

RECEIVED

DEC 12 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78765**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Leroy RobinsonCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** 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: _____

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Leroy Robinson Phone (208) 673-5516

Mailing address 1170 E. 810 S. Albion, ID 83311 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Matt Darrington Phone (208) 260-5280

Mailing address P.O. Box 536, Rupert, ID 83350 Email matt@minicassialaw.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Leroy Robinson
Print Name and Title if applicable

12/10/13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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**.

The intent of this transfer is to change the place of use of water rights 45-283 and 45-529 to reflect the actual usage on the ground.

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 ☒ ☐	45-283	2 cfs/490.4 af	Irrigation	04/01 to 10/31	Land Creek
☒ ☐	45-529	.58 cfs	Irrigation	04/01 to 10/31	Marsh Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.58 cfs and/or 490.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.58 cubic feet per second and/or 490.4 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	
12S	25E	5					37.5	11.9	37.6	39									126
Total Acres (for irrigation use)																			126

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 diversion system for 45-283 is not being changed and currently consists of headgate works and surface pond that can be equipped with measuring devices/lockable controlling works as necessary. The diversion system for 45-529 will be changed to new headgate works and surface pond that will allow measuring/controlling if necessary.

- b. Who owns the property at the point(s) of diversion? Applicants

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:

The land remaining land will be dried up.

- 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:

- 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:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/8/2013

WATER RIGHT NO. 45-529

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEROY ROBINSON 1170 E 810 S ALBION, ID 83311 (208)673-5516
Original Owner	LINDSEY W DIMOND
Original Owner	DANIEL I STARK PO BOX 456 ALBION, ID 83311 (208)673-6281

Priority Date: 04/01/1876

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MARSH CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.58 CFS	
STOCKWATER	04/01	10/31	0.03 CFS	
Total Diversion			0.58 CFS	

Location of Point(s) of Diversion:

MARSH CREEK|SENENE Lt 1|Sec. 06|Township 12S|Range 25E|CASSIA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	25E	5	3	NENW	31	4	NWNW	19		SWNW	40		SENE	36

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 126

Conditions of Approval:

1. S47 The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-283 and 45-529.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. 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.
6. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-283 AND 45-529.

Dates:

Licensed Date:

Decreed Date: 05/06/2005

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:

Water District Number: 45F
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 126
Combined Volume Limit:
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

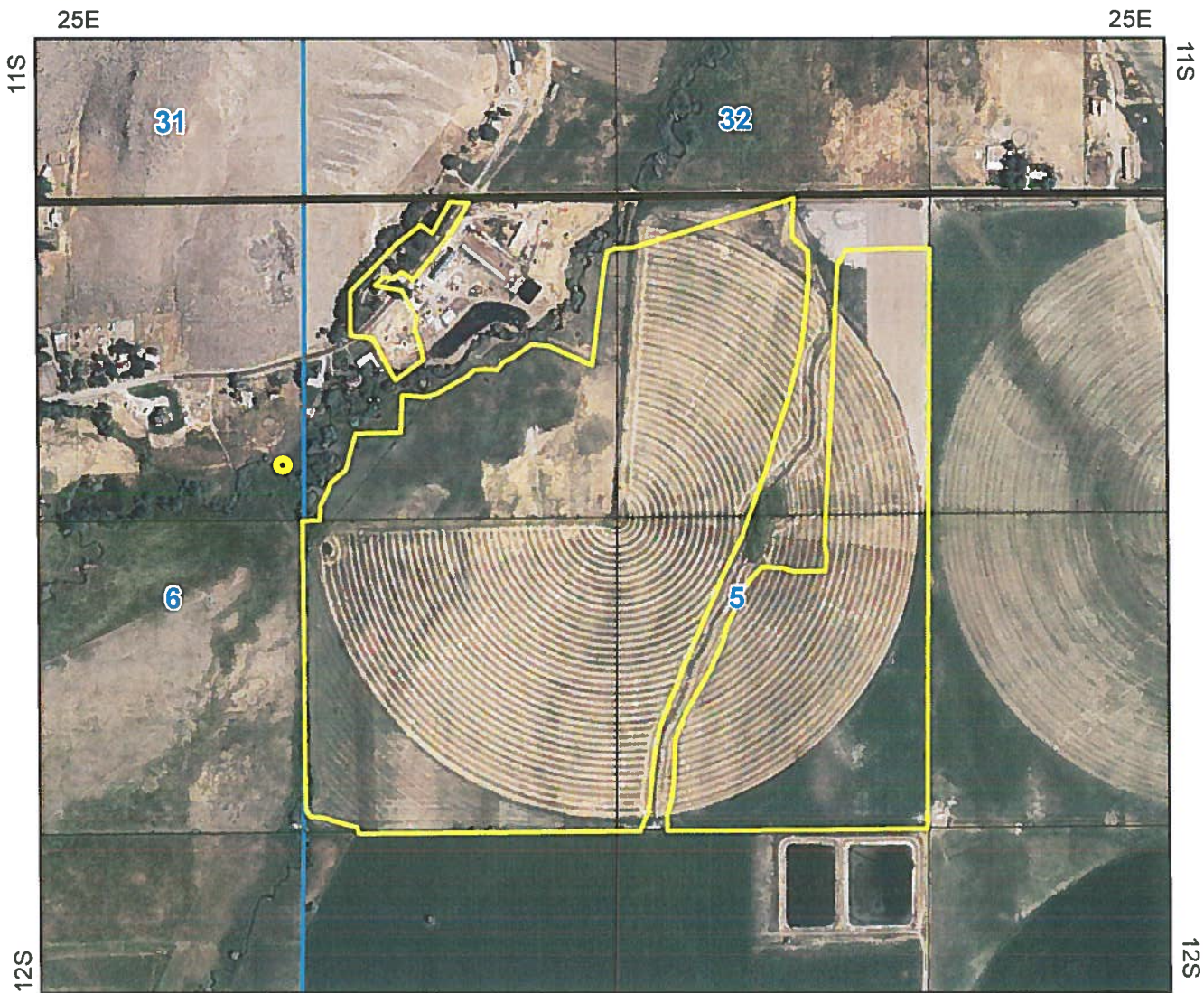
State of Idaho
Department of Water Resources

