

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78483**

This is to certify that: HOWARD ROBINSON
KAREN ROBINSON
2288 WILLIAMSBURG CIRCLE
WEST JORDAN, UT 84088

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-14377	WR/DECREED	5/1/1882	0.320 cfs	N/A	78.2	130.8	MILL CREEK
45-14379	WR/DECREED	4/1/1960	1.300 cfs	N/A	115.0	130.8	MILL CREEK
45-14381	WR/DECREED	12/31/1879	0.110 cfs	1.2 af	35.9	130.8	MILL CREEK
45-2363	WR/DECREED	2/6/1951	1.000 cfs	424.5 af	N/A	115.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-14377	NO	NO	YES	NO	NO	NO
45-14379	NO	NO	YES	NO	NO	NO
45-14381	NO	NO	YES	NO	NO	NO
45-2363	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

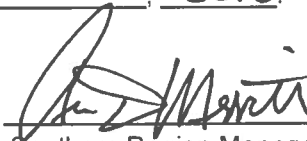
<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-14377	45-14377	0.320 cfs	N/A	78.2	130.8	N/A	N/A	N/A	N/A	N/A
45-14379	45-14379	1.300 cfs	N/A	90.0	130.8	N/A	N/A	N/A	N/A	N/A
45-14381	45-14381	0.110 cfs	N/A	35.9	130.8	N/A	N/A	N/A	N/A	N/A
45-2363	45-2363	1.000 cfs	308.0 af	90.0	130.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.730 cfs	N/A	90.0	130.8		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 20th day of May, 2013.

SUPPORT DATA

IN FILE # 45-2363


Southern Region Manager

Transfer No. 78483

WATER RIGHT NO. 45-2363
As Modified by Transfer No. 78483

In accordance with the approval of Transfer No. 78483, Water Right No. 45-2363 is now described as follows:

Right Holder: KAREN ROBINSON AND
 HOWARD ROBINSON
 2288 WILLIAMSBURG CIRCLE
 WEST JORDAN, UT 84088

Priority Date: 2/6/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.000 cfs	308.0 af
			1.000 cfs	308.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 36 Twp 13S Rge 22E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	35		17.8	40.0										33.0	40.0			130.8

Right Acre Limit: 90.0
 POU Total Acres: 130.8

CONDITIONS OF APPROVAL

1. Use of this right is combined with water from Mill Creek.
2. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
3. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

Transfer No. 78483

WATER RIGHT NO. 45-2363
As Modified by Transfer No. 78483

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
8. Rights 45-14377, 45-14379, 45-14381, and 45-2363 when combined shall not exceed a total diversion rate of 2.73 cfs, and the irrigation of 90 acres.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than May 6, 2005
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Rights 45-2363, 45-14377, 45-14379, and 45-14381 are limited to the irrigation of a specific 90.0 acres within the 130.8 acre place of use authorized by this right in a single irrigation season. The specific 90.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 90.0 acres to be irrigated within the 130.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

WATER RIGHT NO. 45-14377 **As Modified by Transfer No. 78483**

In accordance with the approval of Transfer No. 78483, Water Right No. 45-14377 is now described as follows:

Right Holder: HOWARD ROBINSON And
 KAREN ROBINSON
 2288 WILLIAMSBURG CIRCLE
 WEST JORDAN, UT 84088

Priority Date: 5/1/1882

Source: MILL CREEK

Tributary: SINKS

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 0.320 cfs
 0.320 cfs

LOCATION OF POINT(S) OF DIVERSION

MILL CREEK NESE Sec 36 Twp 13S Rge 22E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	35		17.8	40.0										33.0	40.0			130.8

Right Acre Limit: 78.2
 POU Total Acres: 130.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 78.2 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14377, 45-14379, and 45-14381 when combined shall not exceed a total diversion rate of 1.73 cfs and the irrigation of 90 acres.
3. Rights 45-14377, 45-14379, 45-14381, and 45-2363 when combined shall not exceed a total diversion rate of 2.73 cfs, and the irrigation of 90 acres.
4. Rights 45-14377, 45-17379, 45-14381, and 45-2363 are limited to the irrigation of a specific 90.0 acres within the 130.8 acre place of use authorized by these rights in a single irrigation season. The specific 90.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 90.0 acres to be irrigated within the 130.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 78483

