



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

March 14, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

INTERMOUNTAIN WEST COMMUNICATIONS PROPERTIES INC
1500 FOREMASTER LN
LAS VEGAS, NV 89101

RE: Transfer No. 77787
Water Right No(s). 29-2459B, 29-7386, 29-13974, 29-13979, 29-13980

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 STATE JOURNAL on March 22 and 29, 2012. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Sharla Cox
Administrative Assistant

cc: RACINE OLSON NYE BUDGE & BAILEY CHARTERED
PO BOX 1391
POCATELLO, ID 83204

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, March 14, 2012 10:49 AM
To: 'ID State Journal (stubbs@journalnet.com)'
Subject: Legal Notice for your paper
Attachments: Id State Journal Cover Ltr.RTF

Contacts: Idaho State Journal

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77787

INTERMOUNTAIN WEST COMMUNICATIONS PROPERTIES INC, 1500 FOREMASTER LN, LAS VEGAS, NV 89101 has filed Application No. 77787 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-2459B, 29-7386, 29-13974, 29-13979, 29-13980; 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: The applicant proposes to add a point of diversion to interconnect all wells. The points of diversion are in the SESWSE, Sec 7, NWNENE, NWNENE, SWNENE, SWNENE, SENENE, NENWNE, NENWNE, SESESE Sec 18 T7S R35E for .72 cfs from ground water. The place of use remains the same.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 9, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on March 22 and 29, 2012

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Wednesday, March 07, 2012 11:40 AM
To: 'tjb@racinelaw.net'
Subject: Intermountain West Transfer and Ownership Change
Attachments: Missing Deeds.pdf

Good Morning TJ;

I have went through all the information that was submitted with this Transfer and Ownership change, unfortunately I am missing several warrant deeds for this property. The transfer and ownership change cannot be completed without the missing documentation. I took the liberty and went through all old transfers and ownership changes looking for the needed documentation, I was unable to locate the needed documents.

I have enclosed a map for your reference showing areas that still need a warranty deed depicting Intermountain West as the property owner.

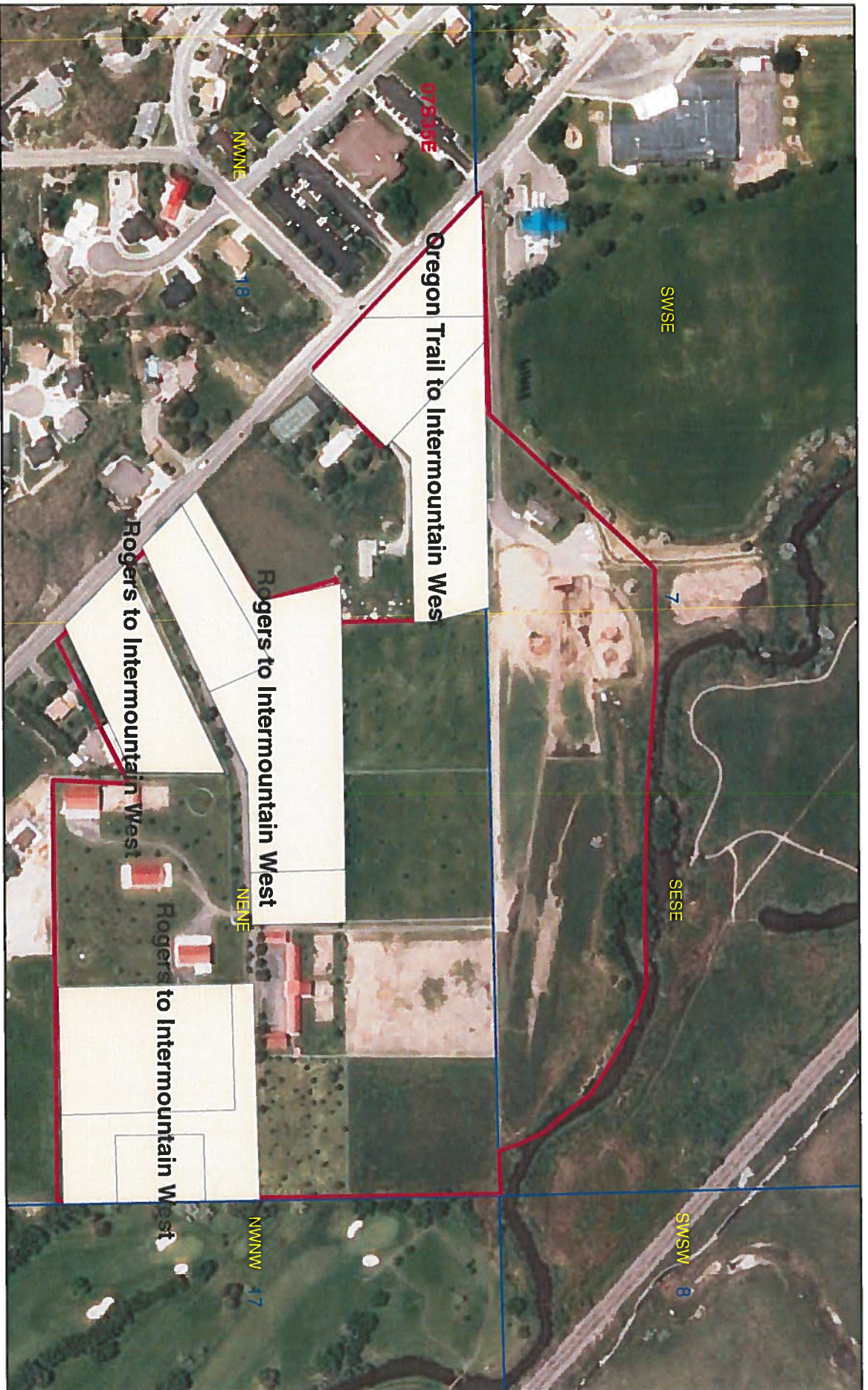
I will continue to hold the application, awaiting the needed documentation.

