

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
MAY 19 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) North Snake GWD, Magic Valley GWD, Southwest ID on behalf of the owner, State of Idaho, Dept. of Fish & Game Phone 208-232-6101
Mailing address See attached mailing list for each applicant Email rcb@racinelaw.net
tjb@racinelaw.net

- ☐ 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 Randall C. Budge, T.J. Budge Phone 208-2332-6101
Mailing address PO Box 1391, Pocatello, ID 83204 Email rcb@racinelaw.net;tjb@racinela

- ☐ 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.

Randall C. Budge Randall C. Budge/T.J. Budge _____
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

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
- 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**.
See narrative Attachment 1 - Part 1A.2.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

#79330

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					
☐ ☒	36-2055 A	54 cfs	Fish Propagation	1/1 to 12/31	Upper Tucker Springs/Riley
☐ ☒	36-2055B	10 cfs transfe	Fish Prop./Mitigation	1/1 to 12/31	Upper Tucker Springs/Riley
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 64 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed up to 10 cubic feet per second and/or _____ 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 #

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	
7S	14E	31			M/F	M/F													
		32							M/F										
(See Attach		2)																	
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:

The Districts will pump and pipe water from Tucker Springs located at the Hagerman State Fish Hatchery to the head of Billingsley Creek at or near the Rangen hatchery. Detailed plans and specifications include pumps, motors, measuring device and controlling works per engineering submitted in Second Mitigation Plan, CM-MP-2014-001.

- b. Who owns the property at the point(s) of diversion? State of Idaho Department of Fish & Game ("IDFG")

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Letter of Intent signed by Districts, IDFG and IWRB; and, IDFG Letter of Consent, copies attached.

- 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: N/A

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:

- 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:

IDFG water right nos. 36-2055, 36-2056, 36-2159, 36-7249 are diverted from Tucker Springs and used for fish propagation at the Hagerman State Hatchery. Rangen has (5) decreed water right nos. 36-00134B, 36-135A, 36-15501, 36-02551, 36-07694 diverted from the Martin-Curren Tunnel tributary to Billingsley for fish propagation, irrigation and domestic uses.

- 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:

Total Acres (for irrigation use) _____

Attachment

Part 1A.2.

Purpose of Transfer

ATTACHMENT

PART 1A.2. – Purpose of Transfer

The purpose of the Transfer Application is to change the place of use for up to 10 CFS of water under IDFG's Water Right No. 36-2055 (Attachment Part 2 A) from Tucker Springs at the Hagerman State Hatchery: (1) to the head of Billingsley Creek and/or the Rangen Hatchery raceways for fish propagation and mitigation pursuant to the District's Second Mitigation Plan ("Plan") pending in Case No. CM-MP-2014-001 (Attachment 4); and (2) to the Hagerman Valley downstream on Billingsley Creek for mitigation because the water delivered to Rangen and used non-consumptively will augment supplies to other water rights downstream. The Plan is one of several alternatives for delivering mitigation water to Rangen to enable junior ground water users to avoid curtailment under the Director's January 29, 2014 *Final Order regarding Rangen Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights June to July 13, 1962* ("Curtailment Order").

The Plan provides for the use of up to 10 CFS of spring water discharged from the ESPA at Tucker Springs to be pumped via buried pipeline approximately 1.7 miles to Rangen's place of use near the head of Billingsley Creek. This water is currently used for fish production year round and would be delivered to Rangen for fish production and mitigation year round. The Plan includes the design and construction of a pump station with pumps, motors and related equipment including necessary redundancy to continuously pump up to a maximum of 10.0 CFS water from Tucker Springs to Rangen.

A copy of the Letter of Intent with IDFG and IWRB is Attachment 3. Attachment 7a is an aerial map depicting the location of Tucker Springs, the pipeline and the new place of use at the head of Billingsley Creek. Attachment Part 1.B.4 is the supplemental description and Attachment 7b a map of the place of use for mitigation downstream from Rangen on Billingsley Creek.

The transfer and delivery would occur on an "as needed" basis to meet the mitigation obligation to Rangen, which is phased in over five years up to a maximum of 9.1 CFS. The maximum 9.1 CFS obligation to Rangen may be reduced by future orders of the Director or Courts, by other mitigation credits and/or other mitigation plans to Rangen. These credits and other direct deliveries may vary over time and may include such things as credits for CREP, conversions and recharge as well as other direct water deliveries to Rangen under other mitigation plans. Based on known credits at this time, it is estimated that approximately 6.0 CFS is the maximum amount of water that would be delivered from Tucker Springs to Rangen in the future. The transfer is requested for up to a maximum of 10 CFS which substantially exceeds the present present and most likely exceeds all future mitigation obligations to Rangen to provide excess that might be needed for mitigation in the future at Rangen or downstream along Billingsley Creek.

The transferred water right will remain under the ownership of IDFG and all transferred water will continue to be used by IDFG at the Hagerman State Hatchery unless and until it is needed to meet mitigation obligation to Rangen not satisfied by other means.

The approval of the transfer requested is contingent upon:

- A. IGWA and/or the Districts securing an Order from IDWR approving the Second Mitigation Plan providing for the delivery of 10 CFS from the Hagerman State Hatchery's Tucker Springs water rights to satisfy the mitigation obligation to Rangen;
- B. IGWA and/or the Districts proceeding to construct the Tucker Springs project and implement the Second Mitigation Plan.
- C. The existence of a continuing mitigation obligation to Rangen not satisfied by other means.

This Transfer Application supports the Plan and is an integral part of the *Thousand Springs Water Supply Settlement Framework* proposed by the State of Idaho, Attachment 5.

Attachment

Part 1.B.4

(Supplement)

APPLICATION FOR TRANSFER
PART 1.B.4
SUPPLEMENTAL DESCRIPTION

PLACE OF USE: MITIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
● 07S 13E 2			X L 2	X L 1				X L 3	X L 6			X L 7	X	X	X	X	
07S 13E 10													X L 4			X L 5	
07S 13E 11	X	X	X	X	X L 2		X L 3	X	X	X	X	X	X	X	X	X	
07S 13E 12						X	X	X	X	X	X	X	X	X	X	X	
07S 13E 13	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 13E 14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 13E 15	X L 1	X L 2	X	X	X L 3		X L 5	X	X	X	X	X	X	X	X	X	
07S 13E 16													X L 3		X L 6		
07S 13E 21		X L 1		X L 5									X L 6		X L 9		
07S 13E 22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 13E 23	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 13E 24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 13E 25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 13E 26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 13E 27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 13E 28	X	X		X				X L 4	X			X	X	X	X	X	
07S 13E 33	X	X	X	X	X L 1			X L 4	X L 5				X	X	X	X	
07S 13E 34	X	X	X	X	X	X	X	X	X L 3	X	X				X L 2	X L 1	
07S 13E 35	X	X	X	X	X	X	X	X	X	X	X L 2	X L 1	X	X	X	X	
07S 13E 36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07S 14E 7											X L 4						
07S 14E 18					X	X	X	X	X	X	X	X					
07S 14E 19					X	X L 1	X L 2	X	X	X L 3	X L 4	X			X		
07S 14E 30		X	X		X	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X	X	
07S 14E 31	X	X	X	X	X	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X	X	

