

JUL 19 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

Transfer No. 78760

RECEIVED

JUL 17 2013

DEPARTMENT OF
WATER RESOURCES

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/>.

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

- | | | |
|-------------------------------------|-------------------------------------|--|
| Yes | N/A | * Means the item is <u>always required</u> and must be included with 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 <u>for each water right</u> for which <u>only a portion</u> 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 <u>not</u> 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. Additional fee(s) required for water right ownership changes; see fee schedule. |
| ☒ | ☐ | #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 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.) Additional fee(s) required for water right ownership changes; 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: _____ |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

JUL 17 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

DEPARTMENT OF
WATER RESOURCES

Name of Applicant(s) Barbara Tomasi Phone 208-788-5964

Mailing address 130 Glendale Road, Bellevue, Idaho 83313 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 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 Norm Young, ERO Resources Corp Phone 208-373-7983

Mailing address 3314 Grace Street Boise, ID 83703 Email nyoung@eroresources.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

Barbara Tomasi
Print Name and Title if applicable

7/11/13
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 Record Ownership Change for part of 37-562A
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**. This application seeks to change the place of use for a 4-acre part of Right No. 37-562A (now recorded to Brown Ranch Inc. traded for an equivalent part of Right No. 37-43C (now recorded to Barbara Tomasi). The 4 acres from Right No. 37-562A and 16 acres from Right No. 37-43C will be incorporated into a 20-acre permissible place of use.

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					
☐ ☒	37-562A	0.20 cfs	Irrigation	4/15 to 10/31	Big Wood River/Malad River
☐ ☒	37-562A	0.01 cfs	Mitigation	4/15 to 10/31	Big Wood River/Malad River
☐ ☒	37-43C	0.47 cfs	Irrigation	4/15 to 10/31	Big Wood River/Malad River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.68 cfs and/or -- ac-ft

2. Total amount of water proposed to be transferred or changed 0.68 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				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	18E	14				20													20

* Permissible place of use for 4 acres from Right No. 37-562A and 16 acres from Right No. 37-43C.
Total Acres (for irrigation use) 20*

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: No change to the existing diversion from Big Wood River through the Glendale Canal, redirection to private ditch and irrigation system.
- b. Who owns the property at the point(s) of diversion? Glendale Canal waterusers.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Applicant currently uses the Glendale Canal for Right No. 37-43C. This transfer will not change the amount of water the applicant is entitled to convey in the canal because a like amount of water is being traded with another user from this canal.
- 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:
An equivalent part of Right No. 37-43C owned by the applicant has been deeded to Brown Ranch, Inc. for use on the land previously entitled to be irrigated under Right No. 37-562A.
- 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: 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: The validity of Right No. 37-562A has been confirmed by a partial decree issued by the SRBA Court on November 3, 2011 and for Right No. 37-43C by partial decree issued October 23, 2009

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1 B.1. of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 37-562A

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Total Acres (for irrigation use) 4

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

Current Water Right No.: 37-562A

Current Owner: BROWN RANCH INC

Priority Date: 5/10/1887

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

MITIGATION	04/15 to 10/31
IRRIGATION	04/15 to 10/31
Total Diversion	

0.12 CFS
2.24 CFS
2.36 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER
BLAINE County
BIG WOOD RIVER
BLAINE County

NE1/4NW1/4SE1/4	Sec. 14,	Twp 01N,	Rge 18E B.M.
	(Rediversion)		
SE1/4SW1/4	Sec. 12,	Twp 01N,	Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S22	NWNW	25.00	T01N R18E S22	SWNW	19.00
Total Acres: 44					

Place of Use: MITIGATION same as IRRIGATION

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
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. R24 This right when combined with all other rights shall provide no more than 3.0 afa per acre for irrigation of the lands above.
4. This right shall be charged a loss of 0.12 cfs for mitigation purposes.

Decreed Date: 11/3/2011

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

Current Water Right No.: 37-43C

Current Owner: BARBARA TOMASI

Priority Date: 6/1/1891

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.59 CFS

0.59 CFS

Annual Volume

Location of Point(s) of Diversion

BIG WOOD RIVER

BLAINE County

NW1/4SE1/4SW1/4

Sec. 12, Twp 01N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S14

SENE

20.00

Total Acres: 20

Conditions of Approval:

1. 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.
2. Place of use is located within Lot 3, Sleepy Acres Subdivision.

