

Original

RECEIVED

SEP 19 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

Check all that apply:

☒ Change diversion point(s)

☐ Add diversion point(s)

☐ Ownership change

1. APPLICANT(S) H Phillip Cash Phone 208-7642323
2. MAILING ADDRESS ~~Box 1092~~ 607 E. 2005 City Fairfield
State Idaho Zip 83327 Email _____

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

3. LIST WATER RIGHT NUMBER(S) 37-444

- ☒ 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 4.0 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

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

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

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
01S	15E	27			NW	NW	Camas	Camas Creek	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Three phase electric motor with dedicated lockable service panel, turbine pump, and open discharge pipe into existing pond.

- 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. 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.

H. P. Cash

Signature of applicant or authorized agent

H. P. CASH Pres & CEO

Print name and title if applicable

08-18-12

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 _____

Fee paid \$740 - Date 9-10-2012

Received by Corey Skinner Receipt # 5032786

Preliminary review completed by _____ Date _____

(Received 9/12/2012)
Page 2 of 4

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Page 3 of 4

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

Current Water Right No.: 37-444

Current Owner: H. PHILLIP CASH

Priority Date: 7/15/1887

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

CAMAS CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

4 CFS

Annual Volume

STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion

4 CFS

Location of Point(s) of Diversion

CAMAS CREEK

SE1/4NW1/4SE1/4

Sec. 28, Twp 01S, Rge 15E B.M.

CAMAS County

Piece of Use

IRRIGATION Within CAMAS County

T01S R15E S27	NENW	20.00	T01S R15E S27	NWNW	31.00
T01S R15E S27	SWNW	24.00	T01S R15E S27	SENW	33.00
T01S R15E S27	NESW	40.00	T01S R15E S27	NWSW	35.00
T01S R15E S28	NENE	39.00	T01S R15E S28	NWNE	40.00
T01S R15E S28	SWNE	31.00	T01S R15E S28	SENE	22.00
T01S R15E S28	NESE	33.00	T01S R15E S28	NWSE	25.00
T01S R15E S28	SWSE	35.00	T01S R15E S28	SESE	37.00

Total Acres: 445

STOCKWATER Within CAMAS County

T01S R15E S27	NENW	T01S R15E S27	NWNW
T01S R15E S27	SWNW	T01S R15E S27	SENW
T01S R15E S27	NESW	T01S R15E S27	NWSW
T01S R15E S28	NENE	T01S R15E S28	NWNE
T01S R15E S28	SWNE	T01S R15E S28	SENE
T01S R15E S28	NESE	T01S R15E S28	NWSE
T01S R15E S28	SWSE	T01S R15E S28	SESE

Page 4 of 4

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 445 acres in a single irrigation season. Combined Right Nos.: 37-444, 37-2541, and 37-7636A.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 314 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

APPLICATION FOR TRANSFER
WATER RIGHT 37-444



Attachment: Item #7 Point of Diversion Map



Transfer 78141

SEP 10 2012

copy

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:

Three phase electric motor with dedicated lockable service panel, turbine pump, and open discharge pipe into existing pond.

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- 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)?

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Signature of applicant or authorized agent

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Print name and title if applicable

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Received by P. SKINNER

Date 9/10/2012

Fee paid \$740.00 Date 9/12/2012

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Receipt # 5032786

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Page _____ of _____

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CAMAS County

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T01S R15E S28	NENE	39.00	T01S R15E S28	NWNE	40.00
T01S R15E S28	SWNE	31.00	T01S R15E S28	SENE	22.00
T01S R15E S28	NESE	33.00	T01S R15E S28	NWSE	25.00
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Total Acres: 445

STOCKWATER Within CAMAS County

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T01S R15E S27	SWNW	T01S R15E S27	SENW
T01S R15E S27	NESW	T01S R15E S27	NWSW
T01S R15E S28	NENE	T01S R15E S28	NWNE
T01S R15E S28	SWNE	T01S R15E S28	SENE
T01S R15E S28	NESE	T01S R15E S28	NWSE
T01S R15E S28	SWSE	T01S R15E S28	SESE

