

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-91 V1

WATER RIGHT NUMBER: 45-91 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	ARKOOSH LAW OFFICES PO BOX 32 GOODING, ID 83330 (208)934-8872
Current Owner	OAKLEY VALLEY WATER CO PO BOX 201 OAKLEY, ID 83346 (208)862-3346
Original Owner	NORTH OAKLEY WATER CO C/O RANDY HARDY 1496 S 500 W OAKLEY, ID 83346 (208)431-3680

Priority Date: 04/25/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRINGS	BIRCH CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	1.000 CFS	129.00 AF
	<u>Total Diversion:</u>	1.000 CFS	129.00 AF

Location of Point(s) of Diversion

COLD SPRINGS	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		
COLD SPRINGS	SE1/4SW1/4SE1/4	Sec. 10, Twp 13S, Rge 22E, B.M.
CASSIA County	(Rediversion)	
COLD SPRINGS	SE1/4NW1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
COLD SPRINGS	SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County	(Injection)	

Place of UseConditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 45-B, Birch Creek.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date

of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-91 V1

5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. T17 Prior to injecting water and re-diverting from ground water under this approval, the right holder shall install and maintain measuring devices acceptable to the Department at all authorized point(s) of injection, diversion, and re-diversion.
8. WB4 The total amount of water diverted from all points of diversion from Cold Springs under Transfer 68966 shall not exceed 1.00 cfs, nor a total combined annual volume of 129.0 af.
9. X49 Prior to injecting water and re-diverting from ground water under this approval, the right holder shall submit a recharge plan acceptable to the Department and obtain a separate injection well permit as required.
10. X53 The instantaneous rate of re-diversion from ground water is limited to those times water is available for diversion under this right and priority from Cold Springs and is limited to the instantaneous rate of injection to ground water for recharge purposes. The right holder shall record monthly diversion, injection, and re-diversion volumes and file an annual report of the total amounts with the Department.
11. X57 Approval of Transfer 68966 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
12. X60 Place of use is located within the North Oakley Water Co. service area.

Remarks:

1. A priority date of March 19, 2001 shall be applied relative to any injury to nearby wells due to the re-diversion from ground water authorized under this approval.

Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2004

ATTN TED BOOTH
ARKOOSH LAW OFFICES
PO BOX 32
GOODING ID 83330

Re: SRBA Claim(s) 45-91, 45-2186, 45-2187, 45-2226, 45-4273
Oakley Valley Water Company

Dear Mr. Booth:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership as requested. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUN 01 2004

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>45-2226</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>45-91</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>45-2187</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>45-2186</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>45-4273</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) See Attached
4. New Owner/Claimant(s) Oakley Valley Water Company
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 201
- City, State and ZIP Code Oakley, ID 83346
- New Telephone Number 208) 862-3346
5. Date you acquired the property Merger effective April 3, 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Dakley Valley Water Company *By Douglas*
(include title if applicable) Chairman
PRESIDENT

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

ATTACHMENT

The former owner/claimant of Water Rights Nos. 45-2226 and 45-91 is:

North Oakley Water Company
c/o Randy Hardy
1496 S 500 West
Oakley, ID 83341
(208) 431-3680

The former owner/claimant of Water Rights Nos. 45-2187, 45-2186, and 45-4273, is:

Marion Pipeline Company
c/o Joseph Reed Whitely
Route 1, Box A
Oakley, ID 83346
(208) 862-3246

FILED/EFFECTIVE**ARTICLES OF MERGER**

Whereas, pursuant to the provisions of Idaho Code §30-3-102, the undersigned non-profit corporations have adopted the following Articles of Merger for the purpose of merging them into one of such corporations, which shall hereafter be known as **Oakley Valley Water Company**;

1. The following Plan of Merger attached hereto and made a part hereof was approved by each of the undersigned corporations.

2. As to each of the undersigned corporations, the Plan of Merger was adopted in the following manner:

a. The Plan of Merger was adopted by Marion Pipe Line Company at its annual meeting of its members held on January 27, 2001, at which a quorum was present, and the Plan of Merger received all of the votes which members present or represented by proxy at such meeting were entitled to cast and at a meeting of the Board of Directors held on January 16, 2001, and received the unanimous vote of the Directors in office.

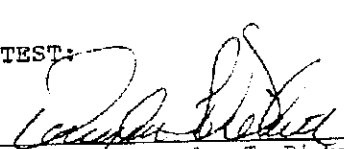
b. The Plan of Merger was adopted by North Oakley Water Company, Inc. at a meeting of its members held on January 27, 2001, at which a quorum was present, and the Plan of Merger received all of the votes which members present or represented by proxy at such meeting were entitled to cast and at a meeting of the Board of Directors held on January 16, 2001, and received the unanimous vote of the Directors in office.

3. The manner of the adoption of the Plan of Merger and the vote by which it was adopted constitute full legal compliance with the provisions of Idaho Code §30-3-101 and with the Articles of Incorporation and By-Laws of the undersigned corporations.

4. The effective date of the merger is April 3, 2001.

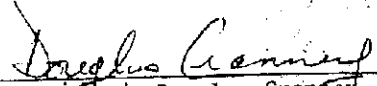
DATED this 3rd day of April, 2001.

ATTEST:


Secretary, Douglas T. Pickett

MARION PIPE LINE COMPANY

By:

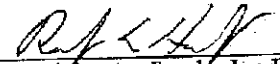

President, Douglas Cranney

ATTEST:


Secretary, Karla Robinson

NORTH OAKLEY WATER COMPANY, INC.

By:


President, Randy L. Hardy

STATE SECRETARY OF STATE
07/05/2001 09:00
CK: 13309 CT: 2200 PM: 406370
18 38.00 - 38.00 MERGER # 2

C851761

PLAN OF MERGER

THIS AGREEMENT, made and entered into this 16th day of January, 2001, by and between Marion Pipe Line Company, a non-profit corporation organized and existing under the laws of the State of Idaho, having its principal office at 204 N. Center, Oakley, Idaho 83346, and North Oakley Water Company, Inc., a non-profit corporation organized and existing under the laws of the State of Idaho, having its principal office and place of business at Route 1, Box 35, Oakley, Idaho 83346.

