

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

79253

RECEIVED

APR 11 2014

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 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 www.idwr.idaho.gov.

Name of Applicant(s) _____

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. *Devan's wife's sig.*
- ☒ * 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 applicant as the current water right owner. ** *release from Roy-Nedra to Devan*
- ☐ ☐ #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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #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 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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 11 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) DEVAN HUBERT Phone 208-731-2418Mailing address 768 EAST 330 SOUTH, DIETRICH, ID 83324 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 RepresentativeName of Representative JAXON HIGGS, WWC Inc. Phone 208-604-1281Mailing address 355 West 500 South Burley, ID 83318 Email jaxon@waterwellconsultants.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.

Devan Hubert
Signature of Applicant or Authorized Representative

Devan Hubert
Print Name and Title if applicable

1-2-14
Date

Kristine C. Hubert
Signature of Applicant or Authorized Representative

Kristine C. Hubert
Print Name and Title if applicable

1-2-14
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**.

Commercial and stock right will be transferred to an existing dairy that currently has no commercial or stock rights in place (exempt right only).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-10019	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: ROY E HUBERT
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): DEVAN HUBERT
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 563 E 570 S DIETRICH ID 83324
Mailing address City State ZIP
- Telephone _____ Email _____
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
7. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.
8. Signature: [Signature] Title, if applicable _____ Date 1-2-14
Signature of new owner/claimant
- Signature: [Signature] Title, if applicable _____ Date 1-2-14
Signature of new owner/claimant

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____
 Approved by _____ Processed by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	37-10019	0.06/16.8	STOCKWATER	01/01 to 12/31	GROUND WATER
☒ ☐	37-10019	0.02/16.8	COMMERCIAL	01/01 to 12/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or 16.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or 16.8 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SW	SE	SW	35	06S	18E	LINCOLN	GROUND WATER	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	18E	35												C					
06S	18E	35												S					
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:
 Diversion system is currently in place. Well provides water for the dairy barn and stock watering systems as well as domestic water for the nearby residence.

- 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?
 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:
 n/a

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

- 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.: 37-10019

Current Owner: ROY E HUBERT
NEDRA J HUBERT

Priority Date: 2/1/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.02 CFS	16.8 AF
STOCKWATER	01/01 to 12/31	0.06 CFS	16.8 AF
	<u>Total Diversion</u>	0.06 CFS	16.8 AF

Location of Point(s) of Diversion

GROUND WATER L5(SW1/4SW1/4NW1/4) Sec. 19, Twp 06S, Rge 19E B.M.
LINCOLN County

Place of Use

COMMERCIAL Within LINCOLN County

T06S R19E S19 Lot 5 SWNW

STOCKWATER Within LINCOLN County

T06S R19E S19 Lot 4 SWNW T06S R19E S19 Lot 5 SWNW

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. C18 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.

Decreed Date: 12/11/2002

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One-Way Analysis of Independent Transfers

New Water Right (GModelo):

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer 1: Proposed Steady State Impacts following Transfer							
37-10019	0.06	16.8	-	2/1/1961	06S18E35	16.8 5.6	SP051043
37-10019	0.06	16.8	-	2/1/1961	06S18E35	16.8 5.6	SP053040
Transfer 1: Worst Case Transient State Impacts following Transfer							
37-10019	0.06	16.8	-	2/1/1961	06S18E35	16.8 5.6	SP051043
37-10019	0.06	16.8	-	2/1/1961	06S18E35	16.8 5.6	SP053040

Steady State Analysis

Mitigation Check 1 - >10% of Historical:
Mitigation Check 2: > 2 AFT:
Mitigation Check 3 - >10% of Total:
Mitigation Required?:
Mitigation Vol. Req'd (ac-ft):

Transient State Analysis

Mitigation Check 1 - >10% of Historical:
Mitigation Check 2: > 2.01 AFT:
Mitigation Required?:
Mitigation Vol. Req'd (ac-ft):

