

RECEIVED

MAR 04 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79877

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by 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) CONDIE BROTHERS**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: _____

MAR 11 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant CONDIE BROTHERS Phone (801)968-4943
 Mailing Address 4625 W 4100 S, WEST VALLEY CITY UT 84120 Email _____

- ☐ 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 Erard H. Gibby Phone 208-423-4795
 Mailing Address 872 E. Pebble Dr., Burley, ID 83318 Email ehgibby@gibbygroup.com

☒ 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.

[Signature] G. Phillip Condie 3/9/15
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-7042	Yes	No	No	Yes	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**

Application filed to add a new irrigation well to be drilled as an authorized point of diversion. Application
will also split the right to reflect an irrigation system and a separate domestic system. No change in
the place of use is proposed in this transfer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAR 04 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant CONDIE BROTHERS Phone (801)968-4943
Mailing Address 4625 W 4100 S, WEST VALLEY CITY UT 84120 Email _____

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- ☐ 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 Edward H. Gibby Phone 206-423-4795
Mailing Address 872 East Pebble Drive, Burley ID Email ehgibby@gibbygroup.com
83318

- ☒ 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.

David Condie David Condie Managing Member 3-3-2015
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-7042	Yes	No	No	Yes	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**

Application filed to add a new irrigation well to be drilled as an authorized point of diversion. Application
will also split the right to reflect an irrigation system and a separate domestic system. No change in
the place of use is proposed in this transfer.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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
43-13741	17.020 cfs	5748.0 af	1437.0	1440.0	43-7042	0.040 cfs	2.4 af	N/A	N/A
COMBINED									
TOTALS	17.020 cfs	5,748.0 af	1,437.0	1,440.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 17.02 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.

UTAH DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 43-7042

Current Water Right Owner
CONDIE BROTHERS
4625 W 4100 S
WEST VALLEY CITY, UT
84120

Priority Date: 7/25/1973

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.040 CFS	2.4 AFA	
Total Diversion			0.040 CFS	2.4 AFA	

Source and Point(s) of Diversion:
GROUND WATER

SWSWNW

Sec. 8 Twp 10S Rge 28E CASSIA County

Place of Use: DOMESTIC

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

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 43-13741

(Original Water Right No. 43-7042)

Current Water Right Owner

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

Priority Date: 7/25/1973

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	17.020 CFS	5748.0 AFA	
Total Diversion			17.020 CFS	5748.0 AFA	

Source and 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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	28E	4			22.0	22.0		3.6	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: 1,437.0

POU Total Acres: 1,440.0

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
Four interconnected irrigation wells to irrigation system. Measuring device(s) will be installed when required.
- b. Who owns the property at the point(s) of diversion
applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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: _____
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:
No change proposed to the place of use
- 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
- 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: Land has been in CRP

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

Current Water Right No. 43-7042

Current Water Right Owner

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

Priority Date: 7/25/1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.040 CFS	2.4 AFA	
IRRIGATION	03/15	11/15	17.020 CFS	5748.0 AFA	
Total Diversion			17.060 CFS	5750.4 AFA	

Source and Point(s) of Diversion:

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
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										0.0

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		3.6	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	40.0	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: 1,437.0

POU Total Acres: 1,440.0

Conditions/Remarks:

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. The total instantaneous diversion of water from all points of diversion under Right 43-7042 shall not exceed 17.06 cfs, nor a total combined annual volume of 5750.4 af.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. Domestic use is for 2 homes.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acrea irrigated per 1/4 1/4 tract.)

