

Amended Application

RECEIVED

OCT 03 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

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

written permission to access diversion at any time.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

GARDNER I BROWN Mgr
Signature of applicant or authorized agent

GARDNER I BROWN
Print name and title if applicable

9-29-2011
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 7 pages of attachments.

Received by LG

Date 6-16-2000

Fee paid 100 Date 6-21-00

Received by LG

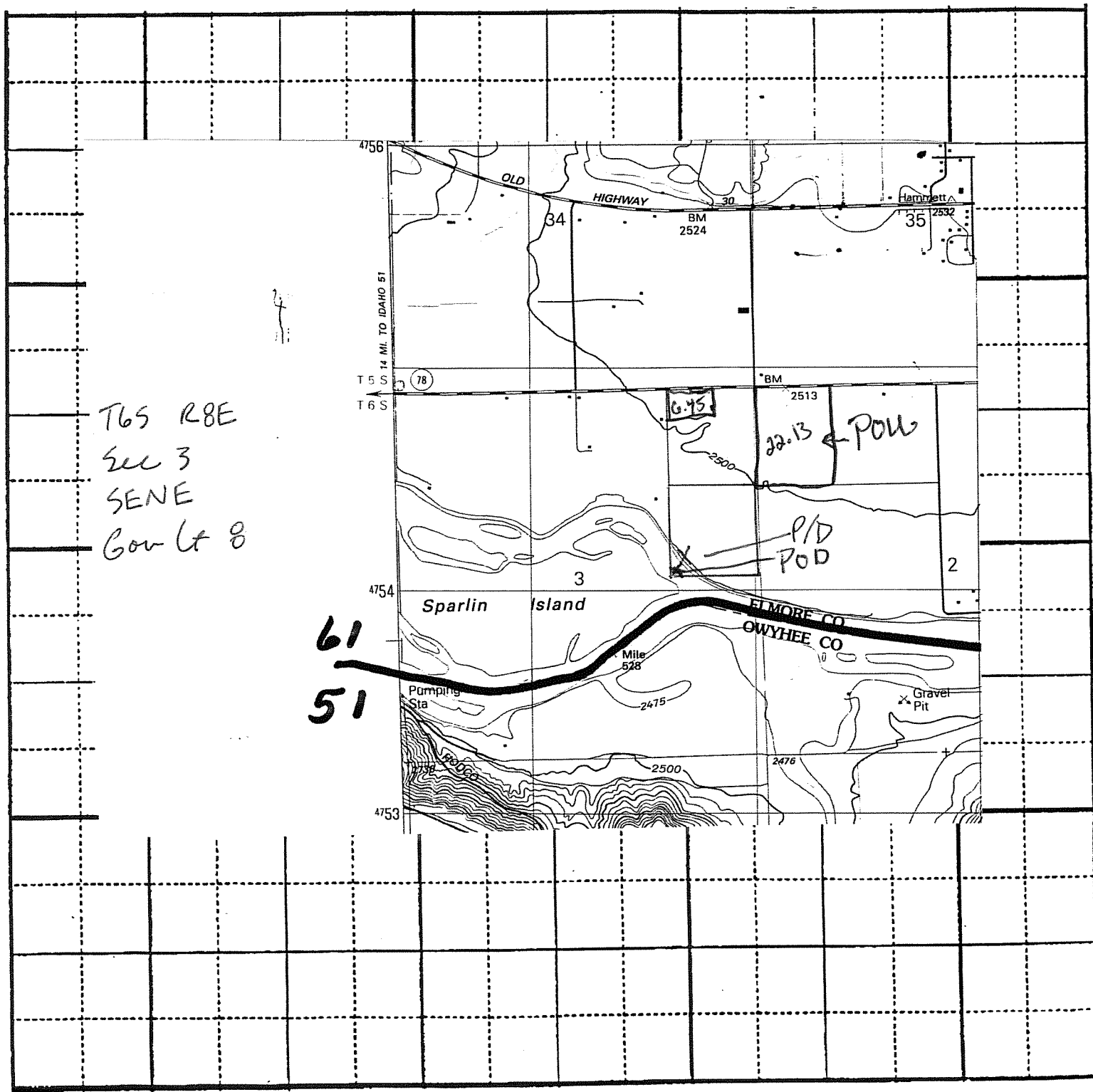
Receipt # WO 20034

Preliminary review completed by Vicky Mungil

Date 10/3/2011

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.

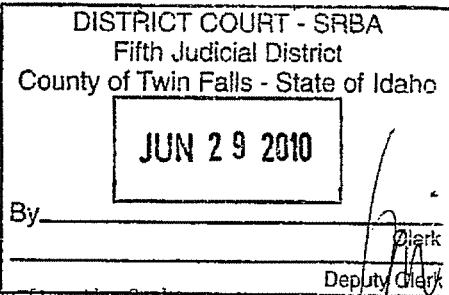


Attachment A (page 1 of 2)



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 37-04112



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 (SWNW) (Rediversion)
T06S R11E S09 LOT 6 (NWSW) (Rediversion)
R12E S12 LOT 7 (NWSW) (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:

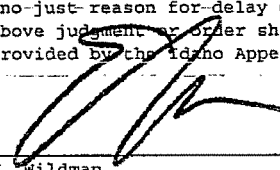
The remainder of this right was sold to the Malad Power Company on March 13, 1908.

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.

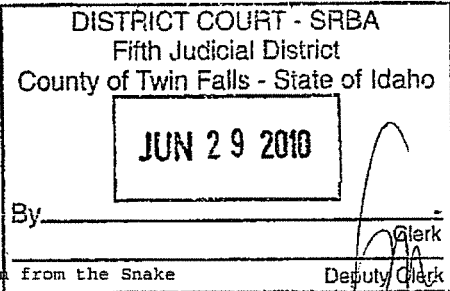

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
Case No. 39576)
Water Right 37-21595

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR



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.

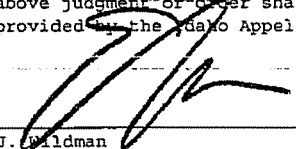
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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