PLACE OF USE: IRRIGATION

Total Acres: 651.1

Attachment Part 2A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/11/2014

WATER RIGHT NO. 36-2055

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)287-2714

Priority Date: 09/16/1947
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
UPPER TUCKER SPRINGS	RILEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	1/01	12/31	64 CFS	
Total Diversion			64 CFS	

Location of Point(s) of Diversion:

UPPER TUCKER SPRINGS|NWSESE|Sec. 36|Township 07S|Range 13E|GOODING County|

Place(s) of use:

Place of Use Legal Description: FISH PROPAGATION GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	13E	1	2	NWNE										

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-02159, 36-02706 & 36-07249 IS LIMITED TO A TOTAL COMBINED FACILITY VOLUME OF 335,160 CU. FT.
2. FISH PROPAGATION, HATCHERY CAPACITY 335,160 CUBIC FEET
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 12/29/1997

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 335160

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

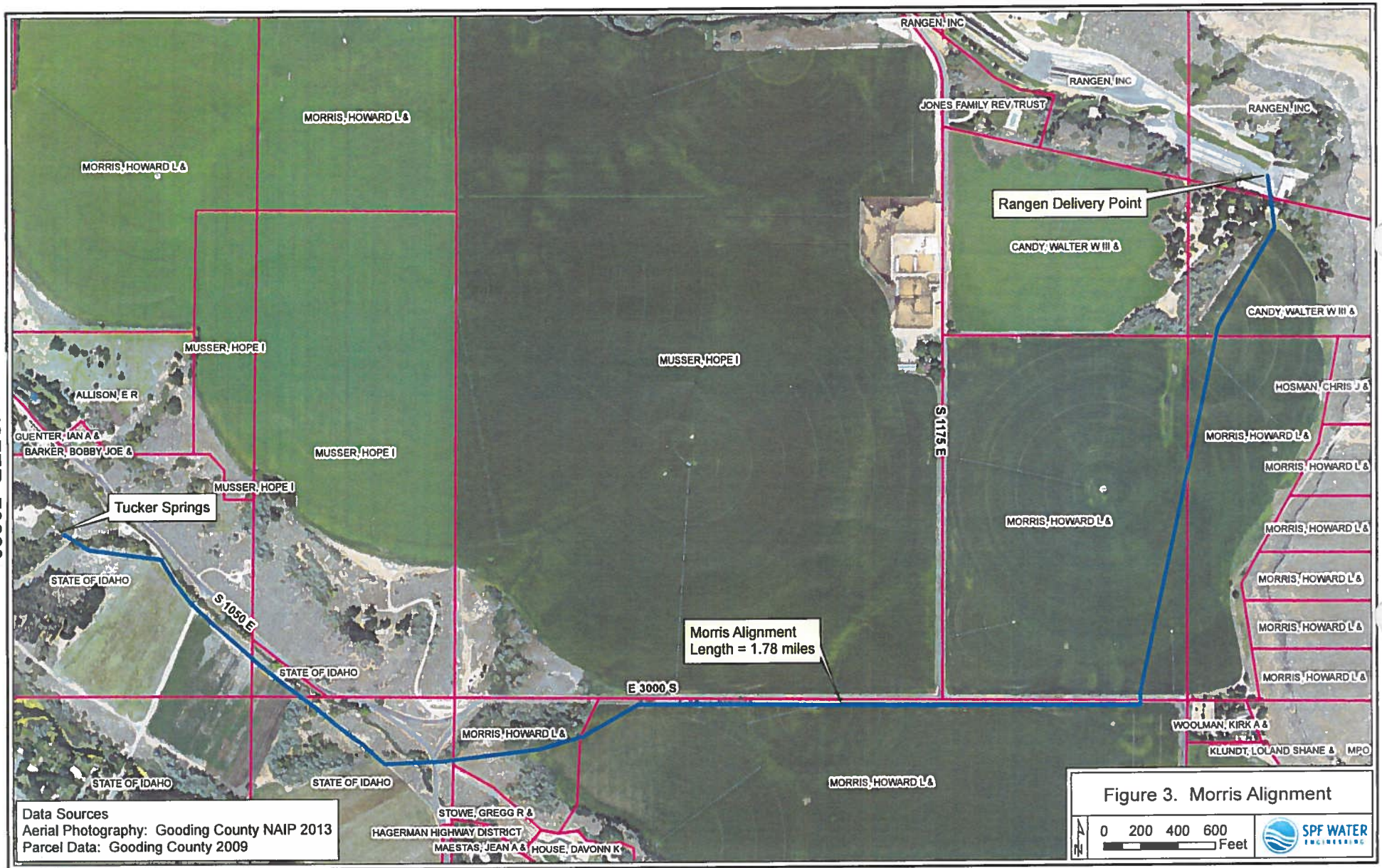
DLE Act Number:

Cary Act Number:

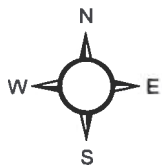
Mitigation Plan: False

Close

Attachment 7a



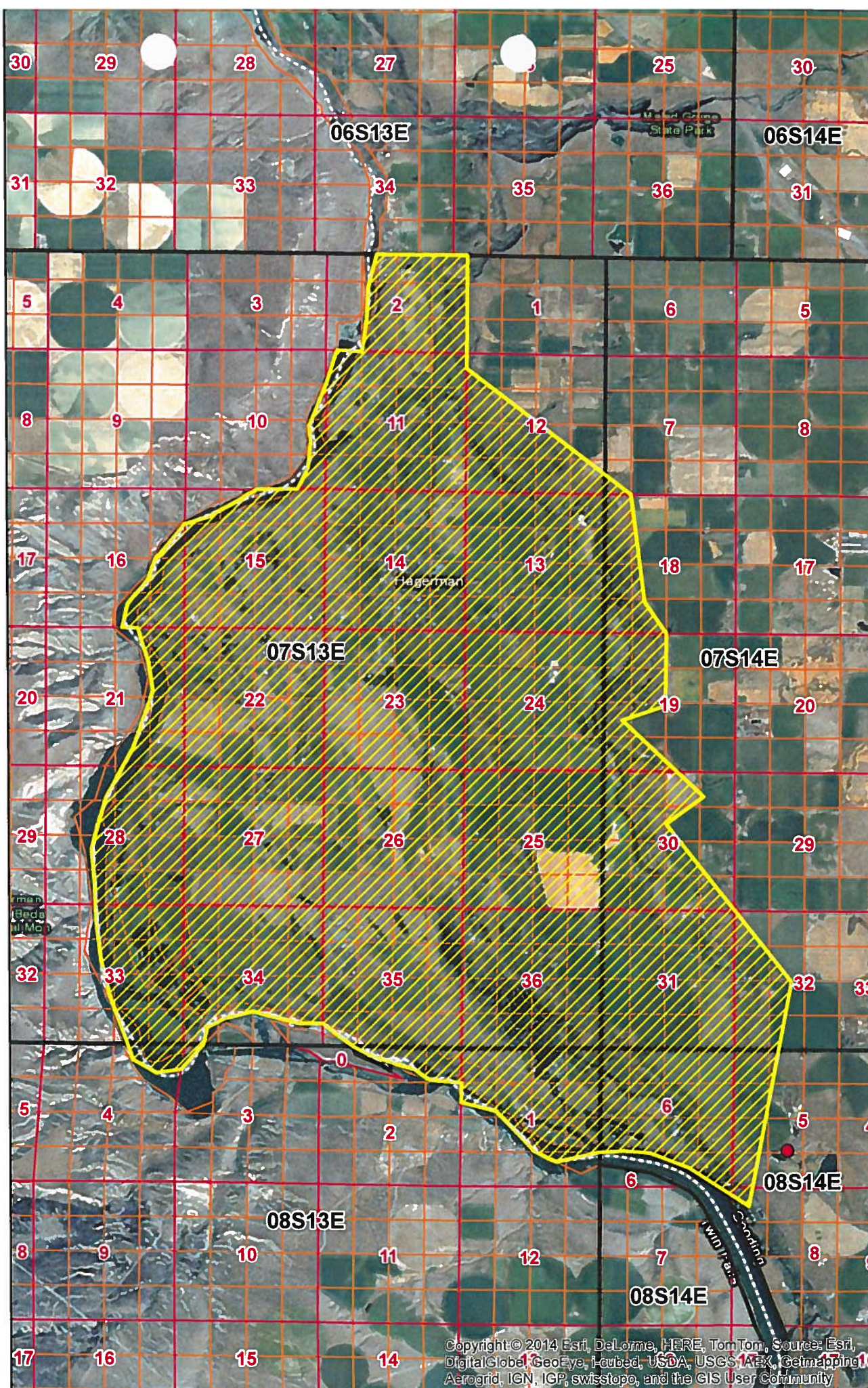
Attachment 7b



Legend

- Point of Diversion
- ▨ Place of Use
- ▬ TR Lines
- ▬ Section Lines
- ▬ Quarters

Ground Water Districts Application for Transfer -- Place of Use



Attachment

1

Mailing List

ATTACHMENT 1

APPLICANT'S ADDRESSES AND CONTACT INFORMATION

North Snake Ground Water District

Lyn Carlquist, Chairman
c/o Joyce Moreno, Secretary
152 E Main St
Jerome, ID 83338
nsgwd@safelink.net
carlquil@yahoo.com

Magic Valley Ground Water District

Dean Stevenson, Chairman
c/o Emily Haynes, Secretary
PO Box 430
Paul, ID 83347
desteve@pmt.org
mvgwd@hotmail.com

Southwest Irrigation District

c/o William Parsons, Attorney
137 W 13th St
Burley, Idaho 83318
wparsons@pmt.org
csearle@pmt.org

Attachment

2

Consent Letter



IDAHO DEPARTMENT OF FISH AND GAME

600 S. Walnut/P.O. Box 25
Boise, Idaho 83707

C.L. "Butch" Otter/Governor
Virgil Moore/Director

May 7, 2014

Idaho Ground Water Appropriators, Inc.
North Snake Ground Water District
Magic Valley Ground Water District
Southwest Irrigation District
c/o Randall C. Budge
P.O. Box 1391
Pocatello, Idaho 83204-1391
rcb@racinelaw.net

Re: Ground Water Districts' Application for Transfer Re: Water Right No. 36-2055

To Whom It May Concern:

Consent Letter

This Letter of Consent to the Idaho Ground Water Appropriators, Inc. (IGWA), North Snake Ground Water District, Magic Valley Ground Water District, and Southwest Irrigation District (collectively "Districts") provides the consent of the Idaho Department of Fish and Game (IDFG) to the filing of the above-referenced Application for Transfer by the Districts pertaining to IDFG Water Right No. 36-2055, if the Idaho Department of Water Resources approves the mitigation plan submitted by IGWA and the Districts. IDFG provides this consent consistent with the Letter of Intent entered into among IGWA, IDFG and the Idaho Water Resource Board pertaining to the use of water from the Hagerman State Hatchery.

This consent is subject to the terms described in the Letter of Intent, including but not limited to:

- (1) the payment for design and construction costs for upgrading the Aqua Life Hatchery to a condition acceptable to IDFG for replacement of production capacity lost from the Hagerman State Hatchery; and
- (2) an annual payment for the lease of 10 cfs of water from Hagerman State Hatchery.

A handwritten signature in black ink, appearing to read "Virgil Moore".

Virgil Moore, Director

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 5th day of May, 2014.

NORTH SNAKE GROUND WATER DISTRICT

By: _____

Name: Lynn Carlquist

Title: Chairman

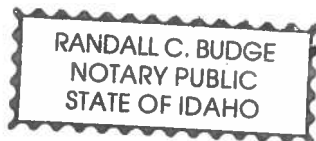
STATE OF IDAHO)

:ss

County of Bannock)

On this 3rd day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Lynn Carlquist, known or identified to me to be the Chairman of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Randall C. Budge

NOTARY PUBLIC FOR IDAHO

Residing at: Pocatello, Id.

Commission expires: 10/11/16

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 2nd day of May, 2014.

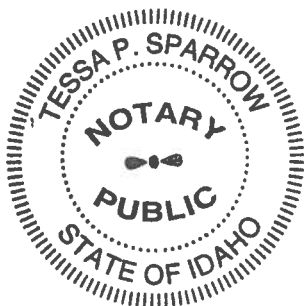
IDAHO GROUND WATER APPROPRIATORS, INC.
(IGWA) acting for and on behalf of its Ground
Water District members

By: [Signature]
Name: Tim Deeg
Title: President

STATE OF IDAHO)
)
County of Bannock)
)

On this 2nd day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Tim Deeg, known or identified to me to be the President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
Commission expires: 10/05/2015

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 2nd day of May, 2014.

MAGIC VALLEY GROUND WATER DISTRICT

By: [Signature]

Name: Dean Stevenson

Title: Chairman

STATE OF IDAHO)

:SS

County of Minidoka)

On this 2nd day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Dean Stevenson, known or identified to me to be the Chairman of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

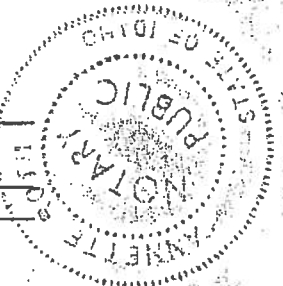
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

[Signature]

NOTARY PUBLIC FOR IDAHO

Residing at: Repaat, Id

Commission expires: 8-4-2017



SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 5 day of May, 2014.

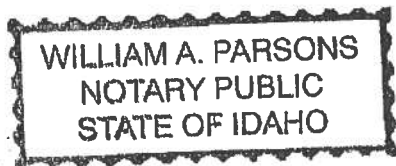
SOUTHWEST IRRIGATION DISTRICT

By: Randy Brown
Name: Randy Brown
Title: Chairman

STATE OF IDAHO)
County of Cassia)
:SS

On this 5 day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Randy Brown, known or identified to me to be the Chairman of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



William A. Parsons
NOTARY PUBLIC FOR IDAHO
Residing at: Boise
Commission expires: 7/20/2016

Attachment

3

Letter of Intent

LETTER OF INTENT

USE OF WATER FROM THE HAGERMAN STATE HATCHERY, CONSTRUCTION OF PUMP STATION AND PIPELINE AND CONSTRUCTION OF IMPROVEMENTS AT THE AQUA LIFE AQUACULTURE FACILITY

This Letter of Intent ("LOI") is entered into by and between Idaho Ground Water Appropriators, Inc. ("IGWA"), and the State of Idaho, by and through the Idaho Department of Fish and Game ("IDFG") and the Idaho Water Resource Board ("IWRB").