[illegible]

Transfer No. 79877

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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**

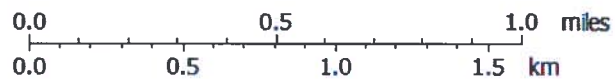
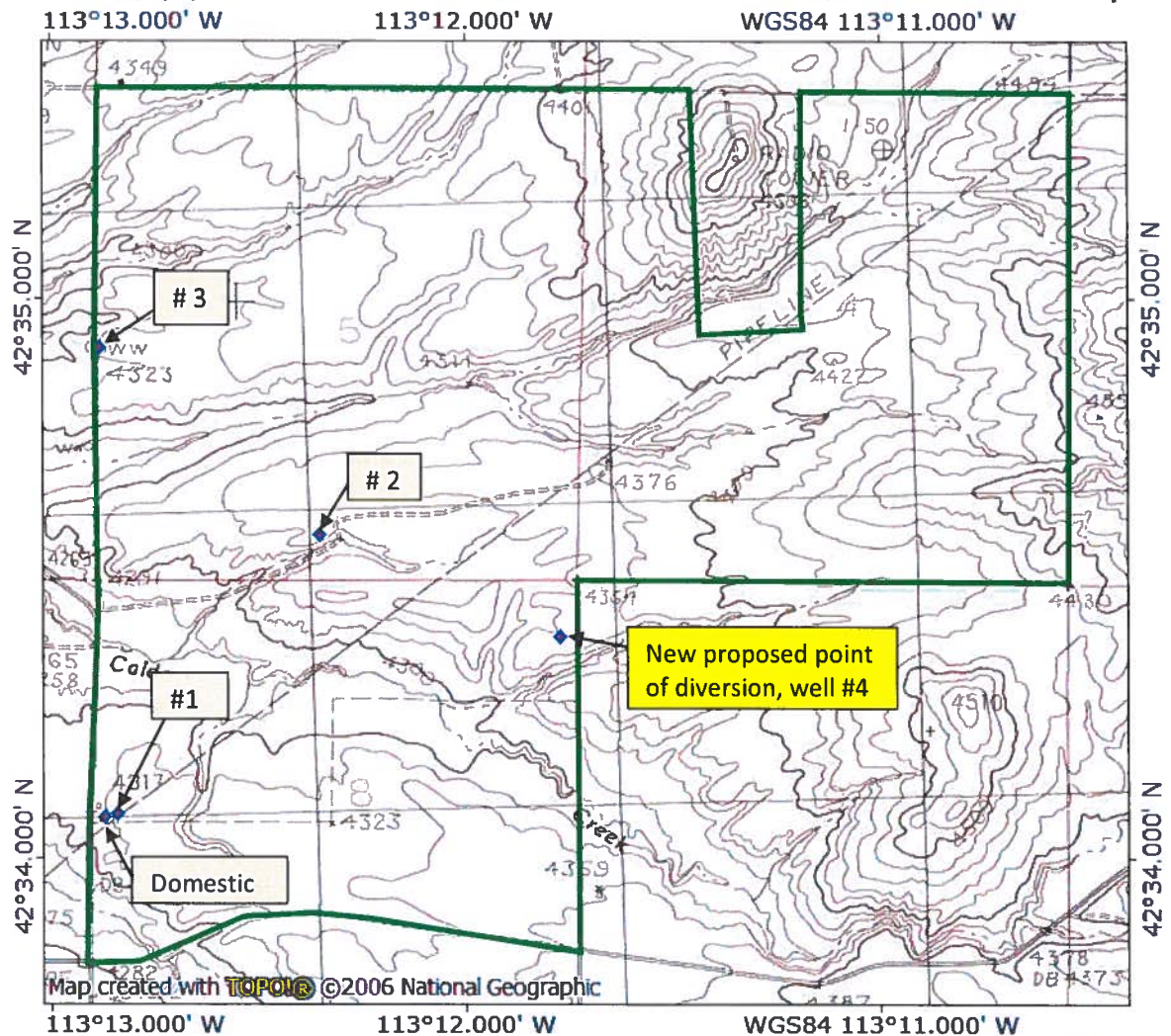
1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary 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.:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Received By DM Date 3-4-2015 Prelim. Check By _____ Date _____
 Fee Paid \$1,860- Date 3-4-2015 Received By DM Receipt # S034590
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

February 23, 2015 Condie farm wells, GPS locations and descriptions.