Page _____ of _____

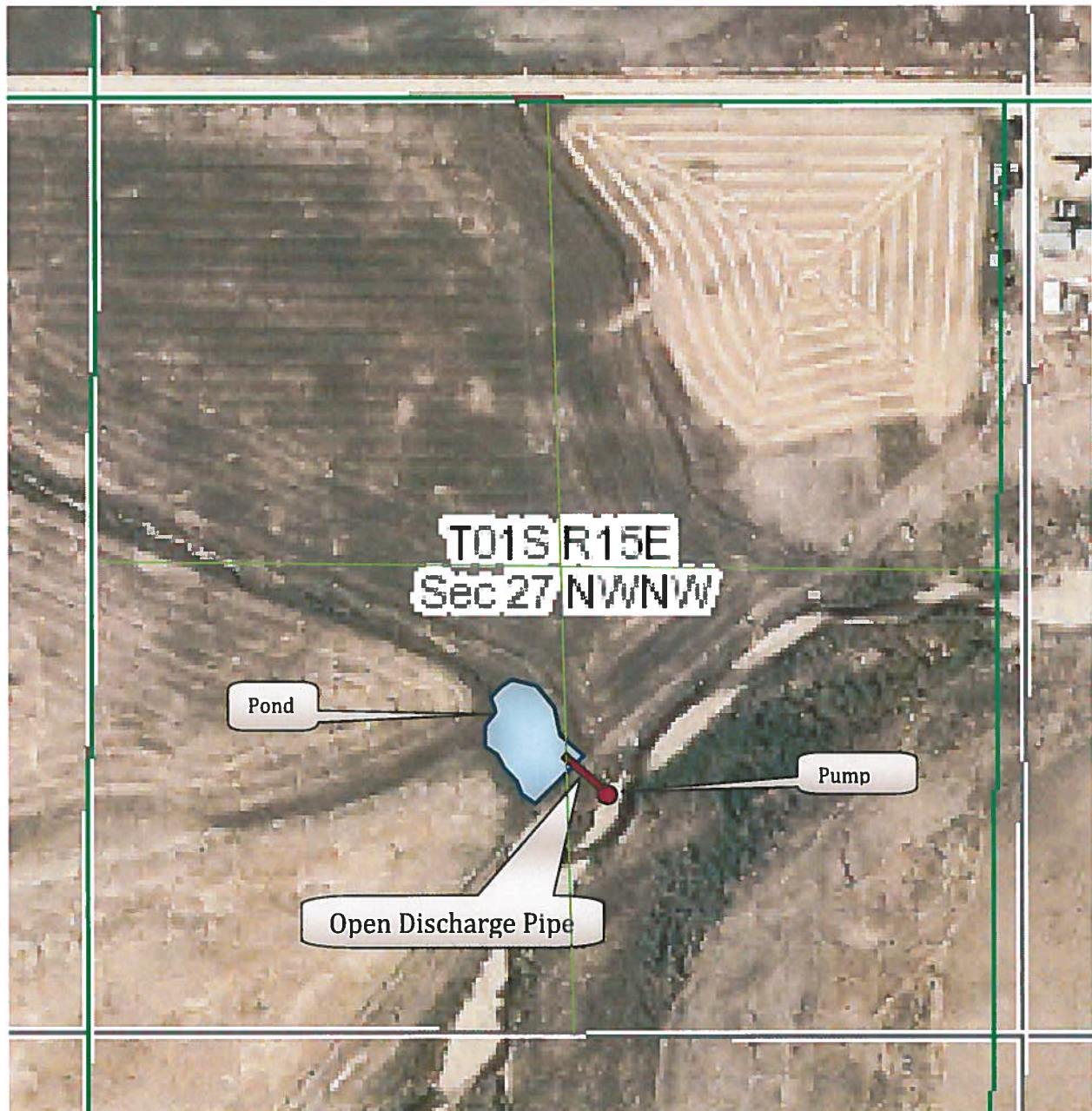
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APPLICATION FOR TRANSFER
WATER RIGHT 37-444



Attachment: Item #7 Point of Diversion Map





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 28, 2012

H PHILLIP CASH
607 E 200 S
FAIRFIELD, ID 83327

RE: Transfer No. 78141
Water Right No(s). 37-444

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.