RECITALS

A. In response to Rangen, Inc.'s ("Rangen") water delivery call, the Idaho Department of Water Resources ("IDWR") determined in its January 29, 2014 order that holders of ground water rights junior to July 13, 1962 must provide 9.1 cfs of direct flow to Rangen.

B. IGWA represents ground water districts whose members consist of irrigators, municipalities, and commercial and industrial entities with ground water rights. Many of the ground water districts' member's water rights are junior to Rangen's water rights and are subject to curtailment unless a mitigation plan is approved providing replacement water.

C. IDFG owns and operates the Hagerman State Hatchery ("HSH") and is willing to make available to IGWA ten (10) cfs of its Tucker Springs Water Rights as needed to meet the mitigation obligation to Rangen.

D. IDFG's offer to make available the use of 10 cfs of its HSH water to IGWA is subject to transfer of the Aqua Life Aquaculture Facility ("Aqua Life") by IWRB to IDFG, and subsequent modifications to Aqua Life to be funded by IGWA to a condition acceptable to IDFG.

E. IWRB, IDFG and IGWA intend to commence negotiation of a final agreement consistent with the terms set forth below.

TERMS

The Agreement shall have the following terms and conditions:

1. The Agreement will be contingent upon IDFG acquiring title to Aqua Life from IWRB. IDFG, IWRB and IGWA acknowledge that House Bill 644, adopted by the Sixty-second Legislature of the State of Idaho during its Second Regular Session in 2014 authorizes Idaho Parks and Recreation to sell Aqua Life to the IWRB.

2. IDFG will lease ten (10) cfs of water from the HSH to IGWA for an annual lease fee in an amount to be determined.

3. IGWA will pay all costs to design, construct, operate and maintain the water collection and intake system pump station, pipeline and other facilities necessary to deliver 10 cfs of water from the HSH to the head of Billingsley Creek directly up gradient from the Rangen hatchery. IGWA will ensure that the diversion structure to be constructed will not interfere with IDFG's remaining diversion to HSH. IGWA shall be responsible to secure from IDWR approval of a transfer application to change the point of diversion and place of use as needed to accomplish the delivery of HSH's Tucker Springs water rights to Billingsley Creek.

4. IDFG will grant IGWA a permanent easement at its HSH to design, construct, operate and maintain the water intake and collection facilities, pump station, pipeline and other facilities as necessary for the delivery of the 10 cfs of water to Billingsley Creek. IDFG will convey to IGWA a permanent easement to access and maintain the pump station and water supply pipeline.

5. IGWA will pay for costs to upgrade the Aqua Life to a condition acceptable to IDFG for use as a hatchery.

6. IDFG and IWRB will cooperate with IGWA and provide all necessary documents to conduct such investigation as it shall deem appropriate.

7. All transaction fees for closing and all recording fees will be shared equally by IDFG, IGWA and IWRB. Each party will be responsible to pay its own legal fees.

8. The Agreement will be contingent upon: (a) IGWA securing an order from IDWR approving a mitigation plan providing for the delivery of 10 cfs from HSH's Tucker Springs water rights to satisfy the mitigation obligations to Rangen; (b) IGWA securing an order from IDWR approving the transfer of the point of diversion and place of use of the 10 cfs from HSH's Tucker Springs water rights to the head of Billingsley Creek and, (c) IGWA proceeding to implement the plan.

This LOI may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute but one and the same agreement. Delivery of an executed counterpart of this LOI via facsimile transmission shall be as effective as delivery of an original signed copy. Thereafter, the parties shall exchange executed originals of this LOI.

This LOI is intended as a general expression of the terms and conditions, under which the parties are willing to proceed to prepare, negotiate and if acceptable to all parties in their respective sole discretion, execute a final Agreement. Neither this LOI nor the execution hereof as provided below, shall be binding on any party until the formal Agreement is executed by all parties.

Please indicate your acceptance and agreement with the terms of this LOI and desire to proceed to negotiate a final Agreement incorporating the terms and conditions as outlined above by executing the enclosed copy of this LOI in the space provided below and return such executed copy to the other parties.

Sincerely,

Idaho Ground Water Appropriators, Inc

By: Frank P. Deery

AGREED AND ACCEPTED this 1st day of May, 2014.

Idaho Department of Fish and Game

Sharon W. Kiefer for Vigil Moore
Director

AGREED AND ACCEPTED this 7th day of May, 2014.

Idaho Water Resource Board

Boyer Chase
Chairman

Attachment 4

Second Mitigation Plan

Randall C. Budge (ISB# 1949)
Thomas J. Budge (ISB# 7465)
RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED
201 E. Center St. / P.O. Box 1391
Pocatello, Idaho 83204
(208) 232-6101 - phone
(208) 232-6109 - fax
rcb@racinelaw.net
tjb@racinelaw.net

Attorneys for Idaho Ground Water Appropriators, Inc. (IGWA)

RECEIVED

MAR 10 2014

**DEPARTMENT OF
WATER RESOURCES**

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE MITIGATION
PLAN FILED BY THE IDAHO GROUND
WATER APPROPRIATORS FOR THE
DISTRIBUTION OF WATER TO WATER
RIGHT NOS. 36-02551 AND 36-07694
IN THE NAME OF RANGEN, INC.

Docket No. CM-MP-2014-001

**IGWA's Second Mitigation Plan
and Request for Hearing**

INTRODUCTIONS

Idaho Ground Water Appropriators, Inc. (IGWA), through counsel, acting for and on behalf of its members and non-member participants in IGWA's mitigation activities, submits this mitigation plan pursuant to Conjunctive Management Rule 43 to provide additional alternative means of providing direct water flow to Rangen, Inc. (Rangen) to avoid curtailment of junior-priority groundwater rights under the Director's January 29, 2014, *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Curtailment Order"). This is the second mitigation plan submitted by IGWA in response to the Curtailment Order. This plan proposes an additional means of mitigation by delivery water directly to Rangen from Tucker Springs to Rangen. As with the mitigation alternatives outlined in IGWA's first mitigation plan dated February 12, 2014, the mitigation alternative set forth below enables the Director to exercise his authority and discretion in evaluating the factors to be considered under CM Rule 43.

DESCRIPTION OF MITIGATION PLAN

This mitigation plan, referred to herein as the "Tucker Springs Project," will benefit Rangen's water right numbers 36-2551 and 36-7694 which have as their source the Martin-Curren Tunnel. If this plan is approved, IGWA will attempt to acquire the right to use up to 9.1 cfs of water from Tucker Springs owned and operated by the State of Idaho Department of Fish & Game, which would be pumped approximately 1.3 miles to Rangen's place of use near Billingsley Creek. This would enable spring water discharged from the ESPA at Tucker Springs and currently used for fish production year-round to be delivered to Rangen's facilities for fish production year-round. The Tucker Springs Project would require the following which would be timely completed by IGWA at its expense:

- (1) Acquisition of Tucker Springs water rights owned by the State of Idaho;
- (2) Design and construction of a pump station with pumps, motors, and related equipment including necessary redundancy to continuously pump water from Tucker Springs to Rangen;
- (3) Design and construction of approximately 1.3 miles of pipeline to deliver water from Crystal Springs to Rangen;
- (4) Acquisition by purchase or condemnation of the necessary rights of way for the above described facilities and pipeline;
- (5) Permission from Rangen to access its property for engineering and design purposes; and
- (6) An easement from Rangen to construct and operate the pipeline and other facilities necessary to deliver water to Rangen's property.