Water Right

45-529

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



25E 11S 25E 11S

25E Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.075 0.15 0.3 Miles

TRANSFER 78765



Close

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

12/8/2013

WATER RIGHT NO. 45-283

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEROY ROBINSON 1170 E 810 S ALBION, ID 83311 (208)673-5516
Original Owner	LINDSEY W DIMOND
Original Owner	DANIEL I STARK PO BOX 456 ALBION, ID 83311 (208)673-6281

Priority Date: 03/01/1875

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LAND CREEK	MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2 CFS	490.4 AFA
STOCKWATER	04/01	10/31	0.03 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

LAND CREEK|NWNW|Sec. 05|Township 12S|Range 25E|CASSIA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	25E	5	3	NENW	31	4	NWNW	19		SWNW	40		SENEW	36

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 126

Conditions of Approval:

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-283 AND 45-529.
The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-283 and 45-529.
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Dates:

Licensed Date:

Decreed Date: 05/06/2005

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:

Water District Number: 45F
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 126
Combined Volume Limit:
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

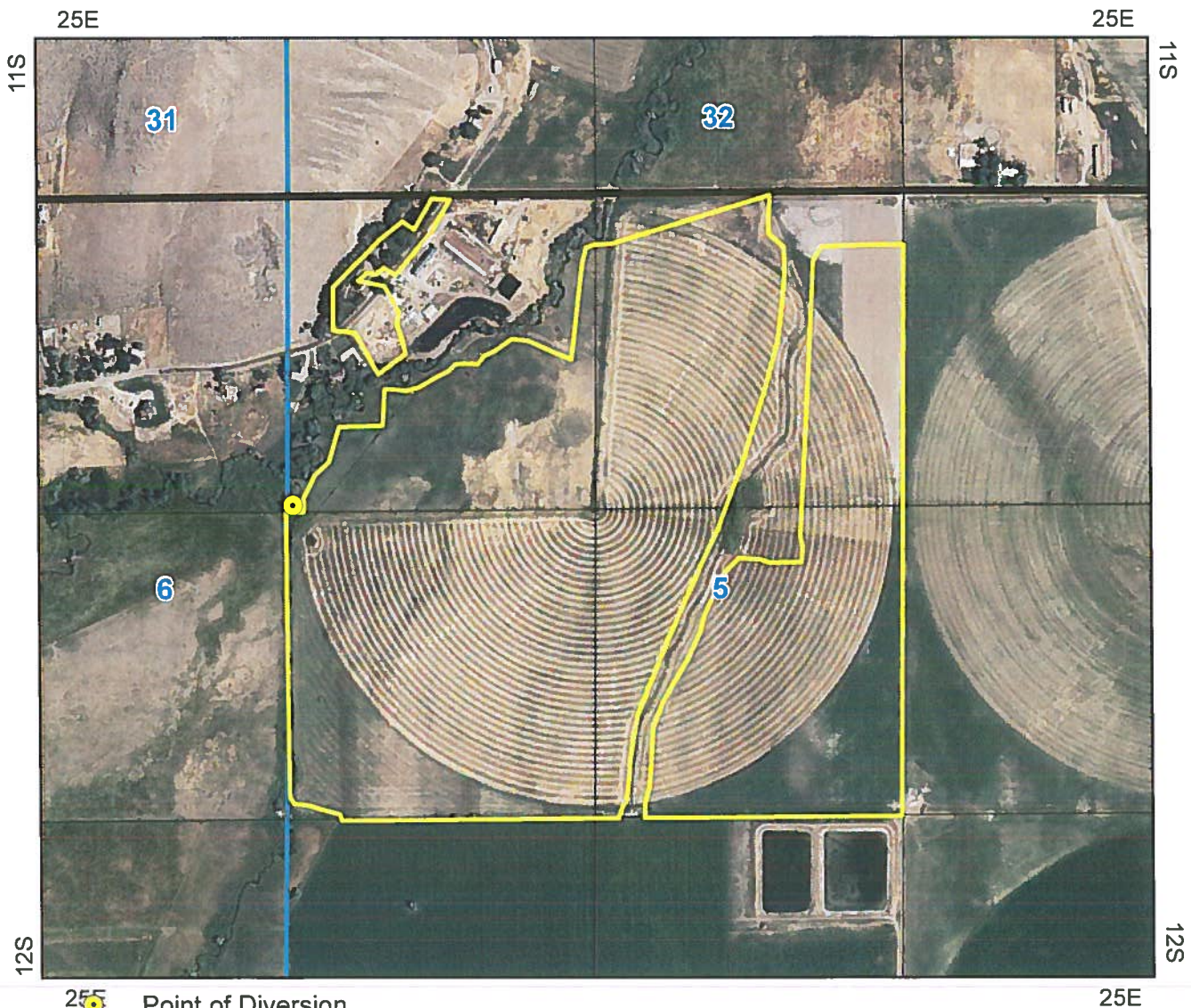
State of Idaho
Department of Water Resources

Water Right

45-283

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.075 0.15 0.3 Miles

TRANSFER 78765



Attachment #5

As per Transfer Processing Memo No. 24 of December 21, 2009, Section 3 Paragraph (12), no ESPA analysis is necessary as the proposed point of diversion move is to an adjacent model cell.

WATER RIGHT NOS. 45-283 & 45-529 TRANSFER



Legend

- 45-283, 45-529
- Proposed POU
- Section Lines
- Quarter Quarters

TRANSFER 78765

Bing Aerial Photo



Prepared by:
Luke H. Marchant
7/10/2012



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78765**COPY****RECEIVED****JUL 24 2013**

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Leroy and Karla Robinson

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** 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.