1. Surviving Corporation.

A. North Oakley Water Company, Inc. shall be the non-surviving corporation, and all references in this Plan of Merger to "non-surviving corporation" shall be to North Oakley Water Company, Inc.

B. Marion Pipe Line Company shall be the surviving corporation, and all references in this Plan of Merger to "surviving corporation" shall be to Marion Pipe Line Company.

2. Management.

A. The Article of Incorporation of Marion Pipe Line Company shall continue to be its Articles of Incorporation following the effective date of the merger, until the same shall be altered or amended.

B. The By-Laws of Marion Pipe Line Company shall be and remain the By-Laws of the surviving corporation until altered, amended, or repealed.

C. The officers and directors of Marion Pipe Line Company in office on the effective date of the merger shall continue in office and shall constitute the officers and directors of the surviving corporation until their respective successors shall be elected or appointed and qualified.

3. Rights, Privileges.

A. On the effective date of the merger, Marion Pipe Line Company shall possess all the rights, privileges, immunities, powers, and franchises of a public and private nature, and shall be subject to all of the restrictions, disabilities and duties of the non-surviving corporation; and all of the property, real, personal and mixed, and all debts due on whatever account, and all other choices in action and all and every other interest of or belonging to or due to the non-surviving corporation shall be deemed to be transferred to and vested in Marion Pipe Line Company without further act or

deed, and the title to any property or any interest therein, vested in the non-surviving corporation shall not revert or be in any way impaired by reason of the merger.

B. On the effective date of the merger, Marion Pipe Line Company shall be deemed responsible and liable for all the liabilities and obligations of the non-surviving corporation; and any claims existing by or against the non-surviving corporation may be prosecuted to judgment as if the merger had not taken place, or Marion Pipe Line Company may be substituted in place of the non-surviving corporation. The rights of the creditors shall not be impaired by this merger. Marion Pipe Line Company shall execute and deliver any and all documents which may be required for it to assume or otherwise comply with the outstanding obligations of the non-surviving corporation.

4. Conversion of Shares.

A. North Oakley Water Company, Inc., the non-surviving corporation, has issued and there is outstanding 200 shares of capital stock, all of one class, and membership rights are evidenced by ownership of these shares of stock. Marion Pipe Line Company has issued and there is outstanding 172 shares of capital stock and membership rights are evidenced by ownership of these shares of stock.

B. On the effective date of the merger, all of the outstanding shares of stock of the non-surviving corporation shall be surrendered and cancelled, and one (1) share of Marion Pipe Line Company shall be issued for each two (2) shares issued and outstanding of North Oakley Water Company, Inc., whether or not said shares of surviving corporation are now authorized and unissued.

C. The total number of shares of stock of Marion Pipe Line Company that are to be authorized by amendment to its Articles of Incorporation, if necessary, shall be 330 shares, 172 shares of which have been issued to members of Marion Pipe Line Company, the pro rata share of each of the 172 shareholders in the 28 shares now unissued which such shareholder may request be issued to him (.1627906 of a share), and 100 shares which shall be issued upon merger to the members of North Oakley Water Company, Inc. The Articles of Incorporation of Marion Pipe Line Company, as amended, shall on the effective date of the merger be amended to authorize the issuance of 330 shares of capital stock of the corporation, all of which shall be of one class, and which shall constitute membership in the corporation.

5. Amendments to Articles of Incorporation.

The Articles of Incorporation of Marion Pipe Line Company shall on the effective date of the merger be amended in the following respects, to-wit:

A. The name of the corporation shall be changed to the "Oakley Valley Water Company."

B. The total shares of capital stock authorized to be issued by the surviving corporation shall be three hundred and thirty (330) shares.

6. Amendment of By-Laws of Surviving Corporation.

The By-Laws of the surviving corporation may be amended by the Board of Directors on the effective date of the merger, in the following respects, to-wit:

A. Directors of the corporation shall be elected for a term of three (3) years. At the first annual meeting of the surviving corporation, a new Board of Directors shall be elected, one director to serve for a term of one year, two directors to serve for a term of two years, and two directors to serve for a term of three years. All directors thereafter elected shall be for a term of three years.

B. The Board of Directors of the corporation shall establish and assess a maintenance fee for each share of stock, which fee shall be billed on a monthly basis to all members, which maintenance fee may be amended from time to time as may be deemed necessary by the Board of Directors of the corporation. The initial maintenance fee shall be \$12.00 per month, payable in advance, until otherwise determined by the Board.

C. Each member shall be entitled to 40,000 gallons of water per month for each share held, until otherwise determined by the Board of Directors. In the event the Board determines that any member has exceeded his allotted gallons of water in any month, the Board may establish an overage fee for the excessive use.

7. Subsequent Acts.

A. Upon completion of the merger and the election of a new Board of Directors, the Board shall elect a new slate of officers, including President, Vice President and Secretary at its first Board meeting.

corporations called to vote on the adoption or rejection of this agreement of merger, that for any legal, financial, economic, or business reason deemed sufficient by such Board it is not in the interest of the corporation it represents, or the stockholders of such corporation, or is otherwise inadvisable or impracticable to consummate the merger, such Board of Directors may abandon the merger by directing the officers of the corporation to refrain from executing or filing any agreement of merger under this Plan.

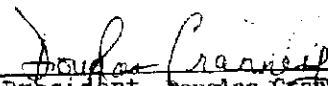
Duly executed on the day and year first above written.

MARION PIPE LINE COMPANY

ATTEST:


Secretary, Douglas T. Pickett

By:

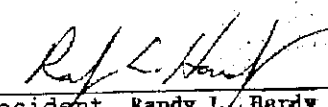

President, Douglas C. Crainey

NORTH OAKLEY WATER COMPANY, INC.

ATTEST:


Secretary, Karla Robinson

By:


President, Randy L. Hardy

Arkoosh Law Offices

Chartered

POST OFFICE BOX 32
301 MAIN STREET
GOODING, IDAHO 83330

THEODORE R. BOOTH, ESQ.

TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873
E-MAIL: alo@cableone.net

May 28, 2004

Jeannie Robertson
IDWR
Southern Regional Office
1341 Filmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Oakley Valley Water Co.
ALO File No. 648-01

RECEIVED
JUN 01 2004

Department of Water Resources
Southern Region

Dear Jeannie:

Enclosed is an original notice of change in water right ownership which has been signed by Douglas Cranney, the president of Oakley Valley Water Co.