WATER RIGHT NO. 45-14377
As Modified by Transfer No. 78483

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 45-14379
As Modified by Transfer No. 78483

In accordance with the approval of Transfer No. 78483, Water Right No. 45-14379 is now described as follows:

Right Holder: HOWARD ROBINSON And
 KAREN ROBINSON
 2288 WILLIAMSBURG CIRCLE
 WEST JORDAN, UT 84088

Priority Date: 4/1/1960

Source: MILL CREEK

Tributary: SINKS

BENEFICIAL USE
 IRRIGATION

From 03/15 to **To** 11/15

Diversion Rate
 1.300 cfs
 1.300 cfs

LOCATION OF POINT(S) OF DIVERSION

MILL CREEK NESE Sec 36 Twp 13S Rge 22E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	35		17.8	40.0										33.0	40.0			130.8

Right Acre Limit: 90.0

POU Total Acres: 130.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 90 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14377, 45-14379, and 45-14381 when combined shall not exceed a total diversion rate of 1.73 cfs and the irrigation of 90 acres.
3. Rights 45-14377, 45-14379, 45-14381, and 45-2363 when combined shall not exceed a total diversion rate of 2.73 cfs, and the irrigation of 90 acres.
4. Rights 45-14377, 45-14379, 45-14381, and 45-2363 are limited to the irrigation of a specific 90.0 acres within the 130.8 acre place of use authorized by these rights in a single irrigation season. The specific 90.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 90.0 acres to be irrigated within the 130.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 78483

WATER RIGHT NO. 45-14379
As Modified by Transfer No. 78483

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 45-14381
As Modified by Transfer No. 78483

In accordance with the approval of Transfer No. 78483, Water Right No. 45-14381 is now described as follows:

Right Holder: HOWARD ROBINSON And
 KAREN ROBINSON
 2288 WILLIAMSBURG CIRCLE
 WEST JORDAN, UT 84088

Priority Date: 12/31/1879

Source: MILL CREEK

Tributary: SINKS

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.110 cfs	
STOCKWATER	01/01	to 12/31	0.020 cfs	1.2 af
			0.110 cfs	

LOCATION OF POINT(S) OF DIVERSION

MILL CREEK NESE Sec 36 Twp 13S Rge 22E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	35		17.8	40.0										33.0	40.0			130.8
Right Acre Limit:			35.9																
POU Total Acres:			130.8																

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	
13S	22E	35		X	X										X	X			0.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 35.9 acres within the authorized place of use in a single irrigation season.
2. Rights 45-14377, 45-14379, and 45-14381 when combined shall not exceed a total diversion rate of 1.73 cfs and the irrigation of 90 acres.
3. Rights 45-14377, 45-1437, 45-14381, and 45-2363 when combined shall not exceed a total diversion rate of 2.73 cfs, and the irrigation of 90 acres.

