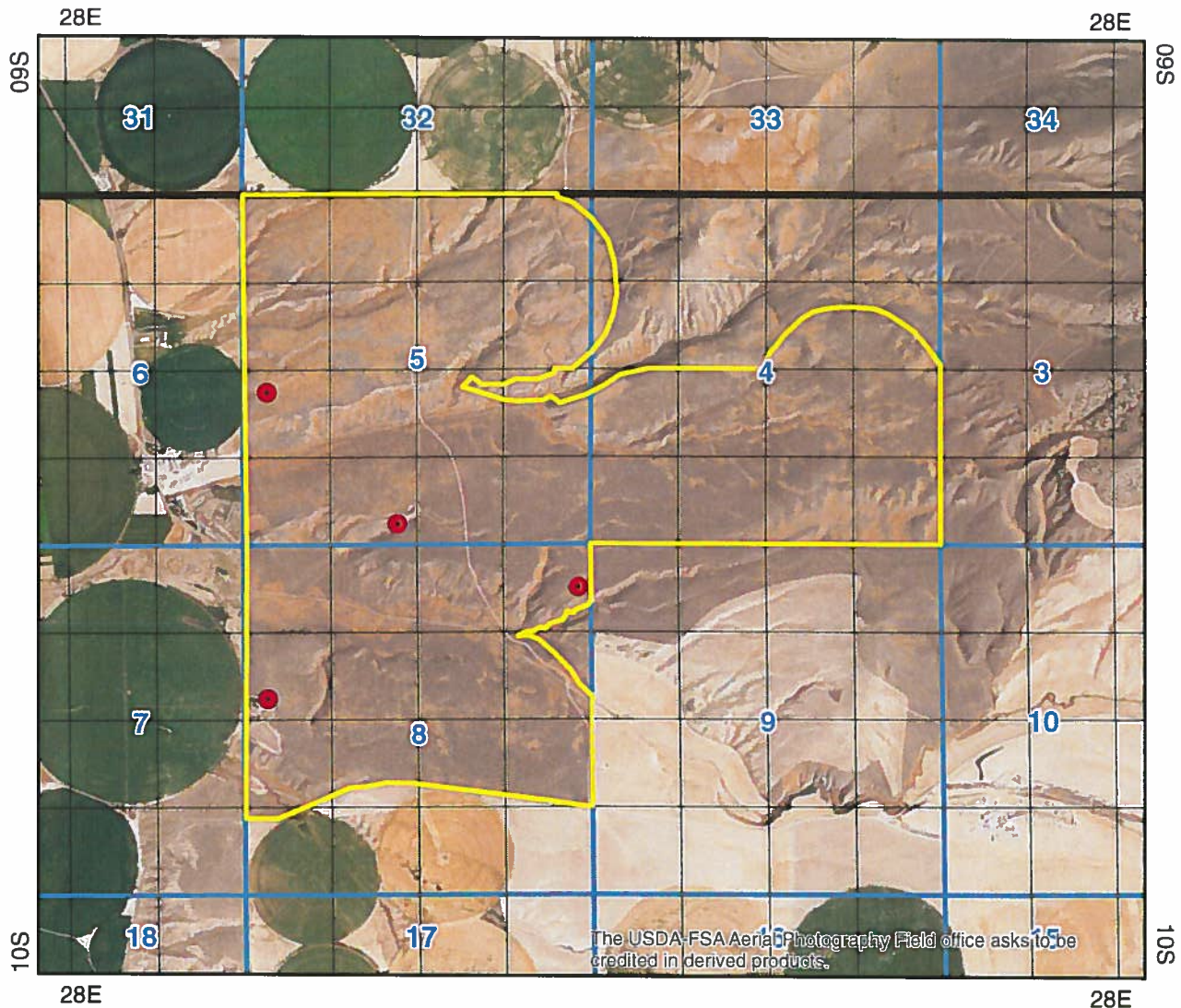
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.015 0.03 0.06 Miles



State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79877**  
43-13741

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 0.325 0.65 1.3 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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 10, 2015

CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY CITY UT 84120

Re: Transfer No: 79877  
Water Right No(s): 43-7042

### 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.

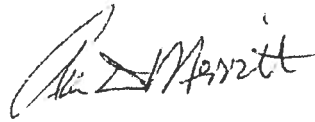
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 initial "A" and a prominent "M".

Allen Merritt  
Southern Regional Manager

Enclosure

cc:

EVARD H GIBBY  
872 E PEBBLE DR  
BURLEY ID 83318

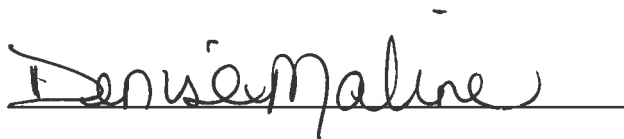
## **CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79877**  
**Water Right No(s): 43-7042**

**CONDIE BROTHERS**  
**4625 W 4100 S**  
**WEST VALLEY CITY UT 84120**

**EVARD H GIBBY**  
**872 E PEBBLE DR**  
**BURLEY ID 83318**

A handwritten signature in cursive script, reading "Denise Maline", is written over a 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.

