

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79759

This is to certify that: DIANA M WHEELER
MICHAEL P WHEELER
2155 E 100 S
DECLO, ID 83323

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>
43-13688	WR/DECREED	5/20/1960	0.350 cfs	72.0 af	18.0	205.2	GROUND WATER
43-13690	WR/DECREED	2/12/1971	0.050 cfs	16.8 af	4.2	205.2	GROUND WATER
43-7129	WR/DECREED	9/13/1978	2.800 cfs	560.0 af	140.0	205.2	GROUND WATER
43-7192	WR/LICENSE	5/16/1983	0.820 cfs	172.0 af	43.0	205.2	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>
43-13688	NO	NO	YES	YES	NO	NO
43-13690	NO	NO	YES	YES	NO	NO
43-7129	NO	NO	YES	YES	NO	NO
43-7192	NO	NO	YES	YES	NO	NO

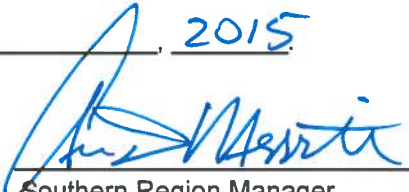
Summary Of Water Rights After the Approved Change

<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>
43-13688	43-13688	0.350 cfs	72.0 af	18.0	205.2	N/A	N/A	N/A	N/A	N/A
43-13690	43-13690	0.050 cfs	16.8 af	4.2	205.2	N/A	N/A	N/A	N/A	N/A
43-7129	43-7129	2.800 cfs	560.0 af	140.0	205.2	N/A	N/A	N/A	N/A	N/A
43-7192	43-7192	0.820 cfs	172.0 af	43.0	205.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.260 cfs	820.8 af	N/A	205.2		N/A	N/A	N/A	N/A

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 10th day of March, 2015

SUPPORT DATA
IN FILE # 43-7129


Southern Region Manager

Transfer No. 79759

WATER RIGHT NO. 43-13688 **As Modified by Transfer No. 79759**

In accordance with the approval of Transfer No. 79759, Water Right No. 43-13688 is now described as follows:

Right Holder: DIANA M WHEELER And
 MICHAEL P WHEELER
 2155 E 100 S
 DECLO, ID 83323

Priority Date: 5/20/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.350 cfs	72.0 af
			0.350 cfs	72.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 25 Twp 10S Rge 26E	CASSIA County
GROUND WATER	NESW	Sec 25 Twp 10S Rge 26E	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	26E	25							32.0	31.2	38.5	38.5							140.2
10S	26E	26	35.0	10.0	1.0	19.0													65.0

Right Acre Limit: 18.0

POU Total Acres: 205.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 18 acres within the authorized place of use in a single irrigation season.
2. Rights 43-7129, 43-7192, 43-13688, and 43-13690 when combined shall not exceed a total diversion rate of 3.26 cfs, a total annual maximum diversion volume of 820.8 af at the field headgate, and the irrigation of 205.2 acres.
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. 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 place of use.

Transfer No. 79759

WATER RIGHT NO. 43-13688
As Modified by Transfer No. 79759

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the approval date of Transfer No. 77159.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 43-7129
As Modified by Transfer No. 79759

In accordance with the approval of Transfer No. 79759, Water Right No. 43-7129 is now described as follows:

Right Holder: MICHAEL P WHEELER And
 DIANA M WHEELER
 2155 E 100 S
 DECLO, ID 83323

Priority Date: 9/13/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.800 cfs	560.0 af
			2.800 cfs	560.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENW	Sec 25 Twp 10S Rge 26E CASSIA County
GROUND WATER	NESW	Sec 25 Twp 10S Rge 26E 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	26E	25							32.0	31.2	38.5	38.5							140.2
10S	26E	26	35.0	10.0	1.0	19.0													65.0

Right Acre Limit: 140.0

POU Total Acres: 205.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 140 acres within the authorized place of use in a single irrigation season.
2. Rights 43-7129 and 43-7192 when combined shall not exceed a total diversion rate of 2.86 cfs and a total annual maximum diversion volume of 732 af at the field headgate.
3. Rights 43-7129, 43-7192, 43-13688, and 43-13690 when combined shall not exceed a total diversion rate of 3.26 cfs, a total annual maximum diversion volume of 820.8 af at the field headgate, and the irrigation of 205.2 acres.
4. 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.