REQUEST FOR HEARING

Pursuant to CM Rule 43.02, IGWA requests that this mitigation plan be promptly processed and advertised, and that an expedited scheduling conference be set with notice given to the parties to discuss this mitigation plan and schedule necessary hearings. As this mitigation plan is similar in concept to the other direct water delivery proposals set forth in IGWA's first mitigation plan scheduled for hearing to commence March 17, 2014, IGWA asks that testimony and evidence on this plan be accepted at the same time and preserved to promote efficiency and economy since the same parties are involved.

RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED

By: Randall C. Budge

RANDALL C. BUDGE

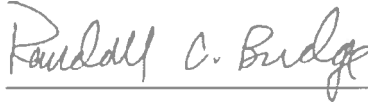
Attorneys for IGWA

March 10, 2014

Date

CERTIFICATE OF MAILING

I certify that on this 10th day of March, 2014, the foregoing document was served on the following persons in the manner indicated.



Signature of person mailing form

Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☒ Hand Delivery ☒ E-mail
Garrick Baxter Chris Bromley Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
Robyn M. Brody Brody Law Office, PLLC PO Box 554 Rupert, ID 83350 rbrody@cableone.net robbynbrody@hotmail.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
Fritz X. Haemmerle Haemmerle & Haemmerle, PLLC PO Box 1800 Hailey, ID 83333 fxh@haemlaw.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
J. Justin May May, Browning & May, PLLC 1419 West Washington Boise, ID 83702	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery

jmay@maybrowning.com	☒ E-mail
Sarah Klahn Mitra Pemberton WHITE JANKOWSKI, LLP 511 16 th St., Suite 500 Denver, Colorado 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail
Dean Tranmer City of Pocatello PO Box 4169 Pocatello, ID 83201 dtranmer@pocatello.us	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail
C. Thomas Arkoosh Arkoosh Law Offices PO Box 2900 Boise, ID 83702 tom.arkoosh@arkoosh.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail
John K. Simpson Travis L. Thompson Paul L. Arrington Barker Rosholt & Simpson 195 River Vista Place, Suite 204 Twin Falls, ID 83301-3029 tlt@idahowaters.com jks@idahowaters.com pla@idahowaters.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail
W. Kent Fletcher Fletcher Law Office PO Box 248 Burley, ID 83318 wkf@pmt.org	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail

Attachment

5

Thousand Springs Water Supply Settlement Framework

THOUSAND SPRINGS WATER SUPPLY SETTLEMENT FRAMEWORK

I. OBJECTIVES

- A. Maintain spring flows at level sufficient to sustain Swan Falls minimum flows;
- B. Mitigate for material injury to senior spring water rights caused by diversion under junior ground water rights;
- C. Provide safe harbor for junior ground water users from delivery calls;
- D. Minimize economic impact on individual water users and the state economy arising from water supply shortages; and
- E. Develop adaptive management plan to respond to changes in the ESPA water supply.

II. INTERMEDIATE WATER SUPPLY MEASURES

- A. Mitigation Measures for Hagerman Valley. Junior ground water users will implement mitigation measures to offset material injury to senior spring water rights in Hagerman Valley.
- B. Enhance flows in Billingsley Creek by 25 CFS.
 - 1. Direct delivery of 10 cfs of water from Tucker Springs to Billingsley Creek
 - 2. Curren Ditch water exchange – provide Riley Creek, Snake River or ground water supply to Curren ditch users in lieu of Curren Ditch diversions from Billingsley Creek.
 - 3. Line selected ditches or change points of diversion to provide additional water supply for users at lower end of Billingsley Creek
- C. Hatchery pump back projects to mitigation for material injury to hatcheries (20 CFS)
- E. Birch Creek waste water reroute to Birch Creek Trout (4 CFS)
- F. Riley Creek (Big Bend being investigated)

III. LONG TERM ESPA STABILIZATION GOAL (ESPA Water Budget Goal)

- A. Managed recharge program between Minidoka and Milner dams (100 KAF)
- B. Little Wood River managed recharge (15 KAF)
- C. North Side Canal Company waste water capture projects
- D. Direct delivery of water through Sandy pipeline
- E. Hard conversions

IV. ADAPTIVE WATER MANAGEMENT MEASURES

- A. Develop a process for forecasting spring flow trends
- B. Develop adaptive management plan for responding to changes in spring flow trends

- V. SAFE HARBOR – No ground water user participating in the Thousand Springs plan will be subject to a delivery call by water users below the rim as long as the provisions of the plan are being implemented.

EASTERN SNAKE PLAIN AQUIFER

Preliminary Draft – Managed Recharge Plan 4/9/14

Goal: Stabilize the Eastern Snake Plain Aquifer, consistent with the CAMP recharge goals of 100,000 acre-feet average annual volume through 2017, and 250,000 acre-feet average annual volume thereafter. Metric of success is sustaining aquifer volumes and spring discharges.

Problem: The Eastern Snake Plain Aquifer is currently losing approximately 200,000 acre-feet per year from aquifer storage. The total loss from storage since 1952 is 12 million acre-feet. This has resulted in declining aquifer levels and spring flows from the aquifer.

Water Availability (natural flow) for Recharge: The available water supply for recharge occurs as winter-time flows (November-March) and as spring run-off flows (March-April). The Snake River winter-time flows are usually a minimum of 500 cfs and are available for diversion from the Milner Pool. There is also a relatively consistent winter-time flow in the Little Wood River.

- Snake River at Milner: Median annual volume of 500,000 acre-feet
- Snake River above American Falls: Median annual volume of 6,000 acre-feet
- Wood River system: Median annual volume of 20,000 acre-feet

Strategy:

1. Utilize winter-time flows that would otherwise spill past Milner Dam for recharge to provide for a “base-load” for recharge. This will require development of dedicated, winter-operational recharge facilities diverting from the Milner Pool that operate independent of canal companies.
2. Utilize the canal systems and off-canal facilities, to the extent available in any given year, to help catch and divert the spring run-off flows for recharge.
3. Develop a winter-operational facility to utilize the Little Wood River water supplies.
4. In above-average water years when recharge will not interfere with filling the reservoir system, recharge into Upper Valley canals (above American Falls).

Sideboards:

1. Recharge above American Falls can occur when 2700 cfs is passing Minidoka and natural flow spilling past Milner.
2. Non-interference with reservoir fill.

Existing Facilities and Program: The existing facilities available for recharge below American Falls can accomplish approximately 40,000 acre-feet annually. Deliveries at each location are variable depending on canal company priorities for maintenance and repairs. These facilities include:

1. Milner Gooding Canal (including Shoshone and Milepost 31 recharge sites)
2. Northside Canal
3. Southwest Irrigation District – West Cassia Pipeline

Additional Down-Canal Facilities: These additional down-canal facilities are expected to increase capacity by approximately 20,000 acre-feet annually. Deliveries at each location are variable depending on canal company priorities for maintenance and repairs.

