

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 16, 2012 12:44 PM
To: Post Register
Subject: LEGAL NOTICE
Attachments: Post Register Cover Letter.docx; 77712 Ad.docx

Attached please find (1) legal notice being submitted for publication on August 23rd & 30th, 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 Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

August 16, 2012

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Transfer No. 77712

Water Right No(s): 45-2383, 45-7118, 45-7125, 45-7317, 45-13904, 45-13981, 45-13982,
45-690, 45-691, 45-7004, 45-7186A

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 September 10, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77712**

MVCP LLC, 474 E 550 S, BURLEY, ID 83318 has filed Application No. 77712 for changes to the following water rights within CASSIA County(s): Right No(s). 45-2383, 45-7118, 45-7125, 45-7317, 45-13904, 45-13981, 45-13982, 45-690, 45-691, 45-7004, 45-7186A; 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 to add points of diversion (POD) and change the place of use (POU) for nine groundwater irrigation rights: 45-2383 (4.75 CFS), 45-7004 (6.4 CFS); 45-7118 (2.4 CFS), 45-7125 (3.14 CFS), 45-7186A (6.12 CFS), 45-7317 (3.35 CFS), 45-13904 (10.07 CFS), 45-13981 (3.84 CFS), and 45-13982 (0.68 CFS). Applicant also proposes to change the POU for surface rights 45-690 for 3.2 CFS (Lunch Creek, Dayley Creek, & Unnamed Stream) and 45-691 for 0.85 CFS (White Creek). Currently, rights 45-7004, 45-7186A, 45-13904, 45-690 & 45-691 are limited to the irrigation of 1863 acres on a farm located approximately 7.4 to 10.2 mi. S & 3.8 to 7.0 mi. E of Burley. Rights 45-2383, 45-7118, 45-7125, 45-7317, 45-13981, & 45-13982 are currently limited to the irrigation of 1635 acres (26.42 CFS, 6540 AFA) on ground located the following approximate distances from Burley: 7.4 to 8.4 mi. S; 6.9 to 8.2 mi. S & 3.0 to 3.6 mi. E; 6.9 to 7.2 mi. S & 6.5 to 7.5 mi. E; 7.4 to 8.5 mi. S & 5.5 to 7.0 mi. E. Rights 45-2383, 45-7118, 45-7125, 45-7317, 45-13981, & 45-13982 are currently diverted from ten wells located the following approximate distances from Burley: 7.6 mi. S; 7.7 mi. S; 7.8 mi. S; 7.9 mi. S; 8.5 mi. S & 6.5 mi. E; 7.5 mi. S & 5.6 mi. E; 7.0 mi. S & 5.5 mi. E; 7.4 mi. S & 6.5 mi. E; 7.2 mi. S & 6.5 mi. E; 7.1 mi. S & 6.5 mi. E. Five wells, located the following approximate distances from Burley, supply water to the corresponding rights: 8.5 mi. S & 5.5 mi. E (45-7004); 7.5 mi. S & 5.3 mi. E (45-13904); 7.5 mi. S & 5.6 mi. E (45-13904 & 45-7186A); 7.5 mi. S & 5.6 mi. E (45-7004, 45-7186A, & 45-13904); 7.5 mi. S & 6.4 mi. E (45-7004, 45-7028, 45-7151, 45-7358, & 45-7338). Applicant proposes to allow diversion for any of the aforementioned groundwater rights from any of the aforementioned wells along with three additional PODs to create a common well system consisting of 18 total wells. The three additional wells are to be located the following distances from Burley: 7.6 mi. S & 5.7 mi. E (existing, currently inactive well); 7.3 mi. S & 3.5 mi. E (new well); & 7.5 mi. S & 6.3 mi. E (new well). Application proposes to change the POU of all the aforementioned rights to a 4,384-acre permissible place of use (PPU), comprising of ground located the following approximate distances from Burley: 7.4 to 8.4 mi. S; 7.0 to 8.1 mi. S & 3.0 to 3.5 mi. E; and 6.4 to 10.2 mi. S & 3.8 mi. to 7.4 mi. E. Delivery of water to certain areas of the proposed PPU will also include conveyance through the Burley Irrigation District (BID) system. Application also proposes changing the POU for the Stockwater components of rights 45-690 & 45-691 to the aforementioned proposed PPU. In total up to 49.01 CFS will be diverted from 18 wells and 4.0 CFS diverted from Lunch Creek, Dayley Creek, White Creek, and an Unnamed Stream for the irrigation of 3,498 acres within a 4,384-acre PPU.

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 September 10, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 23rd & 30th, 2012