

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/ 7/1989
Receipt No: S007618
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CITY OF OAKLEY
Address: 200 W MAIN
PO BOX 266
OAKLEY ID

208-862-3313

83346

2. Date of Priority: FEB 19, 1950

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.500		
STOCKWATER	01/01	12/31	0.500		

7. Total Quantity Appropriated is:
0.500 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	

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	
		5	SE		SW		DOMEST	
			SE		SW		STOCK	
			SE		SE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		8	SE		SE		DOMEST	
			SE		SE		STOCK	
		9	NW		NE		DOMEST	
			NW		NE		STOCK	
			SE		NE		DOMEST	
			SE		NE		STOCK	
			SW		NW		DOMEST	
		10	SW		NW		STOCK	
			SW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SE		DOMEST	
			SW		SE		STOCK	
			NE		NE		DOMEST	
			NE		NE		STOCK	
			NW		SW		DOMEST	
			NW		SW		STOCK	
			SW		SW		DOMEST	
		15	SW		SW		STOCK	
			NW		NW		DOMEST	
			NW		NW		STOCK	
			SE		SE		DOMEST	
			SE		SE		STOCK	
		16	NE		NE		DOMEST	
			NE		NE		STOCK	
			NW		SW		DOMEST	
			NW		SW		STOCK	
			SE		SE		DOMEST	
		20	SE		SE		STOCK	
			NE		NE		DOMEST	

10. Place of Use: Continued

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

10. Place of Use: Continued

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

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	22E	24	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:
A45-00091, A45-02226

14. Remarks:

TRANS. 1104.

3/13/2000 tf; OWNERSHIP CHANGED NORTH OAKLEY WATER CO TO CITY OF
OAKLEY PER 1409(6) AND WATER AGREEMENT REC'D 2/28/2000.

15. Basis of Claim: LICENSE

Water Right Number: 21361



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

March 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN GARTH GREENWELL MAYOR
CITY OF OAKLEY
PO BOX 266
OAKLEY ID 83346

RE: SRBA Claim(s) A45-02323B

Dear Mayor Greenwell:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record 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 cursive script that reads "Trish Fawcett".

Trish Fawcett
Technical Records Specialist

enc.

FEB 28 2000

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

RECEIVED

FEB 28 2000

Department of Water Resources
Curtis, Idaho

1. Water Right No(s).: A 45-02323B
 Adjudication Claim No(s).: _____
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 North Oakley Water Company
1496 S. 500 W., Oakley, ID 83346
4. New Owner/Claimant(s) City of Oakley
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 200 W. Main
 City, State and ZIP Code P.O. Box 266, Oakley, ID 83346
 New Telephone Number (208) 862-3313
5. Date you acquired the property November 11, 1999
6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

Number of acres you irrigate with this water right -0- Number and type of stock -0-

Diversion rate in CFS 0.5 Number of homes you acquired -0- Other uses Municipal
7. Signature of New Owner(s) or Claimant(s) Garth Greenwell
Mayor Garth Greenwell
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

North Oakley Water Company

1496 South 500 West, Oakley, Idaho 83346, (208) 862 3313

November 14, 1999

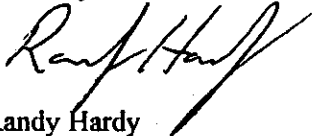
Oakley City Council
P.O. Box 266
Oakley, ID 83346

Dear City Council:

The North Oakley Water Company is willing to donate the value of the well and the storage tank independent of its value to the City of Oakley. It will cost North Oakley more than what it is worth to try to utilize the well and storage tank in our system. It is cheaper for us to add another well in the central part of our system.

The well is located in an area that will be a great asset to the City of Oakley. If we give the City of Oakley the water rights that are also associated with the well it will give the City more available water. North Oakley requests that the city back up our system with water in the event of an emergency. The water the City gains should supply us with water in this event.

Sincerely,



Randy Hardy
President - North Oakley Water Company

WATER AGREEMENT

AGREEMENT entered into this 11th day of November, 1999, by and between the City of Oakley, a duly organized municipal corporation of the State of Idaho (hereinafter referred to as "CITY"), and the North Oakley Water Company a private stockholder corporation of the State of Idaho, a duly organized public water system. (hereinafter referred to as "NORTH OAKLEY").

