

RECEIVED

JUN 06 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. 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) U. S. Bureau of Land Management Phone 208-677-6626
2. MAILING ADDRESS Rep.-- 15 East 200 South; Owner-- 1387 Vinnell Way City Rep.-- Burley; Owner-- Boise
- State ID Zip 83318; 83709 Email sdavis@blm.gov

- ☐ 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) 43-2692

- ☒ 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 0.02 cubic feet per second and/or 14.5 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*.

Twsp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
13S	27E	33		NE	SW	SW	Cassia	groundwater	
13S	27E	34		NE	SE	NW	Cassia	groundwater	

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:

well, pipeline, troughs, and ponds

- b. Who owns the property at the point(s) of diversion? Janet Yates and Kirtland Yates

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
BLM is in the process of obtaining an easement from the owners above.

- 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 ¼ ¼ 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.



Signature of applicant or authorized agent

Steven R. Davis, Hydrologist

Print name and title if applicable

6-5-2013

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 _____ Date 6-6-2013
Fee paid \$200.00 Date 6/10/13 Received by B. Walker Receipt # S033310
Preliminary review completed by B. Walker Date 6/10/13

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

Current Water Right No.: 43-2692

Current Owner: UNITED STATES OF AMERICA ACTING THROUGH
Priority Date: 8/16/1963
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	14.5 AF
	<u>Total Diversion</u>	0.02 CFS	14.5 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4NW1/4 Sec. 34, Twp 13S, Rge 27E B.M.
CASSIA County

Place of Use

STOCKWATER Within CASSIA County

T13S R27E S26	SESE	T14S R27E S1	SWNW
T14S R27E S12	NWNE	T14S R27E S12	SWSE
T14S R27E S14	NENE		

Conditions of Approval:

1. X62 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
2. R37 This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. X36 Right 43-2409B is also diverted through the point(s) of diversion described above.

43-02692 After the Requested Change

Overview Map

Legend



Digitized Point



Point Determined by GPS

Digitized Line (Not Actual Route)

