

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, November 02, 2011 12:47 PM
To: Allen, Debbie; Marston, Sascha
Cc: Music, Vicky
Subject: Refund Request X-Fer 68473
Attachments: DOC108.pdf

Please see the attached memo requesting a refund to King Hill Irrigation District.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

MEMORANDUM

TO: Debbie Allen / Sascha Marston
FROM: Vicky Music / Sherry Borgeman
DATE: March 14, 2011
RE : Refund

King Hill Irrigation District paid \$50.00 for an Application for Transfer Re-Advertise fee on September 16, 2011. The application was later amended to only add a point of diversion, so it did not need to be re-advertised. The fee of \$50 is not necessary. A full refund should be issued.

Please issue a refund of \$50 to:

KING HILL IRRIGATION DISTRICT
C/O GIB BROWN
PO BOX 428
KING HILL ID 83633

208-366-2243

RECEIPT #

W039635, copy attached

Copy: X-fer 68473

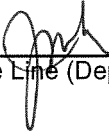
Idaho Department of Water Resources Receipt

Receipt ID: W039635

Payment Amount \$50.00 Date Received 9/16/2011 1:41 PM Region WESTERN
Payment Type Check Check Number 313
Payer KING HILL IRRIGATION DISTRICT
Comments RE-ADVERTISE FEE FOR TRANSFER # 68473

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	TRANSFERS	62105	0229	21		1155



Signature Line (Department Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 26, 2011

Gib Brown, Manager
King Hill Irrigation District
P.O.Box 428
King Hill, ID 83633

Re: Application for Transfer 68473 (Water Right Nos. 37-4112 and 37-21595)

Dear Mr. Brown,

IDWR received the amended application regarding the transfer referenced above. However, the handwritten changes to the quantity no longer comport with IDWR records for the rights and IDWR cannot use it. The Department has recombined 37-22577 and 37-22578 back into 37-4112 to reflect the decision by KHID not to transfer 5 cfs and the pro-rata acres to the City of Glenns Ferry.

I have attached a second amended transfer application; a short form recently adopted by the Department for adding a point of diversion. Please review closely, answer Item No. 5(b) on page 2, sign and return the original to my attention.

A re-advertising fee is not required for a change that simply adds a point of diversion so a refund will be processed and sent to KHID under separate cover.

The KHID has until October 27, 2011, to submit the amended application. **If you fail to make a timely response, IDWR will reject this application and no refund of the application fee will be issued.** Thank you.

Sincerely,

Vicky Music
Sr. Water Resource Agent

Attachments: second amended application for transfer no. 68473

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. **APPLICANT(S)** King Hill Irrigation District c/o Gib Brown Phone 208-366-2243

2. **MAILING ADDRESS** P. O. Box 428 City King Hill

State ID Zip 83633 Email khid@bigfoot.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 37-4112 and 37-21595

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 370 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
6S	8E	3	8		SE	NE	ELMORE	MALAD R [proposed]	(rediversion)
5S	10E	12	7		NE	NE	"	"	(rediversion)
5S	10E	28	7		SW	NW	"	"	(rediversion)
6S	11E	9	6		NW	SW	"	"	(rediversion)
6S	12E	12	7		NW	SW	TWIN FALLS	"	(rediversion)
6S	13E	27	2		SW	SW	GOODING	"	(injection)
6S	13E	35			NE	NW	"	"	

6. 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:

Existing pump station will be used to water lands already being watered. Instead of flood - they'll go to sprinklers. It will be more efficient.

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent _____ Print name and title if applicable _____ Date _____

Signature of applicant or authorized agent _____ Print name and title if applicable _____ Date _____

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

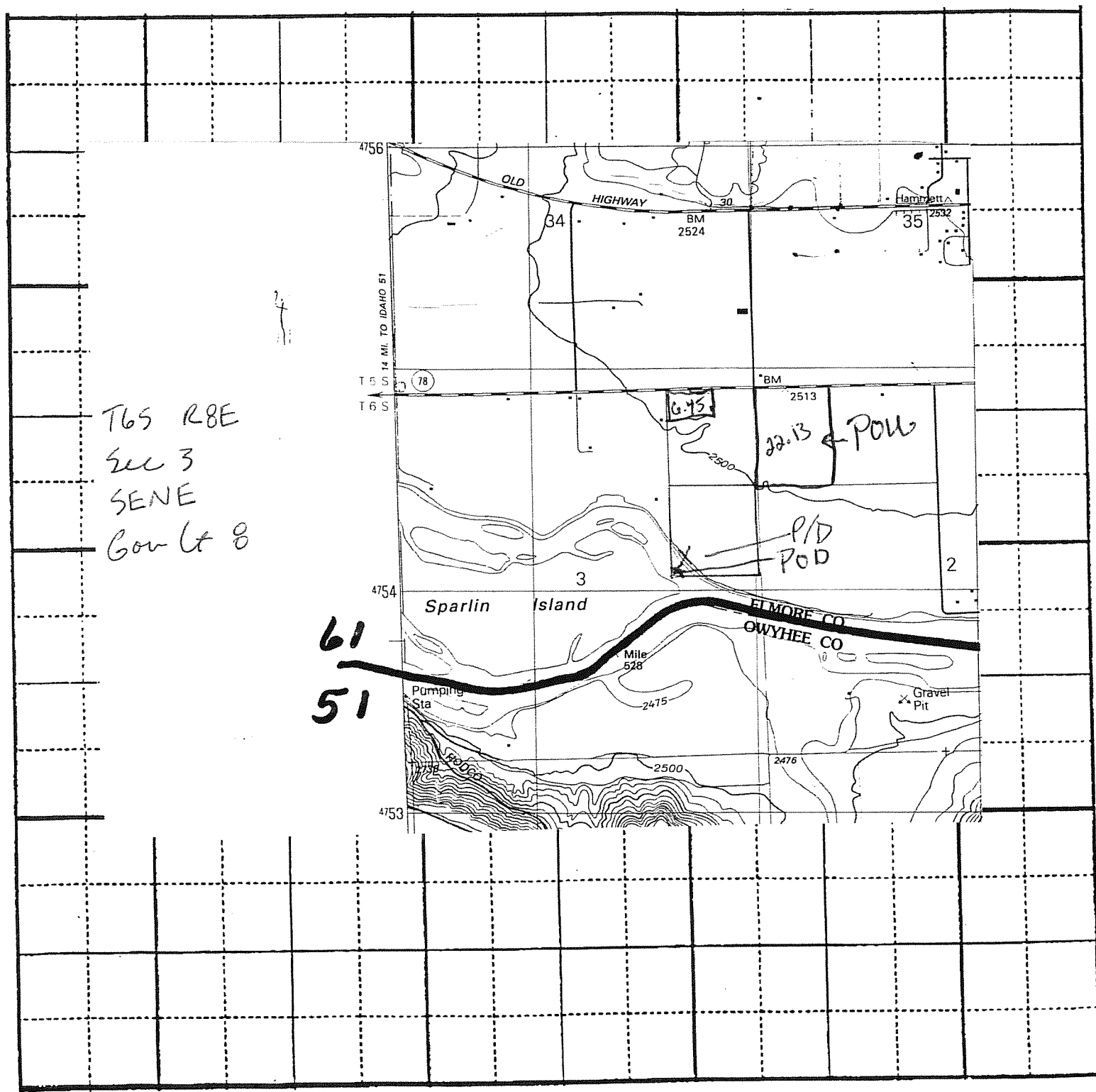
Transfer includes 1 pages of attachments. Received by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