Transfer No. 79759

WATER RIGHT NO. 43-7129
As Modified by Transfer No. 79759

CONDITIONS OF APPROVAL

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 place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 43-7192 **As Modified by Transfer No. 79759**

In accordance with the approval of Transfer No. 79759, Water Right No. 43-7192 is now described as follows:

Right Holder: MICHAEL P WHEELER And
 DIANA M WHEELER
 2155 E 100 S
 DECLO, ID 83323

Priority Date: 5/16/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.820 cfs	172.0 af
			0.820 cfs	172.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENW	Sec 25 Twp 10S Rge 26E	CASSIA County
GROUND WATER	NESW	Sec 25 Twp 10S Rge 26E	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	26E	25							32.0	31.2	38.5	38.5							140.2
10S	26E	26	35.0	10.0	1.0	19.0													65.0

Right Acre Limit: 43.0

POU Total Acres: 205.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 43.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-7129 and 43-7192 when combined shall not exceed a total diversion rate of 2.86 cfs and a total annual maximum diversion volume of 732 af at the field headgate.
3. Rights 43-7129, 43-7192, 43-13688, and 43-13690 when combined shall not exceed a total diversion rate of 3.26 cfs, a total annual maximum diversion volume of 820.8 af at the field headgate, and the irrigation of 205.2 acres.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Transfer No. 79759

WATER RIGHT NO. 43-7192
As Modified by Transfer No. 79759

CONDITIONS OF APPROVAL

5. 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.
6. 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.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the approval date of Transfer No. 77159.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 43-13690**As Modified by Transfer No. 79759**

In accordance with the approval of Transfer No. 79759, Water Right No. 43-13690 is now described as follows:

Right Holder: DIANA M WHEELER And
MICHAEL P WHEELER
2155 E 100 S
DECLO, ID 83323

Priority Date: 2/12/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.050 cfs	16.8 af
			0.050 cfs	16.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENW	Sec 25 Twp 10S Rge 26E	CASSIA County
GROUND WATER	NESW	Sec 25 Twp 10S Rge 26E	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	26E	25							32.0	31.2	38.5	38.5							140.2
10S	26E	26	35.0	10.0	1.0	19.0													65.0

Right Acre Limit: 4.2

POU Total Acres: 205.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.2 acres within the authorized place of use in a single irrigation season.
2. Rights 43-7129, 43-7192, 43-13688, and 43-13690 when combined shall not exceed a total diversion rate of 3.26 cfs, a total annual maximum diversion volume of 820.8 af at the field headgate, and the irrigation of 205.2 acres.
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. 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 place of use.

Transfer No. 79759

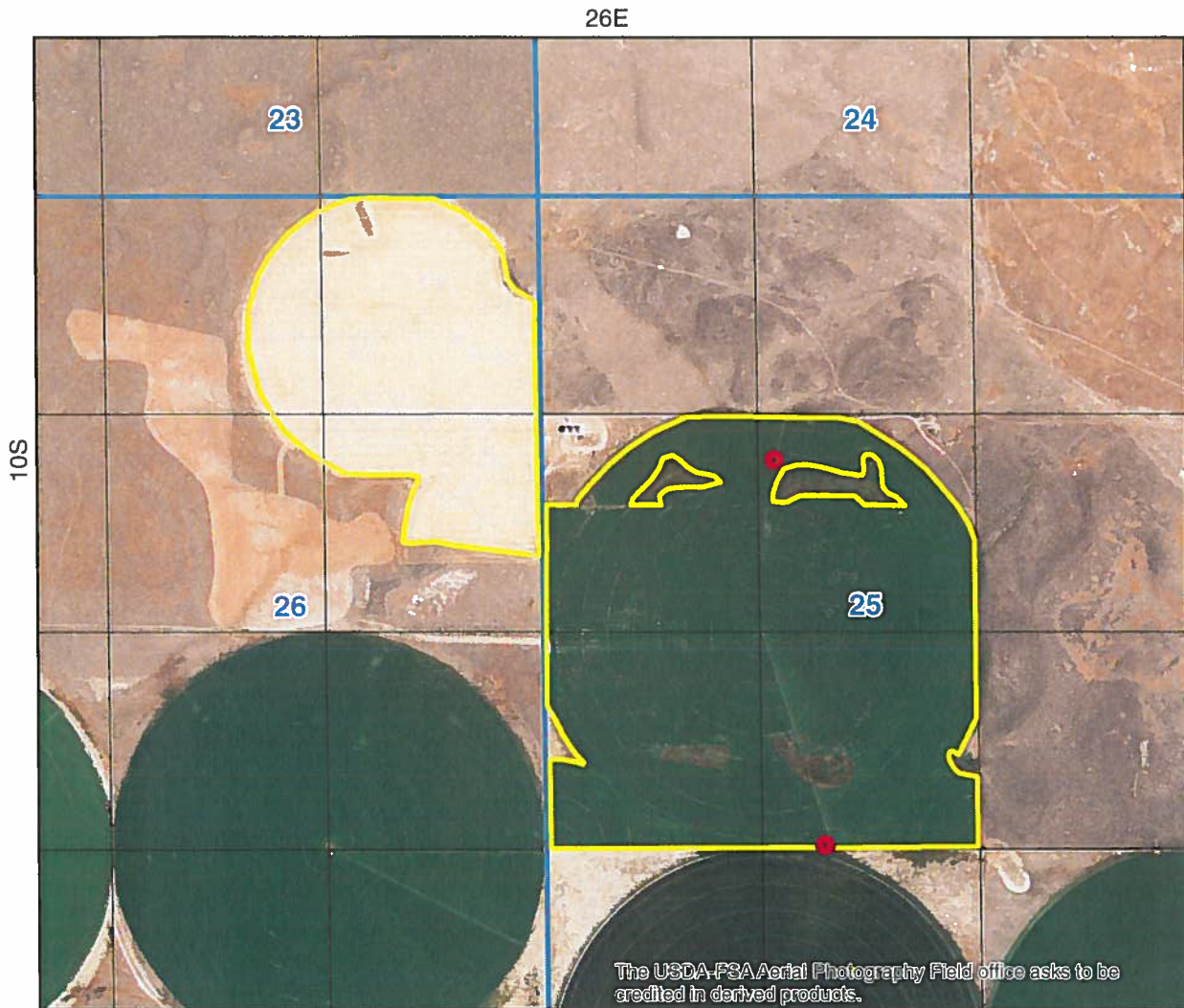
WATER RIGHT NO. 43-13690
As Modified by Transfer No. 79759

