

RECEIVED

MAY 11 2012

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77932

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77932APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Pioneer Irrigation District Phone (208) 459-3617Mailing address P.O. Box 426, Caldwell, ID 83606 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Scott L. Campbell of Moffatt Thomas Barrett Rock & Fields, Chtd. Phone (208) 345-2000Mailing address P.O. Box 829, Boise, ID 83701-0829 Email slc@moffatt.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Alan Newbill
Signature of Applicant or Authorized Representative

Alan Newbill, President, Board of Directors
Print Name and Title if applicable

5/19/2012
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Pioneer proposes to add a pump station to the Fivemile Creek Drain to spill water into the Phyllis Canal. Design of pump sizing and related facilities has not been completed.

This page lined out in error. It is the correct Page 1 of transfer. ca. 6/12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED
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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

JUN 18 2012

WATER RESOURCES
WESTERN REGION

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-21731	76.60 cfs	Irrigation	3/1 to 11/15	Fivemile Creek Drain/Boise River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 76.60 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 76.60 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NE	32	4N	1W	Ada	Fivemile Creek Drain	
New			~~NW~~	NE	31	4N	1W	Ada	Fivemile Creek Drain	
			~~NW~~							
			~~NW~~							
			~~NW~~							

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
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☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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New			NW	NE	31	4N	1W	Ada	Fivemile Creek Drain	

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Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. 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: A concrete stilling basin will be constructed in Fivemile Creek Drain.

Pump(s) will lift water to Phyllis Canal for discharge into the Canal. Measuring meters can be installed in the piping as required by the Department

- b. Who owns the property at the point(s) of diversion? U.S. Bureau of Reclamation

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Applicant is seeking a special use permit from the U.S. Bureau of Reclamation.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

N/A

- f. 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, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

ATTACHMENT
PART 2A
Report[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/23/2012

WATER RIGHT NO. 63-21731

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PIONEER IRRIGATION DISTRICT PO BOX 426 CALDWELL, ID 83606 (208)459-3617
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELD CHTD C/O SCOTT L CAMPBELL PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 06/01/1918

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FIVEMILE CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	76.6 CFS	
Total Diversion			76.6 CFS	

Location of Point(s) of Diversion:

FIVEMILE CREEK	NWNE	Sec. 32	Township 04N	Range 01W	ADA County
----------------	------	---------	--------------	-----------	------------

IRRIGATION Use:
Acre Limit: 34204.6

Place(s) of use: Large POU Info

Conditions of Approval:

1.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
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.	188	This right is limited to the irrigation of 34,204.61 acres within the boundary of the Pioneer Irrigation District.
4.		This water right shall not alter or abrogate any provision of contract executed by the United States or State law regarding Pioneer Irrigation District or Nampa & Meridian Irrigation District rights and responsibilities to use and make available water developed in drains within their boundaries.

Dates:

Licensed Date:

Decreed Date: 01/04/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. See Attached
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Received by MP Date 5/11/12 Prelim. Check by _____ Date _____
 Fee Paid \$4300⁰⁰ Date 5/11/12 Received by MP Receipt # N040174
 Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