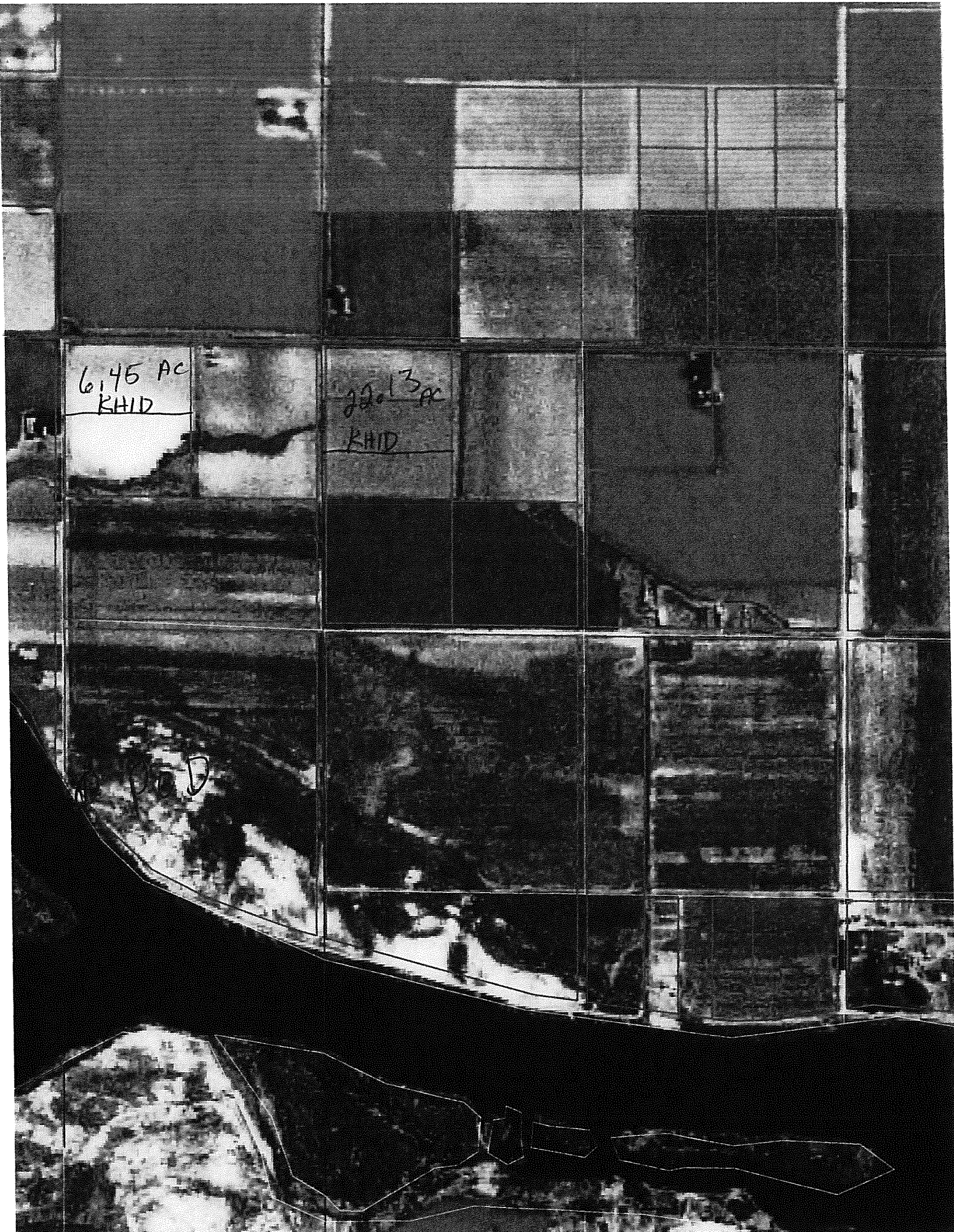
Preliminary review completed by _____ Date _____

