

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79753

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED**JAN 26 2015**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable to the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) LACY J MASON; BRANDON MASON; DAWNYL MASON; KURT MASON

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

JAN 26 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant LACY J MASON Phone (208)731-2691

Mailing Address 3981 N 3600 E, KIMBERLY ID 83341 Email masoncattle@yahoo.com

Name of Applicant BRANDON MASON Phone (208) 731-2691

Mailing Address C/O KURT MASON

3981 N 3600 E, KIMBERLY ID 83341 Email _____

Name of Applicant DAWNYL MASON Phone (208) 731-2691

Mailing Address C/O KURT MASON

3981 N 3600 E, KIMBERLY ID 83341 Email _____

Name of Applicant KURT MASON Phone (208) 731-2691

Mailing Address 3981 N 3600 E, KIMBERLY ID 83341 Email masoncattle@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

x Lacy Mason
Signature of Applicant or Authorized Representative

Lacy Mason
Print Name and Title if applicable

1-9-15
Date

x Kurt Mason
Signature of Applicant or Authorized Representative

Kurt Mason
Print Name and Title if applicable

1-9-15
Date

RECEIVED

JAN 26 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant LACY J MASON Phone (208) 731-2691
 Mailing Address 3981 N 3600 E, KIMBERLY ID 83341 Email masoncattle@yahoo.com

Name of Applicant BRANDON MASON Phone (208) 731-2691
 Mailing Address C/O KURT MASON
3981 N 3600 E, KIMBERLY ID 83341 Email _____

Name of Applicant DAWNYL MASON Phone (208) 731-2691
 Mailing Address C/O KURT MASON
3981 N 3600 E, KIMBERLY ID 83341 Email _____

Name of Applicant KURT MASON Phone (208) 731-2691
 Mailing Address 3981 N 3600 E, KIMBERLY ID 83341 Email masoncattle@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
 Mailing Address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

x Dawnyl Mason
 Signature of Applicant or Authorized Representative

Dawnyl Mason
 Print Name and Title if applicable

1/9/15
 Date

x Brandon Mason
 Signature of Applicant or Authorized Representative

Brandon Mason
 Print Name and Title if applicable

1/9/15
 Date

22

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	45-497	No	Yes	No	No	No	No
	45-13661	No	Yes	No	No	No	No

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Change location of point of diversion to place it is presently being diverted from.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-497	0.400 cfs	N/A	20.0	59.0		N/A	N/A	N/A	N/A
45-13661	0.780 cfs	N/A	N/A	59.0		N/A	N/A	N/A	N/A

COMBINED TOTALS

1.180 cfs N/A N/A 59.0 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 1.18 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

**IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 45-497

Current Water Right Owner

KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

AND

LACY J MASON
3981 N 3600 E
KIMBERLY, ID 83341

BRANDON MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

AND

DAWNYL MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

Priority Date: 10/21/1908

Origin: Water Right

Basis: Decreed

Status Active

Source: DRY CREEK

Tributary: SNAKE RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.400 CFS

Subuse Code

Total Diversion

0.400 CFS

Source and Point(s) of Diversion:

DRY CREEK

NWSE

Sec. 1 Twp 12S Rge 19E 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	
11S	19E	36											37.0	22.0					59.0

Right Acre Limit: 20.0

POU Total Acres: 59.0

**IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 45-13661

Current Water Right Owner

BRANDON MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

AND

DAWNYL MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

AND

LACY MASON
3981 N 3600 E
KIMBERLY, ID 83341

Priority Date: 3/15/1950

Origin: Water Right

Basis: Decreed

Status Active

Source: DRY CREEK

Tributary: SNAKE RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.780 CFS

Subuse Code

Total Diversion

0.780 CFS

Source and Point(s) of Diversion:

DRY CREEK

NWSE

Sec. 1 Twp 12S Rge 19E 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	
11S	19E	36											37.0	22.0					59.0

POU Total Acres:

59.0

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future
Existing headgate with proposed flow meter below on pipeling.

- b. Who owns the property at the point(s) of diversion

Pickett

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Agreement for existing facilities

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: No change in place of use

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None None

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes

☐

☐

☐

☐

No

☒

☒

☒

☒

undergone a period of five or more consecutive years of non-use,

currently leased to the Water Supply Bank,

currently used in a mitigation plan limiting the use of water under the right, or

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 45-497

Current Water Right Owner

BRANDON MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

AND

DAWNYL MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

LACY MASON
3981 N 3600 E
KIMBERLY, ID 83341

AND

KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

Priority Date: 10/21/1908

Origin: Water Right

Basis: Decreed

Status: Active

Source: DRY CREEK

Tributary: SNAKE RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.400 CFS

Subuse Code

Total Diversion

0.400 CFS

Source and Point(s) of Diversion:

DRY CREEK

NWSWSW

Sec. 13 Twp 12S Rge 19E 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	
11S	19E	36											37.0	22.0					59.0

Right Acre Limit: 20.0

POU Total Acres: 59.0

Conditions/Remarks:

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. USE OF THIS RIGHT WITH RIGHT NO. 45-13661 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 59 ACRES IN A SINGLE IRRIGATION SEASON.

