

MEMORANDUM

Date: August 04, 2003
To: Transfer 70718
From: rwarner
Re: transfer evaluation

This transfer proposes to combine two water rights into a permissible place of use for use on better ground.

Authority to File:

Applicant provided deeds and tax notices. Water Master, Pete Peterson, delivers water to this individual.

Water Right Validity:

This water right has been delivered by water Master Pete Peterson and is verified by aerial photos.

Injury to Other Water Rights:

Water Master will comment.

Transfer will be advertised to determine any protests.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Season of Use:

Applicant is not proposing to change the season of use. Season of use has long been established by Decree.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Transfer Application No: 70718 Water Right No(s): 13-657 , 13-662
Transfer Applicant's Name: LAWRENCE B FOX

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this 4 day of Aug, 2003

Water District No: 11


Watermaster's Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 29, 2003

PETE PETERSON
WATER DISTRICT 11
2483 RIVERDALE RD
PO BOX 349
PRESTON, ID 83263-0349

RE: Application for Transfer 70718
Water Right Number(s) 13-657 , 13-662

Dear Watermaster:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office by August 12, 2003.

Please feel free to contact this office if you have any questions regarding the application.

Sincerely,

Ronald D Carlson
Eastern Region Manager

Enclosure(s)

RDC:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
August 27, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department

PRESTON CITIZEN
PO BOX 472
PRESTON ID 83263

RE: Transfer No's. 70718, 70722, 70732

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 22, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
9/27/03
SC*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70718: LAWRENCE B FOX, 16205 N CLEVELAND RD, PRESTON ID 83263, has filed Application No. 70718 for changes to the following water rights within FRANKLIN County:

Right No. 13-657

Priority 5/1/1875

Source NORTH HOOPS CREEK

Use IRRIGATION (0 acres) 0.70 CFS

Total Amount 0.70 CFS

Point(s) of Diversion S10 T12S R40E

Place of Use S11 T12S R40E

Right No. 13-662

Priority 6/1/1901

Source NORTH HOOPS CREEK

Use IRRIGATION (0 acres) 0.24 CFS

Total Amount 0.24 CFS

Point(s) of Diversion S10 T12S R40E

Place of Use S11 T12S R40E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant want to change the place of use for the above two water rights and use them in combination within Sec 11 T12S R40E for a total of 47 acres.

TRANSFER NO. 70722: EL RAY BALLS and/or JANICE BALLS, 203 N WESTSIDE HWY, WESTON ID 83286, has filed Application No. 70722 for changes to the following water rights within FRANKLIN County:

Right No. 13-2209

Priority 6/13/1960

Source GROUND WATER

Use DOMESTIC 2.87 CFS
IRRIGATION (403 acres)

Total Amount 2.87 CFS

Point(s) of Diversion S36 T15S R37E

Place of Use S10, S11 and S16 T16S R38E
S31 T15S R38E
S36 T15S R37E
S8 and S9 T16S R38E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is changing his point of diversion to the NWNE Sec 8 T16S R38E to an existing well that has been being used to irrigated 130 acres within Sec 10 and Sec 11 T16S R38E.

TRANSFER NO. 70732: J7 LLC, C/O JEFFREY C JOHNSON, 1990 N 4000 W, DAYTON ID 83232, has filed Application No. 70732 for changes to the following water rights within FRANKLIN County:

Right No. 13-7629

Priority 8/20/1960

Source GROUND WATER

Use IRRIGATION (82.6 acres) 1.09 CFS

Total Amount 1.09 CFS

Point(s) of Diversion S11 T15S R38E

Place of Use S11 T15S R38E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicants wants to drill an additional well in the SWNW Sec 11 T15S R38E and re-arranging his acres within SEC 11 T15S R38E and making a permissible place of use.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the 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 September 22, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 3 and 10, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2003

LAWRENCE B FOX
16205 N CLEVELAND RD
PRESTON ID 83263

RE: Application for Transfer No 70718
Water Right No(s) 13-657 13-662

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Preston Citizen on September 3 and 10, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