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002, the SRBA partial decree date.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 79759
Rights: 43-7129, 43-7192, 43-13688 and 43-13690

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 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 11, 2015

MICHAEL P WHEELER
DIANA M WHEELER
2155 E 100 S
DECLO ID 83323

Re: Transfer No: 79759
Water Right No(s): 43-7129, 43-7192, 43-13688, 43-13690

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 fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

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

Re: Transfer No.: 79759

Water Right No(s): 43-7129, 43-7192, 43-13688, 43-13690

**MICHAEL P WHEELER
DIANA M WHEELER
2155 E 100 S
DECLO ID 83323**

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.

MEMORANDUM

Date: March 3, 2015
To: Transfer 79759 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to add a new well to be drilled to four groundwater rights with a total diversion of 3.26 cfs (820.8 af) for the irrigation of 205.2 acres. The new well will be located approximately 7.6 miles east and 3.3 miles south of the I-84 and I-86 interchange, on the north side of Yale Road, east of I-84. The application also proposes a slight modification to the place of use. The proposed new point of diversion and current place of use is located outside of the Raft River Critical Groundwater Area on the north side of Yale Road. Application fee of \$740.00 is based on the diversion rate of 3.26 cfs, receipt S034490.

- **Authority to File:**
The applicant owns the water rights involved with the transfer according to department records.
- **Water Right Validity:**
Three rights involved with the transfer were decreed in the SRBA in 2002 and the fourth was licensed in 1999. Aerial photography indicates use of the rights in recent years. Therefore forfeiture of the rights involved with the transfer does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. The proposed additional well and existing well will be limited to the authorized diversion rate of the combined groundwater rights.
- **Enlargement of Use:**
None anticipated. There is a minimal change to the place of use
- **Local Public Interest:**
No negative impact anticipated. 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.

RECEIVED

FEB 17 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 5th day of February, 2015 and ending with the issue dated 12th day of February, 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

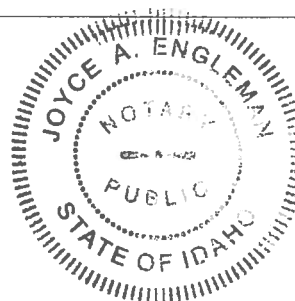
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of February, 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

My commission expires: 6/8/19



✓ OK DM
2/18/2015

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

45-14465

✓ **ROGER DUFFIN**

P.O. BOX 663

PAUL, ID 83347

Point of Diversion L3(SWNE) S25 T10S R19E TWIN FALLS

County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion L3(SWNE) S25 T10S R19E TWIN FALLS

County Source WASTE WATER Tributary SNAKE RIVER

Use: AESTHETIC 01/01 to 12/31 2.6 CFS

Use: WATER QUALITY IMPROVEMENT 01/01 to 12/31 2.6 CFS

Use: WILDLIFE 01/01 to 12/31 2.6 CFS

Total Diversion: 2.6 CFS

Date Filed: 12/22/2014

Place Of Use: AESTHETIC, WATER QUALITY IMPROVEMENT, WILDLIFE

T10S R19E S25 L3(SWNE) L3(SENE) L6(NESE) L6(NWSE)

Application for permit proposes to divert 2.6 cfs of waste water for non-consumptive aesthetic, wildlife and water quality improvement uses. An existing pipeline and ditch will convey the waste water through an existing series of small, manmade, shallow wetlands located approximately 2.0 to 2.5 miles north and 0.7 to 0.8 miles west of the center of Murtaugh before returning to the Snake River.