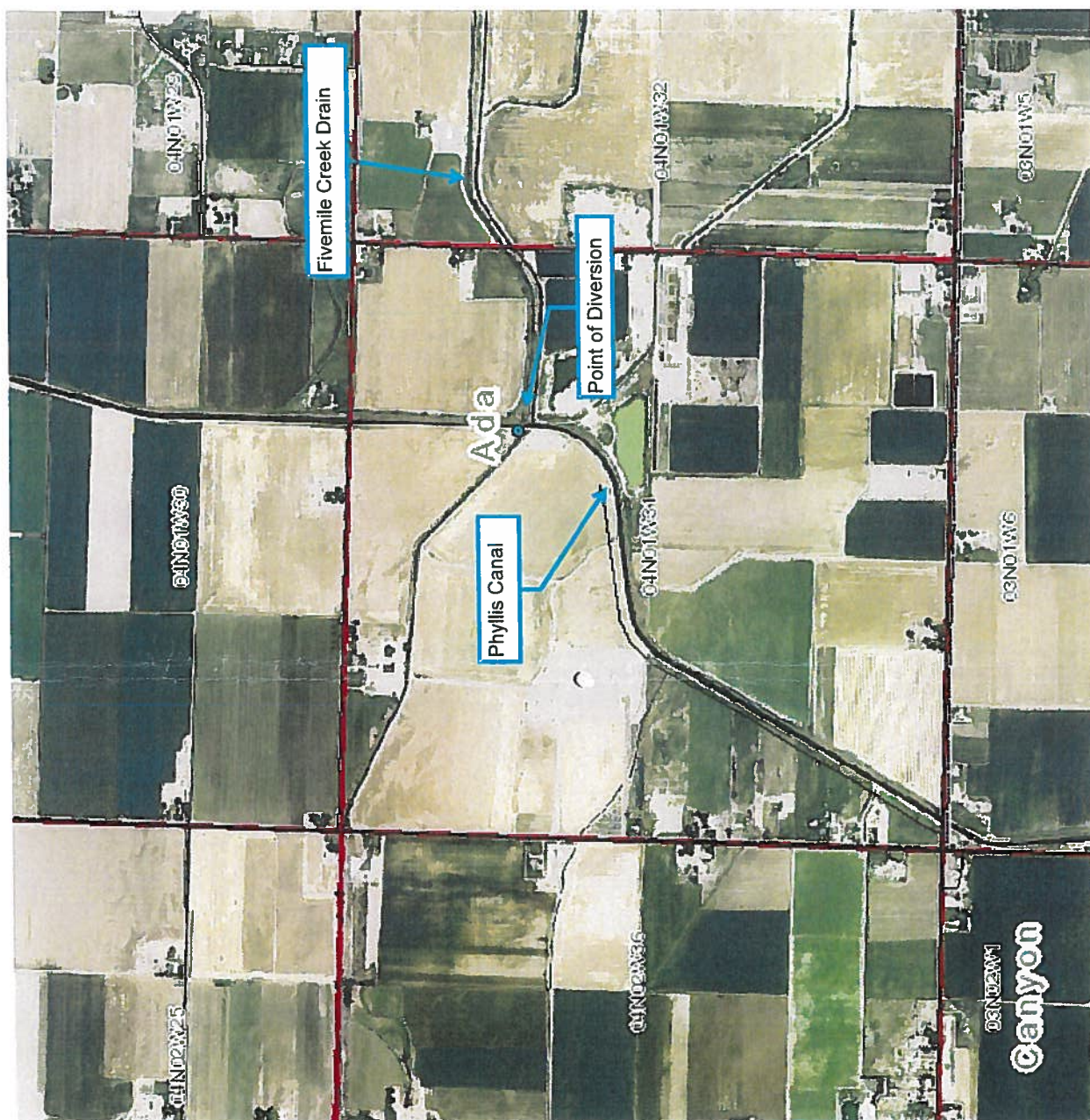
Attachment 7a to
Application for Transfer of Water Right
63-21731 for Pioneer Irrigation District

Point of Diversion located within the
NW-NE of Section 31, Township 4N,
Range 1W, Ada County, Idaho

