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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 78012

Receipt No. 5032670

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information DAVID LEON ROBINSON

77 E 200 S
BURLEY ID 83318
(701)258-2610

And

MARLENE TRINA ROBINSON
77 E 200 S
BURLEY ID 83318
(701)258-2610

Will this transfer result in an ownership change? Yes X No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-11725	WR/Decreed	0.04				SUMMIT CREEK

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-11725	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

Application filed to correct the recorded point of diversion of water right 45-11725 to reflect the actual location of diversion from the Summit Creek channel at the head of the Summit Creek Ditch.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

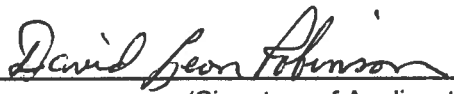
	Rate	Acre Limit	Total Acres	Volume
45-11725	0.04 cfs			
TOTAL	0.04 cfs			

Transfer No. 78012

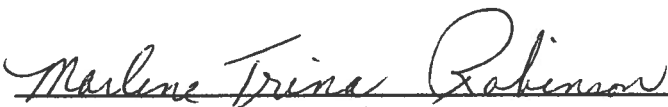
Receipt No. 5032670

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



(Signature of Applicant)



(Signature of Applicant)

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

Current Water Right No. 45-11725

Priority Date: December 31, 1929

Origin: Water Right

Basis: Decreed

Status: Active

Source: SUMMIT CREEK

Tributary: BASIN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01 12/31	0.02 CFS		
STOCKWATER	5/01 10/15	0.02 CFS		Dairy
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

SUMMIT CREEK NENE Sec. 21 Twp 14S Rge 23E CASSIA County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	23E	21	X																

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	23E	21	X																

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NOS. 14S23E210020, 14S23E210005 STOCKWATER, 20 DAIRY, 20 RANGE, 3 HORSES

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Documentation of Ownership of the Current Place of Use

Quitclaim Deed and IDWR records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

No change to place of use is proposed

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 45-11725

Priority Date: December 31, 1929

Origin: Water Right

Basis: Decreed

Status: Active

Source: SUMMIT CREEK

Tributary: BASIN CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01 12/31	0.02 CFS		
STOCKWATER	05/01 10/15	0.02 CFS		
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

SUMMIT CREEK NWNW Sec. 22 Twp 14S Rge 23E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Head of Summit Creek Ditch

PLACE OF USE: DOMESTIC

[illegible]

PLACE OF USE: STOCKWATER

[illegible]

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**



266755

QUITCLAIM DEED

In consideration of our natural love and affection and for value received

Merrill B. Robinson and Norine Robinson, husband and wife, of 2666 Brentwood, Burley, Idaho 83318

do hereby convey, release, remise and forever quit claim unto

David Leon Robinson and Marlene Trina Robinson, husband and wife, of 77 East 200 South, Burley, Idaho 83318

the following described premises, located in County of Cassia, State of Idaho, to-wit:

Tax 2895 Beginning at a point 650 feet West, along the lot line, and 195 feet North from the SE corner of Lot 3 in Section 4, Township 11 South, Range 23 East of the Boise Meridian; Thence North 195 Feet; Thence West 670 feet, paralleling the Lot line; Thence 195 feet South; Thence 670 feet East, paralleling the Lot line, to the Point of Beginning, as the same is platted in the official plat thereof, now of record in the office of the County Recorder of the County of Cassia, State of Idaho.

East 1/2 of Section 21 Township 14 South Range 23 East Boise Meridian less Tax 4375 which is described as follows:

Beginning at a point that is 208 feet South of the Northeast corner; Thence running South along the East section line of said Section 21 for 100 feet; Thence West for 165 feet; Thence North for 100 feet; Thence East for 165 feet to the Point of Beginning,

as the same is platted in the official plat thereof, now of record in the office of the County Recorder of the County of Cassia, State of Idaho.

DATED This 3 day of December, 1999.