If you have any questions please let me know.

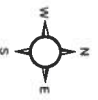
Thank you,

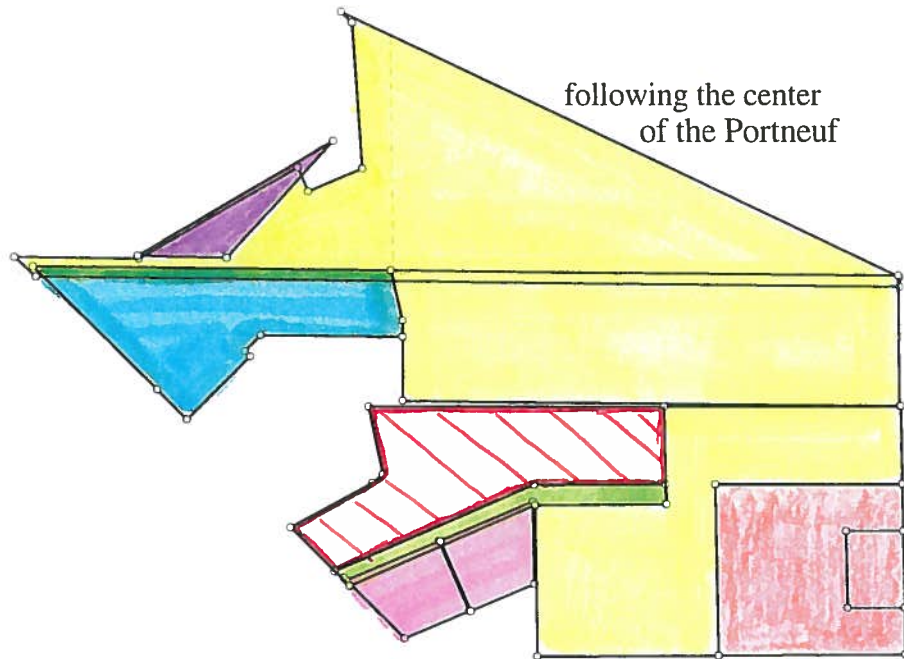
Kerrie A Mathews
Water Resources Agent
Idaho Department of Water Resources
208.525.7161