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



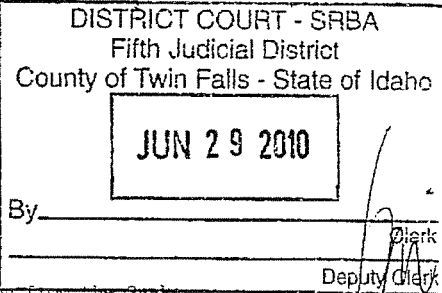
Attachment A (page 1 of 2)



ATTACHMENT A (PAGE 2 of 2)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-04112



NAME AND ADDRESS: KING HILL IRRIGATION DISTRICT
PO BOX 428
KING HILL, ID 83633

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER

Point of injection into and points of redirection from the Snake River.

QUANTITY: 300.00 CFS

PRIORITY DATE: 03/26/1902

POINT OF DIVERSION:	T05S R10E S12 LOT 7	(NESE) (Rediversion)	Within Elmore County
	S28 LOT 7	(SNNW) (Rediversion)	
	T06S R11E S09 LOT 6	(NNSW) (Rediversion)	
	R12E S12 LOT 7	(NNSW) (Rediversion)	Within Twin Falls County
	R13E S27 LOT 2	(SWSW) (Injection)	Within Gooding County
	S35	NENW	

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	300.00 CFS
	Stockwater	01-01 TO 12-31	30.00 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

11573 ACRES TOTAL

Right Nos. 37-4112 and 37-21595 are limited to the irrigation of a combined total of 11573 acres in a single irrigation season. Place of use is within the boundary of the King Hill Irrigation District pursuant to Section 43-323, Idaho Code. 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.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

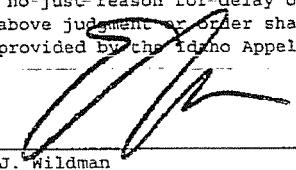
The remainder of this right was sold to the Malad Power Company on March 13, 1908.

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. I.C. SECTION 42-1412(6).

Attachment B (p. 1 of 4)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

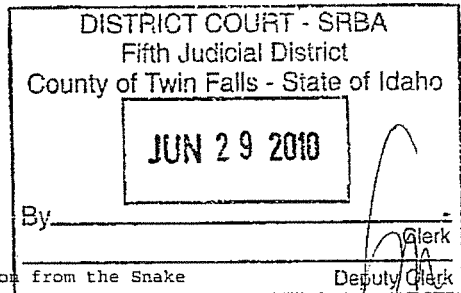


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

B (p. 2 of 4)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 37-21595



NAME AND ADDRESS: KING HILL IRRIGATION DISTRICT
PO BOX 428
KING HILL, ID 83633

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER

Point of injection into and points of redirection from the Snake River

QUANTITY: 70.00 CFS

PRIORITY DATE: 04/01/1909

POINT OF DIVERSION: T05S R10E S12 LOT 7 (NESE) (Rediversion) Within Gooding County
S28 LOT 7 (SWNW) (Rediversion)
T06S R11E S09 LOT 6 (NWSW) (Rediversion)
R12E S12 LOT 7 (NWSW) (Rediversion)
R13E S27 LOT 2 (SWSW) (Injection)
S35 NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-01 TO 10-31	70.00 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

11573 ACRES TOTAL
The boundary encompassing the place of use of 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. Place of use is within the boundary of the King Hill Irrigation District pursuant to Section 43-323, Idaho Code. Right Nos. 37-4112 and 37-21595 are limited to the irrigation of a combined total of 11573 acres in a single irrigation season.

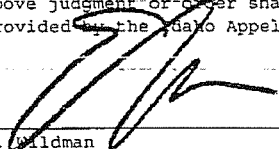
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

B (page 3 of 4)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

B (page 4 of 4)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/14/2011

WATER RIGHT NO. 2-2148

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WES LEE W HOALST 385 MONTVUE DR MERIDIAN, ID 83642 (208)888-1455
Original Owner	JACK MENDYCK

Priority Date: 12/15/1958

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	2.1 CFS	
Total Diversion			2.1 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	NWSW	Sec. 02	Township 06S	Range 08E	ELMORE County
SNAKE RIVER	SENE	Sec. 03	Township 06S	Range 08E	ELMORE County

Place(s) of use:

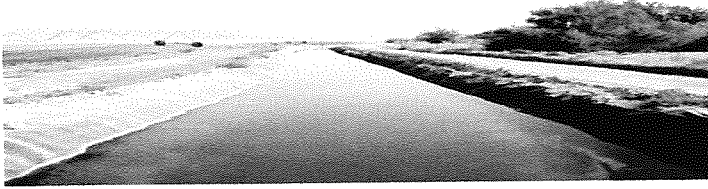
Place of Use Legal Description: IRRIGATION ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	08E	2		SWNW	32									
		3	1	NENE	32	8	SENE	41						

Total Acres: 105

Conditions of Approval:

Attachment C



King Hill Irrigation District
PO Box 428
King Hill, Idaho 83633
208/366-2243

September 14, 2011

IDWR
Application for Transfer NO. 68473

This is to confirm that the new POD will be less than 10 cfs.

KHID
Gardner Brown
Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

COPY

GARY SPACKMAN
Interim Director

August 16, 2011

Gib Brown, Manager
King Hill Irrigation District
P.O.Box428
King Hill, ID 83633

Re: Application for Transfer 68473 (Water Right No. 37-22577, formerly 37-4112)

Dear Mr. Brown,

As you know, processing of the application for transfer referenced above was held for several years due to its status in the SRBA. The SRBA Court issued the Partial Decree for 37-4112 on June 29, 2010, and the transfer has been assigned to me for review and processing.