WITNESSETH:

WHEREAS, it is the purpose and policy of the parties named herein to provide the best and most efficient water distribution and fire protection for the patrons of their respective areas;

WHEREAS, it appears to be to the mutual benefit and advantage of the parties to enter into a mutual water agreement, providing for cooperation and mutual use of existing water rights, facilities, and pipelines between the parties; and

WHEREAS, the City will need more water in the near future; and

WHEREAS, NORTH OAKLEY needs an additional backup source for their public water

NOW, THEREFORE, in consideration of the mutual benefits herein contained and of the mutual covenants running from one party herein to the other, contingent upon North Oakley developing another well and upgrading necessary water lines, and the City of Oakley receiving funding to proceed with Phase II of their project, mutually agreed as follows:

1. NORTH OAKLEY DEEDS TO THE CITY OF OAKLEY THEIR WELL AND STORAGE TANK: Located in SW 1/4 the SW 1/4 T14S, R22E, Section 2. This transfer will also include water right # 45-02323B for .5 CFS filed with the IDWR.

2. CITY WILL UPGRADE WELL, PUMP-HOUSE, AND MAKE REPAIRS AS NEEDED TO STORAGE TANK: The City will be responsible for and upgrade items as necessary.

3. CITY WILL DELIVER WATER TO THE CURRENT CUSTOMERS EAST OF OAKLEY: North Oakley users East of Oakley may have the choice of hooking on to the City of Oakley as regular customers. They may trade their shares into the North Oakley Water Company and the sale of these shares will help pay in part the cost of the new line coming to their home. The decision needs to be united and a written request needs to be given to the Oakley City Council within 90 days from the signing of this agreement if they want to use City Water. These Homes could form their own small water system. If they have less than 25 people or ten homes, by current definitions, they would not be considered a public water system. These customers include, Lee Bennett, Bill Wells, Kelly Wells, Chris Poulton, and two more homes on Bill Wells property.

The City will install a water service line to provide water to the homes. The City is not responsible to deliver water to homes in elevations that would require pressurizing the water in order to deliver the water. All homes are required to have the state minimum pressure of 20 psi.. If not, the homeowner will be required to provide their own additional pressure. Water for stock, or other uses will need to receive

City of Oakley / North Oakley Water Co. Mutual Aid Agreement

approval from the Oakley City Council as if they are a new hookup. Any additional homes in these areas will need to follow the hookup requirements of the current city water ordinance.

The homes and stock taps hooked up to the City of Oakley water system will become customers of the City of Oakley. The current water ordinance addressing customers will become applicable to any and every one hooking services onto the City of Oakley lines.

4. CITY WILL DELIVER TO NORTH OAKLEY WATER AT POINTS NECESSARY TO BACK UP THEIR WATER SYSTEM: This point will be at the corner of 400 West 1900 South, 450 West (HWY. 27) 1900 South, or 500 West 1900 South. This delivery will be with a 6 inch valve at one or more of these intersections. North Oakley will be responsible for the purchase and maintenance of all valves, meters or any item needed to deliver water into their system.

5. NORTH OAKLEY WILL INSTALL ADDITIONAL WELL TO SUPPLY THEIR OWN NEEDS: North Oakley Water Company will install an additional well at 340 West 1600 South or at some other location as they deem necessary to supply water to their customers.

6. CITY OF OAKLEY IS A BACKUP SOURCE FOR NORTH OAKLEY WATER COMPANY IN AN EMERGENCY SITUATION: It is not intended for the City be the main source of water for North Oakley. If the water volume that North Oakley requires of the City is excessive and determined to be creating a burden on the City.. It will be necessary for North Oakley to find an alternate source for a back-up water source.

7. COMPENSATION: North Oakley agrees to compensate the City of Oakley for the water pumped by the City to provide back-up water to North Oakley in times of emergency, providing excess water is available. The water sold to North Oakley customers will be metered and sold at the same rate that all Oakley Water systems customers pay for overage as changed from time to time by the city council.

8. COOPERATION AMONG APPOINTED OR ELECTED OFFICIALS: Representatives of the parties to the Agreement shall meet at least once annually in joint session during the duration of this Agreement for the purpose of reviewing the reciprocal activity of the parties. Should the participants at the meeting determine that adjustments to this Agreement are required to insure continuing cooperation among the parties, they shall make such recommendations to the respective party they represent. Said adjustments may then be satisfied by the respective governing bodies of the parties hereto, and shall be effective when ratified by all parties. An addendum shall be executed by the parties and attached to this Agreement to reflect any such modifications.

