

RECEIVED

NOV 19 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78476

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) KAREN A ARKOOSH AND WILLIAM ARKOOSH

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 transfer 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).
- ☐ ☒ #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 <http://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.)
- ☐ ☒ #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

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

NOV 19 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant KAREN A ARKOOSH Phone (208)539-5443

Mailing Address 2005 US HWY 26, GOODING ID 83330 Email _____

Name of Applicant WILLIAM ARKOOSH Phone (208)539-5443

Mailing Address 2005 US HWY 26, GOODING ID 83330 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 _____ Phone _____

Mailing Address _____ Email _____

- ☐ 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.

<u>William Arkosh</u>	<u>William Arkosh</u>	_____
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
<u>Karen A. Arkosh</u>	<u>Karen A Arkosh</u>	_____
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-59M	No	No	Yes	Yes	No	No
	37-327	No	No	Yes	Yes	No	No
	37-329	No	No	Yes	Yes	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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**

Application filed to change the place of use and to add an additional diversion point to three irrigation rights to allow for the irrigation of a different section of the property. The proposed new diversion is an existing power canal diversion covered under right 37-7943. Water will be conveyed through the power canal to allow for the irrigation of the different section of the property.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-327	2.200 cfs	N/A	N/A	245.0		N/A	N/A	N/A	N/A
37-329	2.000 cfs	N/A	N/A	245.0		N/A	N/A	N/A	N/A
37-59M	2.304 cfs	N/A	N/A	245.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	6.504 cfs	N/A	N/A	245.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 6.504 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-327

Current Water Right Owner

KAREN A ARKOOSH
 2005 US HWY 26
 GOODING, ID 83330

AND

WILLIAM ARKOOSH
 2005 US HWY 26
 GOODING, ID 83330

Priority Date: 5/15/1884

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

2.200 CFS

Subuse Code

Total Diversion

2.200 CFS

Source and Point(s) of Diversion:

LITTLE WOOD RIVER

NENW

Sec. 27 Twp 05S Rge 16E LINCOLN County

LITTLE WOOD RIVER

NWNE

Sec. 26 Twp 05S Rge 16E LINCOLN County

LITTLE WOOD RIVER

NENE

Sec. 26 Twp 05S Rge 16E LINCOLN County

LITTLE WOOD RIVER

NWNE

Sec. 28 Twp 05S Rge 16E LINCOLN County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	16E	21																15.0	15.0
05S	16E	22											8.8						8.8
05S	16E	26	4.8	7.7	13.6		17.0	29.0	3.6	5.0									80.7
05S	16E	27	11.0	14.0			24.0	40.0											89.0
05S	16E	28	20.0						27.5	4.0									51.5

POU Total Acres: 245.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-329

Current Water Right Owner WILLIAM ARKOOSH AND KAREN A ARKOOSH
2005 US HWY 26 2005 US HWY 26
GOODING, ID 83330 GOODING, ID 83330

Priority Date: 5/15/1886

Origin: Water Right

Basis: Decreed

Status Active

Source: LITTLE WOOD RIVER Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2.000 CFS	
Total Diversion			2.000 CFS	

Source and Point(s) of Diversion:

LITTLE WOOD RIVER	NENW	Sec. 27 Twp 05S Rge 16E LINCOLN County
LITTLE WOOD RIVER	NWNE	Sec. 26 Twp 05S Rge 16E LINCOLN County
LITTLE WOOD RIVER	NENE	Sec. 26 Twp 05S Rge 16E LINCOLN County
LITTLE WOOD RIVER	NWNE	Sec. 28 Twp 05S Rge 16E LINCOLN County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	16E	21																15.0	15.0
05S	16E	22											8.8						8.8
05S	16E	26	4.8	7.7	13.6		17.0	29.0	3.6	5.0									80.7
05S	16E	27	11.0	14.0			24.0	40.0											89.0
05S	16E	28	20.0						27.5	4.0									51.5

