

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 16 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) Mason Brothers LLC Phone 208-731-2691

2. MAILING ADDRESS 3891 N 3600 E City Kimberly

State ID Zip 83341 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 47-135 and 47-155

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 2.8 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
11S	18E	25		NW	SW	NW	TWIN FALLS	ROCK CREEK	

6. 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:

Pump from creek to redistribution pond to place of use. A flow meter will be installed and the pump can be locked off when the rights are not in priority.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Verbal agreement with Mr. Funk to install the pump and delivery system on his property

- c. 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(s), or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the right(s)? |

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Kurt Masoa
Signature of applicant or authorized agent

Kurt Masoa member
Print name and title if applicable

10-11-13
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by P. SKINNER

Date 10/16/2013

Fee paid \$660⁰⁰ Date 10/16/2013

Received by P. SKINNER

Receipt # 5033582

Preliminary review completed by _____

Date _____

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

RECEIVED
OCT 16 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Current Water Right No.: 47-135

Current Owner: MASON BROTHERS LLC

Error: Subreport could not be shown.

Origin: Water Right

Status: Active

Basis: Decreed

Source

ROCK CREEK

Tributary

SNAKE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER 03/15 to 11/15

0.02 CFS

IRRIGATION 03/15 to 11/15

1.2 CFS

Total Diversion

1.2 CFS

Location of Point(s) of Diversion

ROCK CREEK

NE1/4SE1/4SW1/4

Sec. 36, Twp 11S, Rge 18E B.M.

TWIN FALLS County

ROCK CREEK

NW1/4SE1/4SW1/4

Sec. 25, Twp 11S, Rge 18E B.M.

TWIN FALLS County

Place of Use

STOCKWATER Within TWIN FALLS County

T11S R18E S24 SWSW

T11S R18E S24

SESW

T11S R18E S25 NENW

T11S R18E S25

NWNW

IRRIGATION Within TWIN FALLS County

T11S R18E S24 SWSW

38.00

T11S R18E S24

SESW

33.00

T11S R18E S25 NENW

35.00

T11S R18E S25

NWNW

34.00

Total Acres: 140

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. P06 Domestic use recommended as Right No. 47-14259.
3. S20 Use of this right is combined with water from Twin Falls Canal Co.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. E52 The rights listed below are limited to a total combined diversion rate of 2.8 cfs.
Combined Right Nos.:47-135, 47-155
6. E56 The rights listed below are limited to the irrigation of a combined total of 140 acres in a single irrigation season. Combined Right Nos.: 47-135, 47-155, 47-7428
7. 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.
8. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Decreed Date: 3/31/2010

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

Current Water Right No.: 47-155

Current Owner: MASON BROTHERS LLC

Error: Subreport could not be shown.

Origin: Water Right

Status: Active

Basis: Decreed

Source

ROCK CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

2 CFS

Annual Volume

Total Diversion

2 CFS

Location of Point(s) of Diversion

ROCK CREEK

NE1/4SE1/4SW1/4

Sec. 36, Twp 11S, Rge 18E B.M.

TWIN FALLS County

ROCK CREEK

NW1/4SE1/4SW1/4

Sec. 25, Twp 11S, Rge 18E B.M.

