

MAY 09 2013

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

Transfer No. 78549

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) BRIGHAM YOUNG UNIVERSITY;**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: _____

RECEIVED

JUN 14 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant BRIGHAM YOUNG UNIVERSITY Phone 801-422-3760Mailing Address Administrative Vice President
ASB B-340; Provo, UT 84602 Email brian_evans@byu.edu

- ☐ 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 RepresentativeName of Representative Brian Evans Phone 801-422-3760Mailing Address Administrative Vice President
ASB B-340; Provo, UT 84602 Email brian_evans@byu.edu

- ☒ 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.

Brian Evans

Signature of Applicant or Authorized Representative

BRIAN K EVANS

Print Name and Title if applicable

7 Jun 2013

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

I.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-2501	No	No	Yes	Yes	No	No
	43-10137A	No	No	Yes	Yes	No	No
	43-10142	No	Yes	No	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 intends to change the point of diversion for 43-10142 to correctly describe the actual POD, and to add an unnamed spring (43-10137A) as a POD. Application will also change the place of use for 43-2501 and 43-10137A to reflect the places where they are actually being used. The unnamed spring (43-10137A) and the well (43-10142 and 43-2501) have been interconnected and this transfer will reflect the changes that have resulted.

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
43-2501	0.020 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
43-10142	0.040 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
43-10137A	0.020 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.080 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.08 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. 43-2501

Current Water Right Owner
BRIGHAM YOUNG
UNIVERSITY
C/O OFFICE OF GENERAL
COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 84602-1333

Priority Date: 8/11/1960

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Source: SPRING **Tributary:** SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.020 CFS	
Total Diversion			0.020 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SESE	Sec. 29 Twp 11S Rge 26E CASSIA County
SPRING	SENESE	Sec. 19 Twp 11S Rge 26E CASSIA County

Describe the proposed diversion system

WELL, PUMPS, ELECTRIC MOTOR, PIPELINE, STOCKWATER TANKS

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	19													X				0.0
11S	26E	20											X		X		X		0.0
11S	26E	29													X			X	0.0

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

Proposed Water Right No. 43-10142

Current Water Right Owner
BRIGHAM YOUNG
UNIVERSITY
C/O OFFICE OF GENERAL
COUNSEL
A-357 ASB
PO BOX 21333
PROVO, UT 84602-1333

Priority Date: 5/15/1986

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Source: SPRING **Tributary:** SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.040 CFS	
Total Diversion			0.040 CFS	

Source and Point(s) of Diversion:

GROUND WATER

SESE

Sec. 29 Twp 11S Rge 26E CASSIA County

SPRING

SENESEW

Sec. 19 Twp 11S Rge 26E CASSIA County ()

Describe the proposed diversion system

WELL, PUMP, MOTOR, DOMESTIC WATER SYSTEM

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	29				X													0.0

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

Proposed Water Right No. 43-10137A

Current Water Right Owner
BRIGHAM YOUNG
UNIVERSITY
C/O OFFICE OF GENERAL
COUNSEL
A-357 ASB
PO BOX 21333
PROVO, UT 84602-1333

Priority Date: 6/16/1909

Origin: Water Right

Basis: Decreed

Status Active

Source: SPRING **Tributary:** SINKS

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
STOCKWATER	4/01	12/31	0.020 CFS	
Total Diversion			0.020 CFS	

Source and Point(s) of Diversion:

SPRING	SENESE	Sec. 19 Twp 11S Rge 26E CASSIA County
GROUND WATER	SESE	Sec. 29 Twp 11S Rge 26E CASSIA County

Describe the proposed diversion system

INSTREAM STOCKWATER, UNNAMED SPRINGS NO. 1, NO. 2, AND NO. 3

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	19													X				0.0
11S	26E	20											X		X		X		0.0
11S	26E	29													X			X	0.0

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
N/A

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

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:
N/A

- 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:
None

- 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. 43-10137A

Current Water Right Owner
BRIGHAM YOUNG
UNIVERSITY
C/O OFFICE OF GENERAL
COUNSEL
A-357 ASB
PO BOX 21333
PROVO, UT 84602-1333

Priority Date: 6/16/1909

Origin: Water Right

Basis: Decreed

Status: Active

Source: SPRING **Tributary:** SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
STOCKWATER	4/01	12/31	0.020 CFS	
Total Diversion			0.020 CFS	

Source and Point(s) of Diversion:

SPRING SENESW Sec. 19 Twp 11S Rge 26E CASSIA County

Describe the proposed diversion system

INSTREAM STOCKWATER, UNNAMED SPRINGS NO. 1, NO. 2, AND NO. 3

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	19													X				0.0
11S	26E	20					X								X				0.0

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. 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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. STOCKWATER, 350 RANGE CATTLE RPT11SR26E190000A
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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**.