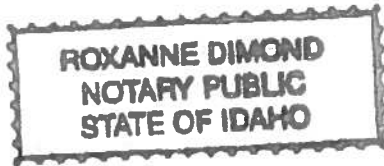
Merrill B. Robinson
MERRILL B. ROBINSON

Norine Robinson
NORINE ROBINSON

QUIT CLAIM DEED

STATE OF IDAHO)
) ss.
County of Cassia)

On this 3rd day of December, 1999, before me, a notary public in and for said State, personally appeared Merrill B. Robinson and Norine Robinson, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



Roxanne Dimond
Notary Public for Idaho
Residing at: Burley, Idaho
My Commission Expires: 7-29-2005

266755

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE 6.00 DEPUTY ROR

00 JAN 6 PM 4 19

RECORDED AT THE REQUEST OF

Doug Whipple
Box 249

Burley, Id 83318

QUIT CLAIM DEED



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

August 16, 2012

DAVID LEON ROBINSON
MARLENE TRINA ROBINSON
77 E 200 S
BURLEY, ID 83318

RE: Transfer No. 78012
Water Right No(s). 45-11725

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 8/23/2012 and 8/30/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**September 10, 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: Thursday, August 16, 2012 12:38 PM
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 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
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 78012
Water Right No(s): 45-11725

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. 78012**

DAVID LEON ROBINSON and MARLENE TRINA ROBINSON, 77 E 200 S, BURLEY, ID 83318 has filed Application No. 78012 for changes to the following water rights within CASSIA County(s): Right No(s). 45-11725; 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 correct the described point of diversion for a 0.04 cfs domestic and stock water right from Summit Creek by identifying the Summit Creek Ditch diversion as the authorized diversion point. The point of diversion, and the property involved with the application, are located approximately 3.1 miles south and 6.1 miles east of the center of Oakley.

**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

MEMORANDUM

Date: August 13, 2012
To: Transfer 78012 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to correct the described point of diversion for a 0.04 cfs domestic and stock water right from Summit Creek by identifying the Summit Creek Ditch diversion as the authorized diversion point. The point of diversion, and the property involved with the application, are located approximately 3.1 miles south and 6.1 miles east of the center of Oakley. Note that the right was decreed in the SRBA with the point of diversion identified in the NENE of Section 21 (T14S, R23E), but Summit Creek no longer flows through this particular tract since the construction of the Summit Creek Ditch many decades ago, which diverts all of Summit Creek within the NWNW of Section 22 (T14S, R23E). In essence, this application is a "paper change" attempting to correct the decreed point of diversion location to reflect the actual historical diversion location. Initially, it had been decided to process this particular application without public notice advertising. However, the diversion and right is located within the 45A Water District. A letter was sent to the 45A water master in an attempt to seek water master comments on July 11th. Later in July, while awaiting water master comments, a call was received in the IDWR Southern Region office from another water user on Summit Creek who expressed concern with the application. After consulting the IDWR Southern Region manager, it was decided to go ahead and advertise the application so that the opportunity to possibly protest the application would be made available to the public.

- **Authority to File:** The applicants (David and Marlene Robinson) are listed as the current owners of the right being transferred.
- **Water Right Validity:** The right involved with the transfer was decreed in the SRBA in 1998. Review of aerial photography supports the recent use of the water right involved with the transfer. Possible forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:** Proposed change in point of diversion is an attempt to record the actual, historical, diversion point. Application will be subject to public notice and protest.
- **Enlargement of Use:** No issues anticipated if appropriate conditions are implemented.
- **Local Public Interest:** No negative issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:** No negative issues anticipated. Application will be subject to public notice and protest. Proposed uses are recognized as beneficial uses 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.



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
Interim Director

July 11, 2012

Sandra Hale
2099 S 50 E
Oakley, ID 83346

RE: Transfer No. 78012
Water Right No: 45-11725

Dear Sandra:

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.

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.

If you have any questions, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosure(s)