Line Determined by GPS

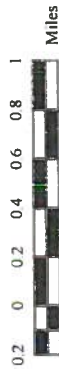
Range Allotment

Bureau of Land Management

Forest Service

Private; other

State



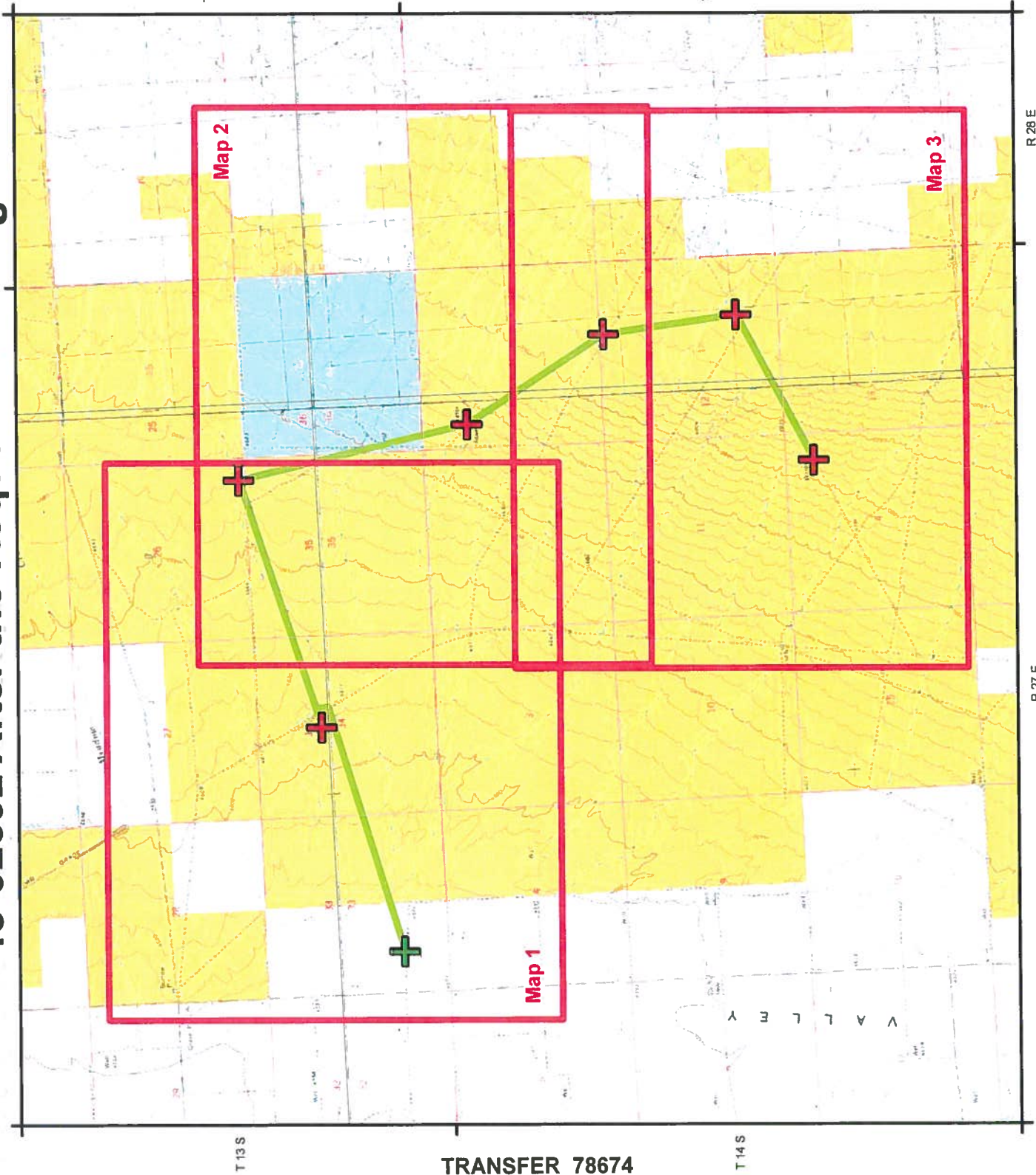
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Quad Map Name:

Malta, Sublett, Bridge,
and Sand Rock Canyon



2013-06-04
43_02692MapOverview_20130528.mxd

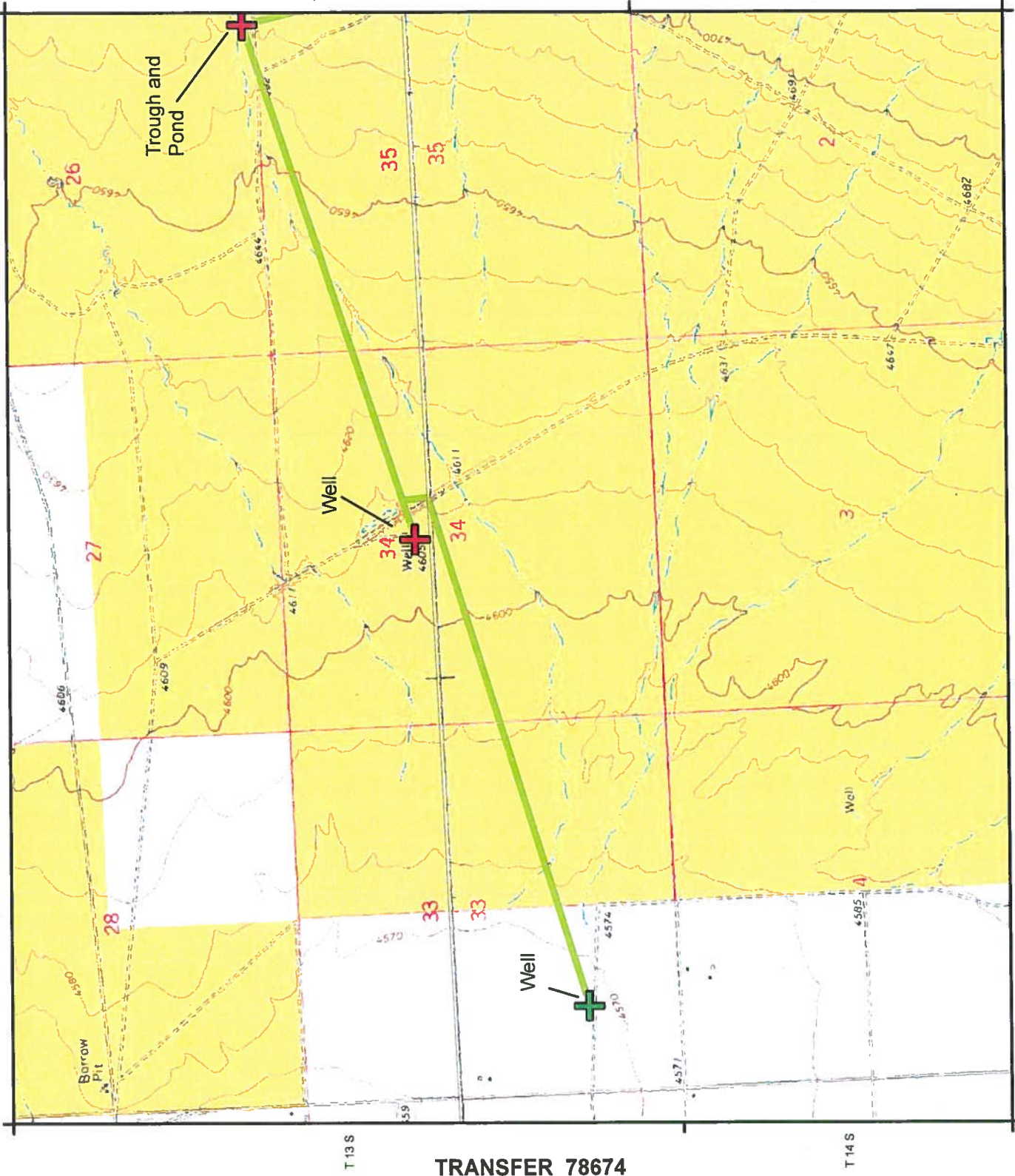
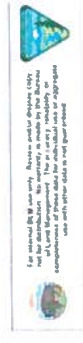


TRANSFER 78674

Map 1 of 3



T 14 S



2013-06-04
43_02692Map1_20130528.mxd

43-02692 After the Requested Change

Map 2 of 3

Legend



Digitized Point



Point Determined by GPS

Digitized Line (Not Actual Route)