Transfer No. 78483

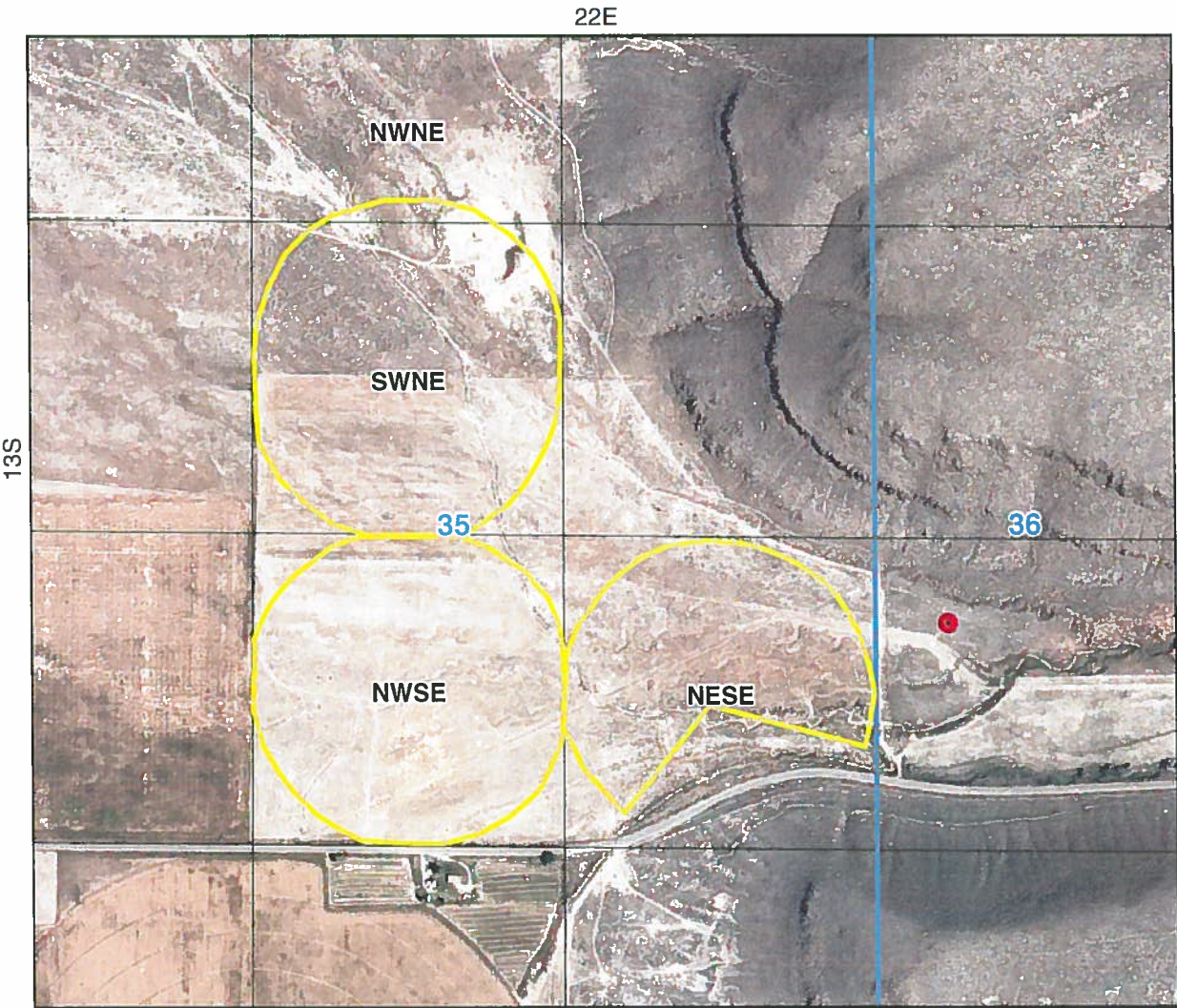
WATER RIGHT NO. 45-14381
As Modified by Transfer No. 78483

CONDITIONS OF APPROVAL

4. Rights 45-14377, 45-14379, 45-14381, and 45-2363 are limited to the irrigation of a specific 90.0 acres within the 130.8 acre place of use authorized by these rights in a single irrigation season. The specific 90.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 90.0 acres to be irrigated within the 130.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur. Additionally when only the 12/31/1879 priority water rights are deliverable and in rotation the water user shall identify to the watermaster which specific 35.9 acres will be irrigated.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 78483
Right: 45-2363