Right Number: 37-43C

- [illegible]

- [illegible]

Total Acres (for irrigation use) 16

Transfer contains 9 pages and _____ attachments.

Received by HP Date 7-17-13 Prelim. Check by _____ Date _____

Fee Paid 600.00 Date 7-17-13 Received by HP Receipt # 0097504

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

GRANT DEED

THIS INDENTURE, made this 13th day of May, 2013, between **Brown Ranch Inc.** ("Grantor"), whose address is **% Dan Brown, 247 Glendale Road, Bellevue, Idaho 83313** and **Barbara Tomasi** ("Grantee"), whose address is **130 Glendale Road, Bellevue, Idaho 83313.**

WITNESSETH:

The Grantor for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of Water Right Number **37-562A** as decreed by the Snake River Basin Adjudication Court on **November 3, 2011** recorded at the Idaho Department of Water Resources:

Quantity: 0.2 cubic feet per second for **Irrigation** and 0.01 cubic feet per second for **Mitigation** for a total of 0.21 cubic feet per second.

Acres: 4 acres

Legal Description of Place of Use: **W ½ NW ¼ Section 22 Township 01 North, Range 18 East within Blaine County, Idaho.**

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of Water Right Number **37-562A**, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

Brown Ranch Inc.

By: Dan Brown
(Signature)

Its: **President**
(Title)

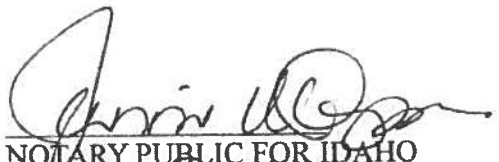
STATE OF IDAHO)

) ss.

County of Blaine)

On this 13th day of May, 2013, before me, a Notary Public for the County and State, personally appeared Dan Brown, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


NOTARY PUBLIC FOR IDAHO
Residing at: Bellevue
My commission expires: 6/7/2016

JEANNIE R. TUPPER
NOTARY PUBLIC
STATE OF IDAHO

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § Simultaneous Exchange

Brian Kleinwachter, an unmarried man

the grantor, does hereby grant, bargain, sell and convey unto

Barbara Robins Tomasi, an unmarried woman

the grantee, whose current address is

PO Box 179
Halley, ID 83333

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Lot 3 of SLEEPY ACRES SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, on file in the office of the County Recorded, recorded as Instrument No. 211908, records of Blaine County, Idaho.

This transaction is a Simultaneous Exchange for the benefit of Barbara Robins Tomasi.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: January 18, 1996

Brian Kleinwachter
Brian Kleinwachter

COPY

DECREE BOOK ✓
PRIORITY BOOK ✓
DATABASE ✓
ANNUAL REPORT ✓
LOTUS COST REPORT NOT ON
CMS ADDRESS ✓
DBASE ADDRESS ✓
ROLEDEX ✓

STATE OF COLORADO

COUNTY OF: Summit

On this 23 day of January, 1996, before me a Notary Public in and for said State, personally appeared Brian Kleinwachter known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Clayce Qu
Notary Public

Residing at: 200 Elk Hill Rd

Comin. expires: PO Box 7129

Direct Mail to Co. 150101

Seal/Stamp:

RECEIVED

FEB 12 1996

Shoshone Water Master



Order No. 94005958
This form furnished by
Blaine County Title Associates

Remission 4/9

WARRANTY DEED

For Value Received **PATRICK TROPEA AND KATIE M. TROPEA, HUSBAND AND WIFE,**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **BRIAN ~~X~~ KLEINWACHTER, AN UNMARRIED MAN,**

the Grantee whose current address is: **P.O. BOX 3201, HALEY, ID 83333**

the following described premises, to-wit:

Lot 3 of SLEEPY ACRES SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, recorded February 10, 1981, as Instrument No. 211908, records of Blaine County, Idaho.