Water right no. 37-4112 was recently split into water right 37-22577, in the name of KHID, and 37-22578, in the name of the City of Glenns Ferry. All correspondence regarding the KHID transfer 68473, and the Glenns Ferry transfer for the water treatment plant, 68472, will reference these new water right numbers.

The KHID transfer requests that a point of redirection at the intake at the City of Glenns Ferry water treatment plant be added to the KHID right no. 37-22577. Here is what KHID must do for processing to continue:

[1] Amend the transfer application to the correct water right no. 37-22577 and include water right no. 37-21595 because the two KHID rights are used in conjunction over the entire KHID service area. Also, update the rights pursuant to the SRBA on the current transfer form.

As a courtesy, I have attached an amended transfer application. Please review closely and correct if needed. The current transfer form requests additional information so please complete Part 1, Items 5a – 5f (page 3) and Part 3B and C, if applicable to this transfer. Sign and return the originals to me with the advertising fee.

Application for Transfer No. 68473
August 16, 2011
Page 2 of 2

COPY

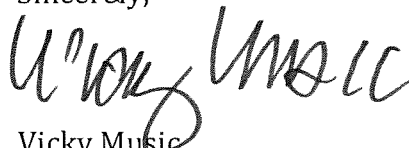
IDWR will not charge to amend the transfer, though transfer fees were raised by the Idaho Legislature this year. However, the application must be readvertised. IDWR will charge KHID the \$50.00 fee to readvertise. Please submit this fee.

[2] Please put in writing the following to be attached to the transfer:

- a. Confirm whether the diversion at the new POD will be more or less than 10 cfs. This determines whether the application must be advertised statewide.
- b. Confirm that KHID understands that this transfer will reduce the irrigation within KHID by 193 acres, which is proportionate to the 5 cfs being transferred to the City for the water treatment plant.

The KHID has until September 16, 2011, to submit the amended application. **If you fail to make a timely response, IDWR will reject this application and no refund of the application fee will be issued.** Please contact me at 208-334-2190 after you have reviewed this letter and the attached application so we can discuss your questions. Thank you for your attention to this matter.

Sincerely,



Vicky Music
Sr. Water Resource Agent

Attachments: amended application for transfer no. 68473

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

68473
(renumbered from
5189)

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: _____

Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 68473
(renumbered
from 5789)

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) King Hill Irrigation District, c/o Gib Brown Phone 366-2243

Mailing address Box 428, King Hill, Idaho 83633 Email khid@bigfoot.com

- ☐ 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 Representative

Name of Representative	Phone
------------------------	-------

Mailing address _____ Email _____

- ☐ 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.

Signature of Applicant or Authorized Representative _____ Print Name and Title if applicable _____ 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.** Existing pump station will be used to divert land owner's private water with his KHID water to enable sprinkler irrigation on all his lands

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
All or Part ☒ ☐	37-22577	295	irrigation	3/15 to 11/15	Malad R trib to Snake R
☒ ☐	37-22577	30	stockwater	1/1 to 12/31	"
☒ ☐	37-21595	70	irrigation	3/1 to 10/31	"
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 365 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 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.

NE NW 35 6S 13E Gooding Malad R.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
x	8		SE	NE	3	6S	8E	ELMORE	MALAD R	(rediversion)
	7		NE	NE	12	5S	10E	"	"	(rediversion)
	7		SW	NW	28	5S	10E	"	"	(rediversion)
	6		NW	SW	9	6S	11E	"	"	(rediversion)
	7		NW	SW	12	6S	12E	TWIN FALLS	"	(rediversion)

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				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:

- b. Who owns the property at the point(s) of diversion?

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

- 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:

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:

- 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:

- 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:

Total Acres (for irrigation use)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

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.:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22577

WATER RIGHT NUMBER: 37-22577

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING HILL IRRIGATION DISTRICT C/O GIB BROWN, MANAGER PO BOX 428 KING HILL, ID 83633 (208)336-2243
Attorney	DANIEL V STEENSON RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 03/26/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MALAD RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01	to 12/31	30.000 CFS	
IRRIGATION	03/15	to 11/15	295.000 CFS	
<u>Total Diversion:</u>			295.000 CFS	

Location of Point(s) of Diversion

MALAD RIVER	L7 (NE1/4SE1/4)	Sec. 12, Twp 05S, Rge 10E, B.M.
ELMORE County	(Rediversion)	
MALAD RIVER	L6 (NW1/4SW1/4)	Sec. 9, Twp 06S, Rge 11E, B.M.
ELMORE County	(Rediversion)	
MALAD RIVER	NE1/4NW1/4	Sec. 35, Twp 06S, Rge 13E, B.M.
GOODING County		
MALAD RIVER	L7 (SW1/4NW1/4)	Sec. 28, Twp 05S, Rge 10E, B.M.
ELMORE County	(Rediversion)	
MALAD RIVER	L7 (NW1/4SW1/4)	Sec. 12, Twp 06S, Rge 12E, B.M.
TWIN FALLS County	(Rediversion)	
MALAD RIVER	L2 (SW1/4SW1/4)	Sec. 27, Twp 06S, Rge 13E, B.M.
GOODING County	(Injection)	

Place of Use

The place of use is within the King Hill Irrigation District service area.

