STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78765

This is to certify that: LEROY ROBINSON
1170 E 810 S
ALBION, ID 83311

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
45-283	WR/DECREED	3/1/1875	2.000 cfs	490.4 af	N/A	126.0	LAND CREEK
45-529	WR/DECREED	4/1/1876	0.580 cfs	N/A	N/A	126.0	MARSH CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-283	NO	NO	YES	NO	NO	NO
45-529	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-283	45-283	2.000 cfs	490.4 af	126.0	126.0	N/A	N/A	N/A	N/A	N/A
45-529	45-529	0.580 cfs	N/A	N/A	126.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**2.580 cfs**	N/A	**126.0**	**126.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 21st day of March, 2014.

Southern Region Manager

SUPPORT DATA
IN FILE # 45-283

Transfer No. 78765

WATER RIGHT NO. 45-529

As Modified by Transfer No. 78765

In accordance with the approval of Transfer No. 78765, Water Right No. 45-529 is now described as follows:

Right Holder: LEROY ROBINSON
1170 E 810 S
ALBION, ID 83311

Priority Date: 4/1/1876

Source: MARSH CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	0.580 cfs
STOCKWATER	04/01	to	10/31	0.030 cfs
				0.580 cfs

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK L1 (SENENE) Sec 6 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	25E	5					37.5	11.9	37.6	39.0									126.0
							L 3	L 4											

POU Total Acres: 126.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	25E	5					X	X	X	X									
							L 3	L 4											

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. Rights 45-283, and 45-529 when combined shall not exceed the irrigation of 126 acres.

Transfer No. 78765

WATER RIGHT NO. 45-529

As Modified by Transfer No. 78765

CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/6/2005 SRBA partial decree date.

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45 F.

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-283

As Modified by Transfer No. 78765

In accordance with the approval of Transfer No. 78765, Water Right No. 45-283 is now described as follows:

Right Holder: LEROY ROBINSON
1170 E 810 S
ALBION, ID 83311

Priority Date: 3/1/1875

Source: LAND CREEK **Tributary:** MARSH CREEK

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/31	2.000 cfs	490.4 af
STOCKWATER	04/01	to	10/31	0.030 cfs	
				2.000 cfs	490.4 af

LOCATION OF POINT(S) OF DIVERSION

LAND CREEK NWNW Sec 5 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	25E	5					37.5	11.9	37.6	39.0									126.0
							L 3	L 4											

Right Acre Limit: 126.0
POU Total Acres: 126.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	25E	5					X	X	X	X									
							L 3	L 4											0

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. Rights 45-283, and 45-529 when combined shall not exceed the irrigation of 126 acres.

Transfer No. 78765

WATER RIGHT NO. 45-283

As Modified by Transfer No. 78765

CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/6/2005 SRBA partial decree date.

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45 F.