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.075 0.15 0.3 Miles

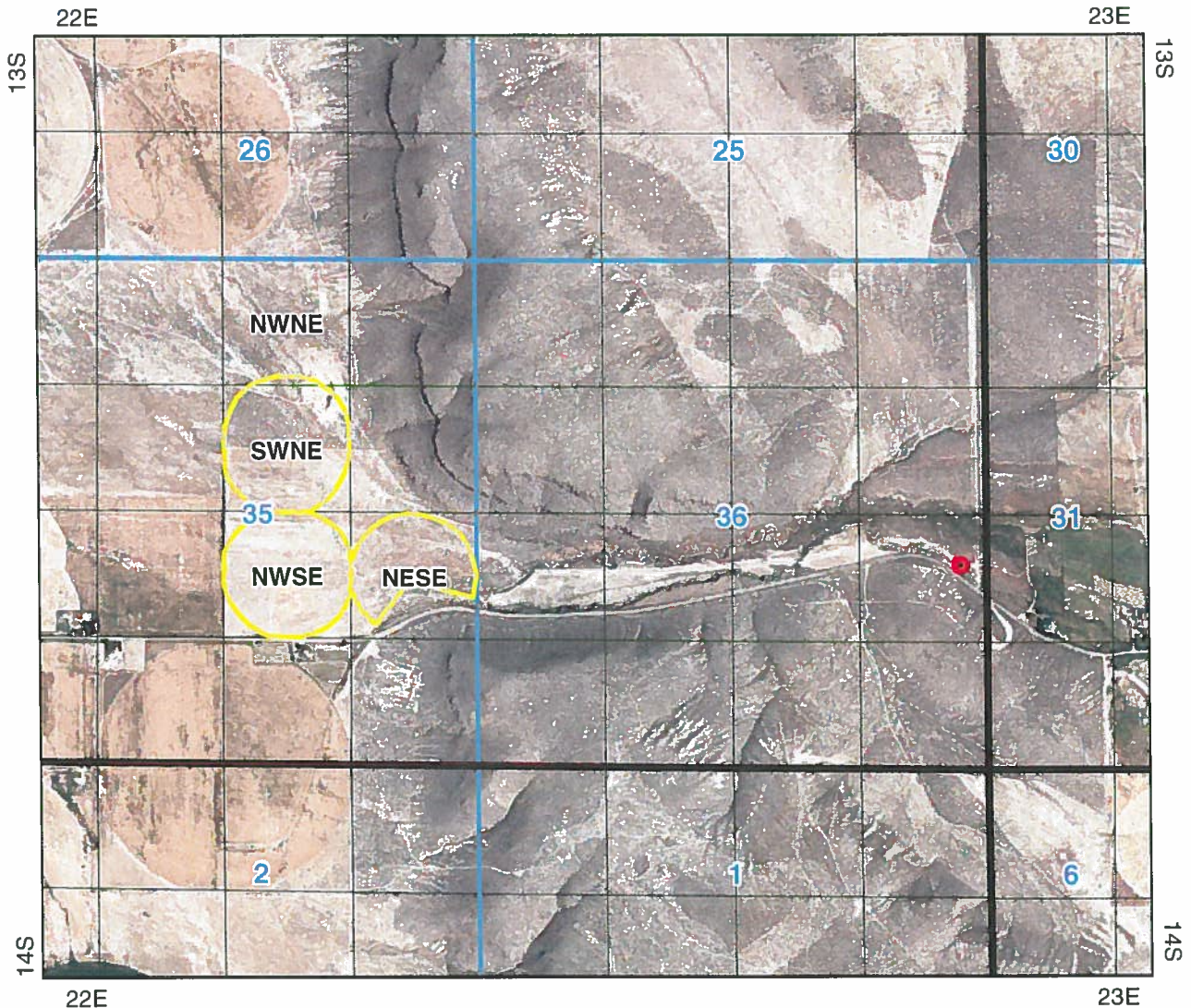


State of Idaho
Department of Water Resources

Attachment To Transfer No. 78483

Rights: 45-14377, 45-14379 and 45-14381

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.225 0.45 0.9 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

May 21, 2013

HOWARD ROBINSON
KAREN ROBINSON
2288 WILLIAMSBURG CIRCLE
WEST JORDAN UT 84088

Re: Transfer No: 78483
Water Right No(s): 45-2363, 45-14377, 45-14379, 45-14381

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

Please also note that Water Right 45-2363 was leased to the Water Supply Bank (bank) on April 9, 2012. The right will remain in the bank until December 31, 2016, unless released earlier by the Idaho Water Resource Board or upon request by the right holder.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt", with a stylized flourish at the end.