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

Current Water Right No. 45-13661

Current Water Right Owner

BRANDON MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

AND

DAWNYL MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

AND

LACY MASON
3981 N 3600 E
KIMBERLY, ID 83341

Priority Date: 3/15/1950

Origin: Water Right

Basis: Decreed

Status: Active

Source: DRY CREEK

Tributary: SNAKE RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.780 CFS

Subuse Code

Total Diversion

0.780 CFS

Source and Point(s) of Diversion:

DRY CREEK

NWSWSW

Sec. 13 Twp 12S Rge 19E 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	
11S	19E	36											37.0	22.0					59.0

POU Total Acres:

59.0

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 45-497 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 59 ACRES IN A SINGLE IRRIGATION SEASON.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

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

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

Received By TF Date 1-26-2015 Prelim. Check By _____ Date _____
 Fee Paid \$580- Date 1-26-2015 Received By Dm Receipt # 1/27/2015 SD34522
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

Part 1.

35

36

11S19E

Place of Use

2

1

12S19E

New Point of Diversion

TRANSFER 79753

RECEIVED

JAN 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

TELEPHONE
(208) 862-3482

FAX NO.
(208) 862-7482

TUGAW RANCHES, LLC

568 West 1650 South
OAKLEY, IDAHO 83346

E-MAIL: pickettranch&pmt.org

January 18, 2015

Allen Merritt, P.E.
Southern Regional Manager
Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

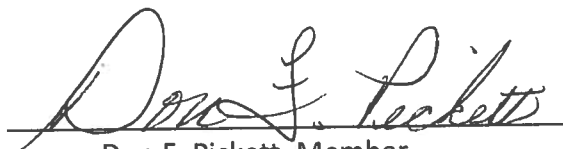
RE: APPLICATION FOR TRANSFER OF WATER RIGHT – PROPOSED WATER RIGHT NO. 45-497

Dear Mr. Merritt:

Please be advised that Tugaw Ranches, LLC is agreeable to the above-referenced application for transfer of water right. It is our understanding that the only change requested by Brandon Mason and Dawnyl Mason, husband and wife, and Kurt Mason and Lacy Mason, husband and wife, will be a change in point of diversion as set forth in the enclosed USDA-FSA aerial photograph.

Very truly yours,

TUGAW RANCHES, LLC

By: 
Don F. Pickett, Member

DFP/
Encls. - 1

TRANSFER 79753

Part 1.

35

36

11S19E

Place of Use

2

1

12S19E

New Point of Diversion



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

March 12, 2015

KURT MASON AND
LACY J MASON
3981 N 3600 E
KIMBERLY, ID 83341

BRANDON MASON AND
DAWNYL MASON
C/O KURT MASON
3981 N 3600 E
KIMBERLY, ID 83341

RE: Transfer No. 79753
Water Right No(s). 45-13661, 45-497

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS** on **3/19/2015** and **3/26/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**April 6, 2015**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 12, 2015 3:14 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on March 19th & 26th, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 12, 2015

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 43-13742 & 43-13743

RE: Transfer No. 79753

Water Right No(s): 45-13661, 45-497

RE: Transfer No. 79849

Water Right No(s): 47-2470B

RE: Transfer No. 79877

Water Right No(s): 43-7042

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 6, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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 DAWNYL 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. 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 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

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 12, 2015 3:38 PM
To: 'Brian Higgs'
Subject: Comment Letter for transfer 79753 - Mason
Attachments: Comment Letter to WM140 for 79753.docx; Transfer 79753 - Mason.pdf

Hi Brian,

Attached is a cover letter, recommendation form and copy of application for transfer 79753. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Idaho Dept of Water Resources
Administrative Assistant, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 12, 2015

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

Via e-mail

RE: Transfer No. 79753
Water Right No(s): 45-497, 45-13661

Dear Mr. Higgs:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 12, 2015 3:40 PM
To: Swank, Lyle
Subject: Comment Letter for transfer 79753 - Mason
Attachments: Transfer 79753 - Mason.pdf

Dear Lyle,

Attached is a copy of application for transfer 79753. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Idaho Dept of Water Resources
Administrative Assistant, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 12, 2015

LYLE SWANK
WATER DISTRICT #01
900 N SKYLINE DR, STE A
IDAHO FALLS, ID 83402

Via e-mail

RE: Transfer No. 79753
Water Right No(s): 45-497, 45-13661

Dear Mr. Swank:

A copy of the above referenced application is attached for your review. Please review the application, and comment as necessary within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



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

March 12, 2015

DONALD CRANER
WATER DISTRICT #45-N
3052 HILLCREST RD
TWIN FALLS, ID 83301

RE: Transfer No. 79753
Water Right No(s): 45-497, 45-13661

Dear Mr. Craner:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: February 27, 2015
To: Transfer 79753 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

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 5.0-5.25 mi. south and 1.0 – 1.5 mi. west of the city of Murtaugh.

The property and point of diversion involved with the transfer is located within the ESPA and Water District 45N so watermaster comments will be requested. Water rights are also within the Artesian City Critical Groundwater Area.

- **Authority to File:**
The applicants are listed as the current owners of the rights being transferred according to IDWR records. Application was signed by all four family members.
- **Water Right Validity:**
Water Rights 45-497 and 45-13661 were decreed as valid water rights in the SRBA in May of 2005.
- **Injury to Other Water Rights:**
None anticipated. Point of diversion is moving downstream.
- **Enlargement of Use:**
None anticipated. Place of use is not changing.
- **Local Public Interest:**
No negative issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.