TOPO! map printed on 02/23/15 from "CONDIE FARM WELLS 2--23-2015.tpo"



TN* / MN
13½
02/23/15

TOPO! GPS Data Format DegMin NAD83 ElevFeet Local-Time

Well number/name	GPS location	Description
Domestic	42,34.071 N 113,12.873 W	Domestic well IDWR tag # D0062115,
#1	42,34.077 N 113,12.842 W	Well #1 Layne Pump tag # LP 14059
#2	42,34.577 N 113,12.354 W	Well #2 Layne Pump tag # LP 14062
#3	42,34.910 N 113,12.883 W	Well #3 Layne Pump tag # LP 14063
#4	42,34.394 N 113,11.772 W	Well # 4 Proposed new well, new point of diversion

Green line is the approximate property line.

TRANSFER 79877



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

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

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

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, IDAHO STATESMAN, POST REGISTER & LEWISTON TRIBUNE** 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

cc:

EVARD H GIBBY
872 E PEBBLE DR
BURLEY, ID 83318

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 3:18 PM
To: Idaho Statesman
Subject: LEGAL NOTICE
Attachments: Idaho Statesman Cover Letter.docx; 79877 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
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

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)

**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. 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.

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.

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 12, 2015 3:20 PM
To: 'Staci Dockery'
Subject: LEGAL NOTICE
Attachments: Post Register Cover Letter.docx; 79877 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
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

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)

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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.

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 12, 2015 3:20 PM
To: Lewiston Tribune (legals@lmtribune.com)
Subject: LEGAL NOTICE
Attachments: Lewiston Tribune Cover Letter.docx; 79877 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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 12, 2015

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST
PO BOX 957
LEWISTON, ID 83501

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)

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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.

MEMORANDUM

Date: March 12, 2015
To: Transfer 79877 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

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 – 19.5 miles north and 7.9 – 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. Note that the transfer proposes to split right 43-7042 into an irrigation portion (43-13741) and a domestic portion (43-7042) to reflect the separate domestic and irrigation systems. Also note that the farm has been in CRP since the late 1980s (see 03/2/2015 e-mail from Cassia County FSA in file). The farm is located just north of the Raft River Critical Groundwater Area and just south of the ESPA. Due to the farm coming out of a lengthy period of CRP enrollment and the fact that a new well will be drilled on the farm it is recommended that the transfer be advertised. The farm is not located within a water district so no water master comments are required.

- **Authority to File:**
The application is filed in the name of Condie Brothers, the current recorded owner of the right involved with the transfer. Condie Brothers does not appear on a search of business entities on the Idaho Secretary of State website. According to the applicant's representative(s), Condie Brothers is a Utah partnership and is not required to register with the State of Utah. The application was signed by G. Phillip Condie who is the individual who signed SRBA claim 43-7042 and a previous transfer (# 69257 approved in 2002) involving right 43-7042.
- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA in 2002 and was involved in an approved transfer in 2002. The farm has been in CRP since the late 1980s (see 03/2/2015 e-mail from Cassia County FSA in file).
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The application will be subject to public notice and protest.
- **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.

MEMORANDUM

TO: Transfer # 79877 File

FROM: Corey Skinner

DATE: March 12, 2014

SUBJECT: Filing Fee

The filing fee, \$1860.00, for this transfer is based on the total amount of water being transferred, 17.02 cfs. The transfer fee schedule for a transfer involving 17.01 – 18.00 cfs indicates that the filing fee is \$1860.00.

Skinner, Corey

From: Hernandez, Gloria - FSA, Burley, ID [Gloria.Hernandez@id.usda.gov]
Sent: Monday, March 02, 2015 4:26 PM
To: Skinner, Corey
Cc: Evard H. Gibby (ehgibby@gmail.com)
Subject: Gibbys
Attachments: t1719.jpg; t1765.jpg

Hi Corey.