Impact by Reach (AF/Trimester)													
Ashton to Roxburg	Heise to Shelley	Shelley to N. Bickft	N. Bickft To Neeley	Neeley to Mindoka	Dev. Wbl. To Buht	Buht to Kspr	Kspr to Malad	Malad to Bancroft					
0.06 0.05	0.06 0.06	0.48 0.43	1.67 1.51	0.44 0.40	1.71 1.90	0.67 0.72	0.42 0.45	0.05 0.05	0.40 0.40	0.02 0.02			
0.06 0.05	0.06 0.06	0.48 0.44	1.67 1.52	0.44 0.40	1.71 1.90	0.67 0.72	0.42 0.45	0.05 0.05	0.40 0.40	0.02 0.02			
-9.9%	-10.0%	-10.0%	-10.0%	-9.6%	11.1%	7.2%	6.0%	4.3%	1.5%	1.2%			
0.0	0.0	0.0	-0.2	0.0	0.2	0.0	0.0	0.0	0.0	0.0			
0.8%	1.0%	7.2%	25.2%	6.7%	31.8%	12.0%	7.5%	0.8%	6.7%	0.3%			
NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO			
0.0	0.0	0.0	-0.2	0.0	0.2	0.0	0.0	0.0	0.0	0.0			
-9.9%	-10.0%	-9.3%	-9.1%	-9.6%	11.1%	7.2%	6.0%	4.3%	1.5%	1.2%			
0.0	0.0	0.0	-0.2	0.0	0.2	0.0	0.0	0.0	0.0	0.0			
NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO			
0.0	0.0	0.0	-0.2	0.0	0.2	0.0	0.0	0.0	0.0	0.0			

Hubert Ownership Transfer



- Township/Range
 - Sections
 - QQ
 - Place of Use
 - Point of Diversion
- TRANSFER 79253**

0 375 750 1,125 1,500 Feet

Roy and Devan Hubert transfer of ownership.
Right #37-10019. Created by: Jaxon Higgs WWC Inc.

QUITCLAIM DEED

FOR VALUE RECEIVED

Roy E. Hubert and Nedra J. Hubert; husband and wife.
does (do) hereby, convey, release, remise and forever quitclaim

unto Devan Roy Hubert and Kristine Carol Hubert; husband and wife
whose address is 563 E. 570 S. Dietrich, Idaho, 83324
the following described premises, to-wit:

Water Right 37-10019
To 65 R19 E. S19 Lot 5 - within Lincoln County.

together with their appurtenances.

Dated 3-28-14

Roy E. Hubert
Nedra J. Hubert

768 E. 330 S. Dietrich, Idaho

STATE OF IDAHO, COUNTY OF LINCOLN

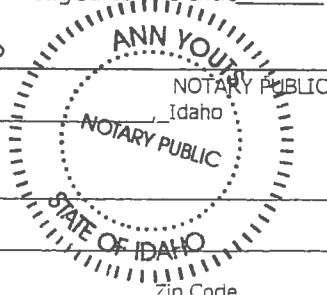
On this 28 day of March, 2014
before me, a notary public in and for said State, personally
appeared Roy & Nedra Hubert
known to me to be the person whose name is subscribed to
the within instrument and acknowledged to me that
executed same.

Residing at Ruchfeld

MAIL DEED TO:
Name _____

Address _____

City and State _____ Zip Code _____



STATE OF IDAHO, COUNTY OF LINCOLN

I hereby certify that this instrument was filed for record at the
request of _____
at _____ minutes past _____ o'clock _____ m.
this _____ day of _____, _____ in my
office and was duly recorded in the records of Lincoln County.