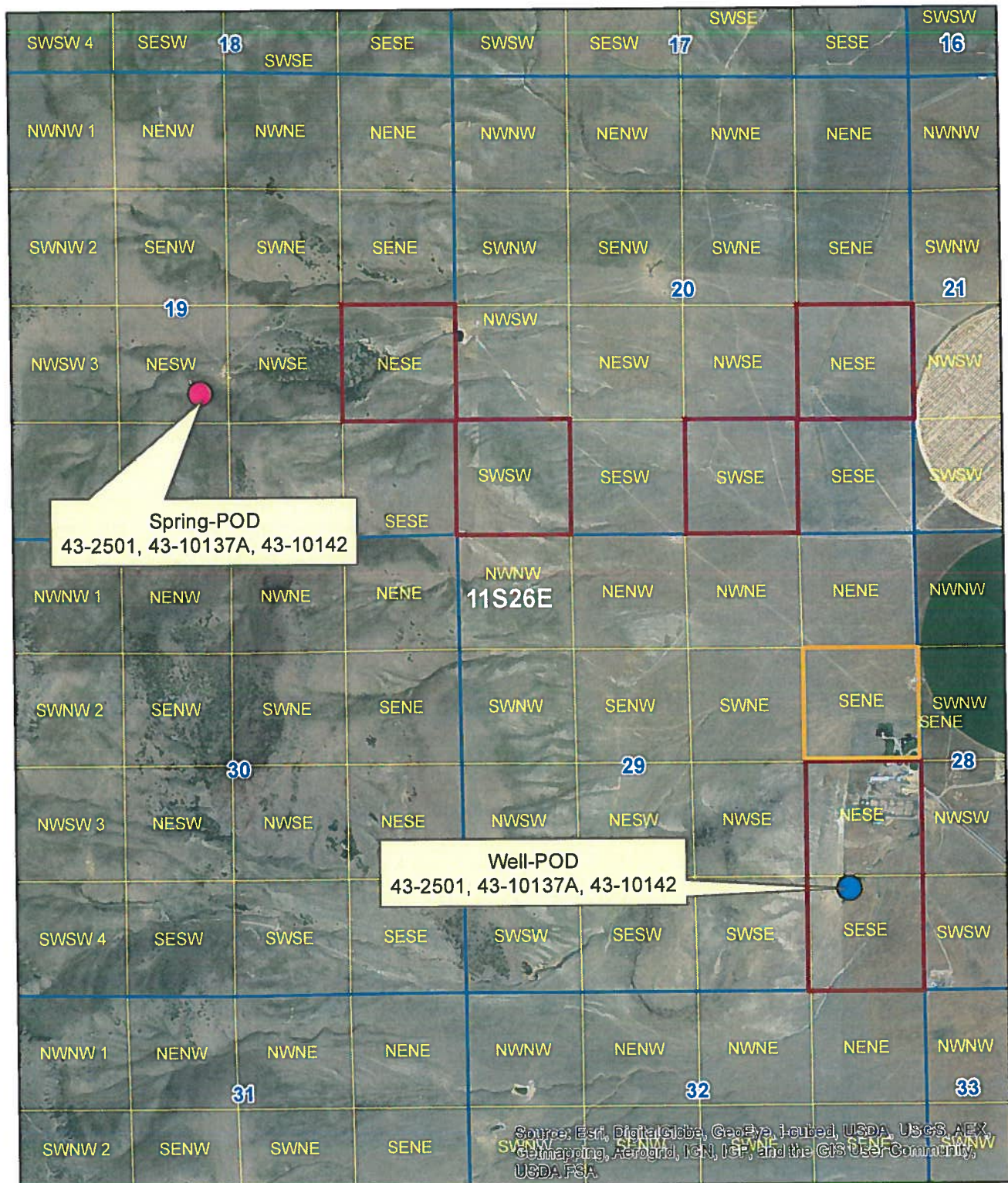
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