TRIBUNE PUBLISHING COMPANY, INC  
The Lewiston Tribune  
505 C St., P.O.Box 957  
Lewiston, Idaho 83501  
(208) 743-9411

LEGAL ADVERTISING  
INVOICE

Sold To: DEPT OF WATER RESOURCES  
650 ADDISON AVE W, STE 500  
TWIN FALLS ID 83301

Date: 03/26/2015 INVOICE NO. 107707  
Account No. 446620  
Description 107707 NOTICE O  
Times 2 Lines 63  
Tab. lines  
\$ 89.78

PO# 79877

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month  
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

RECEIVED  
MAR 31 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

107707  
NOTICE OF PROPOSED  
CHANGE OF  
WATER RIGHT  
TRANSFER NO. 79877

CONDIE BROTHERS, 4625 W 4100 S, WEST VALLEY CITY, UT 84120; has filed Application No. 79877 for changes to the following water rights within CASSIA County(s): Right No(s). 43-7042; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a new well to be drilled as an authorized point of diversion for an irrigation groundwater right appurtenant to a farm located approximately 17.75 to 19.5 miles north and 7.9 to 9.9 miles east of Malta. Three existing irrigation wells and the new well to be drilled (all located on the farm) will be utilized to divert up to 17.02 cfs for the irrigation of 1437.0 acres on the farm.

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 107707 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 03/19, or once a Week, for 2 consecutive Week, the first publication thereof being on the 03/19/2015, and the last publication thereof being on the 03/26/2015, and said 107707 NOTICE O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

*Karen J. Lewis*

State of Idaho

S.S.

County of Nez Perce

On this 27th day of March in the year of 2015, before me, a Notary Public, personally appeared Karen J. Lewis, 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.

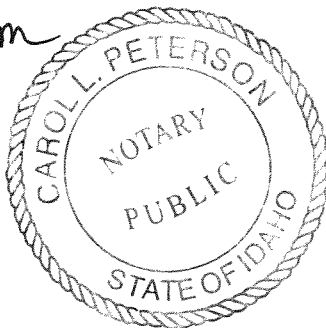
*Carol Peterson*  
Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires 9/1/2017

SCANNED

APR 17 2015

over

✓ OK DM  
4/2/2015



For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before April 6, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,  
Director

Published in the Times News,  
Idaho Statesman, Post Register  
& Lewiston Tribune on  
March 19th & 26th, 2015.

✓ OK AM 4/2/2015

RECEIVED

MAR 30 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 19th day of March, 2015 and ending with the issue dated 26th 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.

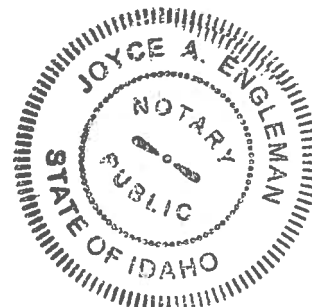
*Ruby Aufderheide*  
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO  
COUNTY OF TWIN FALLS

On this 26th 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.

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

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



✓ OK DM  
4/2/2015

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

43-13742

LARRY HENSON  
JACKIE HENSON

PO BOX 183

ALMO, ID 83312

Point of Diversion SENE S22 T15S R24E CASSIA County Source  
GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 3/2/2015

Place Of Use: DOMESTIC

T15S R24E S22 NESE

Application for permit proposes to divert 0.04 cfs from an existing well located approximately 0.53 mile north and 0.04 mile east of the intersection of 3000 South and the Elba-Almo Road in Almo. Domestic use is for one home located approximately 0.49 mile north and 0.14 mile east of Almo.

43-13743

LARRY HENSON  
JACKIE HENSON

PO BOX 183

ALMO, ID 83312

Point of Diversion SENE S22 T15S R24E CASSIA County Source  
GROUND WATER Tributary

Use: RECREATION 01/01 to 12/31 0.23 CFS

Total Diversion: 0.23 CFS

Date Filed: 3/2/2015

Place Of Use: RECREATION

T15S R24E S22 NESE

Application for permit proposes to divert 0.23 cfs for recreation use from an existing well located approximately 0.53 mile north and 0.04 mile east of the intersection of 3000 South and the Elba-Almo Road in Almo. Place of use is located approximately 0.51 mile north and 0.16 mile east of Almo.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 79753**

