

RECEIVED

JUN 04 2012

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 77954

Receipt No. 5032597

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

1. Applicant Information BARBARA J CARNEY And GARY CARNEY
225 N 1250 W
PAUL ID 83347
(208)438-5348
And
POLLY CARNEY And PAUL CARNEY
291 S 2800 E
PAUL ID 83347
(208)438-2400

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
37-2578	AJC/License	2.74	850.5	NA	243.0	GROUND WATER

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
37-2578	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

Owner filed transfer no. 73406 in 2007 which moved the point of diversion for groundwater right 37-2578 into an adjoining 40 acre tract. The original well was intended to be abandoned and was taken off the water right. After the transfer was approved in 2007 and the new well was drilled it was determined that the old well was needed and could be used to supply water for the water right. This new transfer proposes to add the original well back to the water right. There will be no change to the place of use.

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

NA

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

NA

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
37-2578	2.74 cfs	NA	243.0	850.5 af
TOTAL	2.74 cfs	NA	243.0	850.5 af

Gary Carney
(Signature of Applicant)

Paul Carney
(Signature of Applicant)

Barbara Carney
(Signature of Applicant)

Polly Carney
(Signature of Applicant)

Transfer No. 77954

Receipt No. _____

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

Current Water Right No. 37-2578

Priority Date: August 30, 1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	2.74 CFS	850.5 AFA	
Total Diversion		2.74 CFS	850.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSW Sec. 1 Twp 01N Rge 22E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 22E 1											13.0						13.0
01N 22E 2														24.0	40.0		64.0
01N 22E 11	32.0	40.0			26.0			38.0	17.0								153.0
01N 22E 12						13.0											13.0

Total Acres: 243

Conditions/Remarks:

1. The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use
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
N/A

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. 37-2578

Priority Date: August 30, 1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	2.74 CFS	850.5 AFA	
Total Diversion		2.74 CFS	850.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSW Sec. 1 Twp 01N Rge 22E BLAINE County

GROUND WATER SESE Sec. 2 Twp 01N Rge 22E BLAINE County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