Transfer Contains 11 pages and _____ attachments.
 Received By SMB Date 5-10-13 Prelim. Check By _____ Date _____
 Fee Paid 200.00 Date 5-10-13 Received By JB Receipt # 5033241
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

Idaho Department of Water Resources



Legend

- Township/Range
- Sections
- QQ
- POU - 43-10137A and 43-2501
- POU - 43-10142

**BYU-Skaggs Ranch
After Transfer**

TRANSFER 78549



Date: 5/2/2013

0 0.175 0.35 0.7 Miles



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

June 28, 2013

BRIGHAM YOUNG UNIVERSITY
ATTN: BRIAN EVANS
ADMINISTRATIVE VICE PRESIDENT
ASB B-340
PROVO, UT 84602

RE: Transfer No. 78549
Water Right No(s). 43-10137A, 43-10142, 43-2501

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 7/4/2013 and 7/11/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**July 22, 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,

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

Maline, Denise

From: Maline, Denise
Sent: Friday, June 28, 2013 8:27 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 July 4th & 11th, 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

June 28, 2013

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

RE: Transfer No. 78549
Water Right No(s): 43-10137A, 43-10142, 43-2501

RE: Transfer No. 78639
Water Right No(s): 43-368, 43-369A, 43-369B, 43-370, 43-417A, 43-417B, 43-7080

RE: Transfer No. 78674
Water Right No(s): 43-2692

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 July 22, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78549**

BRIGHAM YOUNG UNIVERSITY, ATTN: BRIAN EVANS, ADMINISTRATIVE VICE PRESIDENT, ASB B-340, PROVO, UT 84602; has filed Application No. 78549 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10137A, 43-10142, 43-2501. The purpose of the transfer is to change a portion of the above rights as follows: This application seeks to change the point of diversion (POD) of groundwater water right 43-10142 (domestic, 0.04 CFS) currently authorized to divert from a well located approximately 9.1 mi. N & 3.3 mi. W of the intersection of State Highways 77 & 81 in Malta, Idaho, to the actual location of the well, located approximately 8.7 mi. N & 3.3 mi. W of Malta. This well is also the POD for water right 43-2501 (stockwater, 0.02 CFS). This well has been connected to the system which supplies water right 43-10137A (stockwater, 0.02 CFS) from an unnamed spring, located approximately 9.8 mi. N & 4.8 mi. W of Malta. Application proposes to show these two PODs on all three rights. The application also intends to combine the places of use (POU) for the stockwater rights (43-2501 & 43-10137A) to reflect the fact that the two systems are now interconnected. The proposed POU is located approximately 8.5 to 10.0 mi. N & 3.1 to 4.5 mi. W of the intersection of State Highways 77 & 81 in Malta.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78674**

UNITED STATES OF AMERICA ACTING THROUGH THE DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT, IDAHO STATE OFFICE, ATTN: FRED PRICE, 1387 S VINNELL WAY, BOISE, ID 83709-1657; has filed Application No. 78674 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2692. The purpose of the transfer is to change a portion of the above rights as follows: Transfer Application proposes to add a second ground water point of diversion to a stockwater right currently authorized to divert up to 0.02 cfs (14.50 af). This additional point of diversion is an existing well located approximately 3.8 miles south and 4.2 miles east of Malta.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78639**

7 SPRINGS RANCH LLC, 2025 S HWY 81, MALTA, ID 83342; has filed Application No. 78639 for changes to the following water rights within CASSIA County(s): Right No(s). 43-368, 43-369A, 43-369B, 43-370, 43-417A, 43-417B, 43-7080. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use of seven rights diverted from Conner Creek, Blacksmith Creek, Mahogany Springs, Sibley Creek, Springs, and Groundwater sources that allow for the irrigation of 211 acres on a farm located along the west side of Highway 77 approximately 7.0 – 8.3 miles south and 3.5 -4.2 miles east of Albion. The proposed change in place of use consists of rearranging the authorized acres to allow for the irrigation of 211 acres via sprinkler irrigation systems on the farm.

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 July 22, 2013. The protestant must also send a copy of the protest to the applicant

GARY SPACKMAN, Director
Published on July 4th & 11th, 2013

OFFICE OF THE GENERAL COUNSEL
ERIK G. DAVIS
University Counsel



RECEIVED

JUL 01 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

(original)

June 25, 2013

Mr. Jim Bitzenburg
State of Idaho, Water Resource Agent
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

Re: BYU Water Transfer Applications

Dear Mr. Bitzenburg:

I am aware that Applications for Transfer of Water Right and/or Place of Use transfer have been recently or will be shortly submitted to the State of Idaho Water Resources Department, on behalf of Brigham Young University (BYU). I understand that you require confirmation from my office that Brian K. Evans, who has signed these applications, is authorized to sign on behalf of BYU. I am writing now to confirm Mr. Evans' authority to sign on behalf of BYU.