Sincerely,

ARKOOSH LAW OFFICES, CHTD.


Kathleen Clark-Corrigan, Paralegal

/kc

Enclosure

cc: Doug Cranney

Arkoosh Law Offices
Chartered

POST OFFICE BOX 32
301 MAIN STREET
GOODING, IDAHO 83330

THEODORE R. BOOTH, ESQ.

TELEPHONE: (208) 934-8872
FACSIMILE: (208) 934-8873
E-MAIL: alo@cableone.net

April 29, 2004

Jeannie Robertson
IDWR
Southern Regional Office
1341 Filmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Oakley Valley Water Co.
ALO File No. 648-01

RECEIVED
APR 30 2004
Department of Water Resources
Southern Region

Dear Jeannie:

This letter will serve as a notice of appearance for the water right claims filed by North Oakley Water Company and Marion Pipeline Company, predecessor-in-interest to the Oakley Valley Water Company. Accordingly, all notices required by law to be mailed by the director to the claimant should be mailed to me at the address set forth above. The claim numbers are:

North Oakley Water Co.: 45-2226, and 45-91
Marion Pipeline Company: 45-4273, 45-2187, and 45-2186

Sincerely,

ARKOOSH LAW OFFICES, CHTD.



Theodore R. Booth

TRB/kc
Enclosure
cc: Doug Cranney

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-91
Date Received: 6/7/1989
Receipt No: S007618
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NORTH OAKLEY WATER CO
C/O RANDY HARDY
1496 S 500 W
OAKLEY ID USA 83346

Phone: (208)431-3680

2. Date of Priority: 04/25/1902

3. Source: COLD SPRINGS , COLD SPRINGS , COLD SPRINGS , COLD SPRINGS Trib. to:
BIRCH CREEK , BIRCH CREEK , BIRCH CREEK , BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
14S	22E	14	SE	SE	SE	CASSIA	
13S	22E	10	SE	SW	SE	CASSIA	R
14S	22E	24	SE	NW	NW	CASSIA	
14S	22E	14			SE	CASSIA	I

5. Description of diverting works:

Lower Spring Diversion, COLLECTOR BOX AND PIPELINE INTO SYSTEM.

Re-diversion from Ground Water. Existing well, pump to be installed.

Upper Spring Diversion, Pipeline to Manning home & balance of flow to recharge project.

Injection to Groundwater

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	01/01	12/31	1	129

7. Total Quantity Appropriated is:
1 C.F.S. and/or 129 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED PER APPROVED TRANSFER #68966.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Use of water under this water right will be regulated by the watermaster of State Water District No. 45-B, Birch Creek.

Prior to injecting water and re-diverting from ground water under this approval, the right holder shall install and maintain measuring devices acceptable to the Department at all authorized point(s) of injection, diversion, and re-diversion.

The total amount of water diverted from all points of diversion from Cold Springs under Transfer 68966 shall not exceed 1.00 cfs, nor a total combined annual volume of 129.0 af.

The instantaneous rate of re-diversion from ground water is limited to those times water is available for diversion under this right and priority from Cold Springs and is limited to the instantaneous rate of injection to ground water for recharge purposes. The right holder shall record monthly diversion, injection, and re-diversion volumes and file an annual report of the total amounts with the Department.

Prior to injecting water and re-diverting from ground water under this approval, the right holder shall submit a recharge plan acceptable to the Department and obtain a separate injection well permit as required.

A priority date of March 19, 2001 shall be applied relative to any injury to nearby wells due to the re-diversion from ground water authorized under this approval.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

Approval of Transfer 68966 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Place of use is located within the North Oakley Water Co. service area.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68966

RECEIVED
JUL - 5 2001
Department of Water Resources
Southern Region

This is to certify that: NORTH OAKLEY WATER CO
C/O RANDY HARDY
1496 S 500 W
OAKLEY ID 83346
(208)431-3680

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Purpose</u>	<u>Source</u>
45-91	AJC/Decreed	04/25/1902	1.00 cfs	Domestic Stockwater	COLD SPRINGS

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-91	NO	NO	YES	YES	NO	YES

Summary of Water Rights After the Approved Change

<u>Right</u>	<u>Rate</u>	<u>Volume</u>	<u>Purpose</u>
45-91	1.00 cfs	129.0 af	Municipal
TOTALS	1.00 cfs	129.0 af	

Detailed Water Right Description(s) attached

Dated this 2nd day of July, 2001



Administrator, Water Management Division

45-0091 Sup 68966

WATER RIGHT NO. 45-91
As Modified by Transfer No. 68966

In accordance with the approval of Transfer No. 68966, Water Right No. 45-91 is now described as follows.

Right Holder: NORTH OAKLEY WATER CO
C/O RANDY HARDY
1496 S 500 W
OAKLEY ID 83346

Priority Date: 04/25/1902

Source: COLD SPRINGS

Tributary: BIRCH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	1.00 CFS	129.0 AF

LOCATION OF POINT(S) OF DIVERSION:

COLD SPRINGS SENWNW Sec. 24 Twp 14S Rge 22E CASSIA County

COLD SPRINGS SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

Injection to Ground Water SE Sec. 14 Twp 14S Rge 22E CASSIA County

Re-diversion from Ground Water SESWSE Sec. 10 Twp 13S Rge 22E CASSIA County

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 45-B, Birch Creek.
3. Prior to injecting water and re-diverting from ground water under this approval, the right holder shall install and maintain measuring devices acceptable to the Department at all authorized point(s) of injection, diversion, and re-diversion.
4. The total amount of water diverted from all points of diversion from Cold Springs under Transfer 68966 shall not exceed 1.00 cfs, nor a total combined annual volume of 129.0 af.
5. The instantaneous rate of re-diversion from ground water is limited to those times water is available for diversion under this right and priority from Cold Springs and is limited to the instantaneous rate of injection to ground water for recharge purposes. The right holder shall record monthly diversion, injection, and re-diversion volumes and file an annual report of the total amounts with the Department.