"Everyone thinks of changing the world, but no one thinks of changing himself."
-Leo Tolstoy



Warranty Deeds Missing





Title:		Date: 02-02-2012
Scale: 1 inch = 500 feet	File: Intermountain West.des	

21201259 Oregon Trail to Intermountain West
Intermountain West Need exception

lease

20905959 Richmond to James & Beverly Rogers

20315315 Oregon Trail to James & Beverly Rogers

20419692 Okeberry to James & Beverly Rogers

~~20110272 Reese to James & Beverly Rogers~~

Data and Deed Call Listing G. File: Intermountain West.des

Tract 1: 14.364 Acres: 625711 Sq Feet: Closure = s69.1210w 0.00 Feet: Precision >1/999999: Perimeter = 5411 Feet
 Tract 2: 0.825 Acres: 35936 Sq Feet: Closure = s28.1816w 0.10 Feet: Precision =1/12739: Perimeter = 1241 Feet
 Tract 3: 10.174 Acres: 443160 Sq Feet: Closure = n65.4447w 0.00 Feet: Precision =1/829672: Perimeter = 3309 Feet
 Tract 4: 7.352 Acres: 320272 Sq Feet: Closure = n05.2713e 0.01 Feet: Precision =1/325936: Perimeter = 3227 Feet
 Tract 5: 1.040 Acres: 45316 Sq Feet: Closure = n44.1206e 0.03 Feet: Precision =1/70105: Perimeter = 1888 Feet
 Tract 6: 4.537 Acres: 197620 Sq Feet: Closure = n48.5701w 0.07 Feet: Precision =1/35857: Perimeter = 2355 Feet
 Tract 7: 1.034 Acres: 45021 Sq Feet: Closure = s44.3209e 10.00 Feet: Precision =1/87: Perimeter = 866 Feet
 Tract 8: 1.016 Acres: 44242 Sq Feet: Closure = s88.0544w 4.17 Feet: Precision =1/206: Perimeter = 860 Feet
 Tract 9: 4.323 Acres: 188290 Sq Feet: Closure = s01.0743e 0.39 Feet: Precision =1/5606: Perimeter = 2171 Feet
 Tract 10: 0.689 Acres: 30000 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 700 Feet
 Tract 11: 7.352 Acres: 320272 Sq Feet: Closure = n05.2713e 0.01 Feet: Precision =1/325936: Perimeter = 3227 Feet
 Tract 12: 6.076 Acres: 264652 Sq Feet: Closure = s58.2902e 0.00 Feet: Precision >1/999999: Perimeter = 2571 Feet