1. Milner-Gooding Canal
 - a. Milepost 31 Build-Out
2. Northside Canal
 - a. Large off-canal recharge site (K-Canal or Neilson site) & utilization of Wilson Lake

Walcott Recharge Site: 100-cfs direct diversion project from the Walcott Pool. Engineering and environmental compliance is underway. This site is expected to increase capacity by 18,000 acre-feet annually. This site will be independent of canal company operations but will have variable deliveries based on water availability.

Southwest Irrigation District-West Cassia Pipeline Modifications: Modifications to allow continuous winter-time operations. This will increase capacity by approximately 7,000 acre-feet annually. This project would require cooperation from SWID, but would provide a system independent of canal operations that could operate all winter.

Direct Diversion Projects from Milner Pool: Construct up to 4 pumping plant-to-recharge projects each with 100 cfs capacity that operate through the winter. These sites would increase capacity by approximately 100,000 acre-feet annually and provide a “base-load” for recharge. Capacity will be independent of canal company operations and utilize winter-time water supplies.

Little Wood River Recharge Capacity: Construct winter-operational recharge site to utilize winter-time flows (50 cfs) available in the Little Wood River. This site would provide a “base-load” for recharge that is independent of canal company operations and utilize winter-time water supplies.

Water Quality Monitoring: a program of water quality monitoring, beyond current efforts, will be established in coordination with DEQ.

Staffing Needs:

1. ESPA Manages Recharge Program Manager – must be capable of managing and leading a multi-million dollar effort. Capable of understanding the importance of recharge to aquifer stabilization, and the importance of aquifer stabilization to the state, the water users, the power company, and others. Must be capable of negotiating with potential partners.
2. Project Engineer – capable of taking planning-level project layouts and cost estimates through to completed facilities. Will manage multiple design and construction projects at same time.

Recharge Component	Construction	Annual O&M	Annual Average AF	
Existing Lower Valley Facilities				
Milner-Gooding Canal inc. Shoshone and MP31 recharge sites				
Northside Canal				
Southwest Irrigation District Pipeline				
Existing Lower Valley Facilities	N/A	\$130,000	40,000 AF	- Dependent on Canal Company cooperation - Variable deliveries
Additional Lower Valley Down-Canal Facilities				
MP 31 build-out on Milner Gooding Canal	\$200,000			
Large off-canal site on Northside Canal (K-Canal or Nielson Sites)	\$300,000			
Additional Lower Valley Down-Canal Facilities		\$70,000	20,000 AF	- Dependent on Canal Company cooperation - Variable deliveries
Walcott Recharge Site	\$5M	\$100,000	18,000 AF	- Direct diversion from Walcott pool – not reliant on canal companies - Variable deliveries - Engineering/environmental investigations underway
Southwest Irrigation District Pipeline modifications for winter operations	\$2M	\$150,000	7,000 AF	- Divert winter-time(Nov-Mar) Milner spill (500 cfs) to recharge thru dedicated facilities "Base-load" for recharge - Direct diversion from Milner Pool – not reliant on canal companies & below Minidoka hydropower
Direct diversion projects from Milner Pool	\$20M	\$600,000	100,000 AF	- Divert winter-time(Nov-Mar) Milner spill (500 cfs) to recharge thru dedicated facilities "Base-load" for recharge - Direct diversion from Milner Pool – not reliant on canal companies & below Minidoka hydropower
Little Wood River Recharge	\$3M	\$80,000	15,000 AF	- Divert winter-time(Nov-Mar) flows (50 cfs) to recharge thru dedicated facilities "Base-load" for recharge
Water Quality monitoring		\$100,000		
Project Management		\$160,000		
Contingency 20%	\$6.1M	\$288,000		
TOTALS	\$36.6M	\$1.73M/yr	200,000 AF	

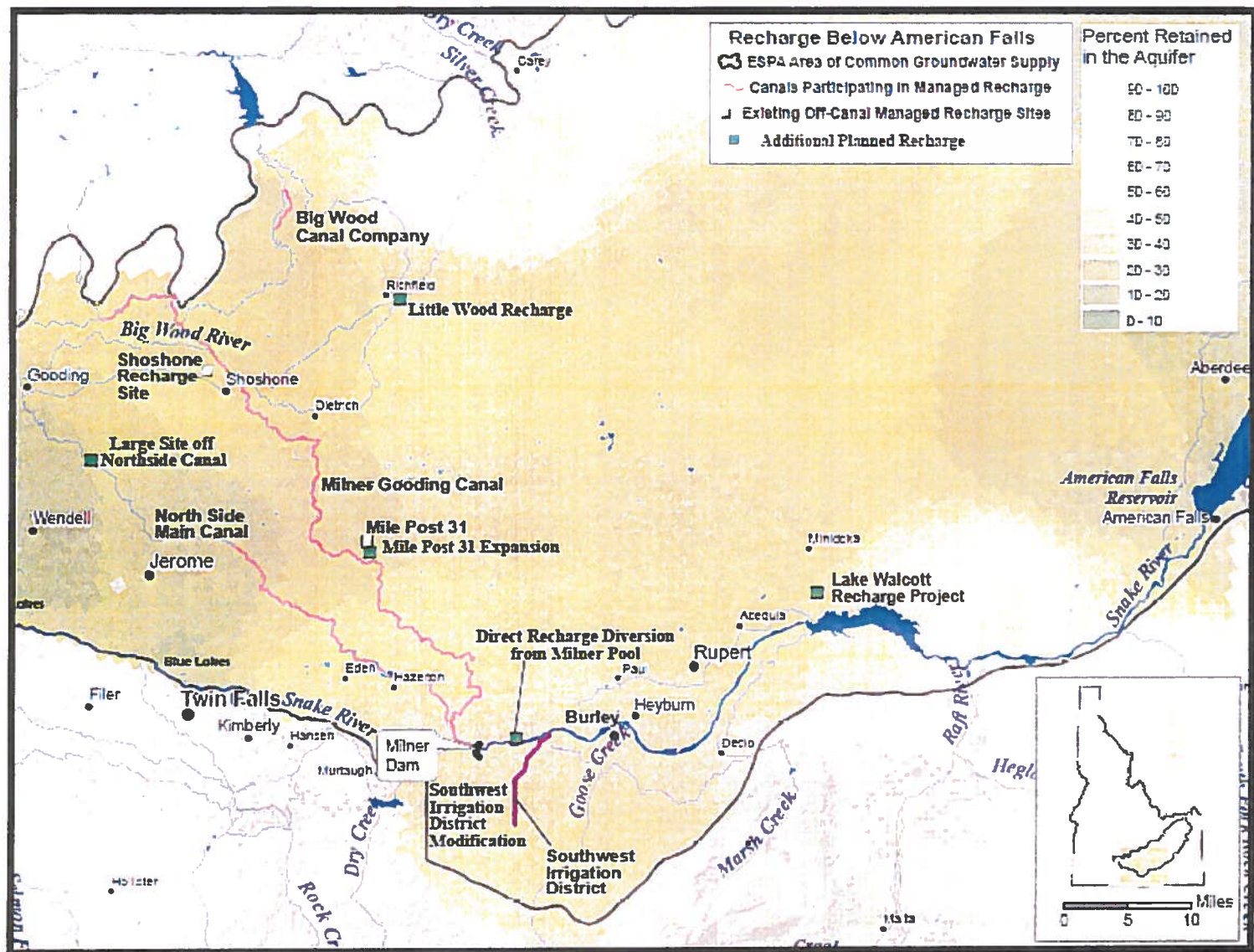
Estimated Build-Out Schedule

					YEAR					
	1	2	3	4	5	6	7	8	9	10
Milepost 31 Build-out	Construction									
Northside Large Site	Engineering	construction								
Southwest Pipeline		Engineering	construction							
Walcott	Land and env.	Engineering		construction						
Direct Milner Diversions	select potential sites & test drilling									
	Site 1	acquire land	Engineering		Construction					
	Site 2		acquire land	Engineering		Construction				
	Site 3			acquire land	Engineering		Construction			
	Site 4				acquire land	Engineering		Construction		
Little Wood recharge						acquire land	Engineering		Construction	