POU Total Acres: 245.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-59M

Current Water Right Owner

WILLIAM ARKOOSH
 2005 US HWY 26
 GOODING, ID 83330

AND

KAREN A ARKOOSH
 2005 US HWY 26
 GOODING, ID 83330

Priority Date: 5/27/1899

Origin: Water Right

Basis: Decreed

Status Active

Source: BIG WOOD RIVER Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2.304 CFS	
Total Diversion			2.304 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NENW	Sec. 27 Twp 05S Rge 16E LINCOLN County (Rediversion)
BIG WOOD RIVER	SENE	Sec. 30 Twp 02S Rge 18E LINCOLN County
BIG WOOD RIVER	NENE	Sec. 19 Twp 03S Rge 19E LINCOLN County (Injection)
BIG WOOD RIVER	NWSE	Sec. 25 Twp 04S Rge 19E LINCOLN County (Injection)
BIG WOOD RIVER	NENE	Sec. 26 Twp 05S Rge 16E LINCOLN County (Rediversion)
BIG WOOD RIVER	NWNE	Sec. 26 Twp 05S Rge 16E LINCOLN County (Rediversion)
BIG WOOD RIVER	NWNE	Sec. 28 Twp 05S Rge 16E LINCOLN County (Rediversion)

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	16E	21																15.0	15.0
05S	16E	22											8.8						8.8
05S	16E	26	4.8	7.7	13.6		17.0	29.0	3.6	5.0									80.7
05S	16E	27	11.0	14.0			24.0	40.0											89.0
05S	16E	28	20.0						27.5	4.0									51.5

POU Total Acres: 245.0

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
Existing diversions as described on the rights. The proposed new diversion is an existing power canal
diversion covered under right 37-7943. Water will be conveyed through the power canal to allow for the
irrigation of the different section of the property.
- b. Who owns the property at the point(s) of diversion
applicant owns property where water is diverted from the Little Wood River
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?
No, ☒ 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:
31.5 acres of land will no longer be irrigated to allow for the irrigation of 31.5 acres at a differ
ent location
- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
N/A
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank. |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 37-327

Current Water Right Owner

KAREN A ARKOOSH
 2005 US HWY 26
 GOODING, ID 83330

AND

WILLIAM ARKOOSH
 2005 US HWY 26
 GOODING, ID 83330

Priority Date: 5/15/1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2.200 CFS	
Total Diversion			2.200 CFS	

Source and Point(s) of Diversion:

LITTLE WOOD RIVER	NENW	Sec. 27 Twp 05S Rge 16E LINCOLN County
LITTLE WOOD RIVER	NWNE	Sec. 26 Twp 05S Rge 16E LINCOLN County
LITTLE WOOD RIVER	NENE	Sec. 26 Twp 05S Rge 16E LINCOLN County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	16E	21																15.0	15.0
05S	16E	22											8.8						8.8
05S	16E	26	17.0	7.7	20.0		17.0	31.0	5.7	13.8									112.2
05S	16E	27	11.0	14.0			24.0	40.0											89.0
05S	16E	28	20.0																20.0

POU Total Acres: 245.0

Conditions/Remarks:

1. 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.
2. Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.
3. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Use of this right is combined with water from American Falls Reservoir Dist. No. 2.
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. 37M.
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).

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
8. The right holder shall accomplish the change authorized by Transfer No. 71639 by December 21, 2006.
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. Rights 37-59M, 37-327, and 37-329 when combined shall not exceed a total diversion rate of 5.88 cfs from the Little Wood River.
11. Right Nos. 37-59M, 37-327 and 37-329 are limited to the irrigation of a combined total of 245 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 37-329

Current Water Right Owner

WILLIAM ARKOOSH
2005 US HWY 26
GOODING, ID 83330

AND

KAREN A ARKOOSH
2005 US HWY 26
GOODING, ID 83330

Priority Date: 5/15/1886

Origin: Water Right

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2.000 CFS	
Total Diversion			2.000 CFS	

Source and Point(s) of Diversion:

LITTLE WOOD RIVER	NENW	Sec. 27 Twp 05S Rge 16E LINCOLN County
LITTLE WOOD RIVER	NWNE	Sec. 26 Twp 05S Rge 16E LINCOLN County
LITTLE WOOD RIVER	NENE	Sec. 26 Twp 05S Rge 16E LINCOLN County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	16E	21																15.0	15.0
05S	16E	22											8.8						8.8
05S	16E	26	17.0	7.7	20.0		17.0	31.0	5.7	13.8									112.2
05S	16E	27	11.0	14.0			24.0	40.0											89.0
05S	16E	28	20.0																20.0

POU Total Acres: 245.0

Conditions/Remarks:

1. 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.
2. Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2. and the Big Wood Canal Company.
3. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Use of this right is combined with water from American Falls Reservoir Dist. No. 2.
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. 37M.
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).