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

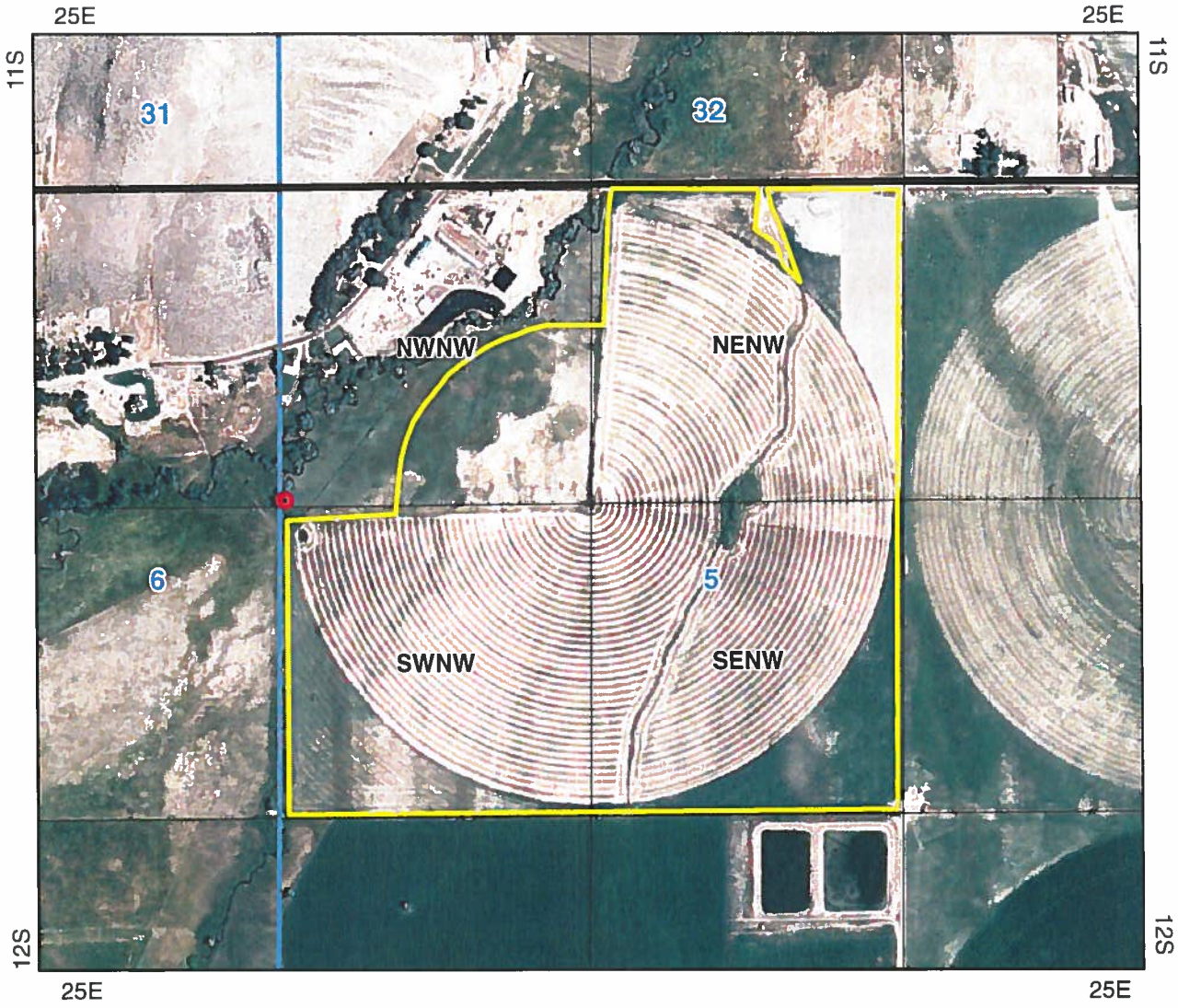
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78765