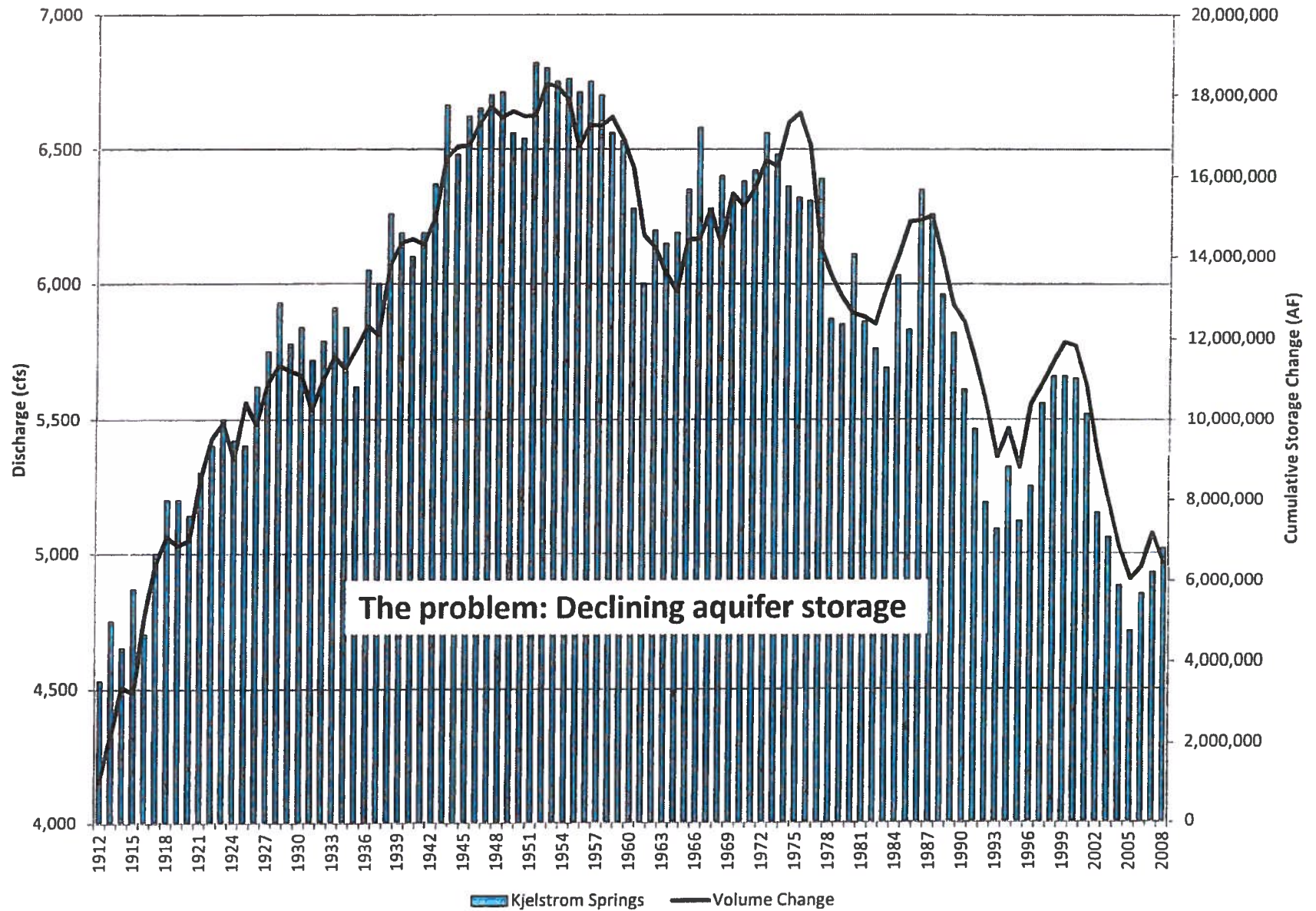
Estimated Expenditures

Select sites & test drilling	\$200,000	\$200,000								
Acquire lands & environmental	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000				
Engineering	\$50,000	\$800,000	\$800,000	\$800,000	\$800,000	\$800,000	\$500,000			
Construction	\$100,000	\$350,000	\$4,150,000	\$4,350,000	\$4,000,000	\$4,000,000	\$4,000,000	\$2,250,000	\$1,250,000	
Water Quality Monitoring	\$10,000	\$20,000	\$30,000	\$40,000	\$50,000	\$60,000	\$70,000	\$80,000	\$90,000	\$100,000
Operations & Management	\$130,000	\$260,000	\$570,000	\$640,000	\$740,000	\$890,000	\$1,040,000	\$1,190,000	\$1,340,000	\$1,340,000
Contingency	\$138,000	\$366,000	\$1,150,000	\$1,206,000	\$1,158,000	\$1,190,000	\$1,122,000	\$704,000	\$526,000	\$288,000
Total by Year	\$828,000	\$2,196,000	\$6,900,000	\$7,236,000	\$6,948,000	\$7,174,000	\$6,730,000	\$4,224,000	\$3,206,000	\$1,728,000

Total 10-Year Expenditures \$39,290,000



Kjeslstrom Spring Discharge and ESPA Cumulative Storage Change



Spring Diversions in Hagerman Valley

NAIP Images 2013



TRANSFER 79330



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

May 30, 2014

NORTH SNAKE GROUND WATER DISTRICT
152 E MAIN ST
JEROME, ID 83338

MAGIC VALLEY GROUND WATER DISTRICT
PO BOX 430
PAUL, ID 83347

SOUTHWEST IRRIGATION DISTRICT
137 W 13TH ST
BURLEY, ID 83318

RE: Transfer No. 79330
Water Right No(s). 36-2055

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 6/5/2014 and 6/12/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 23, 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: RANDALL C BUDGE @ RACINE OLSON NYE BUDGE & BAILEY CTD



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

May 30, 2014

FRANK ERWIN
WATER DISTRICT #36-A
711 EAST AVE N
HAGERMAN, ID 83332

RE: Transfer No. 79330
Water Right No(s): 36-2055

Dear Mr. Erwin:

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 29, 2014 4:59 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on June 5th & 12th, 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



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

May 29, 2014

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 78948

Water Right No(s): 36-2254A, 36-2284, 36-8401

RE: Transfer No. 79142,

Water Right No(s): 36-2257, 36-7517

RE: Transfer No. 79144

Water Right No(s): 36-16467, 36-16469, 36-16471, 36-2257, 36-7517

RE: Transfer No. 79330

Water Right No(s): 36-2055

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 June 23, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78948**