Line Determined by GPS

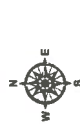
Range Allotment

Bureau of Land Management

Forest Service

Private; other

State

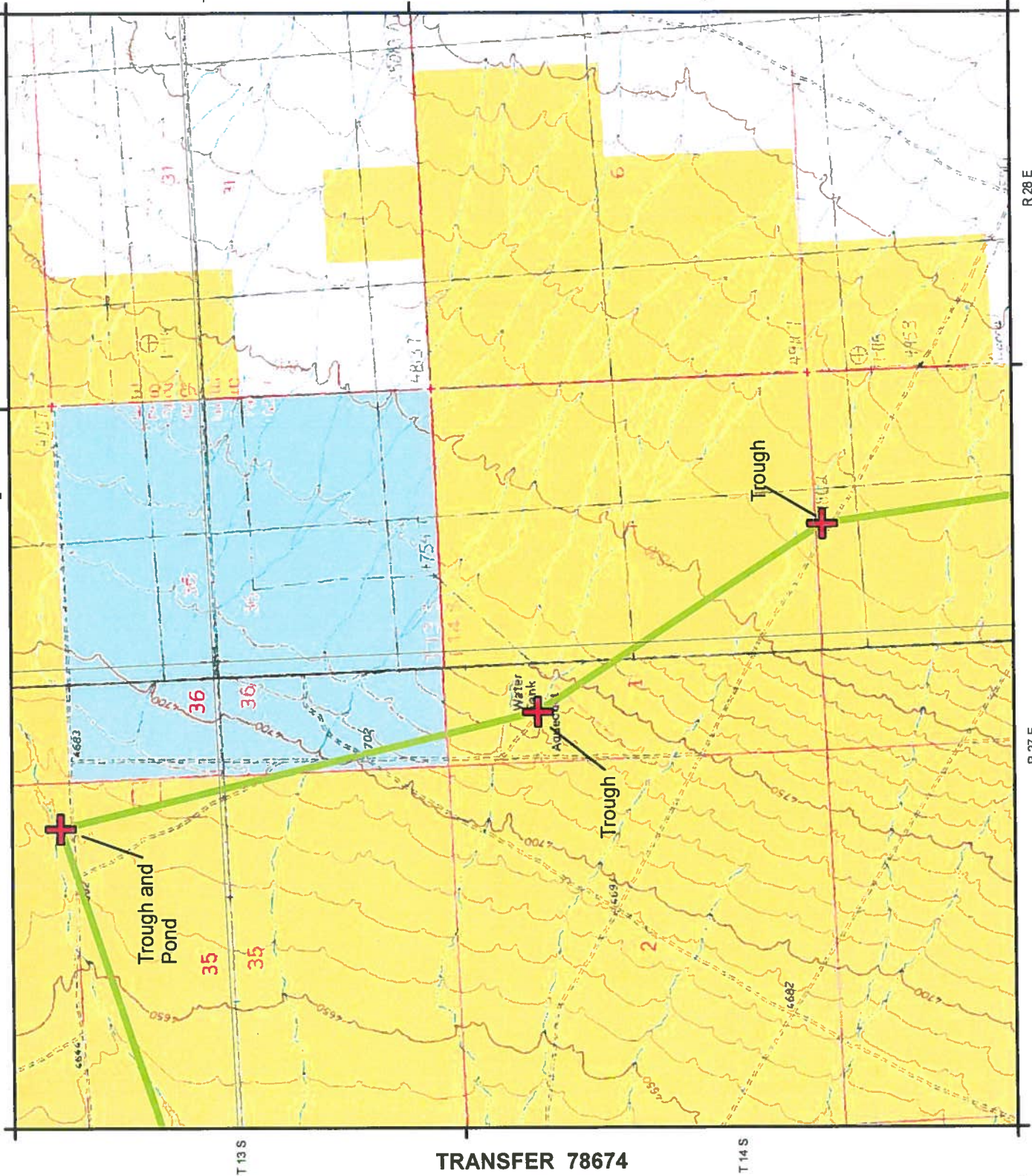


1:24,000

Quad Map Name:
Malta, Sublett, Bridge,
and Sand Rock Canyon



2011-05-28
43_02692Map2_20130528.mxd



43-02692 After the Requested Change

Map 3 of 3

TRANSFER 78674

Legend

-  Digitized Point
-  Point Determined by GPS
-  Digitized Line (Not Actual Route)
-  Line Determined by GPS
-  Range Allotment
-  Bureau of Land Management
-  Forest Service
-  Private; other
-  State