BLAINE CO. REQUEST

OF BLAINE COUNTY TITLE

1994 DEC 16 2 1:51

373963

Mary Green CLERK *D*

FEES 3

12-16-94

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 12, 1994

Patrick Tropea
PATRICK TROPEA

Katie M. Tropea
KATIE M. TROPEA

State of **IDAHO**

County of **ADA**

On this 14th day of December, 1994, before me, the undersigned, a Notary Public, in and for said State, personally appeared **PATRICK TROPEA AND KATIE M. TROPEA**

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

X Jennifer R. Taylor
Notary Public
Residing at: **Blaine, ID**
Commission Expires: **7-19-00**

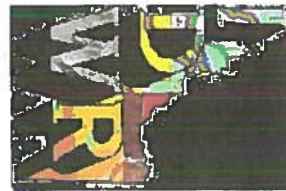
RECEIVED

FEB 12 1996

Shoshone Water Master

TRANSFER 78760

Idaho Department of Water Resources



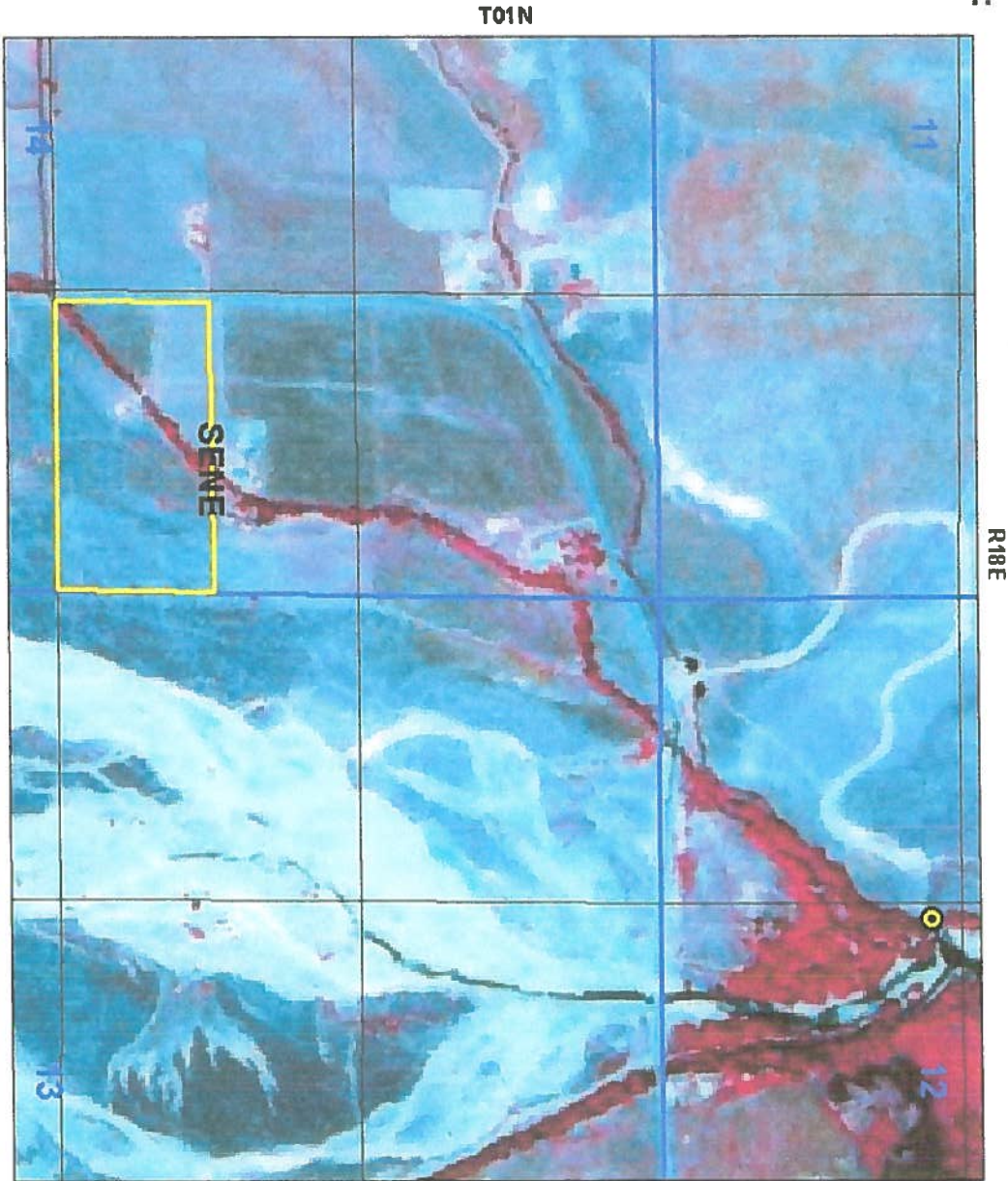
SRBA Recommendation:
37-43C
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