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- ☐ * #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.)
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- ☐ ☒ #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

Transfer No. 78765

RECEIVED

JUL 24 2013

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Leroy and Karla Robinson Phone (208) 673-5516

Mailing address 1170 E. 810 S., Albion, ID 83311 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**.
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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 Matthew C Darrington Phone (208) 260-5280

Mailing address P.O. Box 536, Rupert ID 83350 Email matt@minicassialaw.com

☒ Send all correspondence for this application to the representative and not to the applicant.

OR

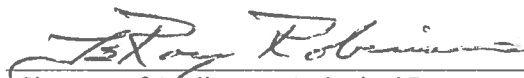
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Leroy Robinson
Print Name and Title if applicable

7/3/13
Date


Signature of Applicant or Authorized Representative

Karla Robinson
Print Name and Title if applicable

7/3/13
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**. The Applicants are attempting to modernize their
place of use to reflect the usage reality on the ground.

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
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☒ ☐	45-283	2 cfs	Irrigation	04-01 to 10-31	Land Creek/Marsh Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.58 cfs cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 2.58 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	
12S	25E						37.5	11.9	37.6	39									126

Total Acres (for irrigation use) 126

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 new diversion shall be by means of headgate works and pond off of Marsh Creek. Any measuring devices or lockable works will be installed as required by the department in the future.

- b. Who owns the property at the point(s) of diversion? The applicants

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: A statement is not needed as there will be no adverse impact as the land is currently served by the rights in question. This merely changes point of diversion and updates the place of use.

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:

There is minimal change as this will merely reflect the actual usage on the ground.