001=/se,sw,7,7s,35e	048=n00.2300w 51.01	095=n00.23w 200.00
002=/s89.2133e 387.32	049=@0	096=n89.5106e 150.00
003=s89.2133e 2255.99	050=/ne,18,7s,35e	097=@0
004=n00.1755e 24.93	051=/n89.2529w 1326.55	098=/ne,18,7s,35e
005=n64.3223w 1606.40 ?	052=s12.2755e 133.57	099=/s00.2300e 340.00
006: Rt, R=218.24, Arc=10.03, Delta=10.3036	053=s0.3031w 42.743	100=s89.5500w 621.15
Bng=s45.5645e, Chd=39.98	054=n89.2929w 370.70	101=s00.2300e 253.98
007=s03.1400e 380.90	055=s44.1906w 58.31	102=s89.2824w 342.40
008=s67.1500w 153.28	056=s44.4529e 19.32	103=s00.0300e 394.17
009=n22.4953w 68.34	057=s45.4531w 234.77	104=n89.4254e 475.84
010=s60.1527w 481.55	058=n44.3056w 108.99	105=n00.2300w 446.16
011=n89.2133w 325.01	059=n44.5406w 452.79	106=n89.5500e 490.00
012=s47.2801e 74.88	060=s89.2529e 933.69	107=n00.2300w 202.96
013=@0	061=@0	108=@0
014=/se,sw,7,7s,35e	062=/ne,18,7s,35e	109=/ne,18,7s,35e
015=/n00.2400w 50	063=/n89.2543w 1452.44	110=/s00.2300e 340.00
016=/s89.5927e 654.95	064=/s00e 809.11	111=/s89.5500w 621.15
017=n59.4600e 594.70	065=n67.0352e 262.20	112=s00.2300e 253.98
018=s42.5037w 415.10	066=s22.5608e 197.11	113=s89.2824w 342.40
019=n88.4548w 231.55	067=s67.0352w 184.22	114=s66.3006w 528.84
020=@0	068=n44.3115w 221.97	115=n45.0529w 215.36
021=/ne,18,7s,35e	069=@0	116=n61.4700e 245.23
022=n89.2529w 1326.55	070=/ne,18,7s,35e	117=n51.4400e 35.00
023=s12.2755e 133.57	071=/n89.2543w 1452.44	118=n11.0800w 180.60
024=s00.3031w 209.93	072=/s00e 809.11	119=n89.5500e 769.50
025=s89.2534e 1298.49	073=/n67.0352e 262.20	
026=n0.1104e 340.03	074=n67.0352e 266.58	
027=@0	075=s0.3046e 214.85	
028=/ne,18,7s,35e	076=s67.0352w 181.08	
029=/s00.2300e 340.6	077=n22.5008w 197.11	
030=s89.5500w 621.15	078=@0	
031=s00.2300e 253.98	079=/ne,18,7s,35e	
032=s89.2824w 342.40	080=/s00.23e 542.96	
033=s00.0300e 394.17	081=s00.23e 122.33	
034=n89.4254e 475.84	082=s89.5106w 150.00	
035=n00.2300w 446.16	083=s00.23e 200	
036=n89.5500e 490.0	084=n89.5106e 150.00	
037=n00.2300w 202.96	085=s00.23e 122.32	
038=@0	086=s89.46w 490.00	
039=/ne,18,7s,35e	087=n00.23w 446.32	
040=/s00.2300e 340.00	088=n89.55e 490.00	
041=/s89.5500w 621.15	089=@0	
042=/s00.2300e 202.97	090=/ne,18,7s,35e	
043=s89.5500w 344.33	091=/s00.23e 542.96	
044=s66.2700w 567.80	092=/s00.23e 122.33	
045=s45.0529e 53.36	093=s00.23e 200.00	
046=n66.3006e 528.84	094=s89.5106w 150.00	
047=n89.2824e 342.40		

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MAR 02 2012

Department of Water Resources
Eastern Region

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RACINE OLSON NYE BUDGE & BAILEY
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www.racinelaw.net

SENDER'S E-MAIL ADDRESS: tjb@racinelaw.net

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LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

February 27, 2012

Kerrie Mathews
Water Resource Agent
Eastern Region, 900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: *Corrected Transfer Application and Notice of Change in Water Right Ownership*
Intermountain West Communications

Dear Kerrie:

Per your request, enclosed is a corrected *Notice of Change in Water Right Ownership* and a corrected *Application for Transfer of Water Right* pertaining to Intermountain West Communications.

Thank you.

Sincerely,



T.J. BUDGE

TJB:rr
Enclosures

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Thursday, February 16, 2012 11:47 AM
To: 'tjb@racinelaw.net'
Subject: Intermountain West POD Change & Ownership Change
Attachments: Transfer Application.pdf; NOTICE_OF_CHANGE_OF_WATER_RIGHT_OWNERSHIP.pdf

Good Morning Mr. Budge;

I received your amended application for transfer today.. Unfortunately it is still incorrect. I have attached a corrected transfer application for the IRRIGATION water rights, which include an ownership change.

In addition, I have attached an ownership change for the domestic water rights.. Based on your last correspondence I believe this is what your intentions are.

If this is correct, please sign and return both application to my attention.. If not correct please let me know.