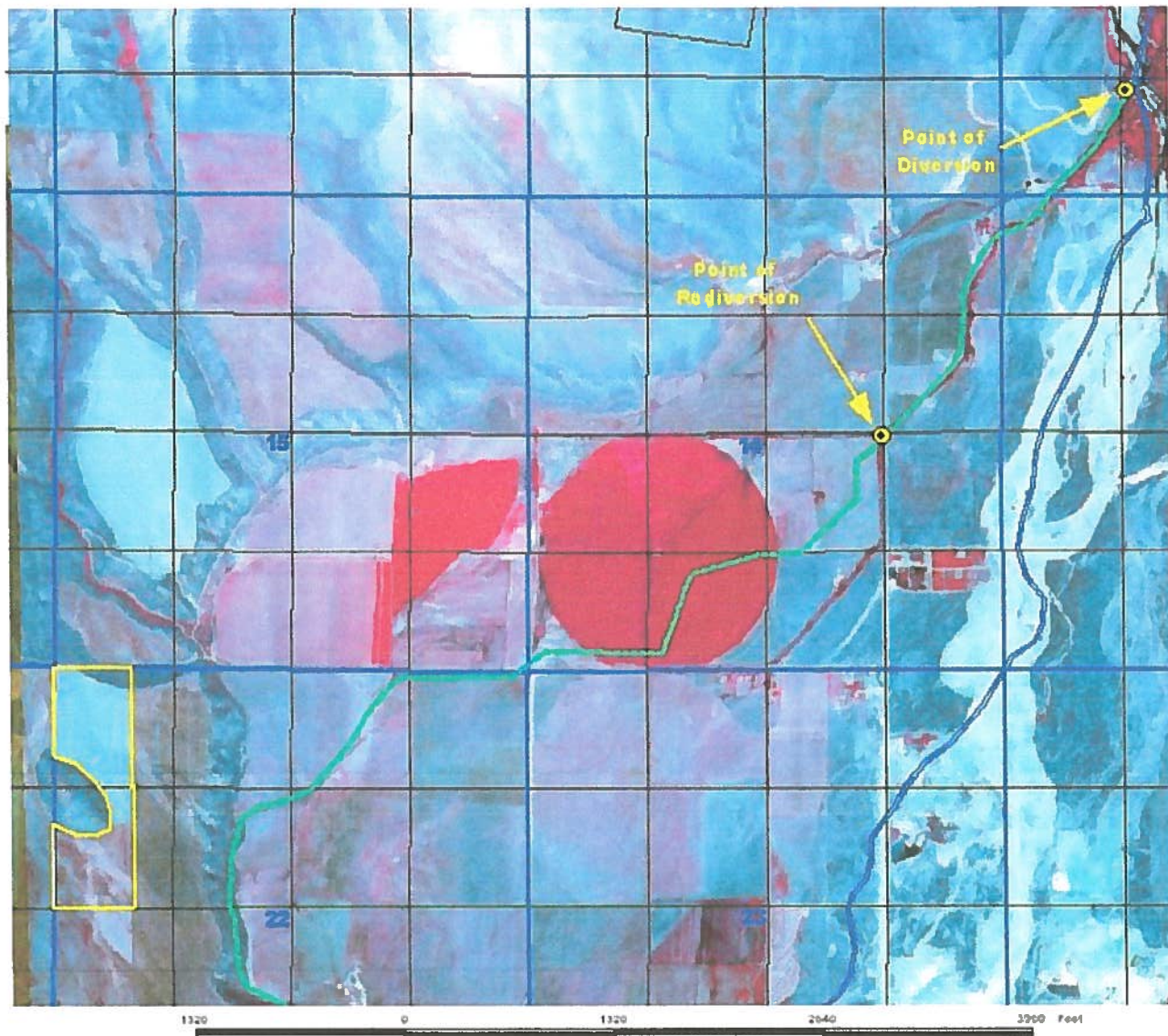


Blaine County
IDWR Basin 37



TRANSFER 78760

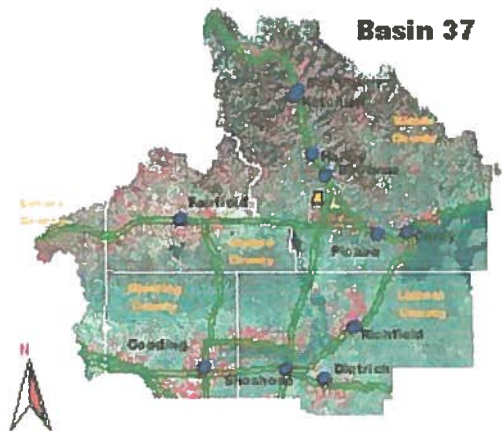
RECOMMENDED PLACE OF USE FOR 37-562A



PLACE OF USE
TWP 1N, RNG 18E, SEC 22
Data entry on Sept 21, 2005

- | | |
|--------------------------------|-------------------|
| RECOMMENDED POINT OF DIVERSION | LOCATION IN BASIN |
| RECOMMENDED PLACE OF USE | |
| TOWNSHIP LINES | |
| SECTION LINES | |
| QUARTER/QUARTER LINES | |

GIS PLACE OF USE PRESENTATION
1987:1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



TRANSFER 78760



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 13, 2013

BARBARA TOMASI
130 GLENDALE RD
BELLEVUE, ID 83313

RE: Transfer No. 78760
Water Right No(s). 37-43C, 37-562A

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 **IDAHO MOUNTAIN EXPRESS** on **9/18/2013 and 9/25/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**October 7, 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

cc:

ERO RESOURCES CORP
C/O NORM YOUNG
3314 GRACE ST
BOISE, ID 83703

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 12, 2013 4:42 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express Cover Letter.docx; Idaho Mtn Express Ad.docx

Attached please find (1) legal notice being submitted for publication on September 18th & 25th, 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

September 12, 2013

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Application For Permit No.(s): 71-10948

RE: Transfer No. 78759
Water Right No(s): 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-43C, 37-562A

RE: Transfer No. 78760
Water Right No(s): 37-43C, 37-562A

RE: Transfer No. 78703
Water Right No(s): 37-13043, 37-13112, 37-13113, 37-13114, 37-13116, 37-20733, 37-21401,
37-21402, 37-21403, 37-21404, 37-21405, 37-867, 37-870, 37-895

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 October 7, 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:

71-10948

MICHAEL HASTINGS

MANDI HASTINGS

258 GEORGETOWN COURT

IDAHO FALLS, ID 83404

Point of Diversion SWNWSE S14 T06N R13E BLAINE County Source SPRINGS Tributary SALMON RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/5/2013

Place Of Use: DOMESTIC

T06N R13E S14 NWSE

Application for permit proposes to divert up to 0.04 cfs from a spring for domestic uses associated with home located on the applicants property approximately 25.2 miles south and 3.0 miles east of Stanley. This application proposes the diversion and use of water tributary to the Salmon River, a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78703

BIG WOOD CANAL CO, C/O LYNN HARMON, MANAGER, 409 N APPLE ST, SHOSHONE, ID 83352; has filed Application No. 78703 for changes to the following water rights within BLAINE, GOODING, LINCOLN County(s): Right No(s). 37-13043, 37-13112, 37-13113, 37-13114, 37-13116, 37-20733, 37-21401, 37-21402, 37-21403, 37-21404, 37-21405, 37-867, 37-870, 37-895. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add an additional point of diversion from the Little Wood River and change the place of use by adjusting the authorized service area boundary for irrigation rights owned by the Big Wood Canal Company. The additional point of diversion from the Little Wood River is located approximately 6.5 miles north and 10.5 miles east of the center of Shoshone. The application proposes limiting the diversion rate from this additional point of diversion to no more than 4.0 cfs. The service area boundary adjustment consists of adding approximately 200 acres located approximately 5.5 – 6.0 miles north and 9.5 – 10.25 miles east of the center of Shoshone. Published in the Idaho Mountain Express on September 18th & 25th, 2013 and the Times News on September 19th & 26th, 2013.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78759