Allen Merritt
Southern Region Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

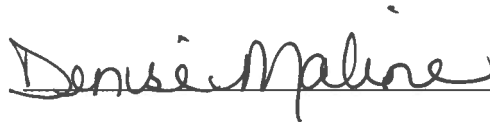
I hereby certify that on May 21, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78483

Water Right No(s): 45-2363, 45-14377, 45-14379, 45-14381

**HOWARD ROBINSON
KAREN ROBINSON
2288 WILLIAMSBURG CIRCLE
WEST JORDAN UT 84088**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



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

May 21, 2013

SANDRA HALE WATERMASTER
WATER DISTRICT # 45A
2099 S 50 E
OAKLEY, ID 83346

Re: **APPROVED** Transfer No. 78483 (Howard & Karen Robinson)

Dear Ms. Hale:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 21, 2013

BRIAN HIGGS WATERMASTER
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

Via E-mail

Re: **APPROVED** Transfer No. 78483 (Howard & Karen Robinson)

Dear Mr. Higgs:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

APR 18 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 4th day of April, 2013 and ending with the issue dated 11th day of April, 2013

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

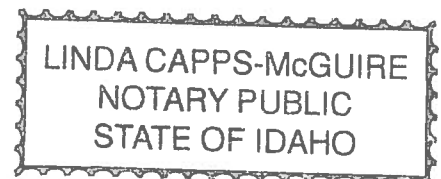
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 16th day of April, 2013, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps-McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15



✓ OK DM 4/23/2013

over
→

NOTICE

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

36-16948

OLD CURRAN RANCH LLC

PO BOX 3398

HAILEY, ID 83333

Point of Diversion NENESE S23 T07S R13E GOODING County

Source WASTE WATER Tributary BILLINGSLEY CREEK

Use: DIVERSION TO STORAGE 01/01 to 12/31 6 CFS

Use: WILDLIFE 01/01 to 12/31 6 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 43.9 AF

Total Diversion: 6 CFS

Date Filed: 8/13/2012

Place Of Use: WILDLIFE AND WILDLIFE STORAGE

T07S R13E S23 SWSE SESE

This is a re-advertisement for Application for Permit 36-16948 to resolve a protest. Applicants propose to change the proposed point of diversion to a location further down the ditch, to address concerns expressed by the protestant. Application proposes diverting up to 6.0 cfs of waste water for wildlife use associated with an existing pond located approximately 1.0 mi. south of the city of Hagerman and west of HWY 30. The waste water has historically been delivered through a ditch from an existing fish hatchery located approximately 0.2 mi. south and 1.0 mi. east of the city of Hagerman.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78482

CITY OF ALBION, PO BOX 147, ALBION, ID 83311; has filed Application No. 78482 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14165. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a new point of diversion and modifying a permissible place of use for Marsh Creek irrigation water right owned by the City of Albion. The new point of diversion is located approximately 0.6 miles north and 0.6 miles east of the City of Albion and will allow for the diversion and irrigation of different land to facilitate land application of waste water as required by IDEQ. The existing and new point of diversion on Marsh Creek will be used to divert up to 0.91 cfs for irrigation of 37.8 acres within a proposed 83.1 acre permissible place of use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78483

HOWARD and KAREN ROBINSON, 2288 WILLIAMSBURG CIRCLE, WEST JORDAN, UT 84088; has filed Application No. 78483 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14377; 45-14379, 45-14381 (Mill Creek); 45-2363 (Ground Water). The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a irrigation ground water right (1.0 cfs) from a farm located approximately 1.0-1.5 miles north and 0.5-1.0 miles east of the City of Oakley, to a farm located approximately 2.0-2.5 miles east and 0.25-0.9 miles north of the City of Oakley. The application will also modify the permissible place of use of three Mill Creek irrigation rights on the farm located approximately 2.0-2.5 miles east and 0.25-0.9 miles north of the City of Oakley. The ground water right (1.0 cfs) will be pumped from an existing well located approximately 0.4 miles north and 2.6 east of the City of Oakley.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78422

MOSS LAND CO LLP, 390 N 925 E, DECLO, ID 83323; has filed Application No. 78422 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-2566. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion (POD) and add a POD for a 3.82 CFS, (320 acres) irrigation water right, currently diverted from a well located approximately 6.4 miles north and 3 miles west of the intersection of State Highways 25 and 27 in Paul, ID. The new point of diversion will be located approximately 6.1 miles north and 2.9 miles west of the intersection of State Highways 25 and 27 in Paul. Application seeks to correct the described location of the existing well on the water right to the actual well location. The new POD sought by the application is to allow the applicants to drill a new well in order to withdraw the full diversion rate allowed by their water right because the existing well no longer supplies the full quantity.

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

GARY SPACKMAN, Director

PUBLISH: April 4 and 11, 2013

✓ OK DM 4/23/2013