SWNE

AV

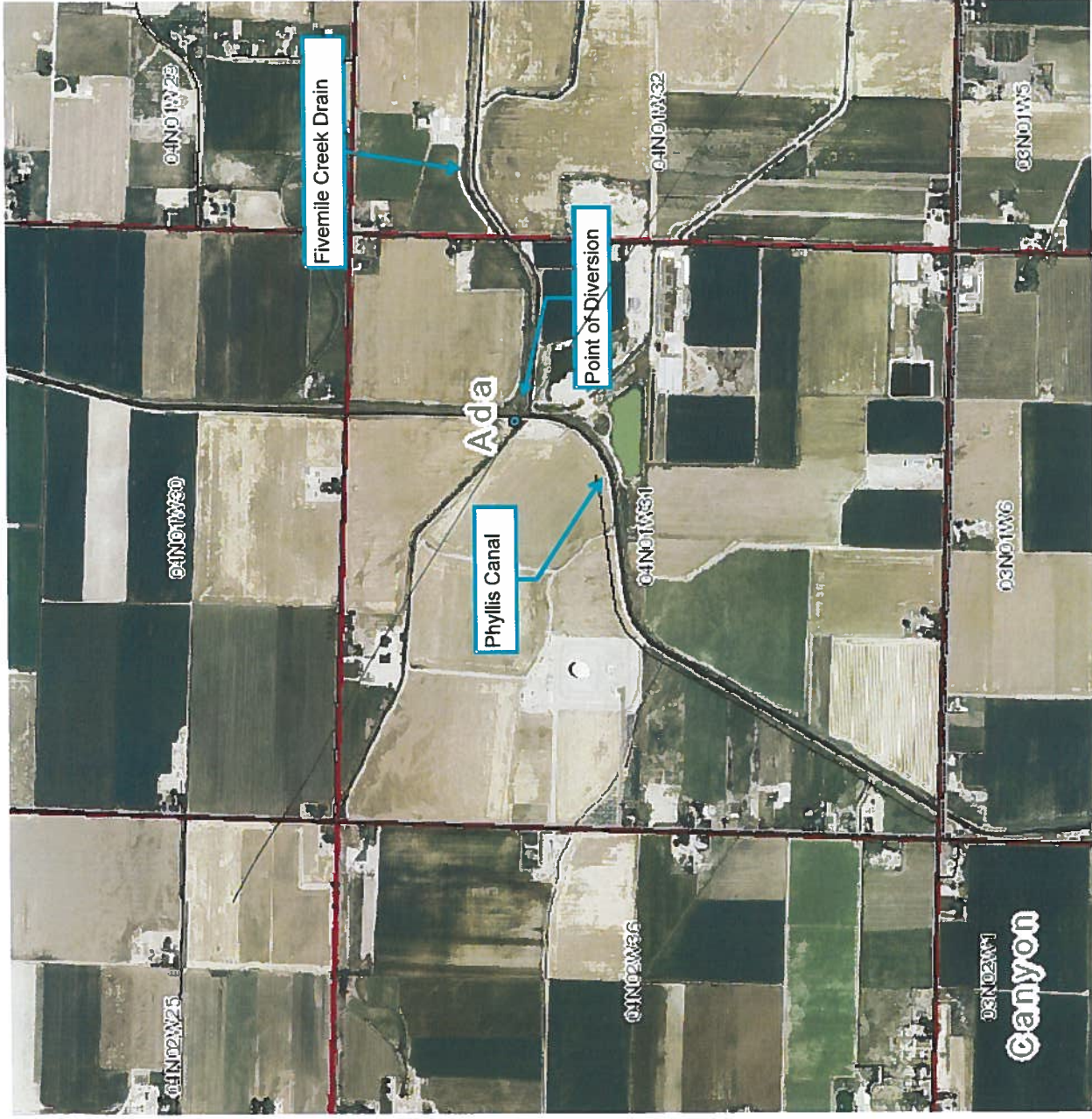
AMENDED



Attachment 7a to
Application for Transfer of Water Right
63-21731 for Pioneer Irrigation District

Point of Diversion located within the
NW NE of Section 31, Township 4N,
Range 1W, Ada County, Idaho

*This page superceded
by Amended version*



Pearson, Mandi

From: Pearson, Mandi
Sent: Wednesday, June 27, 2012 3:09 PM
To: 'legals@idahostatesman.com'
Subject: Legal Ad
Attachments: Ada County Ad.docx; Ada Cover Letter.docx

Janice,

Please see attached legal ad to run 7/5 and 7/12. Please confirm that it is ok to publish as shown.

Thanks so much!

Mandi Pearson

Office Specialist 2
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

*Legal
Notice - Statewide*

June 27, 2012

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No.(s): 63-33647
Transfer No. 77932, Water Right No(s): 63-21731

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 7/23/2012. Your cooperation is appreciated.