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
8. The right holder shall accomplish the change authorized by Transfer No. 71639 by December 21, 2006.
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. Rights 37-59M, 37-327, and 37-329 when combined shall not exceed a total diversion rate of 5.88 cfs from the Little Wood River.
11. Right Nos. 37-59M, 37-327 and 37-329 are limited to the irrigation of a combined total of 245 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 37-59M

Current Water Right Owner

WILLIAM ARKOOSH
 2005 US HWY 26
 GOODING, ID 83330

OR

KAREN A ARKOOSH
 2005 US HWY 26
 GOODING, ID 83330

Priority Date: 5/27/1899

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2.304 CFS	
Total Diversion			2.304 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER	NENW	Sec. 27 Twp 05S Rge 16E LINCOLN County
BIG WOOD RIVER	SENE	Sec. 30 Twp 02S Rge 18E LINCOLN County
BIG WOOD RIVER	NENE	Sec. 26 Twp 05S Rge 16E LINCOLN County
BIG WOOD RIVER	NENE	Sec. 19 Twp 03S Rge 19E LINCOLN County (I)
BIG WOOD RIVER	NWSE	Sec. 25 Twp 04S Rge 19E LINCOLN County (I)
BIG WOOD RIVER	NWNE	Sec. 26 Twp 05S Rge 16E LINCOLN County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	16E	21																15.0	15.0
05S	16E	22											8.8						8.8
05S	16E	26	17.0	7.7	20.0		17.0	31.0	5.7	13.8									112.2
05S	16E	27	11.0	14.0			24.0	40.0											89.0
05S	16E	28	20.0																20.0

POU Total Acres: 245.0

Conditions/Remarks:

1. Water is diverted from the Big Wood River into the Richfield Canal, injected into the Jim Byrns Slough that flows into the Little Wood River and rediverted from the Little Wood River.
2. This right is subject to a 27% conveyance loss; 1.68 cfs may be rediverted from the Little Wood River.
3. 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.
4. 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.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

7. 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. 37M.
8. 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).
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
10. The right holder shall accomplish the change authorized by Transfer No. 71639 by December 21, 2006.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Rights 37-59M, 37-327, and 37-329 when combined shall not exceed a total diversion rate of 5.88 cfs from the Little Wood River.
13. Right Nos. 37-59M, 37-327 and 37-329 are limited to the irrigation of a combined total of 245 acres in a single irrigation season.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**. 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

[illegible]

Transfer Contains 14 pages and attachments.
 Received By P. SKINNER Date 11/19/2013 Prelim. Check By Date
 Fee Paid \$980.00 Date 11/19/2013 Received By P. SKINNER Receipt # 5033648
 Add'l Fee Paid Date Received By Receipt #

1833



TRANSFER
78476

QUITCLAIM DEED

For Value Received WILLIAM ARKOOSH and KAREN A. ARKOOSH, Husband and wife

does (do) hereby convey, release, remise and forever quit claim

unto WILLIAM F. ARKOOSH and KAREN A. ARKOOSH, Husband and wife

whose address is;

the following described premises, to-wit:

SEE ATTACHED "EXHIBIT A"

INDEXED

160187

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
Linton M. H.

DEC - 7 1995

at 48 minutes past 4:10 P.M.
recorded by *Helen Jackson, Exp.*
Fees: 9.00 Return to: *Above*
By hand.

together with their appurtenances.