- 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:

There are no other water rights that currently divert at the same points or that are used on the same place.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

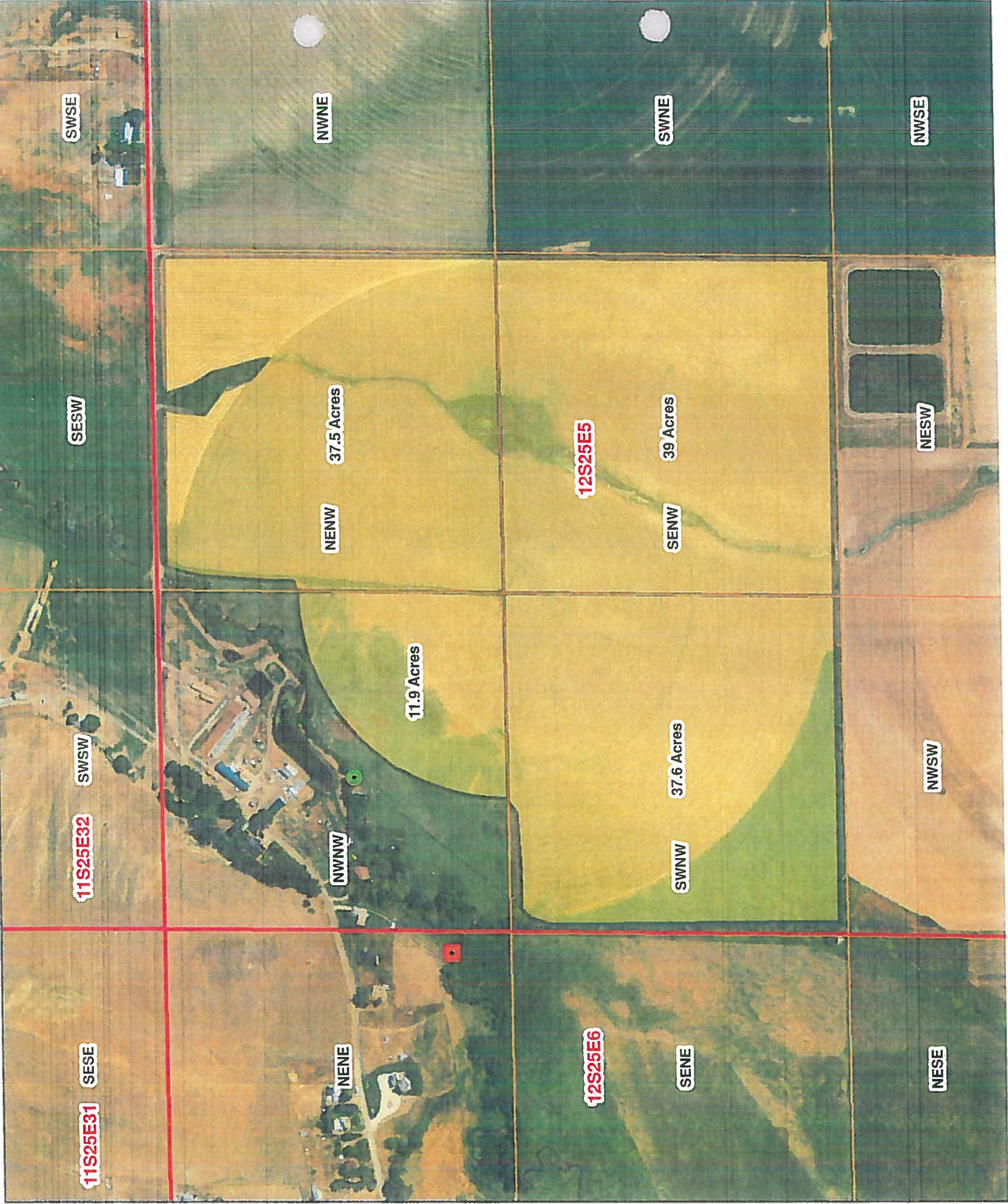
Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | 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) _____

Received by <u>CH</u>	Date <u>7.24.2013</u>	Prelim. Check by _____	Date _____
Fee Paid <u>\$660-</u>	Date <u>7.25.2013</u>	Received by <u>AM</u>	Receipt # <u>S033414</u>
Add'l Fee Paid _____	Date _____	Received by _____	Receipt # _____



Prepared by:
Luke H. Marchant
5/11/2012

Maline, Denise

From: Maline, Denise
Sent: Tuesday, February 11, 2014 1:17 PM
To: Don Gunderson
Subject: Comment Letter for Transfer 78765
Attachments: Comment Letter to WM45-F 78765.docx; Transfer 78765.pdf

Dear Don,

Attached please find a cover letter, recommendation form, and a copy of Application for Transfer 78765. Please review the attached information and provide any necessary comments within 21 days.

Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Idaho Dept of Water Resources
Administrative Assistant, 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 83301-3380

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 11, 2014

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

Via E-mail

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

Dear Mr. Gunderson:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form 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)

MEMORANDUM

Date: February 7, 2014
To: Transfer 78765 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Transfer application proposes shifting acres on an existing farm to reflect current irrigation practices. The farm is located approximately 0.5 to 1.0 miles due east of Albion. The transfer proposes no change to the current points of diversions. The property involved in the transfer is located within Water District 45-F so watermaster comments will be solicited. Because the transfer proposes to change the place of use to adjacent lands it is recommended to process without advertising.

- **Authority to File:**
Applicant is listed as current owner on IDWR record for rights 45-283, and 45-529. This corresponds to the available taxlot information in the department's data base.
- **Water Right Validity:**
The rights involved with the transfer have been decreed in the SRBA as valid rights. Recent aerial photography indicates that the lands involved with the transfer have been irrigated in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. The application proposes to redefine the current place of use to reflect the actual usage on the ground. The rights are limited to the irrigation of 126 acres.
- **Local Public Interest:**
No issues anticipated. The transfer proposes shifting acres to adjacent lands; therefore it is recommended to process with no advertisement
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 10, 2013

Matthew C. Darrington
P.O. Box 536
Rupert, ID 83350

Re: Leroy and Karla Robinson, Transfer

Mr. Darrington

Our office recently received two water right transfer applications that you submitted on behalf of Leroy and Karla Robinson. However, a recent review of the transfer applications revealed several discrepancies and/or incomplete items that make them unacceptable for processing. If corrected applications are not resubmitted within 30 days, the applications filing fees will be refunded.

The first transfer application, 78765, deals with surface water rights 45-529 and 45-283 and seeks to update the place of use to current farming practices. The second transfer application, 78766, deals with ground water rights 45-14076 and 45-2296 and seeks to add water right 45-14076 to an existing permissible place of use.

Surface water rights 45-529 and 45-283, involved in the first transfer, list only Leroy Robinson as the current owner of water rights according to IDWR records. There is no information included with the transfer application that indicates that the co-applicant Karla Robinson is to be added as owner of these rights. Please note for transfers that propose changing the place of use of water rights, the applicant must provide some evidence of ownership, such as a deed, that shows that they own the new place of use.

For the first transfer, it is unclear as to whether or not there is actually a proposed change in the points of diversion. Under the Purpose of Transfer section of the application (bottom of second page) the change point of diversion box is checked. In addition the map supplied with the transfer identifies a new point of diversion for water right 45-529. However, in the Part 1 Section of the application, item #3 Point(s) of Diversion (middle of third page) you marked No Changes to Point(s) of Diversion are proposed. If the point of diversion is to be changed for one or both of the rights involved in this transfer the location of the proposed point of diversion needs to be filled out and clarified if one or both rights are to be changed. Additionally the section number for the place of use (bottom of third page) was omitted.

Page 2

Leroy and Karla Robinson, Transfer

The second transfer application, 78766, deals with ground water rights 45-14076 and 45-2296 and seeks to update the place of use to current farming practices and change the point of diversion and place of use for water right 45-14076. Water right 45-14076 currently allows for the irrigation of 10.4 acres; however you list 8.4 acres to be transferred. The application is not clear as to whether all of right 45-14076 is being transferred, or perhaps only a portion of the right is being transferred.

When combined with right 45-2296 the application proposes irrigating 133.4 total acres. However, the warranty deed included with the application does not indicate that the applicants own 133.4 acres within the SW quarter of Section 5. It appears that the application is proposing a place of use on land that the applicants do not own. If the land is owned by a party other than the applicant, then the applicant must have some sort of documentation from the current owner of the land allowing the applicant to move the water right(s) to their land. In addition, documentation must be included that addresses the ownership of the right(s) on the land. The documentation must clearly address the issue of whether the applicant will retain ownership of the right(s) on someone else's land, or whether the land owner will own the right(s) once the transfer is approved.

Right 45-2296 only lists Leroy Robinson as the current owner of the water right according to IDWR records. It appears that the right should be in the name of Leroy and Karla Robinson according to the warranty deed that accompanied the application. In addition it appears that the ownership of all, or a portion, of right 45-14076 will be changing. Please note that a \$25.00 fee is required to update the ownership of a right in a transfer if the right is not being split. If the right is being split, then a \$100.00 filing fee is required to update the ownership of the right in a transfer. If the ownership for water rights 44-283 and 45-529 involved in the first transfer are to be changed additional fees are also required.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Benny Walker".

Benny Walker
Water Resource Agent

Enclosures