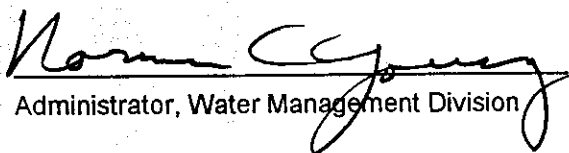
WATER RIGHT NO. 45-91
As Modified by Transfer No. 68966

CONDITIONS OF APPROVAL

6. Prior to injecting water and re-diverting from ground water under this approval, the right holder shall submit a recharge plan acceptable to the Department and obtain a separate injection well permit as required.
7. A priority date of March 19, 2001 shall be applied relative to any injury to nearby wells due to the re-diversion from ground water authorized under this approval.
8. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Approval of Transfer 68966 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. Place of use is located within the North Oakley Water Co. service area.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of July, 2001


Administrator, Water Management Division

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number [REDACTED]
Date Received: 6/7/89
Receipt No:
Received By:

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

NORTH OAKLEY WATER CO Phone: (208)862-3663

RT 1 BOX 35
OAKLEY ID 83346

RECEIVED

OCT 10 2000

**Department of Water Resources
Southern Region**

2. Date of Priority: 04/25/1902

3. Source: COLD SPRINGS Trib. to: Birch Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
14S	22E	2	SW SW	CASSIA

5. Description of diverting works:

COLLECTOR BOX AND PIPELINE INTO SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	1	
DOMESTIC	1/01	12/31	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
12S	22E	27	SW SW	SW SW		STOCKWATER DOMESTIC	
12S	22E	33	SE SE	NE NE		STOCKWATER DOMESTIC	
12S	22E	34	SW NW NW SW	NW SW SW NW		STOCKWATER STOCKWATER DOMESTIC DOMESTIC	
13S	22E	3	SW SW	NW NW		STOCKWATER DOMESTIC	
13S	22E	4	SE SE SE SE	NE SW NE SW		STOCKWATER STOCKWATER DOMESTIC DOMESTIC	
13S	22E	5	SE SE	SE SE		STOCKWATER DOMESTIC	
13S	22E	8	SE SE	SE SE		STOCKWATER DOMESTIC	
13S	22E	9	NW SE SW SW SE SW SE NW SE SW SW SE SW SE	NE NE NW SW SW SE SE NE NE NW SW SW SE SE		STOCKWATER STOCKWATER STOCKWATER STOCKWATER STOCKWATER STOCKWATER STOCKWATER DOMESTIC DOMESTIC DOMESTIC DOMESTIC DOMESTIC DOMESTIC DOMESTIC DOMESTIC	
13S	22E	10	NW SW SW NW SW SW	NW SW SE NW SW SE		STOCKWATER STOCKWATER STOCKWATER DOMESTIC DOMESTIC DOMESTIC	
13S	22E	15	NE NW SW NE NW SW	NE SW SW NE SW SW		STOCKWATER STOCKWATER STOCKWATER DOMESTIC DOMESTIC DOMESTIC	
13S	22E	16	NW SE NW SE	NW SE NW SE		STOCKWATER STOCKWATER DOMESTIC DOMESTIC	

13S	22E	20	NE	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	SE	STOCKWATER
			SE	SE	STOCKWATER
			NE	NE	DOMESTIC
			SE	NE	DOMESTIC
			NE	SE	DOMESTIC
			SE	SE	DOMESTIC
13S	22E	21	NW	NE	STOCKWATER
			SW	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	NW	STOCKWATER
			NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			NW	SW	STOCKWATER
			SW	SW	STOCKWATER
			SE	SW	STOCKWATER
			NE	SE	STOCKWATER
			NW	SE	STOCKWATER
			SW	SE	STOCKWATER
			SE	SE	STOCKWATER
			NW	NE	DOMESTIC
			SW	NE	DOMESTIC
			SE	NE	DOMESTIC
			NE	NW	DOMESTIC
			NW	NW	DOMESTIC
			SW	NW	DOMESTIC
			SE	NW	DOMESTIC
			NE	SW	DOMESTIC
			NW	SW	DOMESTIC
			SW	SW	DOMESTIC
			SE	SW	DOMESTIC
			NE	SE	DOMESTIC
			NW	SE	DOMESTIC
			SW	SE	DOMESTIC
			SE	SE	DOMESTIC
13S	22E	22	NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			NW	SW	STOCKWATER
			SW	SW	STOCKWATER
			NW	NW	DOMESTIC
			SW	NW	DOMESTIC
			NW	SW	DOMESTIC
			SW	SW	DOMESTIC
13S	22E	27	NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			SW	SW	STOCKWATER
			NW	NW	DOMESTIC
			SW	NW	DOMESTIC
			SW	SW	DOMESTIC

13S	22E	28	NE	NE	STOCKWATER
			SW	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	NW	STOCKWATER
			NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			NW	SW	STOCKWATER
			NE	NE	DOMESTIC
			SW	NE	DOMESTIC
			SE	NE	DOMESTIC
			NE	NW	DOMESTIC
			NW	NW	DOMESTIC
			SW	NW	DOMESTIC
			SE	NW	DOMESTIC
			NE	SW	DOMESTIC
			NW	SW	DOMESTIC
13S	22E	29	NE	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	SE	STOCKWATER
			NE	NE	DOMESTIC
			SE	NE	DOMESTIC
			NE	SE	DOMESTIC
13S	22E	33	NE	NE	STOCKWATER
			NE	NE	DOMESTIC
13S	22E	34	NW	NE	STOCKWATER
			NE	SE	STOCKWATER
			NW	NE	DOMESTIC
			NE	SE	DOMESTIC
13S	22E	35	SW	SW	STOCKWATER
			SE	SW	STOCKWATER
			SW	SW	DOMESTIC
			SE	SW	DOMESTIC
14S	22E	2	NE	NE	STOCKWATER
			NW	NE	STOCKWATER
			NE	NW	STOCKWATER
			SW	SW	STOCKWATER
			NE	NE	DOMESTIC
			NW	NE	DOMESTIC
			NE	NW	DOMESTIC
			SW	SW	DOMESTIC
14S	22E	11	NE	NW	STOCKWATER
			NE	NW	DOMESTIC
14S	22E	24	NW	NW	STOCKWATER
			SE	NW	STOCKWATER
			NW	NW	DOMESTIC
			SE	NW	DOMESTIC