9. TERM AND AUTOMATIC RENEWAL: The initial term of this Agreement shall be for a period from the date hereof from the execution of this Agreement until October 1, 2000. Unless a party notifies the other party of its intention not to renew and continue this Agreement, such term shall be automatically extended for a further period of one (1) year and shall only be terminated as hereinafter provided. In the event of such continuation on a year to year basis, all of the terms and provisions hereof shall continue in full force and effect during said extensions.

10. TERMINATION: It is understood and agreed that either party hereto may terminate its participation and concurrent rights and duties under this reciprocal agreement by delivering to the other party hereto a notice of such termination, said notice to be in writing and to be given at least sixty (60) days prior to the termination date desired by the terminating party. In the event the City of Oakley decides to terminate this contract, the City will deed back to North Oakley the water right of .5 CFS in addition to the well, storage tank, main line, and other improvement made by the City up to the north quarter corner of section 3, R22E, T 14S.. In the event that North Oakley terminates the lease, North Oakley will forfeit the right have the water rights reassigned or sold to them and the city keeps both wells and the improvements to them.

11. LIABILITY: Each party will assume complete liability for its equipment and mainlines provided under this Agreement.

12. MUTUAL HOLD HARMLESS: Each party to this Agreement agrees to indemnify and hold harmless the other from any and all liability for any injury, damage or claim suffered by any person or property caused by the party or its employee while performing under this Agreement.

13. INSURANCE: North Oakley agrees to reimburse the City for any increase in premium in the event that the liability insurance premium increases because of this water agreement.

14. LIMITATION ON LIABILITY OF PARTIES: The rights and benefits arising under this contract shall run to the parties to this Agreement and not to any person, firm, association, corporation or governmental unit not a party hereto.

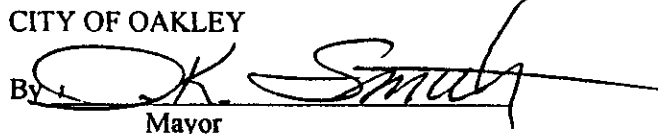
15. PRIOR AGREEMENTS: All prior agreements for reciprocal fire protection, both oral and written, which may have been entered into previously between the parties to this Agreement, are to be terminated from this point forward, and the terms of this Agreement are controlling as to all the reciprocal rights and duties of the named parties in providing reciprocal fire protection between themselves, but this Agreement is not intended to terminate any previous agreement, either oral or written, entered into by the parties to this Agreement, whereby one of the parties has assumed primary fire protection responsibility for a geographic area contained within another party's boundaries.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

DATED this 11th day of November, 1999.

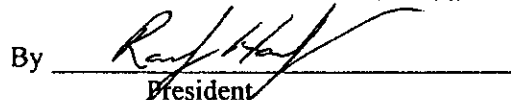
CITY OF OAKLEY

By


Mayor

NORTH OAKLEY WATER COMPANY

By


President

Attest:


Oakley City Clerk

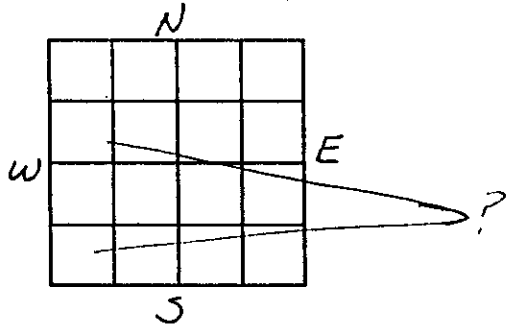
Attest:


Secretary

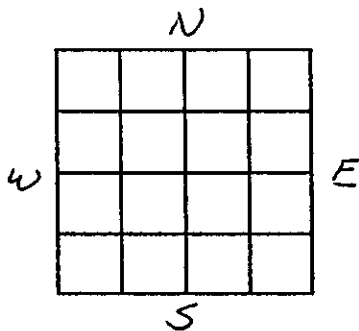
NA

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
36	35	34	33	32	31

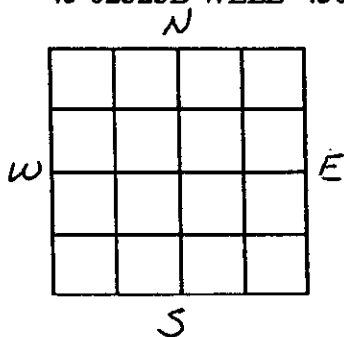
45-00091 Cold Spring 1.00CFS T14S R22E SO2 SWNW
SWSW