47-17633

✓ **TERRY G WHITE**

PO BOX 663

BUHL, ID 83316

MARY D WHITE OSTRANDER

7637 S MCLINTOCK PL

MERIDIAN, ID 83642

Point of Diversion NENW S28 T09S R14E TWIN FALLS County

Source MUD CREEK Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 25 CFS

Total Diversion: 25 CFS

Date Filed: 12/23/2014

Place Of Use: POWER

T09S R14E S28 NWNE

Application proposes to divert water from Mud Creek to generate power for sale on the electrical grid from an existing power generation facility. Water is carried approximately 270 feet in a penstock from an existing diversion on Mud Creek into two generating units and then discharged back into Mud Creek. The power plant is located 3.1 miles west and 1.3 miles north of the Buhl city center. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on February 5th & 12th, 2015.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79699

✓ **IDAHO WATER CO LLC, C/O DEL KOHTZ**, 1135 VALLEY RD S, EDEN, ID 83325; has filed Application No. 79699 for changes to the following water rights within JEROME County(s): Right No(s). 36-2117, 36-2594. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring an 11.9 acre (0.24 cfs) portion of two ground water irrigation rights currently used on a farm located approximately 5.0 miles south of Hazelton to year round commercial use associated with the Moss Greenhouses operation located approximately 2.7 miles south and 2.8 miles east of the center of Jerome. Three existing wells located on the Moss Greenhouses property will be used to provide up to 0.24 cfs and 37.0 afa of water for commercial use.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79700

✓ **IDAHO WATER CO LLC, C/O DEL KOHTZ**, 1135 VALLEY RD S, EDEN, ID 83325; has filed Application No. 79700 for changes to the following water rights within JEROME County(s): Right No(s). 36-2117, 36-2594. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 13 acre (0.26 cfs) portion of two ground water irrigation rights currently used on a farm located approximately 5.0 miles south of Hazelton to a farm located approximately 0.3 to 2.0 miles north and 2.5 to 4.0 miles east of Declo. The transferred rights (0.26 cfs) will be diverted from five existing wells and used to irrigate 13.0 acres within a proposed 1081 acre permissible place of use on the farm northeast of Declo.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79719

✓ **MATHERS RANCH INC**, 3485 E 3100 N, KIMBERLY, ID 83341, has filed Application No. 79719 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17555, 47-17560, 47-17565. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes transferring a combined 0.13 cfs (21.3af) portion of three irrigation ground water rights from a farm located approximately 9.2 to 10.0 miles south and 3.4 to 4.2 miles east of the city center of Twin Falls to commercial and stockwater use to be diverted from two existing wells at an existing dairy. Dairy is located approximately 5.2 miles south and 1.5 miles east of the city center of Buhl.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79754

✓ **PETER J GRUSH and SYLVIA T GRUSH**, 2038 S HWY 81, MALTA, ID 83342; has filed Application No. 79754 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13206, 43-13209, 43-13540, 43-2580B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 0.12 cfs and 20.0 ace-feet per year portion of four groundwater rights from stockwater and commercial use to municipal use associated with a community water system. The rights are currently authorized to be diverted from three wells on a dairy facility located along the west side of Highway 81 approximately 4.5 to 5.0 miles south of Malta and used for stockwater and commercial use(s) at the dairy facility. The proposed municipal use will be diverted from an existing well located along the east side of Highway 81 approximately 4.7 miles south of Malta and provide water for several residences located along Highway 81 approximately 4.5 to 5.0 miles south of Malta.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79759

✓ **MICHAEL P WHEELER and DIANA M WHEELER**, 2155 E 100 S, DECLO, ID 83323; has filed Application No. 79759 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13688, 43-13690, 43-7129, 43-7192. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a new well to be drilled to four groundwater rights with a total diversion of 3.26 cfs (820.8 af) for the irrigation of 205.2 acres. The new well will be located approximately 7.6 miles east and 3.3 miles south of the I-84 and I-86 interchange, on the north side of Yale Road, east of I-84. The application also proposes a slight modification to the place of use.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79775

✓ **WICKEL LAND COMPANY, LLP**, PO BOX 219, DECLO, ID 83323; has filed Application No. 79775 for changes to the following water rights within MINIDOKA, CASSIA County(s): Right No(s). 36-7878. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 40 acre (0.80 cfs) groundwater irrigation right from a farm located approximately 4.4 to 4.65 miles north and 5.0 to 5.25 miles east of the center of Rupert to a farm located approximately 0.3 to 2.0 miles north and 2.5 to 4.0 miles east of Declo. The transferred right (0.80 cfs) will be diverted from five existing wells and used to irrigate 40.0 acres within a proposed 1081 acre permissible place of use on the farm northeast of Declo.

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 February 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 5th & 12th, 2015

✓ ok DM
2/18/2015