EX-OFFICIO RECORDER

By _____ DEPUTY

Fee \$ _____
MAIL TAX NOTICE TO:
Name _____

Address _____

City and State _____ Zip Code _____

HUBERT CAFO HISTORY

1. We purchased our farm in 1961
2. We built a large chicken facility and started raising broiler chickens in 1961.
3. By 1972 we were raising 250,000 chickens per year. The processing plant in Twin Falls went out of business, so we were forced to stop raising chickens. We then converted the chicken facility to a dairy facility and started milking cows.
4. On February 2, 1997 we received a Confined Animal Feeding Operation (CAFO) grandfather siting permit for 370 head of cattle, and a nutrient management plan for 550 milk cows.
5. In 2004 we took our dairy herd to Devan Hubert's dairy, and eventually sold the dairy cows to Devan.
6. We continued to raise dairy heifers and feeder steers on our home premises on our original CAFO.
7. n April 9, 2012 we renewed our CAFO to calve out springer heifers for Devan on our place.
8. We have also used the original CAFO to calve out springer heifers each year for Devan.
9. In addition we have also fed about 100 head of Devan's springer heifers on our place each year.

★ Signature Roy E. Hubert
Roy E. Hubert

★ Signature Nedra J Hubert
Nedra J Hubert

12:49 PM

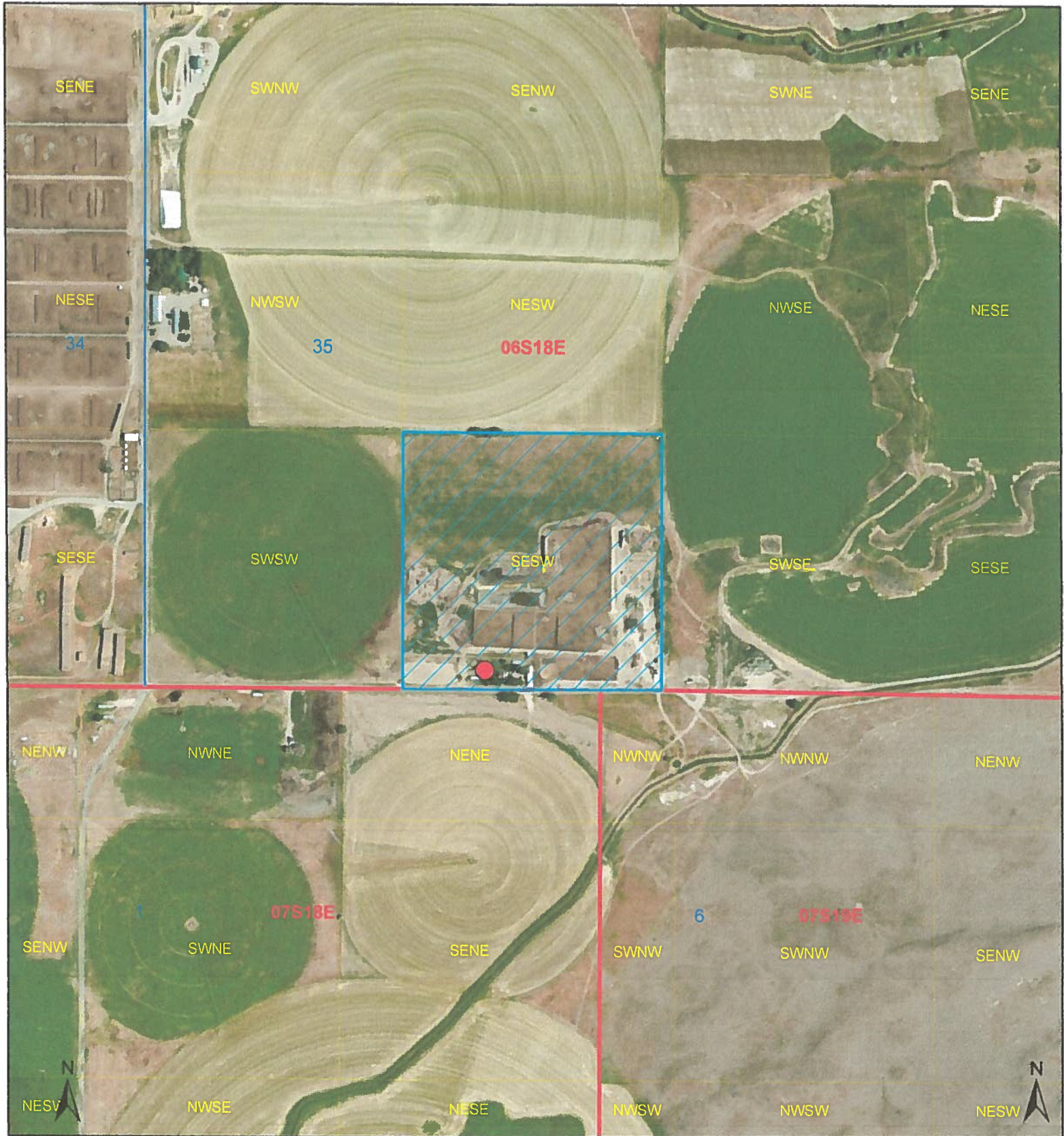
02/27/14

[REDACTED]

Desert Sage Dairy
Transaction Detail by Account
January through June 2011

Date	Num	Name	Memo	Split	Amount
Farmers - [REDACTED]					
6/28/2011	1588	Roy Hubert	dairy rental	Rent	-4,000.00
Total Farmers - [REDACTED]					-4,000.00
TOTAL					-4,000.00