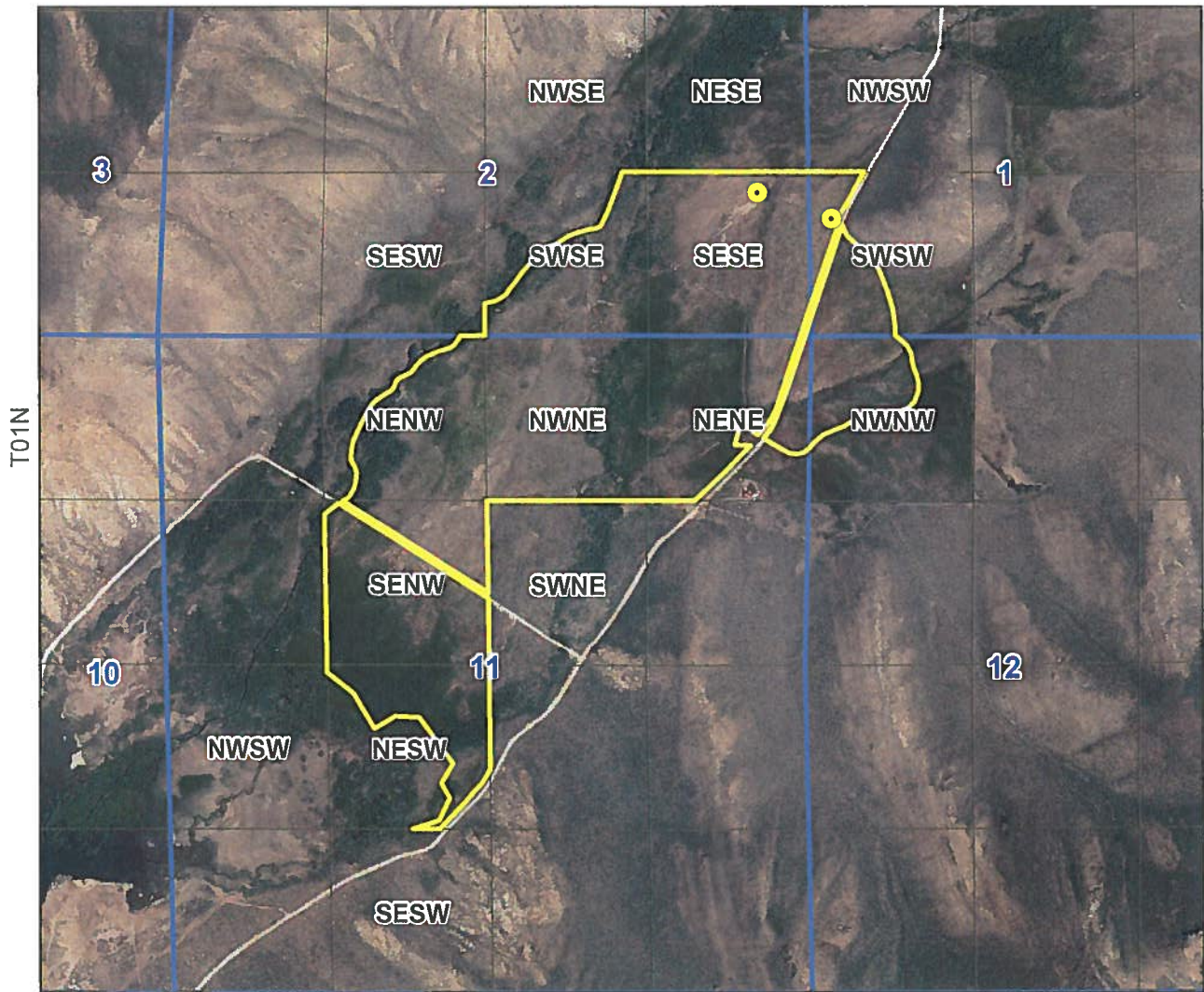
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	22E	1											13.0						13.0
01N	22E	2														24.0	40.0		64.0
01N	22E	11	32.0	40.0			26.0		38.0	17.0									153.0
01N	22E	12						13.0											13.0

Total Acres: 243

State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 77954
Water Service Area Boundary for Gary Carney
Rights: 37-2578

May 24, 2012
R22E



0 0.175 0.35 0.7 Miles

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





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

June 15, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

GARY CARNEY
BARBARA J CARNEY
225 N 1250 W
PAUL, ID 83347

PAUL CARNEY
POLLY CARNEY
291 S 2800 E
PAUL, ID 83347

RE: Transfer No. 77954
Water Right No(s). 37-2578

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 **IDAHO MOUNTAIN EXPRESS** on **6/20/2012 and 6/27/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**July 9, 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, June 15, 2012 9:03 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express Cover Letter.docx; Idaho Mountain Express Ad.docx

Attached please find (1) legal notice being submitted for publication on June 20th & 27th, 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
Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

June 15, 2012

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Application For Permit No.(s): 37-22744

RE: Transfer No. 77954
Water Right No(s): 37-2578

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 July 9, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

37-22744

LITA WEST

PO BOX 100

CAREY, ID 83320

Point of Diversion SENENE S19 T01S R21E BLAINE County Source GROUNDWATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: STOCKWATER 01/01 to 12/31 0.14 CFS

Total Diversion: 0.18 CFS

Date Filed: 5/8/2012

Place Of Use: DOMESTIC & STOCKWATER

T01S R21E S19 NENE

Application for permit proposes to divert 0.18 cfs from ground water, for domestic and stockwater use from an existing well associated with a home, located approximately 1.3 miles north and 2.6 miles west of Carey.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 77954

BARBARA J CARNEY and GARY CARNEY, 225 N 1250 W, PAUL, ID 83347; and PAUL CARNEY and POLLY CARNEY, 291 S 2800 E, PAUL, ID 83347 has filed Application No. 77954 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2578. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add a second point of diversion (existing well) to a 2.74 cfs ground water right currently used to irrigate 243 acres on a farm located approximately 2 miles northeast of Fish Creek Reservoir.

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 July 9, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on June 20th & 27th, 2012