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

RT. IS FOR ENTIRE FLOW OF SPRINGS; NOT SUBJECT TO OTHER RIGHTS. FLOW RATE LISTED IS NOT LIMITING TO ACTUAL WATER RIGHT AND IS LISTED AS ESTIMATED AVERAGE FLOW USE CHANGED FROM IRRIGATION TO MULTIPLE DOMESTIC BY TRANS. #672.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of

Title
North Oakley Water, Inc., that I have signed the foregoing
Organization
document in the space below as President of

Title
North Oakley Water, Inc. and that the statements contained in the
Organization
foregoing document are true and correct. R. H. H.
Signature of Authorized Agent
President, North Oakley Water, Inc.
Title and Organization

10-3-00
Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 3rd
of October 2000 Linda J. Hoxsey

Notary Public

Residing at Burley, Id.

My commission Expires Dec. 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 2000

Char Irish
Region IV Development Association, Inc.
P.O. Box 5079
Twin Falls, ID 83301

Dear Ms. Irish:

You recently contacted our Department regarding a proposed water system improvement project for the North Oakley Water Company. Upon review, the Department would like to make the following comments for your consideration.

45-00091

A search of the Department's records revealed that water rights 45-00091 and 45-02226, and corresponding Snake River Basin Adjudication claims A45-00091 and A45-02226 are the only water rights and claims in the name of the North Oakley Water Company. However, both of these water rights and the corresponding adjudication claims list springs that are tributary to Birch Creek as the sources of water. There is no water right, or Snake River Basin Adjudication claim, in the name of the North Oakley Water Company that authorizes the diversion of groundwater.

Further examination of the Department's records indicates that at one time, ground water right 45-02323B and Snake River Basin Adjudication claim A45-02323B were owned by the North Oakley Water Company. However, this water right, and the corresponding adjudication claim, were conveyed to the City of Oakley in a water agreement dated November 11, 1999.

You indicated in your correspondence that a well is located near the Section line between the east half of Sections 10 and 15, Township 13 South, Range 22 East. Apparently, this well is intended to be used as part of the North Oakley Water Company's water system. A search of the Department's records revealed no water rights, or adjudication claims, listing a point of diversion at this location.

May 24, 2000
Page 2

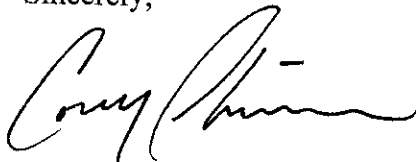
In order for the North Oakley Water Company, or any other party, to use the well indicated on the map that you submitted, a valid water right authorizing water diversion from the well must be obtained. The diversion of water without a valid water right is illegal pursuant to §42-351, IDAHO CODE, and is subject to civil penalties pursuant to §42-1701B, IDAHO CODE.

The well that is indicated on the map that you submitted is within the boundaries of the Oakley-Kenyon Critical Groundwater Area, which is an area that has been closed for new groundwater development since 1962. Therefore, an appropriation of a new ground water right in this area can not occur. In order to use a "new" well in this area, the well must be added to an existing water right via the water right transfer process pursuant to §42-222, IDAHO CODE. In the transfer process an existing water right's recorded points of diversion can be changed. However, the Department can not allow a water right transfer that results in an expansion in the rate of diversion, annual diversion volume, or consumptive use volume of the right(s) involved with the proposed transfer. In addition, water right transfers are subject to public notice and protest.

In summary, the Department does not have record of any water rights in the name of the North Oakley Water Company that authorizes the diversion of groundwater. In addition, the well that is apparently proposed to be added to the North Oakley Water Company system is not covered by any existing water rights. It appears that there are definite water right issues with the North Oakley Water Company proposal.

If you have any questions, or need any further assistance, feel free to contact this office at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner", with a stylized flourish at the end.

Corey Skinner, P.E.
Water Resource Engineer

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00091
Date Received: 6/07/1989
Receipt No: S007618
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH OAKLEY WATER CO. 208-862-3663
Address: RT. 1 BOX 35
OAKLEY, ID 83346

2. Date of Priority: APR 25, 1902

3. Source: COLD SPRINGS Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	22E	2	SW	SW			CASSIA

5. Description of diverting works:
COLLECTOR BOX AND PIPELINE INTO SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	1.000		
STOCKWATER	01/01	12/31	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/65 HOUSEHOLDS S/MIXED STOCK FOR SAME HOUSEHOLDS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	22E	27	SW	SW		DOMEST	
			SW	SW		STOCK	