Thank you,

Kerrie A Mathews
Water Resources Agent
Idaho Department of Water Resources
208.525.7161

"By three methods we may learn wisdom: First, by reflection, which is noblest; Second, by imitation, which is easiest; and third by experience, which is the bitterest."
-Confucius

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FEB 16 2012

Department of Water Resources
Eastern Region

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February 8, 2012

Kerrie Mathews
Water Resource Agent
Eastern Region, 900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Revised Application for Transfer (Intermountain West Communications)

Dear Kerrie:

Thanks for your letter dated February 2, 2012. Per your request, please find the following items enclosed:

1. A map showing the points of diversion of this water right. The IDWR should have a copy of this map on file as it was submitted in conjunction with a transfer application filed in 2010. Each point of diversion is a separate well. None of the wells are connected to other wells at this time.
2. Corrected page 1 of the application identifying Water Right No. 29-7386 instead of Water Right 29-7396, and correcting the diversion rate to 0.94 cfs and 160.8 acre-feet.
3. A check in the amount of \$25.00 for the balance of the filing fee.

The sole purpose of this transfer is to add another point of diversion at the location shown in yellow on the second map enclosed herewith. As mention above, the existing wells are not interconnected at this time. The purpose of the common points of diversion is to enable any of the property to be irrigated out of any well. Thus, if one well were to fail, the applicant could

February 8, 2012

Page 2

immediately use other wells to compensate. This transfer will not affect the domestic use of water at any of the five houses on the property covered under Water Right Nos. 29-11209, 29-12181, 29-13759, 29-13760 and 29-13973.

Please let me know if you have any further questions regarding this transfer.

Sincerely,



T.J. BUDGE

TJB:mlo
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 2, 2012

RACINE OLSON NYE BUDGE & BAILEY CHARTERED
C/O THOMAS J BUDGE
PO BOX 1391
POCATELLO, IDAHO 83204

RE: Application for Transfer INTERMOUNTAIN WEST COMMUNICATIONS

Mr. Budge:

The Department has received your application for transfer. Preliminary review of the application indicates that it is incomplete and cannot be processed as received. In order to continue processing the application, please submit the following items;

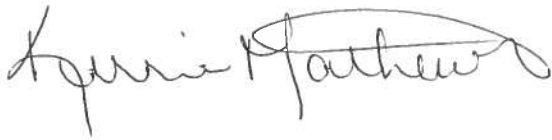
1. A map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information.
2. Page one of the application indicates water right 29-7396, this is not a valid water right. Water right 29-7386, is a valid water right and located within the existing place of use, could this be a typo?
3. If water right 29-7386 is correct, the total amount of water transferred is .94cfs and 160.8 AF.
 - 29-7386, 29-2495B, 29-13974, 29-13979 & 29-13980 are good for .72 cfs and 159.6 af.
 - 29-11209 is .06 cfs
 - 29-12181 is .04 cfs
 - 29-13759 is .04 cfs
 - 29-13760 is .04 cfs and 1.2 af
 - 29-13973 is .04 cfs
 - Total is .94 cfs and 160.8 af.
4. The Department received a check for \$725.00, a balance of \$25.00 is due (\$500 transfer/10 ownership changes) which is \$750.00.

5. Please provide a complete narrative description of the diverting works, how the system is configured, and how many houses on the system etc.
6. Please provide a complete narrative describing the purpose of this transfer.
7. Please amend page one of the application showing the correct water right number(s), the correct cfs, and the correct acre feet.

The Department will hold your application and check for 30 days awaiting the needed information. If the information is not received by March 6, 2012 the application and check will be returned.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Kerrie Mathews". The signature is written in dark ink and is positioned above the typed name.

Kerrie Mathews
Water Resource Agent

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FEB 02 2012

Department of Water Resources
Eastern Region

LAW OFFICES OF

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February 1, 2012

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: Application for Transfer - Intermountain West Communications Properties, Inc.

To Whom It May Concern:

Please find enclosed the original and one copy of *Application for Transfer of Water Right – Point(s) of Diversion*, together with a check in the amount of \$725 (\$500/transfer, \$25 each for 9 water rights) for the filing fee. Please process the original and conform stamp and return the copy to me in the enclosed envelope.

Should you have any questions, please give me a call.

Sincerely,



THOMAS J. BUDGE

TJB:rr

Enclosures

cc: Shelley Goings