TWIN FALLS County

Place of Use

IRRIGATION Within TWIN FALLS County

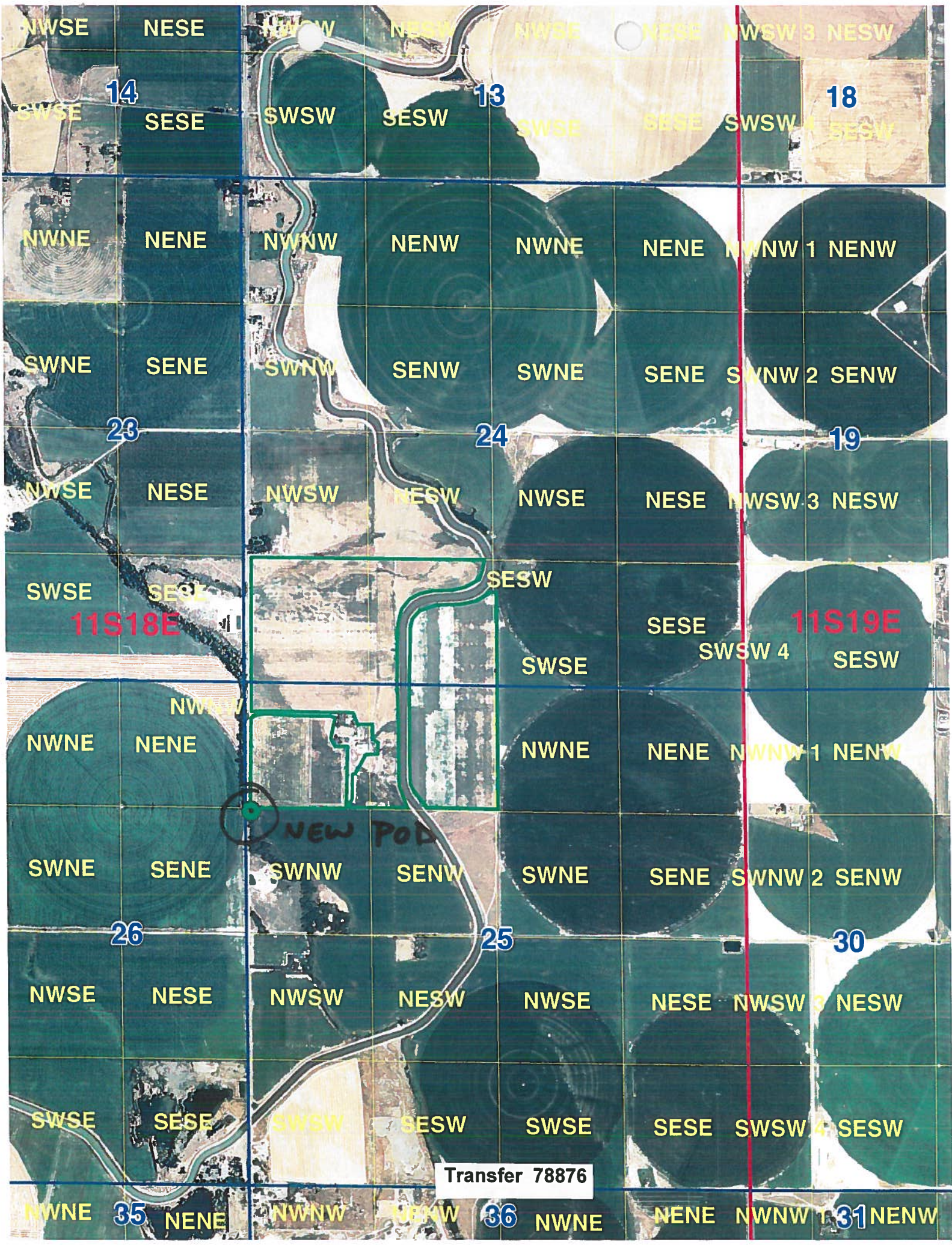
T11S R18E S24	SWSW	38.00	T11S R18E S24	SESW	33.00
T11S R18E S25	NENW	35.00	T11S R18E S25	NWNW	34.00

Total Acres: 140

Conditions of Approval:

1. S20 Use of this right is combined with water from Twin Falls Canal Co.
2. 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.
3. E52 The rights listed below are limited to a total combined diversion rate of 2.8 cfs.
Combined Right Nos.:47-135, 47-155
4. E56 The rights listed below are limited to the irrigation of a combined total of 140 acres in a single irrigation season. Combined Right Nos.:47-135, 47-155, 47-7428
5. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Decreed Date: 3/31/2010



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**CERTIFICATE OF ORGANIZATION
LIMITED LIABILITY COMPANY**

(Instructions on back of application)

FILED EFFECTIVE

2013 SEP 13 AM 11:36

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

MASON BROTHERS, LLC

2. The complete street and mailing addresses of the initial designated office:

3981 N 3600 E Kimberly, ID 83341

(Street Address)

3981 N 3600 E Kimberly, ID 83341

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

KURT MASON

(Name)

3981 N 3600 E Kimberly, ID 83341

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

NameAddressKURT MASON3981 N 3600 E Kimberly, ID 83341BRANDON MASON3981 N 3600 E Kimberly, ID 83341

5. Mailing address for future correspondence (annual report notices):

3981 N 3600 E Kimberly, ID 83341

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature Kurt MasonTyped Name: KURT MASONSignature Brandon MasonTyped Name: BRANDON MASON

Secretary of State use only

IDAHO SECRETARY OF STATE
09/13/2013 05:00
CK: 1548174 CT: 172899 IN: 1389948
1 @ 100.00 = 100.00 ORGAN LLC # 2

9/21/2012

cert.org No Rev. 07/2010

W129187

Transfer 78876

RECEIVED
OCT 16 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Date 10-14-2013

To; Whom it may concern

From; HJean Sligar Shakstad

Subject; Change of diversion point

I have no objections for Mr. Kurt Mason to change the point of diversion.