Total Acres: 11573

Part 2A (4 pages)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-22577

Conditions of Approval:

1. E55 Right Nos. 37-4112 and 37-21595 are limited to the irrigation of a combined total of 11573 acres in a single irrigation season.
2. G01 Point of injection into and points of redirection from the Snake River.
3. 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.
4. The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.
5. 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.
6. P31 The remainder of this right was sold to the Malad Power Company on March 13, 1908.
7. 127 Place of use is within the boundary of the King Hill Irrigation District pursuant to Section 43-323, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-21595

WATER RIGHT NUMBER: 37-21595

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KING HILL IRRIGATION DISTRICT C/O GIB BROWN, MANAGER PO BOX 428 KING HILL, ID 83633 (208)336-2243
Attorney	DANIEL V STEENSON RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 04/01/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MALAD RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 10/31	70.000 CFS	
	<u>Total Diversion:</u>	70.000 CFS	

Location of Point(s) of Diversion

MALAD RIVER	L2 (SW1/4SW1/4)	Sec. 27, Twp 06S, Rge 13E, B.M.
GOODING County	(Injection)	
MALAD RIVER	L7 (NW1/4SW1/4)	Sec. 12, Twp 06S, Rge 12E, B.M.
GOODING County	(Rediversion)	
MALAD RIVER	L6 (NW1/4SW1/4)	Sec. 9, Twp 06S, Rge 11E, B.M.
GOODING County	(Rediversion)	
MALAD RIVER	L7 (NE1/4SE1/4)	Sec. 12, Twp 05S, Rge 10E, B.M.
GOODING County	(Rediversion)	
MALAD RIVER	L7 (SW1/4NW1/4)	Sec. 28, Twp 05S, Rge 10E, B.M.
GOODING County	(Rediversion)	
MALAD RIVER	NE1/4NW1/4	Sec. 35, Twp 06S, Rge 13E, B.M.
GOODING County		

Place of Use

Place of use is within the King Hill Irrigation District service area.

Total Acres: 11573

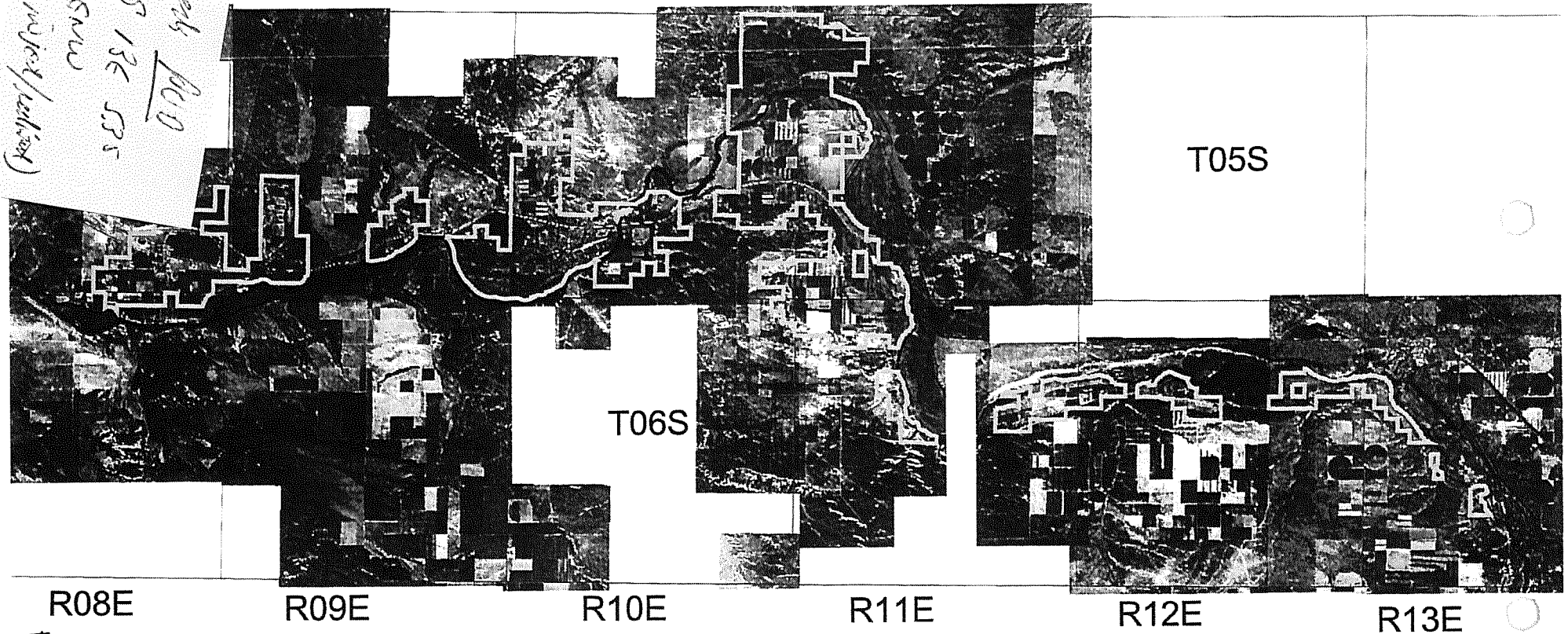
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-21595

Conditions of Approval:

1. 127 Place of use is within the boundary of the King Hill Irrigation District pursuant to Section 43-323, Idaho Code.
2. G01 Point of injection into and points of rediversion from the Snake River
3. 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.
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5. E55 Right Nos. 37-4112 and 37-21595 are limited to the irrigation of a combined total of 11573 acres in a single irrigation season.
6. 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.