A45-00091

Page 1

Date: 06/07/89

MICROFILMED

MAR 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	22E	33	SE		NE		DOMEST	
			SE		NE		STOCK	
		34	SW		NW		DOMEST	
			SW		NW		STOCK	
			NW		SW		DOMEST	
13S	22E	3	NW		SW		STOCK	
			SW		NW		DOMEST	
		4	SW		NW		STOCK	
			SE		NE		DOMEST	
			SE		NE		STOCK	
			SE		SW		DOMEST	
		5	SE		SW		STOCK	
			SE		SE		DOMEST	
		8	SE		SE		STOCK	
			SE		SE		DOMEST	
		9	SE		SE		STOCK	
			NW		NE		DOMEST	
			NW		NE		STOCK	
			SE		NE		DOMEST	
			SE		NE		STOCK	
			SW		NW		DOMEST	
			SW		NW		STOCK	
			SW		SW		DOMEST	
			SW		SW		STOCK	
			SE		SW		DOMEST	
			SE		SW		STOCK	
			SW		SE		DOMEST	
			SW		SE		STOCK	
			SE		SE		DOMEST	
		10	SE		SE		STOCK	
			NW		NW		DOMEST	
			NW		NW		STOCK	
			SW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SE		DOMEST	
		15	SW		SE		STOCK	
			NE		NE		DOMEST	
			NE		NE		STOCK	
			NW		SW		DOMEST	
			NW		SW		STOCK	
			SW		SW		DOMEST	
		16	SW		SW		STOCK	
			NW		NW		DOMEST	
			NW		NW		STOCK	
			SE		SE		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	16	SE		SE		STOCK	
		20	NE		NE		DOMEST	
			NE		NE		STOCK	
			SE		NE		DOMEST	
			SE		NE		STOCK	
			NE		SE		DOMEST	
			NE		SE		STOCK	
			SE		SE		DOMEST	
		21	SE		SE		STOCK	
			NW		NE		DOMEST	
			NW		NE		STOCK	
			SW		NE		DOMEST	
			SW		NE		STOCK	
			SE		NE		DOMEST	
			SE		NE		STOCK	
			NE		NW		DOMEST	
			NE		NW		STOCK	
			NW		NW		DOMEST	
			NW		NW		STOCK	
			SW		NW		DOMEST	
			SW		NW		STOCK	
			SE		NW		DOMEST	
			SE		NW		STOCK	
			NE		SW		DOMEST	
			NE		SW		STOCK	
			NW		SW		DOMEST	
			NW		SW		STOCK	
			SW		SW		DOMEST	
			SW		SW		STOCK	
			SE		SW		DOMEST	
			SE		SW		STOCK	
			NE		SE		DOMEST	
			NE		SE		STOCK	
			NW		SE		DOMEST	
			NW		SE		STOCK	
			SW		SE		DOMEST	
			SW		SE		STOCK	
			SE		SE		DOMEST	
			SE		SE		STOCK	
		22	NW		NW		DOMEST	
			NW		NW		STOCK	
			SW		NW		DOMEST	
			SW		NW		STOCK	
			NW		SW		DOMEST	
			NW		SW		STOCK	

MICROFILMED
MAR 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	22	SW		SW		DOMEST	
			SW		SW		STOCK	
		27	NW		NW		DOMEST	
			NW		NW		STOCK	
			SW		NW		DOMEST	
			SW		NW		STOCK	
			SW		SW		DOMEST	
		28	SW		SW		STOCK	
			NE		NE		DOMEST	
			NE		NE		STOCK	
			SW		NE		DOMEST	
			SW		NE		STOCK	
			SE		NE		DOMEST	
			SE		NE		STOCK	
			NE		NW		DOMEST	
			NE		NW		STOCK	
			NW		NW		DOMEST	
			NW		NW		STOCK	
			SW		NW		DOMEST	
			SW		NW		STOCK	
			SE		NW		DOMEST	
			SE		NW		STOCK	
			NE		SW		DOMEST	
			NE		SW		STOCK	
			NW		SW		DOMEST	
		29	NW		SW		STOCK	
			NE		NE		DOMEST	
			NE		NE		STOCK	
			SE		NE		DOMEST	
			SE		NE		STOCK	
			NE		SE		DOMEST	
		33	NE		SE		STOCK	
			NE		NE		DOMEST	
		34	NE		NE		STOCK	
			NW		NE		DOMEST	
			NW		NE		STOCK	
			NE		SE		DOMEST	
		35	NE		SE		STOCK	
			SW		SW		DOMEST	
			SW		SW		STOCK	
			SE		SW		DOMEST	
			SE		SW		STOCK	
14S	22E	2	NE		NE		DOMEST	
			NE		NE		STOCK	
			NW		NE		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	22E	2	NW	NE	STOCK	
			NE	NW	DOMEST	
			NE	NW	STOCK	
			SW	SW	DOMEST	
		24	SW	SW	STOCK	
			NW	NW	DOMEST	
			NW	NW	STOCK	
			SE	NW	DOMEST	
			SE	NW	STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A45-02323B, A45-02226

14. Remarks:

RT. IS FOR ENTIRE FLOW OF SPRINGS; NOT SUBJECT TO OTHER RIGHTS.
FLOW RATE LISTED IS NOT LIMITING TO ACTUAL WATER RIGHT AND IS
LISTED AS ESTIMATED AVERAGE FLOW.
USE CHANGED FROM IRRIGATION TO MULTIPLE DOMESTIC BY TRANS. #672.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/10/1903

JACOB DAYLEY, ET.AL.

Decree Plaintiff

vs

HEBER C. DAYLEY, ET.AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Sec. _____ of
North Oakley Water Organization, that I have signed the foregoing
document in the space below as Sec. _____ of

North Oakley Water Title
Organization and that the statements contained in the
foregoing document are true and correct.

Randy Robison
Signature of Authorized Agent

Sec. North Oakley Water
Title and Organization

6/7/89
Date

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 89

Steve Call
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994



125.

135.

P.U.
at each
X

135.

145.