Devan Hubert Water Right Transfer



- Township/Range
- Sections
- QQ
- Place of Use
- Point of Diversion
- TRANSFER 79253**

0 500 1,000 1,500 2,000 Feet

Devan Hubert Dairy water right transfer.
Right #37-10019. Created by: Jaxon Higgs WWC Inc.

GRANDFATHERED CAFO SITING PERMIT

L.C. C.A.F.O. ORDINANCE# 2002-03 AMENDED BY 2004-01 & 1212-08-2

Registration #	2012-4
Registered Animal Units	
Bunk	608
Pasture	95
Total Animal Uni	378
Total Acreage	104

Registries:

ROY E. & NEDRA J. HUBERT
768 E. 330 S.
DIETRICH, ID 83324

Grandfathered Registered Site:

RP#: RP 06S19E0T2 A

Legal: TAX 2 NW (LESS TAX 13A & 21) 19-6-19

Address: 768 E. 330 S. Dietrich, ID 83324

Verified By Lincoln County Planning & Zoning

4/9/2012

Date


Ray McClure
Planning & Zoning Administrator



United States
Department of
Agriculture

Soil
Conservation
Service

Subject: *Ag Waste Pond.*

Date: *11-17-97*

To:

File code:

Mr. Roy Hubert
886E 330S
Dietrich, Idaho

Roy,

The purpose of this letter is to let you know that I have recalculated the capacity of the waste storage pond to reflect the as built size.

The pond as completed will handle up to 550 milking animals with the facility as it stands now. Keep in mind that if a new barn would be constructed the roof water should be captured and diverted from the pond. The most significant contributor to the pond volume is runoff from roof and concrete areas.

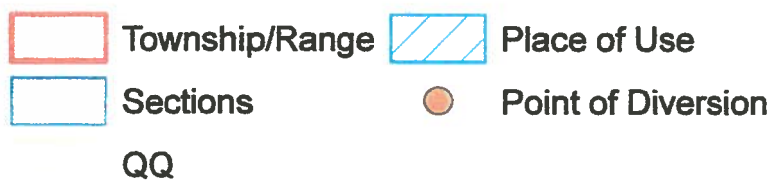
It has been a pleasure to assist you in this effort and if I can be of any further assistance please do not hesitate to call the office.