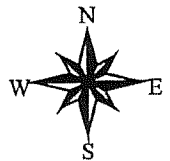
37-22511

37-4442 & 37-21595 - King Hill Irrigation District Service Area



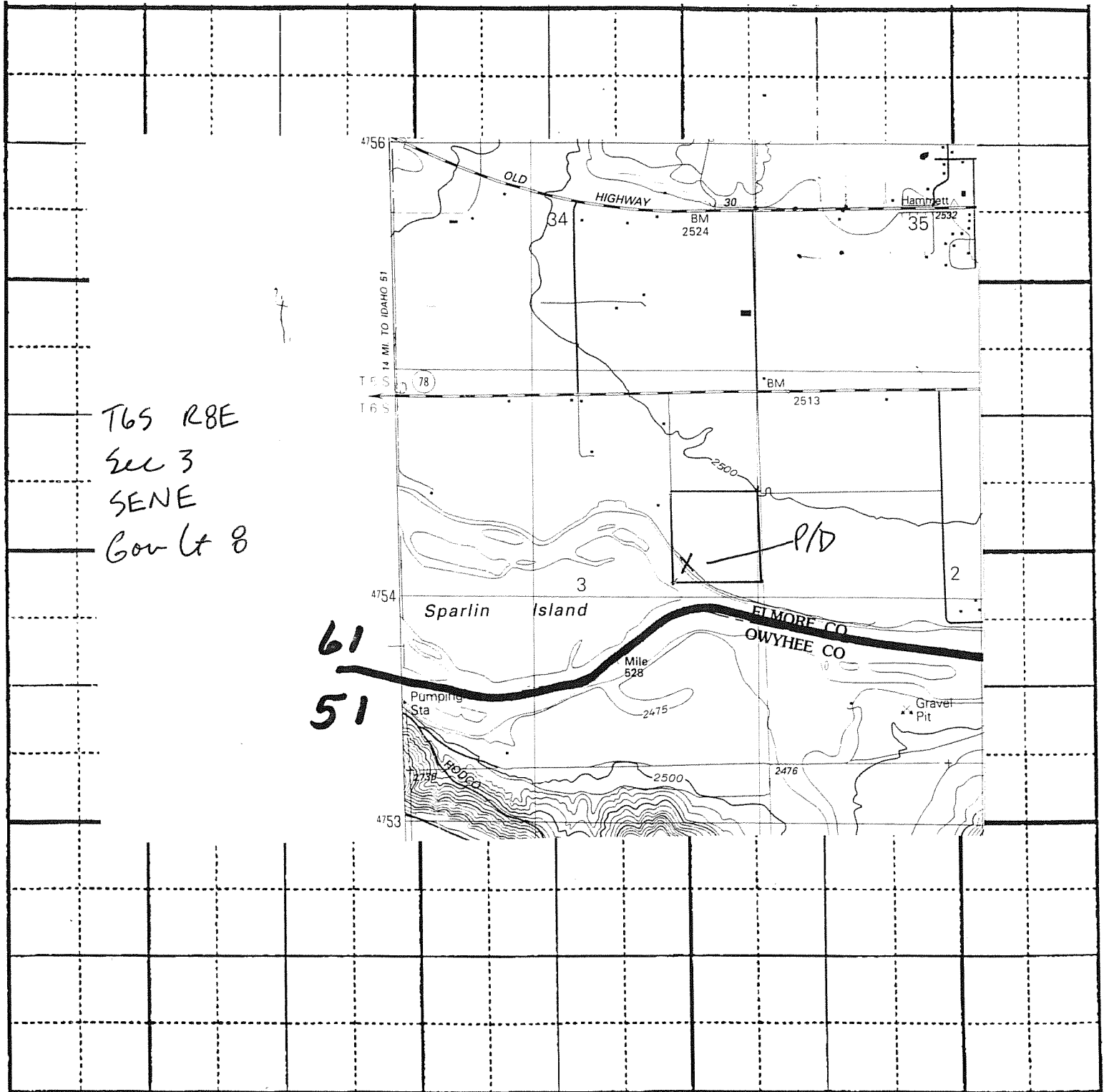
T05S R08E, T05S R09E, T05S R10E & T05S R11E
T06S R08E, T06S R09E, T06S R10E, T06S R11E, T06S R12E & T06S R13E

Map prepared by: Carter Fritschle
Date prepared: 10/20/05 - Revised 05/22/08
1987-1988 NAPP photography
Idaho Department of Water Resources



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

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Attachment 1A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 21, 2005

KING HILL IRRIGATION DIST C/O
GIB BROWN
PO BOX 428
KING HILL ID 83633

Re: Application for Transfer of Water Right(s)

Dear Applicant:

Your application for transfer to change a water right(s) was recently received. Processing of the application must be delayed as explained below.

Your application describes a water right for which a Snake River Basin Adjudication (SRBA) Claim has been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The role of the Idaho Department of Water Resources (IDWR) in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the next year. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for your area is expected to conclude sometime during the latter half of next year. Based on that schedule and the above reasoning, your application for transfer cannot be processed at this time. IDWR will hold your transfer application until that time and will notify you at the appropriate time to allow your application to be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor

* Not so recent... Right 374112 add pt. y div. -se

PROCESSING TRANSFERS FROM VAX SYSTEM

Steve Lester 
February 9, 2001

BEFORE FORWARD TO STATE OFFICE

- Identify new transfer number in Workflow – contact Pam if problems.
- Use “re-enter” process to check transfer data.
- Quickest way to check data: *data entry, total amounts, then print application.*
- Complete data entry tabs as needed based on your check.
- Should not have to worry about pre and post publication screens, just application data entry

A copy of this is being filed with all protested etc. “pre-workflow” transfer files held at Western.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT,
TRANSFER NOS. 5788 and 5789**

Notice is given that the Department of Water Resources received two transfer applications to change a water right pursuant to I.C. § 42-222. The right is recorded as follows:

Statutory Claim #37-04112 in the name of **King Hill Irrigation District (KHID)**, priority 3-26-1902 from the Malad River for irrigation, stockwater and domestic uses in the district's service area. Uses include 370 cfs for irrigation 3/1-10/31, 30 cfs stockwater all year, and 30 cfs domestic all year. Total amount is 370 cfs. Service area occurs in portions of T5S R8-11E and T6S R8-13E in Twin Falls, Gooding, Elmore and Owyhee Counties. This includes 8801 acres on both sides of the Snake River between Lower Malad Power Plant and Hammett. Malad River water is diverted through the power plant in NWNW S35, T6S R13E and then discharged into the Snake River. Water is rediverted from Snake River pumps located as follows: NWSE S12, SWNW S28, T5S R10E; NWSW S9, T6S R11E; and NWSW S12, T6S R12E.