A45-00091

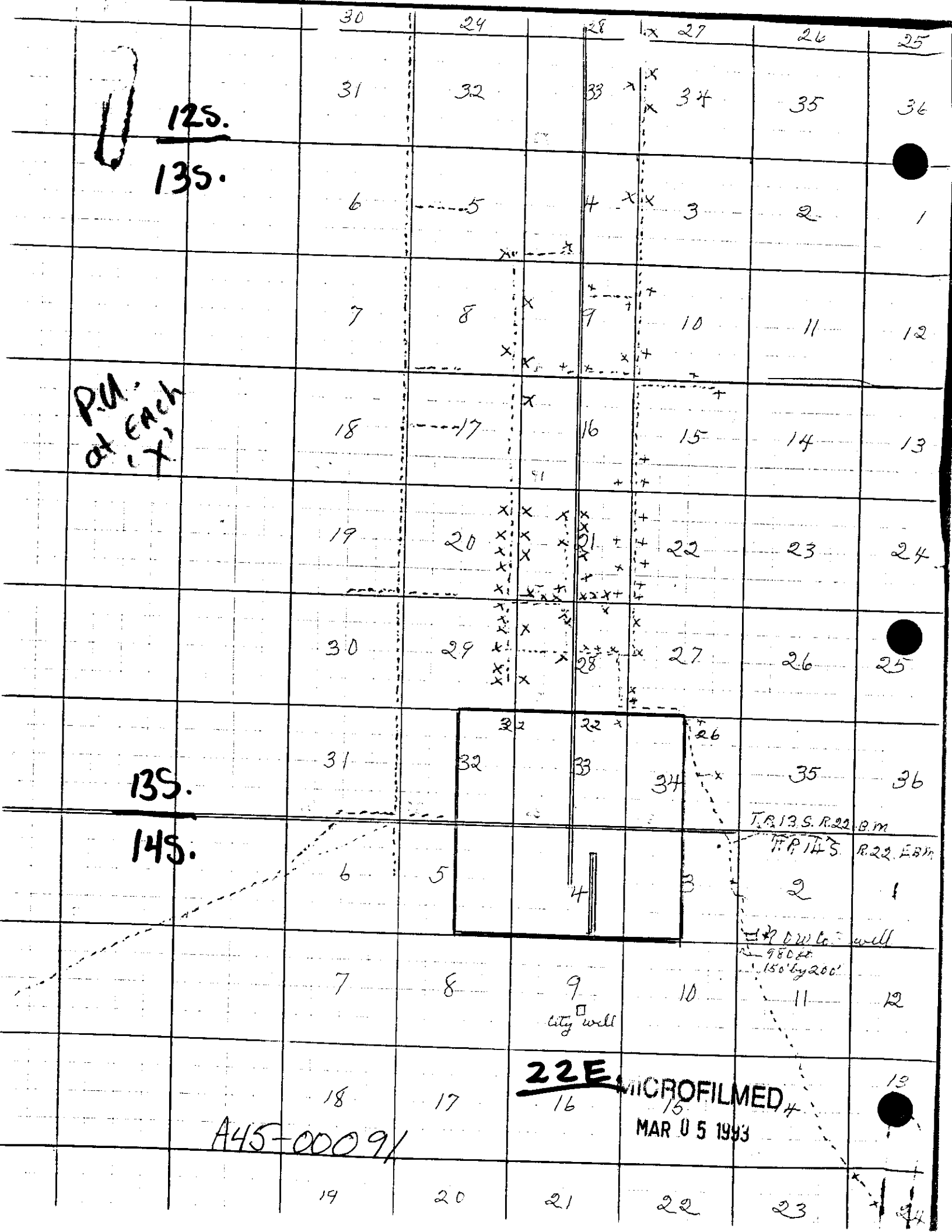
22E

MICROFILMED
MAR 05 1983

T.R. 13.5. R. 22. B.M.
F.P. 14.5. R. 22. E.B.M.

190' to well
980' to
150' by 200'

city well



IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-91

NAME AND ADDRESS: OAKLEY VALLEY WATER CO
PO BOX 201
OAKLEY ID 83346

SOURCE: COLD SPRINGS

TRIBUTARY: BIRCH CREEK

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

QUANTITY: 1.000 CFS
129.000 AFY

Prior to injecting water and re-diverting from ground water under this approval, the right holder shall install and maintain measuring devices acceptable to the Department at all authorized point(s) of injection, diversion, and re-diversion.

The total amount of water diverted from all points of diversion from Cold Springs under Transfer 68966 shall not exceed 1.00 cfs, nor a total combined annual volume of 129.0 af.

PRIORITY DATE: 04/25/1902

POINT OF DIVERSION:

T13S R22E S10 SESWSE Rediversion Within CASSIA County
T14S R22E S14 SE Injection Within CASSIA County
T14S R22E S14 SESESE Within CASSIA County
T14S R22E S24 SENWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	1.000 CFS 129.00 AFY

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

PLACE OF USE:

Place of use is within the area served by Oakley Valley Water Company.

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 45-B, Birch Creek.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

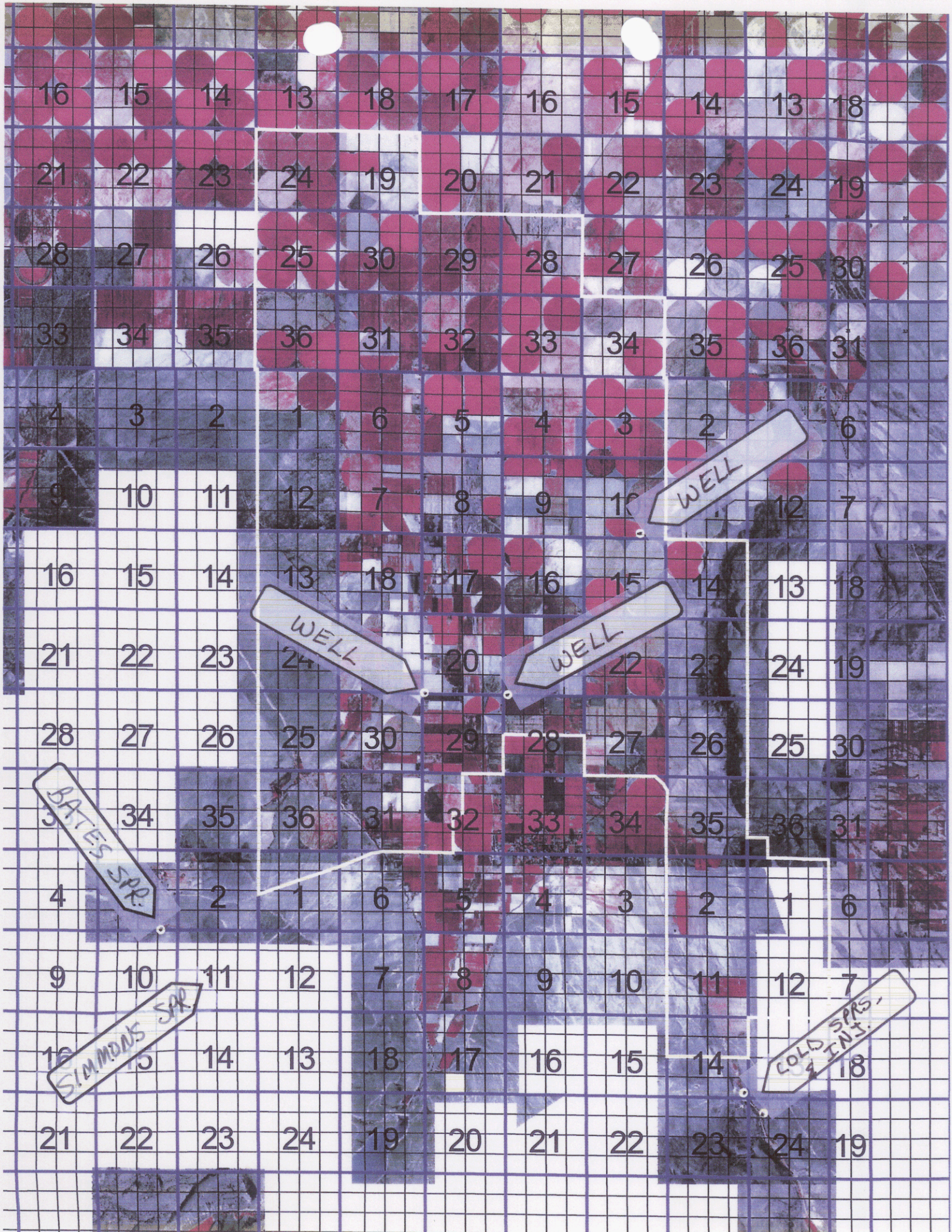
Prior to injecting water and re-diverting from ground water under this approval, the right holder shall submit a recharge plan acceptable to the Department and obtain a separate injection well permit as required.