Brigham Young University's bylaws provide, in Section 6.01, that that any instrument in writing, when signed by any Vice President of the university, will be valid and binding on the university. Brian K. Evans currently serves as the Administrative Vice President and Chief Financial Officer of Brigham Young University, and is therefore authorized by this section of the university bylaws to sign on behalf of BYU.

Please let me know if you need anything further in order to process these applications.

Sincerely,

Erik G. Davis
University Counsel
Office of the General Counsel
Brigham Young University

c: Delmas W. Johnson

Transfer 78549

OFFICE OF THE GENERAL COUNSEL
ERIK G. DAVIS
University Counsel



Rec'd
Via E-Mail

June 25, 2013

Mr. Jim Bitzenburg
State of Idaho, Water Resource Agent
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

Re: BYU Water Transfer Applications

Dear Mr. Bitzenburg:

I am aware that Applications for Transfer of Water Right and/or Place of Use transfer have been recently or will be shortly submitted to the State of Idaho Water Resources Department, on behalf of Brigham Young University (BYU). I understand that you require confirmation from my office that Brian K. Evans, who has signed these applications, is authorized to sign on behalf of BYU. I am writing now to confirm Mr. Evans' authority to sign on behalf of BYU.

Brigham Young University's bylaws provide, in Section 6.01, that that any instrument in writing, when signed by any Vice President of the university, will be valid and binding on the university. Brian K. Evans currently serves as the Administrative Vice President and Chief Financial Officer of Brigham Young University, and is therefore authorized by this section of the university bylaws to sign on behalf of BYU.

Please let me know if you need anything further in order to process these applications.

Sincerely,

Erik G. Davis
University Counsel
Office of the General Counsel
Brigham Young University

c: Delmas W. Johnson

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

RECEIVED
MAY 09 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

SPECIAL PROJECTS DEPARTMENT

Real Estate Services Division
50 East North Temple Street
Salt Lake City, Utah 84150-0012
Phone: 1-801-240-2915
Facsimile: 1-801-240-4005

2 May 2013

Mr. James Bitzenburg
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: APPLICATION FOR TRANSFER OF WATER RIGHT
Skaggs Ranch, Cassia County, Idaho

Dear Mr. Bitzenburg,

Enclosed please find the Application for Transfer and payment in the amount of \$200 for the above location. Also enclosed, please find Relinquishment of Permit for the non-consumptive well at the same location.

Thank you for your time and efforts as well as Mr. Jeff Cooper in the preparation of this document. If you have any questions, please contact me or Mr. Delmas Johnson regarding this application.

Sincerely,



Elder Wiley Ricks Smith

cc: Mr. Erik Davis
BYU Office of the General Counsel

Bitzenburg, James

From: Wiley Ricks Smith [wileyricks@ldschurch.org]
Sent: Wednesday, May 01, 2013 2:42 PM
To: Bitzenburg, James
Cc: Delmas W. Johnson
Subject: Application for Transfer - Skaggs Ranch

Jim,

Delmas and I reviewed the Application for Transfer trying to get the POD and POU locations settled. After discussion with Delmas, I spoke with Mr. David Andreason, FM about the location of stockwater tanks. A stockwater tank is located in the NENW, Sec 20 but this water tank is associated with WR 43-10137B and is not a part of this transfer. The stockwater tank at NESE, Sec 19 is correct but David indicated there are stockwater tanks in the in SWSE and SWSW, Sec. 20. Both of these tanks are located along the new water line and would be visible on your aerial map on the route of the water line from the existing spring at WR 43-10137A to the SENE, Sec. 29. I ask if you concur with David's assessment as to the location of the two water tanks. I concur with the water rights at the Spring POD (Sec 19) and Well POD (Sec 29).

I have some specific comments as follow:

WR 43-2501 (Page 4)- The source is a well not a spring and without a tributary.

WR 43-10137A (Page 6) – The proposed diversion is from Spring No. 2 only. (This applies to Page 10 also)

WR 43-10142 (Page 9) - The source is in the SESE at Well POD.