HJean Sligar Shakstad

Transfer 78876



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

October 31, 2013

MASON BROTHERS LLC
3981 N 3600 E
KIMBERLY, ID 83341

RE: Transfer No. 78876
Water Right No(s). 47-135, 47-155

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 11/7/2013 and 11/14/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 25, 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: Thursday, October 31, 2013 1:02 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on November 7th & 14th, 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
Idaho Dept of Water Resources, Southern Region
1341 Fillmore St, Suite 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

October 31, 2013

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

RE: Application For Permit No.(s): 47-17614

RE: Transfer No. 78876
Water Right No(s): 47-135, 47-155

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 November 25, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

47-17614

DOUGLAS L ELGAN

CLARELYN ELGAN

4785 N 1115 E

BUHL, ID 83316

Point of Diversion L2(NWNW) S33 T08S R14E TWIN FALLS County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 10/15/2013

Place Of Use: DOMESTIC

T08S R14E S33 L2(NWNW)

Application seeks to appropriate 0.03 cfs of low temperature geothermal water from a new well to be drilled for domestic purposes on property located near the Snake River approximately 3.3 miles west and 6.6 miles north of the center of Buhl. The domestic use is an existing use that has utilized water from a neighbor's well in years past. The applicants propose drilling their own well and utilizing water from this new well for the existing domestic use via this application.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78876**

MASON BROTHERS LLC, 3981 N 3600 E, KIMBERLY, ID 83341; has filed Application No. 78876 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-135, 47-155. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for two Rock Creek water rights to a new downstream location. The two rights currently allow for the diversion of up to 2.8 cfs from Rock Creek via two points of diversion located approximately 6.8 miles south & 0.35 miles east and 7.9 miles south & 0.4 miles east of the Highway 30 and Rock Creek Road intersection in Hansen. The rights allow for the irrigation of 140 acres on a farm located along the east side of Rock Creek Road approximately 5.75 – 6.25 miles south of the Highway 30 and Rock Creek Road intersection in Hansen. The application proposes moving the diversion location from the two currently authorized locations to a new downstream diversion located on Rock Creek along the east side of Rock Creek Road approximately 6.25 miles south of the Highway 30 and Rock Creek Road intersection in Hansen.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 November 25, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 7th & 14th, 2013



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

October 31, 2013

RYAN FRANKLIN
WATER DISTRICT #47-O
1897 E 3700 N
FILER, ID 83328

RE: Transfer No. 78876
Water Right No(s): 47-135, 47-155

Dear Mr. Franklin:

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: October 18, 2013
To: Transfer 78876 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the point of diversion for two Rock Creek water rights to a new downstream location. The two rights currently allow for the diversion of up to 2.8 cfs from Rock Creek via two points of diversion located approximately 6.8 miles south & 0.35 miles east and 7.9 miles south & 0.4 miles east of the Highway 30 and Rock Creek Road intersection in Hansen. The rights allow for the irrigation of 140 acres on a farm located along the east side of Rock Creek Road approximately 5.75 – 6.25 miles south of the Highway 30 and Rock Creek Road intersection in Hansen. The application proposes moving the diversion location from the two currently authorized locations to a new downstream diversion located on Rock Creek along the east side of Rock Creek Road approximately 6.25 miles south of the Highway 30 and Rock Creek Road intersection in Hansen. Examination of aerial photography raises the question if the two authorized points of diversion, and their downstream conveyance systems, even still exist. However, both rights involved with the transfer were decreed in March of 2010 so possible forfeiture is not an issue. The rights are located within Water District 47O (Rock Creek).

- **Authority to File:**
The applicant, Mason Brothers LLC, is listed as the current owner of the rights involved in the transfer.
- **Water Right Validity:**
The rights involved with the transfer were decreed in March of 2010.
- **Injury to Other Water Rights:**
None anticipated. Decreed right 47-159A has a point of diversion that appears to be the same as the currently authorized diversion in Section 25. It is doubtful if this particular diversion even exists, but the applicant provided a letter from the owner of right 47-159A agreeing to the proposed point of diversion.
- **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 uses are recognized as beneficial uses of water.
- **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.