This email is to inform you that the fields on the two attached maps have been in CRP since 1987 and 1989, respectively. The legal descriptions for each of the tracts are as follows:

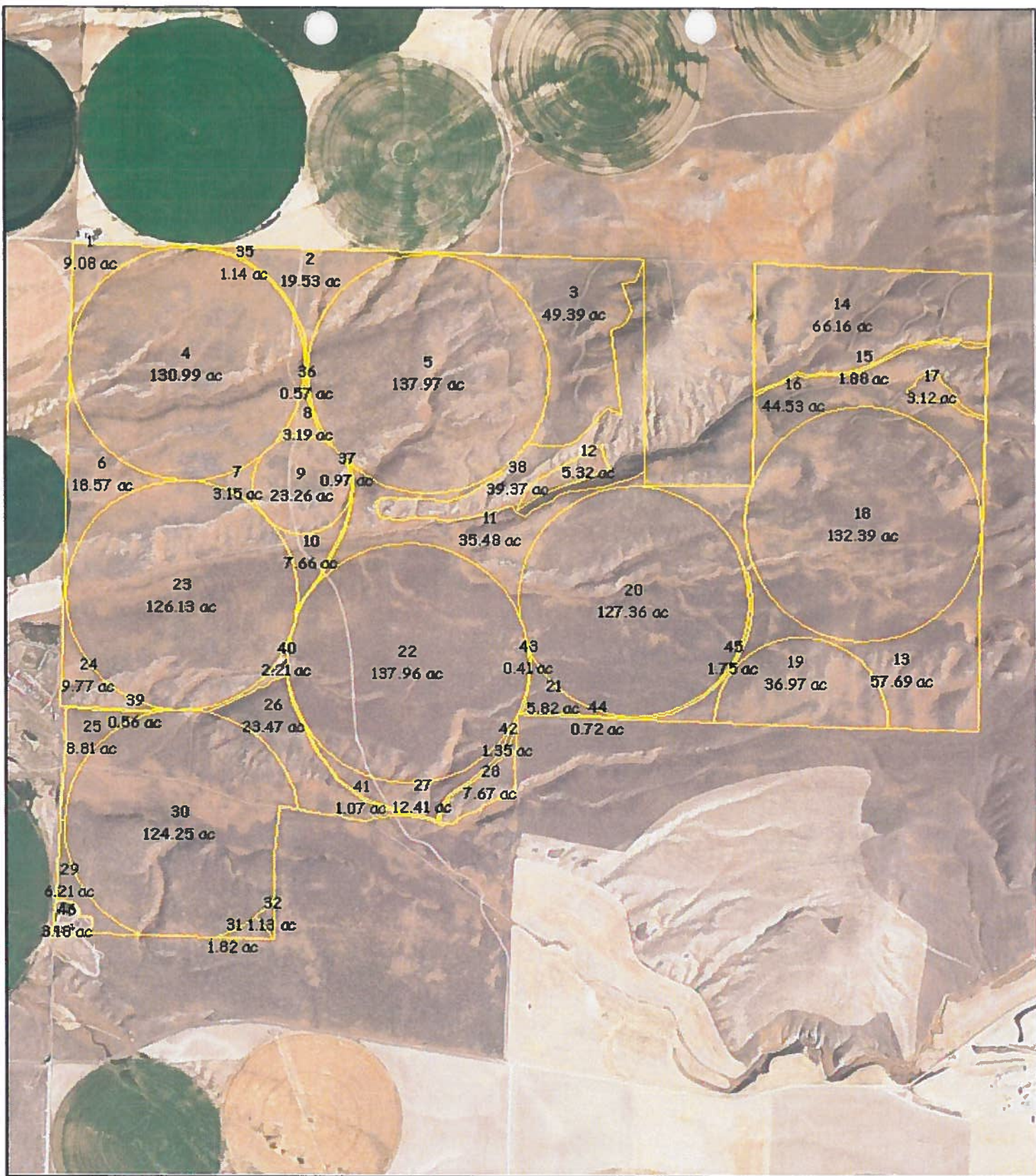
T1719 Sections 4,5 & 8, Township 10, Range 28

T1765 Section 8, Township 10, Range 28

If you have any questions, please contact me. Thanks.

Gloria Hernandez
Cassia County FSA
208-678-1157 ext. 2

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.



