



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

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EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 07, 2005

**Legal Notice Department**

IDAHO STATE JOURNAL

PO BOX 431

POCATELLO ID 83204

RE: Application for Permit No.29-13719, 29-13720, Transfer No. 71482, 71664, 71772, 71889, 71892 and 72008,

**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 October 3, 2005. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant

*emailed  
9/7/05  
SC*

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

**29-13719**

CINDY NESTOR  
BOB L NESTOR  
4950 VALENTY RD STE B  
CHUBBUCK ID 83202

Point(s) of Diversion: SESESE S25 T07S R36E, BANNOCK County

Source SPRING

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

Total Diversion: 0.04 CFS

Date Filed: 08/24/2005

Place Of Use: DOMESTIC

T07S R36E S25 SESE

**29-13720**

TOM SIMKO  
2519 E GREEN CANYON RD  
INKOM ID 83245

Point(s) of Diversion: SESE S36 T07S R36E, BANNOCK County  
Source LOWER ROCK CREEK, Tributary To PORTNEUF RIVER

Use: POWER 01/01 To 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 08/30/2005

Place Of Use: POWER

T07S R36E S36 SESE

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 71482**

MARSH CENTER IRRIGATING CO, C/O NORMAN LISH, 17340 S COFFIN RD, ARIMO ID 83214, has filed Application No. 71482 for changes to the following water rights within BANNOCK County:

Right No. 29-10663

Priority 4/1/1891

Use IRRIGATION 0.33 CFS

Total Amount 0.33 CFS

Point(s) of Diversion NWNWSW S31 T10S R36E

Right No. 29-10664

Priority 6/10/1891

Use IRRIGATION STORAGE 238.9 AFA  
IRRIGATION FROM STORAGE

Total Amount 0.33 CFS

Point(s) of Diversion NWNESE S35 T10S R35E  
NWNESE S35 T10S R35E  
NWNWSW S31 T10S R36E

Right No. 29-10665

Priority 4/1/1944

Use IRRIGATION STORAGE 641.1 AFA  
IRRIGATION FROM STORAGE

Total Amount 641.1 AFA

Point(s) of Diversion NWNESE S35 T10S R35E  
NWNESE S35 T10S R35E  
NWNWSW S31 T10S R36E

Right No. 29-12058

Priority 12/19/1891

Use IRRIGATION 2.00 CFS

STOCKWATER

Total Amount 2.00 CFS

Point(s) of Diversion NWNESW S35 T10S R35E  
NWNESW S35 T10S R35E  
NWNWSW S31 T10S R36E

Right No. 29-13493

Priority 5/1/1870

Use IRRIGATION 10.00 CFS

Total Amount 10.00 CFS

Point(s) of Diversion NWNWSW S31 T10S R36E

Right No. 29-13494

Priority 5/1/1870

Use IRRIGATION STORAGE 30.00 CFS  
IRRIGATION FROM STORAGE  
IRRIGATION

Total Amount 30.00 CFS

Point(s) of Diversion NWNESW S35 T10S R35E  
NWNESW S35 T10S R35E  
NWNWSW S31 T10S R36E

Source for all of the above rights: HAWKINS CREEK

Place of Use for all of the above rights:

S10, 21, 23, 25, 26, 28 T11S R36E  
S3 T11S R36E  
S31, 32, 33, 34, 35, 36 T10S R37E  
S4, 5, 8, 9 T11S R36E

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

The applicant proposes to change the place of use to accommodate the use of a center pivot and to correct the legal description of the points of diversion. The new place is within the boundaries of the Marsh Center Irrigation Company.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 71664**

CONNIE M TILLOTSON or KIT H TILLOTSON, PO BOX 701, LAVA HOT SPRINGS ID 83246, has filed Application No. 71664 for changes to the following water rights within BANNOCK

County:

Right No. 29-13405

Priority 4/1/1938

Source DEMPSEY CREEK

Use IRRIGATION (88.7 acres) 1.77 CFS

Total Amount 1.77 CFS

Point(s) of Diversion NWNESW S33 T09S R38E

Place of Use S28 T09S R38E  
S29 T09S R38E

Right No. 29-158A

Priority 4/1/1880

Source DEMPSEY CREEK

Use IRRIGATION (88.7 acres) 1.77 CFS

Total Amount 1.77 CFS

Point(s) of Diversion NWNESW S33 T09S R38E

Place of Use S28 T09S R38E  
S29 T09S R38E

Right No. 29-159A

Priority 4/15/1896

Source DEMPSEY CREEK

Use IRRIGATION (88.7 acres) 0.06 CFS

Total Amount 0.06 CFS

Point(s) of Diversion NWNESW S33 T09S R38E

Place of Use S28 T09S R38E

S29 T09S R38E

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

The applicant proposes to change the point of diversion and place of use for a portion of his rights. The new point of diversion is in the SWSW Sec 4 T10S R38E with the place of use in the SESE Sec 32 T9S R38E for 1 acre.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 71772**

HAROLD L RUPP SR TRUST or VEDA J RUPP, PO BOX 5307, CHUBBUCK ID 83202, has filed Application No. 71772 for changes to the following water rights within BANNOCK County:

Right No. 29-13143

Priority 6/2/1953

Source GROUND WATER

Use IRRIGATION (233 acres) 0.56 CFS 237.7 AFA

Total Amount 0.56 CFS 237.7 AFA

Point(s) of Diversion SENENW S35 T05S R34E

SENESE S35 T05S R34E

Place of Use S35 T05S R34E

S36 T05S R34E

Right No. 29-13144

Priority 6/9/1953

Source GROUND WATER

Use IRRIGATION (365 acres) 1.26 CFS 534.8 AFA

Total Amount 1.26 CFS 534.8 AFA

Point(s) of Diversion SENESE S35 T05S R34E

Place of Use S1 T06S R34E

S2 T06S R34E

S35 T05S R34E

S36 T05S R34E

Right No. 29-2292

Priority 10/14/1950

Source GROUND WATER

Use IRRIGATION (365 acres) 4.24 CFS 1,460.0 AFA

Total Amount 4.24 CFS 1,460.0 AFA

Point(s) of Diversion SENESE S35 T05S R34E

Place of Use S1 T06S R34E

S2 T06S R34E

S35 T05S R34E

S36 T05S R34E

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

The applicant proposes to re-arrange the acres in the place of use and to split the ownership. The new place of use is within Sec 35 and 36 T5S R34E and Sec 1 and 2 T6S R34E for 365 acres.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 71889**

KAYE HALLINAN or J LYLE JENSEN, RT 2 BOX 76K, POCATELLO ID 83202 or GARY L JENSEN, 10964 RHODY DR, PORT HADLOCK WA 98339, or GORDON L JENSEN, 11753 BUFFALO RD, CHUBBUCK ID 83202, or M LEROY JENSEN, PO BOX 72 CHIMACUM WA 98325, or TERRY L JENSEN, 2660 DAWES RANCHO, CORDOVA CA 95670, has filed Application No. 71889 for changes to the following water rights within BANNOCK County:

Right No. 29-2419

Priority 10/26/1959

Source GROUND WATER

Use IRRIGATION (233 acres) 2.95 CFS 932.0 AFA

Total Amount 2.95 CFS 932.0 AFA

Point(s) of Diversion SENENW S35 T05S R34E

Place of Use S35 T05S R34E

S36 T05S R34E

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

The applicant proposes to re-arrange the acres in the place of use and to split the ownership. The new place of use is within Sec 35 T5S R34E and Sec 1 T6S R34E for 233 acres.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 71892**

JIM ANDRUS and COLLEEN L ANDRUS and KENNETH D ANDRUS, 6948 E OLD OREGON TRAIL RD, LAVA HOT SPRINGS ID

83246, has filed Application No. 71892 for changes to the following water rights within BANNOCK County:

Right No. 29-13401

Priority 7/6/1868

Source PORTNEUF RIVER

Use IRRIGATION (44 acres) 0.72 CFS

Total Amount 0.72 CFS

Point(s) of Diversion L4 (SWSWNW) S20 T09S R37E

Place of Use S19 T09S R37E

S20 T09S R37E

Right No. 29-13399

Priority 5/1/1896

Source PORTNEUF RIVER

Use IRRIGATION (44 acres) 0.56 CFS

Total Amount 0.56 CFS

Point(s) of Diversion L4 (SWSWNW) S20 T09S R37E

Place of Use S19 T09S R37E

S20 T09S R37E

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

The applicant proposes to change the point of diversion and place of use to use the water more beneficially. The new point of diversion is in the NESESW Sec 12 T9S R37E with the place of use in Sec 12, 13 14, 23 and 24 T9S R37E for 327.4 acres.

#### NOTICE OF PROPOSED CHANGE OF WATER RIGHT

##### TRANSFER NO. 72008

STEPHAN L RALSTON, 1452 E RIDGELINE DR, SUITE 100, SO OGDEN UT 84405, has filed Application No. 72008 for changes to the following water rights within BANNOCK County:

Right No. 29-7031

Priority 4/3/1969

Source GROUND WATER

Use IRRIGATION (215 acres) 2.90 CFS 752.5 AFA  
STOCKWATER

Total Amount 2.90 CFS 753.2 AFA

Point(s) of Diversion S17 T11S R37E

Place of Use S17 T11S R37E

Right No. 29-2340

Priority 9/28/1953

Source GROUND WATER

Use IRRIGATION (215 acres) 1.48 CFS 514.5 AFA

Total Amount 1.48 CFS 514.5 AFA

Point(s) of Diversion S17 T11S R37E

Place of Use S17 T11S R37E

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

This applicant proposes to add a point of diversion to bring the capacity of the irrigation system up to the licensed diversion rate. When the new well was drilled, as a replacement well, it was drilled in a different 1/1 - 1/4 than the original well, thus needs to correct this with this transfer. This is the points of diversions, SWNW Sec 17 T11S R37E (new well) and the SENW Sec 17 T11 S R37E (original well).

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 October 03, 2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on September 15 and 22, 2005