PROPOSED CHANGE

Transfer #5788 filed by CITY OF GLENNS FERRY, PO Box 910, Glens Ferry ID 83623 to split the water right and add a Diversion Point plus change the Nature, Period and Place of Use. City will divert water from the Snake River at two existing City diversions in SWNW S28 (same point described above, shared with KHID) and SENW S32, T5S R10E. Water is needed all year for City's proposed water treatment facility. City's part of the right will be **#37-04112B**, 5 cfs for year around municipal use in City's service area, all within Elmore County. Balance of the original right will remain for reduced KHID uses, and this part of the right will be **#37-04112A**.

Transfer #5789 filed by KHID, Box 428, King Hill ID 83633 to add a Diversion Point in SENE S3, T6S R8E, southwest of Hammett in Elmore County. Original diversion points will continue to be used. This will affect proposed right **#37-04112A** for 365 cfs irrigation, 25 cfs stockwater and 25 cfs domestic, for a total use of 365 cfs in the district's above described service area.

Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application being protested on or before August 7, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: July 20, 27, 2000

RECEIVED
AUG 09 2000
WATER RESOURCES
WESTERN REGION

The Idaho Statesman

RECEIVED

AUG 02 2000

WATER RESOURCES
WESTERN REGION

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
047628	291974	NOTICE OF PROPOSED CHANGE	\$108.12
Ordered by:	P.O. #	Rate	Run Dates
		NT	JULY 20, 27, 2000
IDAHO DEPARTMENT OF WATER RESOURCES WEST 2735 AIRPORT WAY BOISE, IDAHO 83705			Number of Lines 73
			Affidavit 1
			Legal # 7809

LEGAL NOTICE PROPOSED CHANGE OF WATER RIGHT, TRANSFER NOS. 5788 and 5789

Notice is given that the Department of Water Resources received two transfer applications to change a water right pursuant to I.C. § 42-222. The right is recorded as follows:

Statutory Claim #37-04112 in the name of **King Hill Irrigation District (KHID)**, priority 3-26-1902 from the Malad River for irrigation stockwater and domestic uses in the district's service area. Uses include 370 cfs for irrigation 3/1-10/31, 30 cfs stockwater all year, and 30 cfs domestic all year. Total amount is 370 cfs. Service area occurs in portions of T5S R8- 11 E and T6S R8-13E in Twin Falls, Gooding, Elmore and Owyhee Counties. This includes 8801 acres on both sides of the Snake River between Lower Malad Power Plant and Hammett. Malad River water is diverted through the power plant in NWNW S35 T6S R13E and then discharged into the Snake River. Water is reddiverted from Snake River pumps located as follows: NWSE S12, SWNW S28, T5S R10E, NWSW S9, T6S R11E; and NWSW S12, T6S R12E.

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Karl J. Dreher, Director

Pub. Jul. 20/27, 2000

7809

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning with the issue of: JULY 20, 2000

and ending with the issue of: JULY 27, 2000

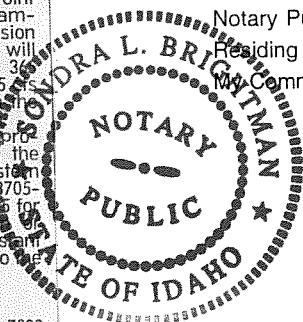
Janice Hildreth

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 28 day of JULY in the year of 2000
before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Rondra L. Brightman

Notary Public for Idaho,
Residing at: Boise, Idaho
My Commission expires: 6/20/06



AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

JUL 31 2000

WATER RESOURCES
WESTERN REGION

Norma DeVoe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the

20th day of July, 192000 and that date of the last publication was on the 27th day of

July, 192000

On this 27th day of July in the year of 2000, before me, a Notary Public, personally appeared

Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/3/05

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

____ Lines tabular at _____ 7.5¢/Pica

798.19 Lines straight at 51.88 6.5¢/Pica

798.19 Subsequent lines at 43.90 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 98.03

Change of Water Rights T #5788
TITLE OF NOTICE 5789

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NOS. 5788 and 5789

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PROPOSED CHANGE

Transfer #5788 filed by CITY OF GLENNS FERRY, PO Box 910, Glens Ferry ID 83623 to split the water right and add a Diversion Point plus change the Nature, Period and Place of Use. City will divert water from the Snake river at two existing City diversions in SWNW S28 (same point described above, shared with KHID) and SENW S32, T5S R10E. Water is needed all year for City's proposed water treatment facility. City's part of the right will be #37-04112B, 5 cfs for year around municipal use in City's service area, all within Elmore County. Balance of the original right will remain for reduced KHID uses, and this part of the right will be #37-04112A.