United States Department of Agriculture
Farm Service Agency

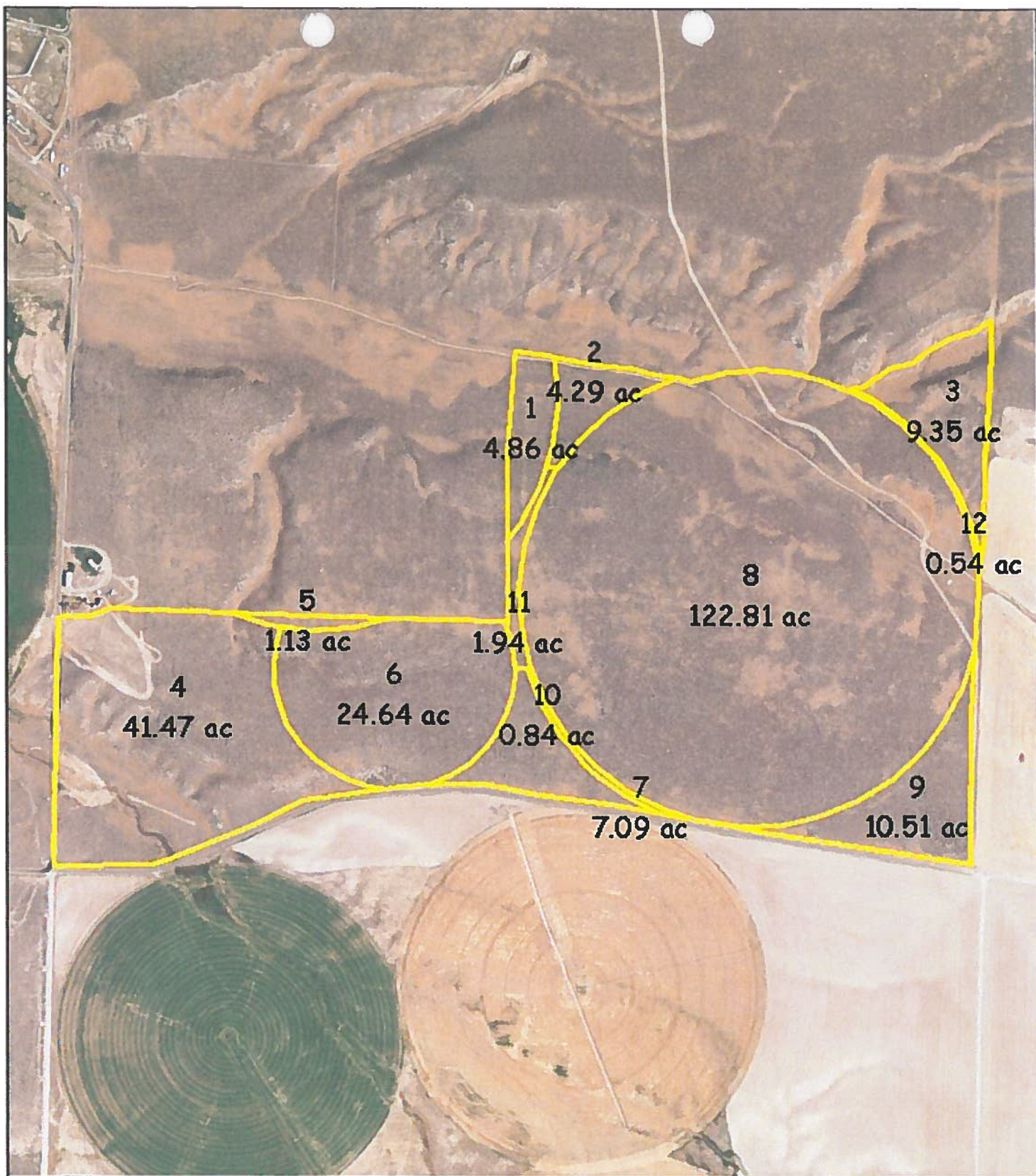
Cassia County, ID

Farm: 1006
Tract: 1719

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS. This map is for FSA farm program purposes only. No warranties implied.

October 20, 2014





United States Department of Agriculture
Farm Service Agency

Cassia County, ID

Farm: 1006
Tract: 1765

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS. This map is for FSA farm program purposes only. No warranties implied.

October 20, 2014