Dated: December 6, 1995

William Arkoosh

William Arkoosh

Karen A. Arkoosh
Karen A. Arkoosh

STATE OF IDAHO, COUNTY OF GOODING

On this 6th day of December, 1995,
before me, a notary public in and for said State, personally appeared

William Arkoosh and Karen A. Arkoosh

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Susan M. Bolton
Notary Public

Residing at Gooding, Idaho

MAIL DEED TO: *Commission Expires 10-16-98*

STATE OF IDAHO, COUNTY OF Gooding

I hereby certify that this instrument was filed for record at the request of
at 24 minutes past 4 o'clock P. M.
this 7th day of December
1995 in my office, and duly recorded in Book
of Deeds at page 163575

HELEN P. EDWARDS

Ex-Officio Recorder

Penny Watson
Deputy.



3.00
NOTICE TO:

City and State

Zip



Exhibit "A" Continued

Township 5 South, Range 16 East of the Boise Meridian, Lincoln County, Idaho

Section 28: E1/2NE1/4, NW1/4NE1/4, NE1/4NW1/4, SW1/4NW1/4 and that part of the SE1/4NW1/4 which lies West of Little Wood River

EXCEPTING THEREFROM part of the NW1/4NE1/4 and E1/2NW1/4 of Section 28, described as follows:

The area 240.00 feet wide with a centerline described as follows:

BEGINNING at a point South 51°17'59" West, 1,782.05 feet from the Northeast corner of Section 28 which is South 90°00'00" East, 5,257.80 feet of the Northwest corner of Section 28;

Thence North 50°17'33" West, 450.00 feet;

Thence North 80°31'02" West, 350.00 feet;

Thence South 61°12'51" West, 400.00 feet;

Thence South 43°17'23" West, 900.00 feet;

Thence South 52°46'31" West, 600.00 feet;

Thence South 32°53'00" West, 100.00 feet;

Thence South 17°04'31" West, 300.00 feet;

Thence South 04°22'32" East, 300.00 feet, more or less, to where the 240.00 foot easement intersects the South boundary of the NW1/4;

EXCEPT that part of the NW1/4NW1/4SW1/4NE1/4 which encroaches on the above tract.



EXHIBIT "A"

PARCEL I

Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho

Section 25: S1/2S1/2

Section 36: NW1/4NW1/4, less Railroad right-of-way; all of NE1/4NW1/4 and N1/2NE1/4 lying North of Union Pacific Railroad right-of-way.

Township 5 South, Range 16 East of the Boise Meridian, Gooding County, Idaho

Section 30: Lot 4; SE1/4SW1/4

PARCEL II

Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho

Section 36: NE1/4SE1/4; East 35.5 acres of SW1/4NE1/4; East 35.5 acres of NW1/4SE1/4

Township 5 South, Range 16 East of the Boise Meridian, Gooding County, Idaho

Section 31: S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4, N1/2SE1/4, Lots 2 and 3 EXCEPTING THEREFROM the South 330.00 feet of the East 660.00 feet of Lot 3 and EXCEPTING the West 50.00 feet of the South 330.00 feet of the NE1/4SW1/4

PARCEL III

Township 5 South, Range 16 East of the Boise Meridian, Lincoln County, Idaho

Section 21: S1/2SE1/4

Section 22: SW1/4SW1/4

Section 26: NE1/4NE1/4, W1/2NE1/4, NW1/4

Section 27: N1/2NW1/4, N1/2NE1/4, SE1/4NW1/4

Continued



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

November 27, 2013

WILLIAM ARKOOSH
KAREN A ARKOOSH
2005 US HWY 26
GOODING, ID 83330

RE: Transfer No. 78476
Water Right No(s). 37-327, 37-329, 37-59M

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 12/5/2013 and 12/12/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**December 23, 2013**).