Respectfully,

Thomas R. Blackbird
Soil Conservationist

CC: File

TRANSFER 79253



TRANSFER 79253

GRANDFATHERED CAFO SITING PERMIT

L.C. C.A.F.O. ORDINANCE# 2002-03 AMENDED BY 2004-01 & 1212-08-2

Registries:

ROY E. & NEDRA J. HUBERT

768 E. 330 S.

DIETRICH, ID 83324

Registration # 2012-4

Registered Animal Units

Bunk 608

Pasture 95

Total Animal Uni 378

Total Acreage 104

Grandfathered Registered Site:

RP#: RP 06S19E0T2 A

Legal: TAX 2 NW (LESS TAX 13A & 21) 19-6-19

Address: 768 E. 330 S. Dietrich, ID 83324

Verified By Lincoln County Planning & Zoning

4/9/2012

Date

Ray McClure

Planning & Zoning Administrator

TRANSFER 79253



Subject: *Aq Waste Pond.*

Date: *11-17-97*

To:

File code:

Mr. Roy Hubert
886E 330S
Dietrich, Idaho

Roy,

The purpose of this letter is to let you know that I have recalculated the capacity of the waste storage pond to reflect the as built size.

The pond as completed will handle up to 550 milking animals with the facility as it stands now. Keep in mind that if a new barn would be constructed the roof water should be captured and diverted from the pond. The most significant contributor to the pond volume is runoff from roof and concrete areas.

It has been a pleasure to assist you in this effort and if I can be of any further assistance please do not hesitate to call the office.

Respectfully,

Thomas R. Blackbird
Soil Conservationist

CC: File



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

June 27, 2014

DEVAN HUBERT
KRISTINE C HUBERT
768 EAST 330 SOUTH
DIETRICH, ID 83324

RE: Transfer No. 79253
Water Right No(s). 37-10019

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 7/3/2014 and 7/10/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**July 21, 2014**).

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:

WATER WELL CONSULTANTS
ATTN: JAXON HIGGS
355 W 500 S
BURLEY, ID 83318



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

June 27, 2014

CINDY YENTER
WATER DISTRICT #130
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

Hand Delivered

RE: Transfer No. 79253
Water Right No(s): 37-10019

Dear Ms. Yenter:

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 26, 2014 3:29 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 July 3rd & 10th, 2014. 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



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June 26, 2014

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 79253
Water Right No(s): 37-10019

RE: Transfer No. 79357
Water Right No(s): 47-17589

RE: Transfer No. 79380
Water Right No(s): 47-17589

RE: Transfer No. 79384
Water Right No(s): 47-17589

RE: Application For Permit No.(s): 43-13723

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 July 21, 2014. 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:

43-13723

PETER J GRUSH
SYLVIA T GRUSH
2025 S HWY 81
MALTA, ID 83342

Point of Diversion SENW S1 T14S R26E CASSIA County Source GROUND WATER Tributary

Use: HEATING 01/01 to 12/31 0.37 CFS

Total Diversion: 0.37 CFS

Date Filed: 4/17/2014

Place Of Use: HEATING

T14S R26E S1 NWNE SWNE SWNW

Application for Permit 43-13723, filed in the name of Peter J and Sylvia T Grush, seeks to appropriate 0.37 cfs of ground water for heating from an existing low temperature geothermal well. Water used for Heating will be returned to the aquifer through an injection well. The proposed place of use and point of diversion are located approximately 5 miles south of the City of Malta.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79357

THOMAS LENO, 4236 N 1900 E, BUHL, ID 83316; has filed Application No. 79357 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17589. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 16.3 acre (0.19 cfs & 30.5 afa) portion of a groundwater irrigation right from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to stockwater and commercial uses associated with an existing dairy facility located approximately 4.3 to 4.75 miles south and 1.0 to 1.25 miles west of the Highway 30 and Highway 93 intersection. Two existing wells at the dairy facility will be used to divert the transferred water.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79380

THOMAS LENO, 4236 N 1900 E, BUHL, ID 83316; has filed Application No. 79380 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17589. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 35.3 acre (0.42 cfs & 66.0 afa) portion of a groundwater irrigation right from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to stock water and commercial uses associated with an existing dairy facility located approximately 4.0 to 4.5 miles south and 2.0 to 2.5 miles west of the Highway 30 and Highway 93 intersection. Two existing wells and a new well to be drilled at the dairy facility will be used to divert the transferred water.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79384