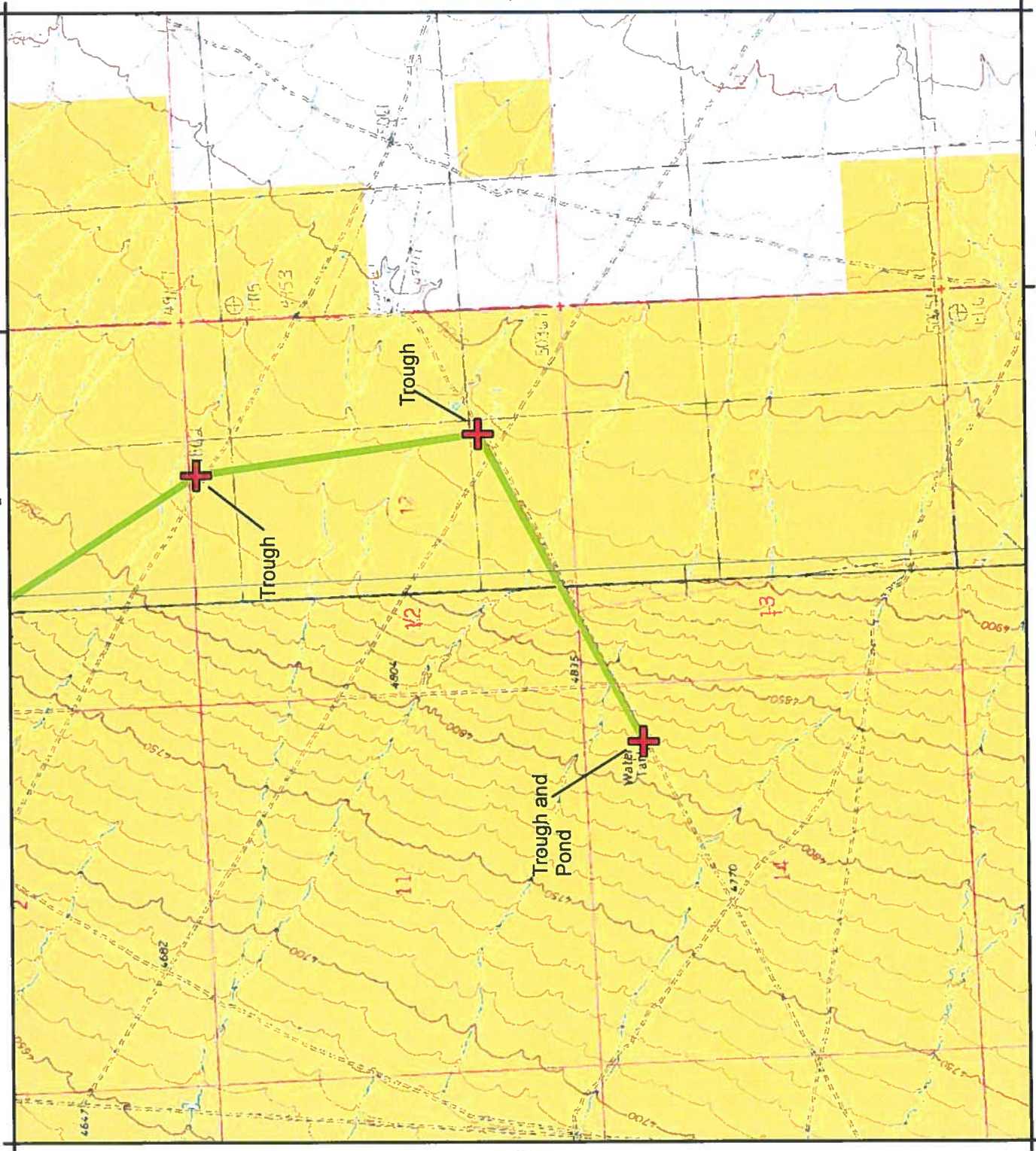
1:24,000

T 14 S

Quad Map Name:
Malta, Sublett, Bridge,
and Sand Rock Canyon



2011-05-28
43_02692Map3_20130528.mxd



R 27 E

R 28 E



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

BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
ATTN: FRED PRICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

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

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,

Denise Maline
Administrative Assistant

cc:

BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY, ID 83318

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

MEMORANDUM

Date: June 26, 2013
To: Transfer 78674File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

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. The current and proposed points of diversion are within the Raft River Ground Water District and the Raft River Critical Ground Water Area.

- **Authority to File:**
The applicant, BLM, is listed as the current owner of the right. BLM is in the process of obtaining an easement agreement from the owners of the proposed point of diversion, Janet and Kirtland Yates.
- **Water Right Validity:**
Water Right 43-2692 was decreed in 1999. Recent aerial photography indicates that the rights appear to have been used in recent years.
- **Injury to Other Water Rights:**
None anticipated. Decreed rights 43-2307, and 43-10593 owned by Janet and Kirtland Yates are also diverted from the proposed point of diversion
- **Enlargement of Use:**
None anticipated. The transfer has no proposed changes to the place of use.
- **Local Public Interest:**
No issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water
- **Effect on Economy of the Local Area:**
No issues 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