The instantaneous rate of re-diversion from ground water is limited to those times water is available for diversion under this right and priority from Cold Springs and is limited to the instantaneous rate of injection to ground water for recharge purposes. The right holder shall record monthly diversion, injection, and re-diversion volumes and file an annual report of the total amounts with the Department.

Approval of Transfer 68966 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right

EXPLANATORY MATERIAL: Decreed

Water Right 45-91



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-91 V1

WATER RIGHT NUMBER: 45-91 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	ARKOOSH LAW OFFICES PO BOX 32 GOODING, ID 83330 (208)934-8872
Current Owner	OAKLEY VALLEY WATER CO PO BOX 201 OAKLEY, ID 83346 (208)862-3346
Original Owner	NORTH OAKLEY WATER CO C/O RANDY HARDY 1496 S 500 W OAKLEY, ID 83346 (208)431-3680

Priority Date: 04/25/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRINGS	BIRCH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	1.000 CFS	129.00 AF
	<u>Total Diversion:</u>	1.000 CFS	129.00 AF

Location of Point(s) of Diversion

COLD SPRINGS	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		
COLD SPRINGS	SE1/4SW1/4SE1/4	Sec. 10, Twp 13S, Rge 22E, B.M.
CASSIA County	(Rediversion)	
COLD SPRINGS	SE1/4NW1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
COLD SPRINGS	SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County	(Injection)	

Place of Use

MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	27										X		X					
13S	22E	28							X	X			X	X			X	X	

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-91 V1

14S 22E 33			X				
15S 22E 3			X L 4				
15S 22E 4		X L 1				X	
15S 22E 5		X L 1					
15S 22E 10		X		X		X	X
15S 22E 14			X				
15S 22E 15		X X					

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. 129 Place of use is within the area served by Oakley Valley Water Company.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 45-B, Birch Creek.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. T17 Prior to injecting water and re-diverting from ground water under this approval, the right holder shall install and maintain measuring devices acceptable to the Department at all authorized point(s) of injection, diversion, and re-diversion.
9. WB4 The total amount of water diverted from all points of diversion from Cold Springs under Transfer 68966 shall not exceed 1.00 cfs, nor a total combined annual volume of 129.0 af.
10. X49 Prior to injecting water and re-diverting from ground water under this approval, the right holder shall submit a recharge plan acceptable to the Department and obtain a separate injection well permit as required.
11. X53 The instantaneous rate of re-diversion from ground water is limited to those times water is available for diversion under this right and priority from Cold Springs and is limited to the instantaneous rate of injection to ground water for recharge purposes. The right holder shall record monthly diversion, injection, and re-diversion volumes and file an annual report of the total amounts with the Department.
12. X57 Approval of Transfer 68966 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Remarks:

1. A priority date of March 19, 2001 shall be applied relative to any injury to nearby wells due to the re-diversion from ground water authorized under this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-91 V1

Comments:

1. PSKAGGS 7/9/2001 4:45:01 PM Transferred Right

Comment: This is now a approved transfer, transfer number = 68966

2. jroberts 7/12/2004 Basis of Recommendation

Comment: Recommended per approved transfer #68966 and then subsequent merger/ownership change of Marion Pipeline and North Oakley Water Co. to Oakley Valley Water Co. and amendment of all claims to Municipal Use.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-91 V

*Transfer #68966
 approved 7/9/2001*

WATER RIGHT NUMBER: 45-91 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH OAKLEY WATER CO C/O RANDY HARDY 1496 S 500 W OAKLEY, ID 83346 (208)431-3680

Priority Date: 04/25/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRINGS	BIRCH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	1.000 CFS	129.00 AF
	<u>Total Diversion:</u>	1.000 CFS	129.00 AF

Location of Point(s) of Diversion

COLD SPRINGS	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		
COLD SPRINGS	SE1/4SW1/4SE1/4	Sec. 10, Twp 13S, Rge 22E, B.M.
CASSIA County	(Rediversion)	
COLD SPRINGS	SE1/4NW1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
COLD SPRINGS	SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County	(Injection)	

Place of Use

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 45-B, Birch Creek.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T17 Prior to injecting water and re-diverting from ground water under this approval, the right holder shall install and maintain measuring devices acceptable to the Department at all authorized point(s) of injection, diversion, and re-diversion.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-91 V1

Remarks:

1. General Prior to injecting water and re-diverting from ground water under this approval, the right holder shall submit a recharge plan acceptable to the Department and obtain a separate injection well permit as required.
2. General Place of use is located within the North Oakley Water Co. service area.
3. General The total amount of water diverted from all points of diversion from Cold Springs under Transfer 68966 shall not exceed 1.00 cfs, nor a total combined annual volume of 129.0 af.
4. General The instantaneous rate of re-diversion from ground water is limited to those times water is available for diversion under this right and priority from Cold Springs and is limited to the instantaneous rate of injection to ground water for recharge purposes. The right holder shall record monthly diversion, injection, and re-diversion volumes and file an annual report of the total amounts with the Department.
5. A priority date of March 19, 2001 shall be applied relative to any injury to nearby wells due to the re-diversion from ground water authorized under this approval.
6. General Approval of Transfer 68966 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Comments:

1. PSKAGGS 7/9/2001 4:45:01 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 68966

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False