THOMAS LENO, 4236 N 1900 E, BUHL, ID 83316; has filed Application No. 79384 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17589. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 41.6 acre (0.49 cfs & 124.8 afa) portion of a groundwater irrigation right from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to a farm located approximately 5.5 - 6.0 miles south and 2.0 - 2.25 miles west of the Highway 30 and Highway 93 intersection for irrigation use in an 80.2 acre permissible place of use. A new well to be drilled at a location approximately 5.95 miles south and 1.9 miles west of the Highway 30 and Highway 93 intersection will be used to provide water for the proposed permissible place of use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79253

DEVAN HUBERT and KRISTINE C HUBERT, 768 EAST 330 SOUTH, DIETRICH, ID 83324; has filed Application No. 79253 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-10019. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a commercial and stockwater right from an existing CAFO located approximately 1.5 mi. south and 0.7 mi. east of the city of Dietrich to an existing dairy located approximately 4.0 mi. south and 1.0 mi. west of the city of Dietrich. An existing well will divert up to 0.06 cfs and 16.8 AF for commercial and stockwater uses associated with the dairy facility.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, 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 July 21, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on July 3rd & 10th, 2014

MEMORANDUM

Date: June 26, 2014
To: Transfer 79253 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes moving a commercial and stockwater right from an existing CAFO located approximately 1.5 mi. south and 0.7 mi. east of the city of Dietrich to an existing dairy located approximately 4.0 mi. south and 1.0 mi. west of the city of Dietrich. An existing well will divert up to 0.06 cfs and 16.8 AF for commercial and stockwater uses associated with the dairy facility.

The properties and points of diversions involved with the transfer all fall within the jurisdiction of Water District 130 so watermaster comments will be requested. In addition, the application proposes changing points of diversion within the ESPA. A ground water model analysis was included with the application. This analysis was reviewed and indicates that there would be no increase, above allowable limits, to hydraulically-connected reaches of the Snake River so mitigation is not required.

Note, a volume of 16.8AF was calculated during the recommendation process and the 13,000 GPD condition should have been dropped at this time. Recommend dropping the 13,000 GPD condition at time of transfer approval.

- **Authority to File:**
A Notice of Change of Ownership and a quitclaim deed were submitted with the application.
- **Water Right Validity:**
Water right 37-10019 was decreed on 12/11/2002.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
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:**
No issues anticipated.
- **Effect on Agricultural Base of the Local Area:**
No issues 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.

JAXON B. HIGGS
Office Phone (208)650-6605
Cell Phone (208)604-1281



79253
355 West 500 South
Burley, ID 83318
Fax: 1-(866)604-4640
jaxon@waterwellconsultants.com

RECEIVED

APR 11 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

IDWR Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

December 2, 2013

To whom it may concern,

Attached is an application for transfer of water right number 37-10019 completed on behalf of Devan Hubert of Dietrich. Also included is a change in ownership form to transfer the ownership from Roy and Nedra Hubert to Devan Hubert.

Mr. Hubert wishes to transfer the domestic and stock water right from the current location south to his dairy as shown on the enclosed map. The Hubert dairy is currently using an exempt right as its water source and shares a well with the residence on the property.

Documentation of water usage of this right is included as provided by Ron and Nedra Hubert. Documents include copies of: Hubert CAFO History, Grandfathered CAFO Siting Permit, Roy Hubert personal calendar with highlights, and letter from the conservation service noting estimated operation size of 550 milking animals.

An ESPA Model analysis was performed for this transfer and a simple summary of the results are included. Please contact me via email or phone for a copy of the transfer spreadsheet.

Sincerely,

A handwritten signature in black ink that reads "Jaxon Higgs". The signature is written in a cursive, slightly slanted style.

Jaxon Higgs