Sincerely,

Mandi Pearson
Office Specialist II

Enclosure(s)

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

63-33647

EAGLE LAND & LIVESTOCK LTD CO

4050 N LADYBUG LN

BOISE, ID 83704

Point of Diversion NESW S30 T05N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 5/18/2012

Place Of Use: IRRIGATION

T05N R01E S30 NESW L3(NWSW)

Total Acres: 10

Water bearing zone to be appropriated is from 200 to 350 feet.

PROPOSED CHANGE OF WATER RIGHT

Pioneer Irrigation District of PO Box 426, Caldwell, ID 83606, filed Application No. 77932 to transfer a water right with a 1918 priority date from Fivemile Creek totaling 76.6 cfs. The purpose of the transfer is to add a pump station to the Fivemile Creek Drain to spill water into the Phyllis Canal. Water will be used at the current place of use within the boundary of the district.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; 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, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 7/23/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 7/5/2012 and 7/12/2012

Pearson, Mandi

From: Pearson, Mandi
Sent: Wednesday, June 27, 2012 3:15 PM
To: 'legalnotices@postregister.com'
Subject: Legal Ad
Attachments: Bonneville Cover Letter.docx; Bonneville County Ad.docx

Staci,

I will be taking over the advertising duties for the time being.

Please see attached legal ad to run 7/5 and 7/12. Please confirm that it is ok to publish as shown.

Billing Acct # 00042190

Thanks so much!

Mandi Pearson

Office Specialist 2
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

June 27, 2012

LEGAL NOTICE DEPARTMENT

POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Transfer No. 77932,
Water Right No(s): 63-21731

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 7/23/2012. Your cooperation is appreciated.

Sincerely,

Mandi Pearson
Office Specialist II

Enclosure(s)

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For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 7/23/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 7/5/12, 7/12/12

Pearson, Mandi

From: Pearson, Mandi
Sent: Wednesday, June 27, 2012 3:18 PM
To: 'legals@lmtribune.com'
Subject: Legal Ad
Attachments: NezPerce Cover Letter.docx; NezPerce County Ad.docx

Rachel,

I will be taking over the advertising duties for the time being.

Please see attached legal ad to run 7/5 and 7/12. Please confirm that it is ok to publish as shown.

Thanks so much!

Mandi Pearson

Office Specialist 2
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

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GARY SPACKMAN, Interim Director

Published on 7/5/12, 7/12/12

June 27, 2012

LEGAL NOTICE DEPARTMENT

LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Transfer No. 77932,
Water Right No(s): 63-21731

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.

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Sincerely,

Mandi Pearson
Office Specialist II

Enclosure(s)

Pearson, Mandi

From: Pearson, Mandi
Sent: Wednesday, June 27, 2012 3:20 PM
To: 'legals@magicvalley.com'
Subject: Legal Ad
Attachments: Twin Falls Cover Letter.docx; Twin Falls County Ad.docx

Ruby,

I will be taking over the advertising duties for the time being.
Please see attached legal ad to run 7/5 and 7/12. Please confirm that it is ok to publish as shown.

Thanks so much!

Mandi Pearson

Office Specialist 2
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

PROPOSED CHANGE OF WATER RIGHT

Pioneer Irrigation District of PO Box 426, Caldwell, ID 83606, filed Application No. 77932 to transfer a water right with a 1918 priority date from Fivemile Creek totaling 76.6 cfs. The purpose of the transfer is to add a pump station to the Fivemile Creek Drain to spill water into the Phyllis Canal. Water will be used at the current place of use within the boundary of the district.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 7/23/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 7/5/12, 7/12/12

June 27, 2012

LEGAL NOTICE DEPARTMENT

TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 77932,
Water Right No(s): 63-21731

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 7/23/2012. Your cooperation is appreciated.

Sincerely,

Mandi Pearson
Office Specialist II

Enclosure(s)

MEMORANDUM

TO: Transfer No. 77932
FROM: Sharla
DATE: June 19, 2012
RE: Evaluation of Application

The transfer proposes adding a second point of diversion (pump station) to the Fivemile Creek Drain to spill water into the Phyllis Canal. The site of the new pump station is located at the point where Fivemile Creek and the Phyllis Canal meet.