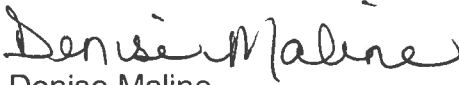
A legal notice of the application has been prepared and is scheduled for publication in the **CAMAS COURIER on 10/3/2012 and 10/10/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication **October 22, 2012**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,


Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Friday, September 28, 2012 8:23 AM
To: Camas Courier
Subject: LEGAL NOTICE
Attachments: Camas Courier Cover Letter.docx; Camas Courier Ad.docx

Attached please find (1) legal notice being submitted for publication on October 3rd & 10th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

September 28, 2012

LEGAL NOTICE DEPARTMENT
CAMAS COURIER
PO BOX 339
FAIRFIELD, ID 83327

RE: Transfer No. 78141
Water Right No(s): 37-444

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 22, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78141**

H PHILLIP CASH, 607 E 200 S, FAIRFIELD, ID 83327 has filed Application No. 78141 for changes to the following water rights within CAMAS County(s): Right No(s). 37-444; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for a 4.0 cfs Camas Creek water right used to irrigate 314 acres within a farm located approximately 2.3 - 3.3 miles south and 5.5 - 6.5 miles east of the center of Fairfield. The proposed change in point of diversion will consist of moving the existing Camas Creek point of diversion on the farm to a new location located approximately 0.8 miles downstream on the farm.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 October 22, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 3rd & 10th, 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 28, 2012

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

RE: Transfer No. 78141
Water Right No(s): 37-444

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 28, 2012

IDAHO DEPT OF FISH & GAME
319 S 417 E
JEROME, ID 83338

RE: Transfer No. 78141
Water Right No(s): 37-444

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**October 22, 2012**).

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

cc: Tom Bassista, IDFG Idaho Falls

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SEP 19 2012

**DEPT. OF WATER RESOURCES
SOUTHERN REGION**

**ADVANCED
MINERAL
TECHNOLOGIES
INC.**

RT. 1 Box 1092
FAIRFIELD, ID 83327
AMTO@HUGHES.NET

H.P. CASH
PRESIDENT & CEO

CELL 916.207.2663
OFFICE 208.764.2323
FAX 208.764.2663

X- for 78141

RECEIVED

SEP 19 2012

**DEPT. OF WATER RESOURCES
SOUTHERN REGION**

**Phil Cash
607 E. 200 S. Fairfield ID.83327
208-764-2323 916-207-2663**

Please let me know the cost for filing.
We will send you a check.
Thank you.

Phil Cash

X- for 78141

MEMORANDUM

Date: September 14, 2012
To: Transfer 78141 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the point of diversion for a 4.0 cfs Camas Creek water right, 37-444, used to irrigate 314 acres within a farm located approximately 2.3 – 3.3 miles south and 5.5 – 6.5 miles east of the center of Fairfield. The proposed change in point of diversion will consist of moving the existing Camas Creek point of diversion on the farm to a new location located approximately 0.8 miles downstream on the farm. The water right involved with the transfer is subject to regulation by the Water District 37 water master.

- **Authority to File:** The applicant (H Phillip Cash) is listed as the current owner of the right involved with the transfer.
- **Water Right Validity:** The right involved with the transfer was decreed in the SRBA in September of 2010.
- **Injury to Other Water Rights:** None anticipated.
- **Enlargement of Use:** No issues anticipated if appropriate conditions are implemented.
- **Local Public Interest:** No negative issues anticipated.
- **Beneficial Use/Conservation of Water Resources:** No negative issues anticipated. Proposed use is recognized as a beneficial use of water.

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.