I like your map and think this will clear up our POD/POU issues.

Elder Wiley Smith

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MEMORANDUM

Date: April 23, 2013
To: Transfer 78549 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

This application seeks to change the point of diversion (POD) of groundwater water right 43-10142 (domestic, 0.04 CFS) currently authorized to divert from a well located approximately 9.1 mi. N & 3.3 mi. W of the intersection of State Highways 77 & 81 in Malta, Idaho, to the actual location of the well, located approximately 8.7 mi. N & 3.3 mi. W of Malta. This well is also the POD for water right 43-2501 (stockwater, 0.02 CFS). This well has been connected to the system which supplies water right 43-10137A (stockwater, 0.02 CFS) from an unnamed spring, located approximately 9.8 mi. N & 4.8 mi. W of Malta. Application proposes to show these two PODs on all three rights. The application also intends to combine the places of use (POU) for the stockwater rights (43-2501 & 43-10137A) to reflect the fact that the two systems are now interconnected. The proposed POU is located approximately 8.5 to 10.0 mi. N & 3.1 to 4.5 mi. W of the intersection of State Highways 77 & 81 in Malta.

- **Authority to File:**
The Department's database indicates that water rights 43-10137A, 43-2501, and 43-10142 are owned by the applicant, Brigham Young University. Application was signed by Brian Evans, who is the representative for Brigham Young University. Applicant provided a signed letter from an authorized agent for BYU, allowing Mr. Evans to pursue the proposed changes.
- **Water Right Validity:**
Rights 43-2501, 43-10137A, and 43-10142 were partially decreed in the SRBA in 1998, 2000, and 2002, respectively. Based on field observations on March 29, 2013, forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **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 of the Agricultural Base of the 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.

Bitzenburg, James

From: Wiley Ricks Smith [wileyricks@ldschurch.org]
Sent: Thursday, April 18, 2013 8:35 AM
To: Bitzenburg, James
Subject: RE: Skaggs Ranch Water Documents

Jim

The POD for (43-10138) is in the SENE where the house is located. This is where the big pump sits on the steel pump line and is tied together with five well sites. You are correct that the house water system is plumbed into the spring water system (43-1037A) which also supplies two trough sites via the new pipe line. Again, I appreciate your and Jeff's help in sorting this out. I have sent the Relinquishment of Permit to BYU for their signature and will forward this when completed. I understand that this is a no cost item.

Elder Smith

From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Wednesday, April 17, 2013 2:26 PM
To: Wiley Ricks Smith
Subject: RE: Skaggs Ranch Water Documents

Wiley-

In doing some preliminary work on the Skaggs Ranch project, I was curious if the well in the SESE of section 29, T11S, R26E (rights 43-2501 stockwater, true location of 43-10142 domestic), was also the POD for 43-10138 stockwater, or is it in the QQ (SENE) where the house sits? That's where our records show it.

Also, I understood that the house water system was plumbed into the spring water system (43-10137A). Can the well also supply water up to the troughs that the spring services? We may be able to do just a transfer to add a POD to the domestic instead of doing an application for permit (saves \$100).

Jeff and I are going to sit down on Friday and try to figure out the best route to take in this, and we'll let you know what we come up with. Thanks.

Jim

From: Wiley Ricks Smith [mailto:wileyricks@ldschurch.org]
Sent: Tuesday, April 16, 2013 12:56 PM
To: Bitzenburg, James
Cc: Delmas W. Johnson; madandy@gmail.com
Subject: Skaggs Ranch Water Documents

Based on discussions with BYU in Provo, I have been tasked with preparing the transfer and new application for the above location along with payment of fees. I will also prepare a Relinquishment of Permit for the heating well. To the best of my recollection, you and Jeff had offered to help me prepare the required documents. My understanding is that a Transfer of Domestic Water Right is needed to change the Point of Diversion for #43-10142 to the well at #43-2501 and create a new Application for Permit for Domestic Water for the spring at #43-1037A. The well at #43-2501 and spring at #43-10437 would then have stockwater and domestic usage.

The fees would be \$200 for the Transfer and \$100 for the new Application permit. I believe this was the essence of our discussion on Mar 29, 2013. I will prepare the forms and obtain the necessary signatures and forward them to you with payments. Please review and contact me if I can be of additional help. I can obtain the necessary forms from you web site.

Thanks for you assistance. Elder Smith

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