BROWN RANCH INC, 247 GLENDALE RD, BELLEVUE, ID 83313; has filed Application No. 78759 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-43C, 37-562A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 240.0 acre permissible place of use (PPU) for seven surface water rights (2.72 cfs total) that when combined will be limited to the irrigation of 53.4 acres. Proposed PPU is located approximately 3.8 to 4.5 miles south and 2.0 to 2.7 miles west of the intersection of Hwy 75 & Broadford Rd in Bellevue.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78760

BARBARA TOMASI, 130 GLENDALE RD, BELLEVUE, ID 83313; has filed Application No. 78760 for changes to the following water rights within BLAINE County(s): Right No(s). 37-43C, 37-562A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 20 acre permissible place of use (PPU) for two surface water rights, a 0.21 cfs right currently limited to 4 acres irrigation and a 0.47 cfs right currently limited to 16 acres irrigation. Proposed PPU is located approximately 3.1 to 3.2 miles south and 0.25 to 0.5 miles west of the intersection of Hwy 75 & Broadford Rd in Bellevue.

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 October 7, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 18th & 25th, 2013

MEMORANDUM

Date: September 09, 2013
To: Transfer 78760 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes creating a 20 acre permissible place of use (PPU) for two surface water rights, 37-562A for 0.21 cfs limited to 4 acres irrigation and 37-43C for 0.47 cfs and limited to 16 acres irrigation. Proposed PPU is located approximately 3.1 to 3.2 miles south and 0.25 to 0.5 miles west of the intersection of Hwy 75 & Broadford Rd in Bellevue.

The applicant purchased a 0.21 cfs portion of water right 37-562A (limited to 4 acres) from Brown Ranch Inc. and Brown Ranch Inc. purchased a 0.12 cfs portion of water right 37-43C (also limited to 4 acres) from the applicant. Brown Ranch Inc. submitted an application for transfer (#78759) seeking to create a 240.0 acre permissible place of use that included the 0.12 cfs portion of right 37-43C purchased from the applicant. Transfer #78759 will be processed prior to this application as it splits the water rights involved in this transfer and the remaining portions will be used in this transfer.

A mitigation rate of 0.120 cfs was charged to right 37-562A in a previous transfer and since this right was then split in the companion transfer, the remaining portion of this right will be charged a proportional rate of 0.01 cfs for mitigation. The 0.01 cfs mitigation will be deducted from the total diversion rate on a combined limit condition (X35) to be placed on the transferred rights, reducing the total transferred rate of 0.68 cfs to an actual combined diversion rate of 0.67 cfs for irrigation.

Overlap review indicates potential overlap with two historical irrigation water rights, 37-29 and 37-363B, both of which were claimed and recommended in the SRBA on lands not involved with this transfer.

- **Authority to File:** Applicant was listed as the owner of water right 37-43C in IDWR's database. A copy of a grant deed has been provided by the applicant indicating ownership of the portion of right 37-562A involved in this transfer. A copy of a warranty deed was previously provided with a change of ownership for right 37-43C, which indicates ownership of lands within the PPU this transfer seeks to create.
- **Water Right Validity:** Water Right 37-43C was decreed in the SRBA on October 23, 2009 and Right 37-562A was decreed on November 3, 2011. Recent aerial and satellite imagery indicates the property involved in this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.

- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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



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

August 21, 2013

Kevin Lakey
Water District #37
107 W. 1st
Shoshone, ID 83352

Via E-mail

RE: Transfer No. 78760
Water Right No(s): 37-562A and 37-43C

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,

Bill Mills
Water Resource Agent

Enclosure(s)