W Roger Warner
Water Right Supervisor

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Franklin

Robert Bann
being duly sworn,

deposes and says:

That he is the Editor of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

Sept. 3, 2003, and ending

with the issue of Sept. 10, 2003

RBann

Fee \$ 193.31

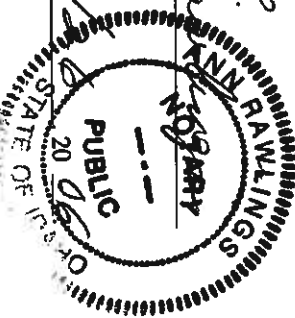
Subscribed and sworn to before me this 18 day

of Sept., 2003.

Ann Rawlings

Notary Public, Residing at Preston, Idaho

My Commission Expires 10/10/06



Received
9/24/03
SC

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70718
LAWRENCE F. FOX, 48205 N
CLEVELAND RD, PRESTON
ID 83266, has filed application
No. 70718 for changes to the
following water rights within
FRANKLIN County:

Right No. 13467
Priority 5/17/87

Source NORTH HOOPS
CREEK

Use IRRIGATION (0 acres) 0.70
CFS

Total Amount 0.70 CFS

Point(s) of Diversion 510 T125
R40E

Place of Use 510 T125 R40E

Right No. 13467
Priority 6/1/1901

Source NORTH HOOPS
CREEK

Use IRRIGATION (0 acres) 0.24
CFS

Total Amount 0.24 CFS

Point(s) of Diversion 510 T125
R40E

Place of Use 511 T125 R40E

The purpose of the transfer
is to change a portion of the
above rights as follows:

The applicant wants to
change the place of use for the
above two water rights and use
them in combination within
Sec 11 T125 R40E for a total of
47 acres.

TRANSFER NO. 70722 BE
RAY BATES and/or FANCE
BATES, 603 N WESTSIDE
RD, WESTON ID 83266, has
filed application No. 70722 for
changes to the following water
rights within FRANKLIN
County:

Right No. 13402
Priority 6/13/1960

Source GROUND WATER
USE DOMESTIC 2.87 CFS

Use IRRIGATION (463 acres)

Total Amount 2.87 CFS

Point(s) of Diversion 506 T155
R37E

Place of Use 510, 511 and 516
T165 R38E

531 T155 R38E
536 T155 R37E

58 and 59 T165 R38E

The purpose of the transfer is
to change a portion of the
above rights as follows:

The applicant is changing
the point of diversion to the
NW1/4 Sec 8 T165 R38E to an
existing well that has been be-
ing used to irrigated 130 acres
within Sec 10 and Sec 11 T165
R38E.

TRANSFER NO. 70732 PLIC
CLO. JERRY C. JOHNSON,
1990 N 4000 W, DAYTON ID
83262, has filed application
No. 70732 for changes to the
following water rights within
FRANKLIN County:

Right No. 13462
Priority 8/20/1960

Source GROUND WATER
Use IRRIGATION (82.6 acres)

1.09 CFS

Total Amount 1.09 CFS

Point(s) of Diversion 511 T155
R38E

Place of Use 511 T155 R38E

The purpose of the transfer
is to change a portion of the
above rights as follows:

The applicant wants to
add an additional well in the
SW1/4 Sec 11 T155 R38E and
rearranging his acres within
SEC 11 T155 R38E and making
a permissible place of use.

Protests may be submitted
based on the criteria of Sec 42-
222, Idaho Code.

Any protest against the
proposed change must be filed
with the Department of Water
Resources, Eastern Region, 909
N Skyline Dr, Ste A, Idaho Falls
ID 83403, together with a
protest fee of \$25.00 for each
application on or before Sep-
tember 22, 2003. The protestant
must also send a copy of the
protest to the applicant.

KARL J. DREHER,
DIRECTOR

Legal No. 5620 - Publish
Sept. 3 and 10, 2003.

The Prothon City 7.2.03.

Received
9/24/03
SC.