LACY J MASON and KURT MASON, 3981 N 3600 E, KIMBERLY, ID 83341; BRANDON MASON and DAWNLY MASON, C/O KURT MASON, 3981 N 3600 E, KIMBERLY, ID 83341; have filed Application No. 79753 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13661, 45-497. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving the point of diversion of two Dry Creek water rights downstream approximately 2.5 miles to an existing headgate located approximately 5.8 mi. south and 0.8 mi. west of the city of Murtaugh. Up to 1.18 cfs will be diverted through the headgate for the irrigation of 59 acres on an existing farm located approximately 5.0 to 5.25 mi. south and 1.0 to 1.5 mi. west of the city of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 79849**

ALPHABET SOUP LLC, PO BOX 145, TWIN FALLS, ID 83303; has filed Application No. 79849 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-2470B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer intends to change the point of diversion (POD) for irrigation water right 47-2470B (0.40 cfs, 20.0 acres), which is currently diverted from an unnamed stream tributary to McMullen Creek at a point approximately 6.73 miles south and 0.82 miles west of the intersection of Center and Main Streets in Kimberly. The new POD will be located approximately 6.24 miles south and 0.62 miles west of Kimberly, about 0.6 miles downstream from the current POD on the unnamed stream.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 79877**

CONDIE BROTHERS, 4625 W 4100 S, WEST VALLEY CITY, UT 84120; has filed Application No. 79877 for changes to the following water rights within CASSIA County(s): Right No(s). 43-7042. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a new well to be drilled as an authorized point of diversion for an irrigation groundwater right appurtenant to a farm located approximately 17.75 to 19.5 miles north and 7.9 to 9.9 miles east of Malta. Three existing irrigation wells and the new well to be drilled (all located on the farm) will be utilized to divert up to 17.02 cfs for the irrigation of 1437.0 acres on the farm. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 19th & 26th, 2015.

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](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). For additional information on new permits, please visit our website at [www.idwr.idaho.gov](http://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 April 6, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 19th & 26th, 2015

✓ OK DM 4/2/2015

Proof of Publication  
The Post Register

RECEIVED

MAR 30 2015

State of Idaho  
Bonneville County:

DEPT OF WATER RESOURCES  
SOUTHERN REGION

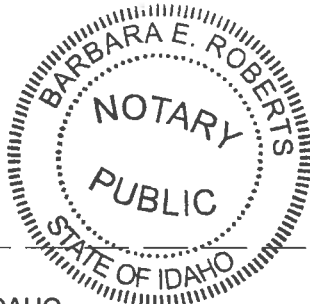
I, ~~Donna Nims~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: 711726, for 2 consecutive (days) weeks, between 03/19/2015 and 03/26/2015,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

*Staci Dockery*

Subscribed and sworn to before me, this 26 day of March 2015



*Barbara E. Roberts*  
Notary Public

My Commission expires: 5/9/2019

STATE OF IDAHO

attached jurat

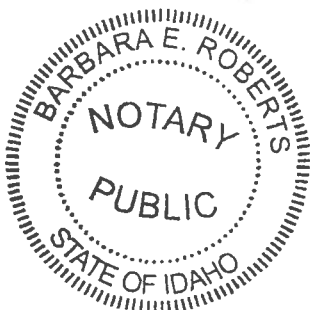
ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 26 day of March 2015, before me, the undersigned, a Notary public for said state, personally appeared ~~Donna Nims~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they 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.

*Barbara E. Roberts*  
Notary Public for The Post Company  
Residing at: Idaho Falls  
My Commission expires: 5/9/2019



✓ OK DM  
4/2/2015

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
TRANSFER NO. 79877**

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For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before April 6, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 19th & 26th, 2015. (711726)

✓ OK DM 4/2/2015

## LEGAL PROOF OF PUBLICATION

| Account # | Ad Number  | Identification                    | PO          | Amount   | Cols | Lines |
|-----------|------------|-----------------------------------|-------------|----------|------|-------|
| 263982    | 0001622324 | LEGAL NOTICE NOTICE OF PROPOSED ( | CONDIE BROS | \$105.50 | 1    | 60    |

**Attention: DENISE MALINE**

IDAHO DEPT WATER RESOURCE / SOUTH  
650 ADDISON AVE W STE 500  
TWIN FALLS, ID 83301

RECEIVED

MAR 30 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

**LEGAL NOTICE  
NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
TRANSFER NO. 79877**

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GARY SPACKMAN, Director  
Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 19th & 26th, 2015.

Pub. March 19, 26, 2015  
0001622324-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended. for:

## 2 Insertions

Beginning issue of: 03/19/2015

Ending issue of: 03/26/2015

Ending Issue of: Janice Hildreth  
(Legals Clerk)

STATE OF IDAHO )  
SS

COUNTY OF ADA )

On this 26th day of March in the year of 2015 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harradine

Notary Public FOR Idaho  
Residing at: Boise, Idaho

My Commission expires: 2/11/2020

✓ OK AM 4/2/2015



**Proof of legal notice  
received from Post Register 3/18/2015**

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
TRANSFER NO. 79877**

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GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 19th & 26th, 2015. (711726)

✓ OK DM 3/18/2015

E-mail sent to newspaper