



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

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PO Box 50130
Idaho Falls, Idaho 83405

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December 13, 2013

RECEIVED
DEC 13 2013
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Attn: Blake Jordan
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: *Application for Water Right Transfer filed in the Name of Marshal Todd and Norma Perkes.*

Dear Blake:

Enclosed for processing is an *Application for Transfer of Water Right*. As explained in the transfer application, the transfer proposes to cure an oversight in the SRBA where there was a failure to include a well in the same quarter-quarter section of one of the listed wells because the applicant thought listing the well once in the same quarter-quarter covered both wells. In addition, this transfer will rearrange the place of use based on current irrigated acres and stack the ground water rights and surface water in order to correlate with current irrigation practices in the combining the resources into a single system.

We will email you the shape file for the new proposed 620-acre permissible place of use for these water rights, within which we propose to irrigate 594 acres.

Lastly, we wish to bring to your attention that a small portion of the property is subject to a mortgage, a copy of which is enclosed at Attachment No. 6. We are in the process of obtaining a consent to the transfer, which we will submit as soon as we receive it. Nevertheless, we would like you to move forward with the processing and advertising of this transfer.

Because the transfer does more than rearrange the place of use, it appears that a full filing fee needs to be submitted. Because the transfer impacts 11.52 cfs of water rights, we have included the appropriate filing fee of \$1,380.00.

If you have any questions or concerns, please let me know. We would appreciate your immediate processing of this transfer application. As you know, the Department recently issued an order requiring measuring devices on wells in the Big Lost River Basin. There is some confusion in the Department's records regarding Well #5, as that is identified in the transfer

Established in 1896

Blake Jordan
December 13, 2013
Page 2 of 2

application, as being owned by Mr. Perkes, which it is. Therefore, it would help to have the transfer processed as soon as possible to have Mr. Perkes' water rights authorized to be diverted from this well.

Please let us know if you have any questions or concerns.

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 9, 2014

MARSHAL TODD PERKES
NORMA PERKES
2790 N 3325 W
MOORE, ID 83255

RE: Transfer No. 79006
Water Right No(s) 34-622A, 34-7035A, 34-7096A, 34-7097A, 34-7122A,
34-7223

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 ARCO ADVERTISER, IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER, TIMES NEWS on January 16 and 23, 2014. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,



Sharla Cox
Administrative Assistant

CC: HOLDEN KIDWELL HAHN & CRAPO PLLC
C/O ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS, ID 83405



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

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January 9, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Roger Totten
Watermaster 34
PO Box 53
Mackay, ID 83251

RE: Applications for Transfer 79006

Dear Watermaster:

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.

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 during regional review. 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.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79006

MARSHAL TODD PERKES and NORMA PERKES, 2790 N 3325 W, MOORE, ID 83255; has filed Application No. 79006 for changes to the following water rights within BUTTE County(s): Right No(s). 34-622A, 34-7035A, 34-7096A, 34-7097A, 34-7122A, 34-7223; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to add a point of diversion and to change the place of use. The points of diversion are in the NESENW Sec 5, NENWNW and NESWSE Sec 8, NWSENW Sec 17 and SESENW Sec 5 T4N R26E (from ground water) and NWSESE Sec 4 T5N R26E (from Big Lost River) for 11.52 cfs. The place of use is within Sec 25 T4N R25E and Sec 1 T3N R25E for 594 acres within a 620 acres permissible place of use.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 3, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on January 16 and 23, 2014

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, January 09, 2014 2:43 PM
To: 'Arco Advertiser (arcoadv@aol.com)'
Subject: Legal Notice for your paper
Attachments: Arco Advertiser E-Mail.doc

Contacts: Arco Advertiser

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, January 09, 2014 2:41 PM
To: 'Times News (legals@magicvalley.com)'
Subject: Legal Notice for your paper
Attachments: Times News E-Mail.doc

Contacts: Times News

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, January 09, 2014 2:46 PM
To: 'ID Statesman (legals@idahostatesman.com)'
Subject: Legal Notice for your paper
Attachments: Idaho Statesman 1.RTF

Contacts: Idaho Statesman

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, January 09, 2014 2:41 PM
To: 'Post Register (legalnotices@postregister.com)'
Subject: Legal Notice for your paper
Attachments: Post Register E-Mail.doc

Contacts: Post Register

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
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Cox, Sharla

From: Cox, Sharla
Sent: Thursday, January 09, 2014 2:42 PM
To: 'Lewiston Morning Tribune'
Subject: Legal Notice for your paper
Attachments: Lewiston Morning Tribune E-Mail.doc

Contacts: Lewiston Morning Tribune

January 9, 2014

Legal Notice Department
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Legal Ad

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 February 3, 2014. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant
Department of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79006

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The applicant proposes to add a point of diversion and to change the place of use. The points of diversion are in the NESENW Sec 5, NENWNW and NESWSE Sec 8, NWSSENW Sec 17 and SESENW Sec 5 T4N R26E (from ground water) and NWSESE Sec 4 T5N R26E (from Big Lost River) for 11.52 cfs. The place of use is within Sec 25 T4N R25E and Sec 1 T3N R25E for 594 acres within a 620 acres permissible place of use.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 3, 2014. The protestant must also send a copy of the protest to the applicant.

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

13-7906

CUB RIVER IRRIGATION CO
C/O MERVIN J BODILY
PO BOX 215
LEWISTON, UT 84320
Point of Diversion
NWSE S24 T15S R40E
FRANKLIN County
Source CUB RIVER Tributary BEAR RIVER
Use: POWER
04/15 to 10/15 38.36 CFS
Total Diversion: 38.36 CFS

Date Filed: 12/5/2013

Place Of Use: POWER

T16S R40E S9 NWSW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 3, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on January 16 and 23, 2014

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