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

Maline, Denise

From: Maline, Denise
Sent: Wednesday, November 27, 2013 10:02 AM
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 December 5th & 12th, 2013. Please 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, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 27, 2013

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

RE: Transfer No. 78476
Water Right No(s): 37-327, 37-329, 37-59M

RE: Transfer No. 78510
Water Right No(s): 43-13286, 43-13288, 43-13290

RE: Transfer No. 78942
Water Right No(s): 43-10088

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 December 23, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78476**

KAREN A ARKOOSH and WILLIAM ARKOOSH, 2005 US HWY 26, GOODING, ID 83330; has filed Application No. 78476 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-327, 37-329, 37-59M. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes changing the place of use and adding a point of diversion for two Little Wood River irrigation rights and a Big Wood River irrigation right that is injected into and rediverted from the Little Wood River. The rights currently allow for the diversion of up to 5.88 cfs from the Little Wood River for the irrigation of up to 245 acres on a farm located approximately 7.0 – 10.0 miles east and 1.5 – 2.25 miles north of the center of Gooding. The proposed change in place of use will allow for the installation of a new sprinkler system on the farm. The proposed additional point of diversion is an existing power plant canal diversion downstream of the currently authorized irrigation diversions on the farm. It is proposed to divert water into this canal and then redivert water from the canal for the new sprinkler system.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78510**

BUSHMAN FARM & LIVESTOCK CO LP, 680 W MAIN, LEHI, UT 84043; has filed Application No. 78510 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13286, 43-13288, 43-13290. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to move a point of diversion associated with water rights 43-13286, 43-13288 and 43-13290. The new well will be one-third of a mile southeast of the old well which will be abandoned. The water rights have a diversion rate of 5.49 cfs. The well will be located approximately one-half of a mile east and 1.5 miles north of the City of Malta.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78942**

WEBB BROTHERS LAND & LIVESTOCK LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 78942 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10088. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the authorized point of diversion for a 0.08 cfs domestic and stockwater right to a recently drilled well located approximately 14.9 miles north and 5.6 miles east of Malta (just north of the Yale Road & Heglar Canyon Road intersection). The application also proposes to properly record the actual historical stockwater place of use location.

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before December 23, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on December 5th & 12th, 2013

Maline, Denise

From: Maline, Denise
Sent: Wednesday, November 27, 2013 11:47 AM
To: 'Kevin Lakey'
Subject: Comment Letters
Attachments: Letter to Kevin Lakey.pdf; Transfer 78476.pdf; Transfer 78897.pdf

Dear Kevin,

Attached please find a cover letter, recommendation forms, and a copy of Applications for Transfer 78897 & 78476. 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
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 27, 2013

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

Via e-mail

RE: Transfer No. 78897
Water Right No(s): 37-22755, 37-8646

RE: Transfer No. 78476
Water Right No(s): 37-327, 37-329, 37-59M

Dear Mr. Lakey:

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)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 27, 2013

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Transfer No. 78476
Water Right No(s): 37-327, 37-329, 37-59M

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: November 25, 2013
To: Transfer 78476 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes changing the place of use and adding a point of diversion for two Little Wood River irrigation rights (37-327 & 37-329) and a Big Wood River irrigation right (37-59M) that is injected into and rediverted from the Little Wood River. The rights currently allow for the diversion of up to 5.88 cfs from the Little Wood River for the irrigation of up to 245 acres on a farm located approximately 7.0 – 10.0 miles east and 1.5 – 2.25 miles north of the center of Gooding. The total diversion for the three rights from their original sources is 6.504 cfs, but a condition on right 37-59M limits it to a rediversion rate of 1.68 cfs from the Little Wood River. The proposed change in place of use will allow for the installation of a new sprinkler system on the farm. The proposed additional point of diversion is an existing power plant canal diversion downstream of the currently authorized irrigation diversions on the farm. This power plant diversion serves the power plant covered by right 37-7943 for 490 cfs. It is proposed to divert water into this canal and then redivert water from the canal for the new sprinkler system. To prevent enlargement of the power right (using more than 490 cfs in the power plant), a condition limiting the total diversion from the power plant diversion to no more than 490 cfs if irrigation water is rediverted below the power plant needs to be implemented. The rights involved with the transfer are within water district 37 (Big & Little Wood Rivers).

- **Authority to File:**
The applicants are listed as the current owners of the right according to IDWR records. Deeds have been included with the application showing that the applicants own the land involved with the transfer.
- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA in December of 2007. Possible forfeiture of the right involved with the transfer does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. New (existing power canal) point of diversion is located downstream of the currently authorized irrigation diversion points.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water and sprinklers are used for irrigation.
- **Effect on Economy of 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.