SUNRISE ORGANIC DAIRY LLC, 329 S 417 E, JEROME, ID 83338; has filed Application No. 78948 for changes to the following water rights within JEROME County(s): Right No(s). 36-2254A, 36-2284, 36-8401. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU), nature of use, season of use, and points of diversion for a 47.8-acre (0.74 CFS) portion of groundwater irrigation rights 36-2254A, 36-2284, and 36-8401, located approximately 6.7 – 7.1 mi E & 1.1 – 1.3 mi N of Hazelton. Application proposes to dry-up the 47.8 acres at the current authorized POU to facilitate the pumping of an additional (0.74 CFS) 148 AF, year-round stockwater/commercial use at an existing dairy, located approximately 7.1 – 8.1 mi E & 5.4 – 5.6 mi N of Hazelton from three existing wells.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79142**

VANDERVEGT DAIRY LLC, 4098 HIDDEN LAKES DR, KIMBERLY, ID 83341; has filed Application No. 79142 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-2257, 36-7517. The purpose of the transfer is to change a portion of the above rights as follows: This application proposes to change the place of use, period of use, nature of use, and point of diversion for a 0.14 CFS (34.62 AF) portion of groundwater rights 36-7517 and 36-2257, which are currently used for irrigation on 8.65 acres located approximately 4.7 to 5.0 miles north and 6.3 to 6.5 miles west of Paul. The new proposed uses will be year-round stockwater and commercial at a heifer facility located near the current place of use. The new point of diversion will be a well located approximately 4.7 miles north and 6.4 miles west of Paul.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79144**

IRENE VANDERVEGT-GIBSON, 4098 HIDDEN LAKE DR, KIMBERLY, ID 83341; has filed Application No. 79144 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16467, 36-16469, 36-16471, 36-2257, 36-7517. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the place of use (POU), period of use, nature of use, and points of diversion (PODs) of portions of groundwater rights 36-7517, 36-2257, 36-16467, 36-16469, & 36-16471. The portion of rights 36-7517 & 36-2257 (0.36 CFS) being transferred are currently authorized for irrigation on 21.7 acres, located approximately 4.5 – 4.7 mi. N and 6.3 - 6.5 mi. W of Paul. The portion of rights 36-16467, 36-16469, & 36-16471 (0.54 CFS) being transferred are currently authorized for irrigation on 31.5 acres, located approximately 4.0 - 4.7 mi. N and 7.0 - 7.5 mi. W of Paul. Application proposes to change the nature of use and POU of these rights from irrigation during the irrigation season to year-round stockwater/commercial use at an existing dairy, located adjacent to the authorized POU of rights 36-7517 & 36-2257. Upon approval, the corresponding acres will be dried up for 0.9 CFS (166 AFA) of use at the dairy from two existing wells, located within the facility. Rights 36-16467, 36-16469, 36-16471 are currently leased to the Water Supply Bank, and transferred portions will be removed from the WSB to accommodate the transfer.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79330**

NORTH SNAKE GROUND WATER DISTRICT, 152 E MAIN ST, JEROME, ID 83338; MAGIC VALLEY GROUND WATER DISTRICT, PO BOX 430, PAUL, ID 83347; SOUTHWEST IRRIGATION DISTRICT, 137 W 13TH ST, BURLEY, ID 83318; has filed Application No. 79330 for changes to the following water rights within GOODING County(s): Right No(s). 36-2055. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the place of use (POU) and also add a Mitigation component for a 10 cfs portion of water right 36-2055, currently diverted from Upper Tucker Springs, located approximately 3.1 mi. S and 1.3 mi. E of Hagerman. The current place of use (POU) for this right is located at the Idaho Fish and Game Fish Facility, located approximately 1.1 to 1.3 mi. E and 3.4 to 3.5 mi. S of Hagerman. The proposed POU for the Fish Propagation use will include the existing Fish and Game Facility and the Rangen Fish Facility, located approximately 2.2 to 2.5 mi. E and 2.6 to 2.8 mi. S of Hagerman. The proposed POU for the mitigation component includes a large portion of the Hagerman Valley and also areas associated with the Rangen Fish Facility.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, 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 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 June 23, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 5th & 12th, 2014

MEMORANDUM

Date: May 20, 2014
To: Transfer 79330, North Snake GWD, Magic Valley GWD, Southwest ID File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the place of use (POU) and also add a Mitigation component for a 10 cfs portion of water right 36-2055, currently diverted from Upper Tucker Springs, located approximately 3.1 mi. S and 1.3 mi. E of Hagerman. The current place of use (POU) for this right is located at the Idaho Fish and Game Fish Facility, located approximately 1.1 to 1.3 mi. E and 3.4 to 3.5 mi. S of Hagerman. The proposed POU for the Fish Propagation use will include the existing Fish and Game Facility and the Rangen Fish Facility, located approximately 2.2 to 2.5 mi. E and 2.6 to 2.8 mi. S of Hagerman. The proposed POU for the mitigation component includes a large portion of the Hagerman Valley and also areas associated with the Rangen Fish Facility.

- **Authority to File:**
The State of Idaho, Idaho Department of Fish and Game (IDFG) is the current owner of record for right 36-2055. It will retain ownership of the transferred portion through a Letter of Consent from IDFG and a Letter of Intent between IDFG, Idaho Ground Water Appropriators, and Idaho Water Resource Board. Letter of Consent was signed by Virgil Moore, IDFG Director, and the Letter of Intent was signed by Sharon Kiefer, Deputy Director of IDFG. The application was signed by Randall C. Budge, authorized representative for the applicants. The law firm of Racine, Olson, Nye, Budge and Bailey is granted Special Power of Attorney for Water Rights for North Snake Ground Water District, Magic Valley Ground Water District, Southwest Irrigation District in documents filed with the application.
- **Water Right Validity:**
Right 36-2055 was decreed in December of 1997, and IDWR water use records show yearly use continuously since that time, so forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated

- **Effect of the Agricultural Base of the 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.



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RANDALL C. BUDGE
rcb@racinelaw.net

May 1, 2014

Idaho Department of Water Resources
Southern Region Office
c/o Allen Merritt
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
MAY 19 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Application for Transfer

Dear Allen,

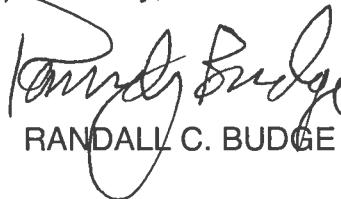
Enclosed please find the original and extra copy of an Application for Transfer of Water Right that we are submitting on behalf of North Snake and Magic Valley Ground Water Districts and Southwest Irrigation District, with respect to Water Right No. 36-2055 owned by the Idaho Department of Fish and Game, together with our check in the amount of \$1,470 for filing fees. The fee is based upon the 10 CFS transfer fee of \$1,040, plus an additional \$250 for adding mitigation to the existing nature of use of fish propagation.

This Transfer Application is an integral part of the pending Second Mitigation Plan to Rangen, which is scheduled for a hearing before the Director commencing June 3, 2014. Both represent a key component of the Thousand Springs Water Supply Settlement Framework.

Accordingly, we would greatly appreciate it if you could expedite the review processing and publication of this Application. Upon filing the original, please conform stamp the extra copy, return to me a PDF copy as I will be providing a courtesy copy to all parties in the Second Mitigation Plan case no. CM-MP-2014-001.

If you have any questions please contact me or T.J. Budge. Thank you for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:ts
Enclosure