Contact person for the applicant is Scott Campbell, attorney with Moffatt, Thomas, Barrett, Rock & Fields.

Summary of Information Submitted

Authority to File: The applicant is the owner of record and therefore has authority to file the transfer application.

Water Right Validity: Right presumed to be valid because the partial decree was issued within the past five year period (January of 2010).

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement should occur. The rate of diversion, acres served by the district, etc. remain unchanged. Transfer only adds a second pumping station; no additional water.

Local Public Interest: Agriculture is very important to the residents of the state of Idaho. Water delivery organizations provide conveyance systems so that water can be accessed by hundreds of farmers in the state.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis (combine with Discussion section if prefer)

Watermaster comments will be solicited.

Data entry affected the correct record Partial decree was issued & results were migrated to wr records.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello

Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
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Michael O. Roe
David S. Jensen
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Andrea J. Rosholt
Jetta Hatch Mathews

Robert E. Bakes, *of counsel*
Norman M. Semanko, *of counsel*

Willis C. Moffatt, 1907-1980
Eugene C. Thomas, 1931-2010
John W. Barrett, 1931-2011
Kirk R. Helvie, 1956-2003

June 15, 2012

Mailing Address
PO Box 829
Boise ID 83701-0829

Physical Address
US Bank Plaza
101 S Capitol Blvd 10th Fl
Boise ID 83702-7710

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED

JUN 18 2012

WATER RESOURCES
WESTERN REGION

Sharla Curtis
Sr. Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

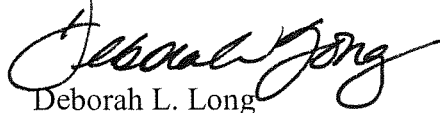
Re: Five Mile Creek Drain Transfer Application
Transfer No. 77932
Water Right No. 63-21731
MTBR&F File No. 18946.0136

Dear Sharla:

I have enclosed the pages initial by Alan Newbill of Pioneer Irrigation District to complete the Application for Transfer of Water Right No. 63-21731.

If you have any additional questions or concerns, please do not hesitate to contact our office.
Thank you for your attention.

Very truly yours,



Deborah L. Long
Administrative Assistant to
Scott L. Campbell

/dll
Enclosures
cc: Pioneer Irrigation District



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 5, 2012

Scott Campbell
Moffatt Thomas Barrett Rock & Fields, Chtd.
PO Box 829
Boise, ID 83701-0829

RE: Application for Transfer of Water Right 63-21731
(Assigned Transfer #77932)

Dear Scott:

Last month, you submitted the above referenced application for transfer on behalf of Pioneer Irrigation District. I am currently in the process of reviewing the application and came across one piece of information that needs to be corrected before we can proceed further.

The correct legal description of the new point of diversion is the SWNE of Section 3 rather than the NWNE of that section. I am enclosing the two pages containing the information that needs to be amended along with a map with ¼¼ descriptions identified.

Since the applicant has requested that all correspondence be sent to you, I would ask that you please have the amended pages initialed and returned to me at your earliest convenience so that processing can continue. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

Please give me a call if you have any questions concerning this matter.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

Enclosures

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello

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May 11, 2012

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www.moffatt.com

John Westra
Manager Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer of Water Right No. 63-21731
MTBR&F File No. 18946.0136

Dear John:

I have enclosed Pioneer Irrigation District's completed Application for Transfer of Water Right No. 63-21731. The application seeks approval for adding a point of diversion to the water right. I believe we have provided sufficient information for the Department to process the application.

I have also enclosed an application fee in the amount of \$4,300.00, which is the amount calculated under Idaho Code Section 42-221.

My office will be contacting you to schedule a meeting to answer any questions you may have concerning this application.

Best regards,



Scott L. Campbell

SLC/dll

cc: Pioneer Irrigation District

RECEIVED

MAY 11 2012

WATER RESOURCES
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