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Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application being protested on or before August 7, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUB: 7/20-7/27 G32107

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT,
TRANSFER NOS. 5788 and 5789**

Notice is given that the Department of Water Resources received two transfer applications to change a water right pursuant to I.C. § 42-222. The right is recorded as follows:

Statutory Claim #37-04112 in the name of **King Hill Irrigation District (KHID)**, priority 3-26-1902 from the Malad River for irrigation, stockwater and domestic uses in the district's service area. Uses include 370 cfs for irrigation 3/1-10/31, 30 cfs stockwater all year, and 30 cfs domestic all year. Total amount is 370 cfs. Service area occurs in portions of T5S R8-11E and T6S R8-13E in Twin Falls, Gooding, Elmore and Owyhee Counties. This includes 8801 acres on both sides of the Snake River between Lower Malad Power Plant and Hammett. Malad River water is diverted through the power plant in NWNW S35, T6S R13E and then discharged into the Snake River. Water is rediverted from Snake River pumps located as follows: NWSE S12, SWNW S28, T5S R10E; NWSW S9, T6S R11E; and NWSW S12, T6S R12E.

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Karl J. Dreher, Director

First Publication: August 2, 2000.

Last Publication: August 9, 2000.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 2nd day of

August, 2000, and the last publication having been made on the 9th day of

August, 2000; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 9th day of

August, 2000

Cynthia Roberson
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

Date 07/27/2000INVOICE NO. 234123Account No. 964760Description 234123NOTICE OF PROPOSTimes 2Lines 78

Tab. Lines _____

\$ 117.00**RECEIVED****JUL 31 2000**WATER RESOURCES
WESTERN REGION

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perc County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 234123NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 07/20, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 07/20/2000, and the last publication thereof being on the 07/27/2000 and said 234123NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27day of July 2000

Sheral M. Lundy

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 2001

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT,
TRANSFER NOS. 5788 and 5789**

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**AS LOW AS
MONEY!**

S&S DETAIL: With
Lewis Clark Super Store
hand wash. We provide
and paint repair in the V

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

234123
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Karl J. Dreher, Director
Published in the Idaho Statesman, the Lewiston Morning Tribune, the Times News, the Post Register and the Gooding County Leader on July 20 and 27, 2000; and in the Mountain Home News and the Owyhee Avalanche on July 19 and 26, 2000.

AFFIDAVIT OF PUBLICATION

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County of Nez Perce

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Karen J Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27th

day of July 2000

Sheral M. Lindsey

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

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Karl J. Dreher, Director

PUBLISH: July 20 and 27, 2000

RECEIVED

JUL 28 2000

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

WATER RESOURCES
WESTERN REGION

No 32771

I, Ruby Aydenheide being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated July 20, 19-2000, and ending with the issue dated July 27, 19-2000.

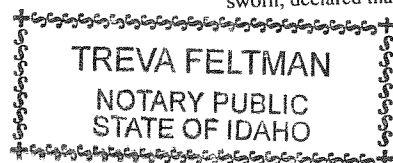
And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27th day of July in the year of 2000, before me,

a Notary Public, personally appeared Ruby Aydenheide, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Treva Feltsman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/16/06

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

JUL 28 2000

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

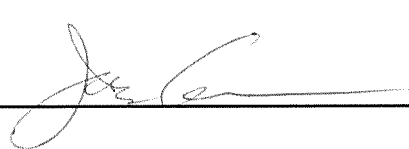
3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

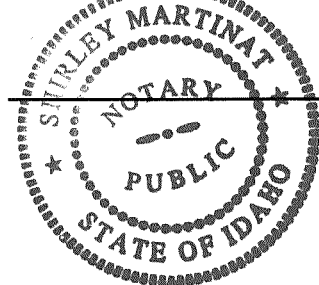
said newspaper, in two (2)

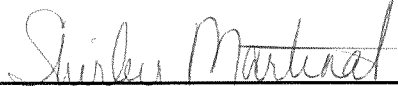
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

July 19 and 26, 2000

Signed 

Subscribed and sworn to me this 26th day of July A.D., 2000





Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NOS. 5788 AND 5789

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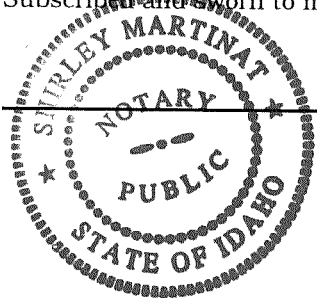
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Signed _____

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Shirley Martinat
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

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Karl J. Dreher, Director

7/19&26/00



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 26, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVE PARISH
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 428
JEROME ID 83338-0428

Re: Application for Transfer Nos. 5788 in the Name of the City of Glenns Ferry and 5789 in the Name of King Hill Irrigation Co.

Dear Sir:

Enclosed is a copy of the above referenced applications for transfer that may be of interest to your agency. The proposed use of this applications are from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by August 7, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:st

Encl.

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Karl J. Dreher, Director

Published in the Idaho Statesman, the Lewiston Morning Tribune, the Times News, the Post Register and the Gooding County Leader on July 20 and 27, 2000; and in the Mountain Home News and the Owyhee Avalanche on July 19 and 26, 2000.

faxes 7/13/2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 7-13-00

TO: Post Register
Cathy

FROM: Western Region

DOCUMENT DESCRIPTION: Legal ad for King Hill
Irrigation District

TOTAL PAGES SENT: 1 + COVER SHEET

CONTACT: Sue Taylor

Please publish 7-20 & 27, 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 7-13-00

TO: Owyhee Avalanche
Shirley

FROM: Western Region

DOCUMENT DESCRIPTION: Legal ad for King Hill
Irrigation District

TOTAL PAGES SENT: 1 + COVER SHEET

CONTACT: Sue Taylor

Please publish July 4th, 2000



State of Idaho

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FAX # (208) 334-2348

DATE: 7-13-00

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DOCUMENT DESCRIPTION: Legal ad for King Hill
Irrigation District

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