45-283

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.075 0.15 0.3 Miles

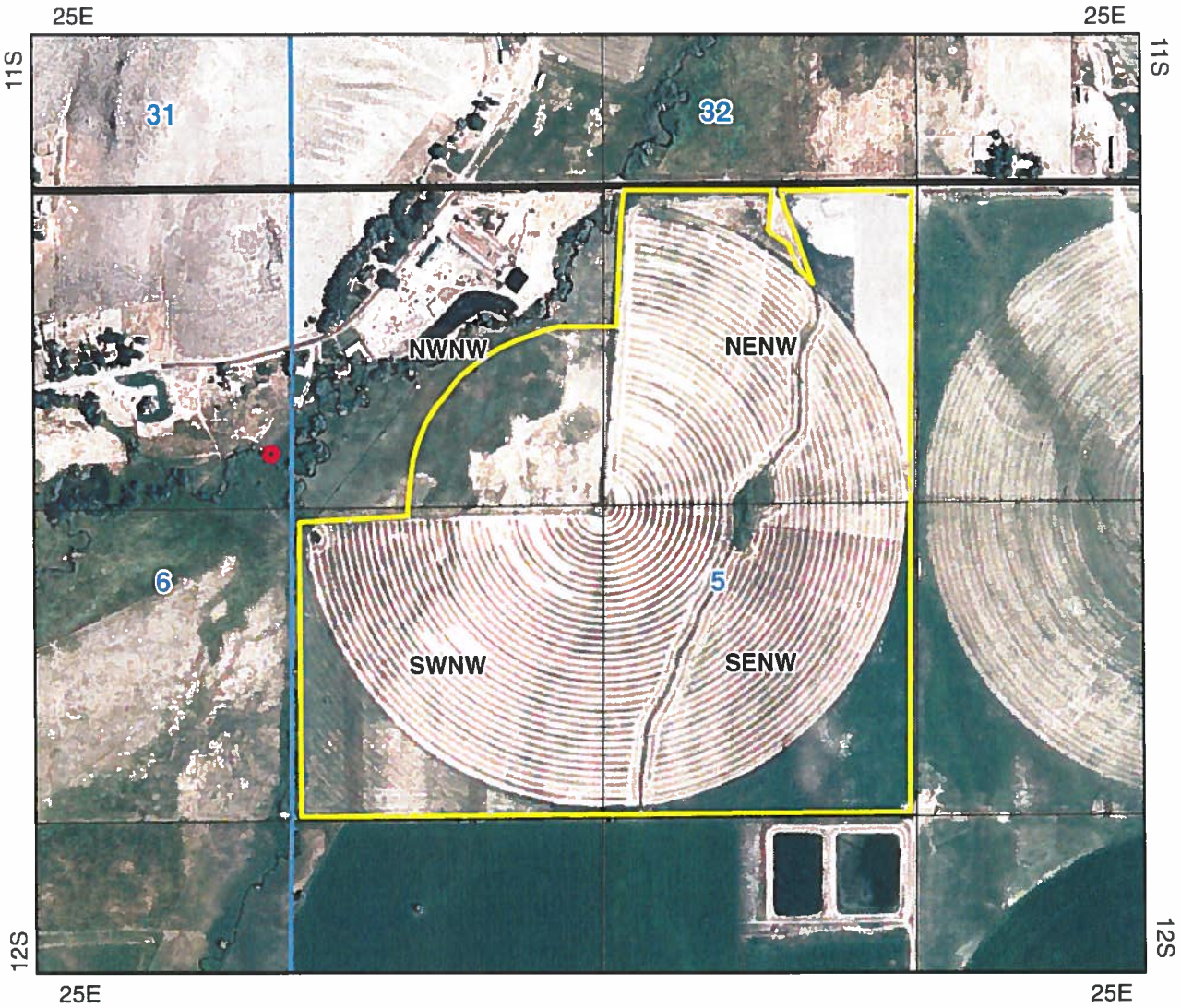
N

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78765

45-529

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.075 0.15 0.3 Miles

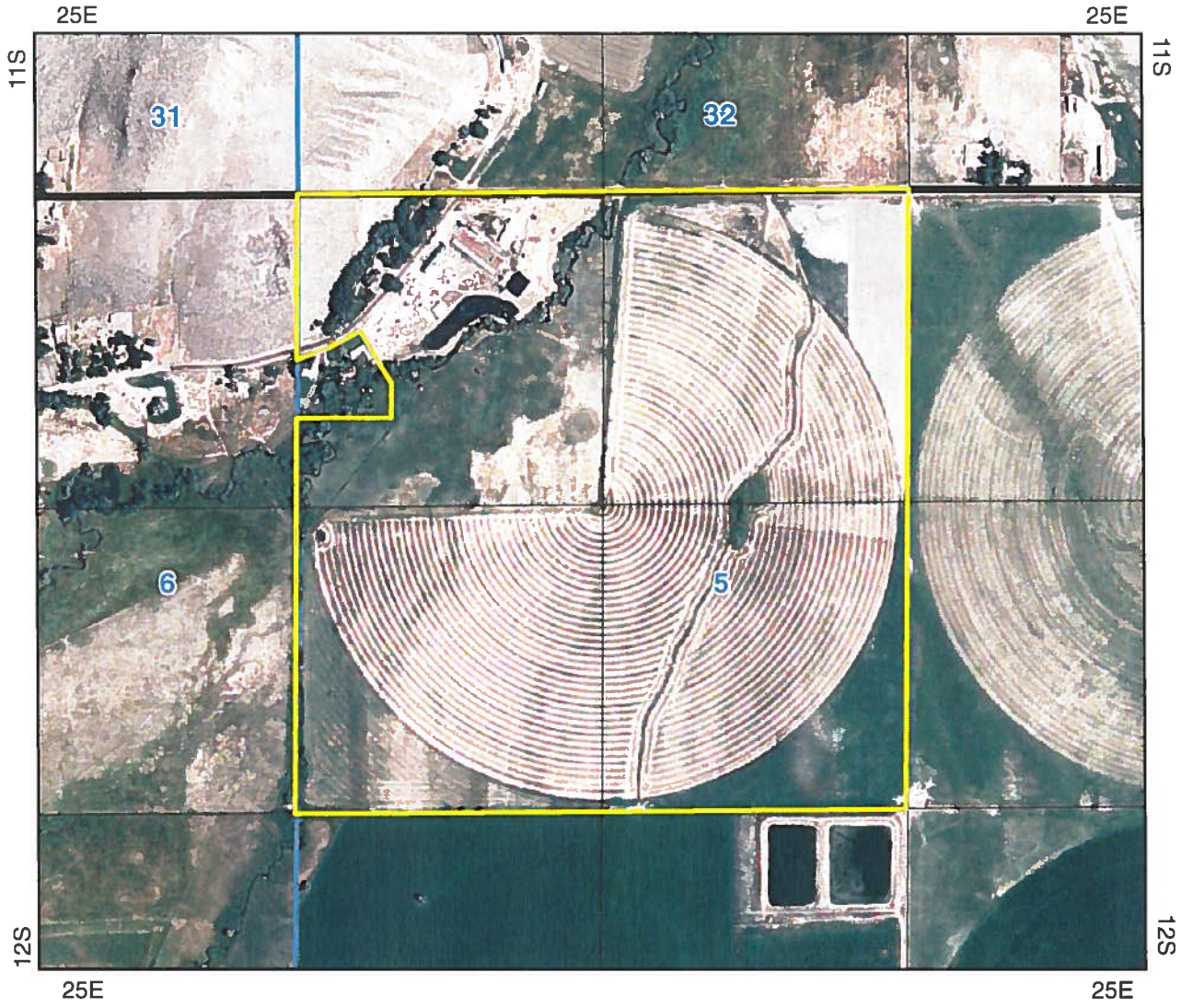
N

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78765

Rights: 45-283 and 45-529

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.075 0.15 0.3 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

N

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 25, 2014

LEROY ROBINSON
1170 E 810 S
ALBION ID 83311

Re: Transfer No: 78765
Water Right No(s).: 45-283, 45-529

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

Allen Merritt
Southern Regional Manager

Enclosure

cc:

MATT DARRINGTON
PO BOX 536
RUPERT, ID 83350

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78765
Water Right No(s).: 45-283, 45-529

LEROY ROBINSON
1170 E 810 S
ALBION ID 83311

MATT DARRINGTON
PO BOX 536
RUPERT, ID 83350

Denise Maline

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 25, 2014

DONALD GUNDERSON WATERMASTER
WATER DISTRICT # 45F
1047 E 1000 S
ALBION, ID 83311

Re: **APPROVED Transfer No. 78765 (Leroy Robinson)**

Dear Mr. Gunderson:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure

MEMORANDUM

Date: March 21, 2014

To: Transfer 78765

From: Allen Merritt

Re: Legal Notice Not Required

Legal Notice Not Required
3/21/2014

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

RECEIVED
MAR 0 5 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION FORM

Transfer Application No.: 78765 **Water Right No(s):** 45-283, 45-529

Transfer Applicant's Name: LEROY ROBINSON
1170 E 810 S
ALBION, ID 83311

Watermaster's Recommendation:

a) ___x_____ I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows:

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional comments:

Dated this _3 day of _____March___ , 2014

Water District No. 45-F

Donald G. Gunderson

Watermaster's Signature

Donald G. Gunderson

Printed Name