45-02226 Spring .10 CFS T14S R22E S24 NENW NWNW



45-02323B WELL .50 CFS T14S R22E S 02 SWSW



WRS809NP
No. 45-00091

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/06/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH OAKLEY WATER CO. OAKLEY ID 83346	04/25/1902	IRRIGATION STOCKWATER DOMESTIC	00/00 00/00 00/00 00/00 00/00 00/00		
TOTAL DIVERSION:						

Water Source: COLD SPRINGS

Tributary to: BIRCH CREEK

Stage: DECREED

Point(s) of Diversion:

T14S R22E S24

SNW

CASSIA County

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (includes All Sources):
45-00077K 45-00078F 45-00079H 45-00080B 45-00080F 45-00081F 45-00081H 45-00082F 45-00083 45-00084

Remarks: GEN RT. IS FOR ENTIRE FLOW OF SPRINGS; NOT SUBJECT TO OTHER RIGHTS.
RT. WAS NOT USED FROM ABOUT 1915 TO 1945 ACCORDING TO WATERMASTER
USE CHANGED FROM IRRIG. TO MULTIPLE DOMESTIC BY TRANS. 672.
MULTIPLE DOMESTIC USE ALSO ESTABLISHED BY LIC. 45-2226.
P/U IS THOSE LANDS SERVED BY NORTH OAKLEY WATER CO.; SEE LIC.
P/D GIVEN INCORRECTLY AS SNW S24 IN TRANS.; CORRECT P/D FROM LIC

Dates:

App. Received: 04/25/1902
Proof Due Date: 04/25/1902
Exam Made Date: 04/25/1902
Exam Sent to S.O.: 04/25/1902
Licensed Date: 04/25/1902

Misc:

Water District Number: 45B Field Exam Fee:

Audit:

12/09/85 05/28/88 CONVERT

DIVERSION
VOLUME

1.00 CFS

Stage: DECREED

CASSIA County

SE

[illegible]

SE

● ● ● ● ● ● ● ● ● ●

AJ5809NP
No. A45-00091

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/06/99
PAGE: 2

Place of use Legal Description for: DOMESTIC

T	R	S	NE		NW		SW		SE	
			NENE	NUNE	SENE	NENW	NUNW	SWNW	SESW	NESE
13S	22E	8	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	9	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	10	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	15	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	16	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	20	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	21	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	22	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	27	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	28	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	29	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	33	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	34	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
13S	22E	35	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
14S	22E	2	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
14S	22E	24	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac

POU County: CASSIA

Non-Irrigation Uses: D/65 HOUSEHOLDS S/MIXED STOCK FOR SAME HOUSEHOLDS.

Other Rights: A45-023338, A45-02226

Remarks: GEN R1. 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.

Dates: Exam Made Date: 12/09/1985 Verified Date: 12/09/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 06/07/89 CLELLAND 03/30/95 POST-STD

HR5809NP
No. 45-02226

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/06/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH OAKLEY WATER CO. INC. OAKLEY ID 83346	11/16/1946	DOMESTIC	00/00 00/00	0.100 CFS	
TOTAL DIVERSION:					0.100 CFS	

Water Source: SPRING Tributary to: BIRCH CREEK Stage: LICENSE
Point(s) of Diversion: T14S R22E S24 NEW MANU CASSIA County

Pou County:

Remarks: GEN P/D IN NW 1/4, S24, T14S, R22E.
P/U INCOMPLETE. SEE FILE.

Dates: App. Received: 11/16/1946
Proof Due Date: Proof Made Date: Exam Sent to S.O.:
Exam Made Date: Exam Date: 05/24/1979

Misc: Water District Number: Field Exam Fee:

Audit: 03/26/85 05/28/88 CONVERT

AJ5809NP
No. A45-02226

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/06/99
PAGE: 2

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
	T	R	S	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 8 :	13S	22E	8	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 9 :	13S	22E	9	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 10 :	13S	22E	10	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 15 :	13S	22E	15	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 16 :	13S	22E	16	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 20 :	13S	22E	20	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 21 :	13S	22E	21	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 22 :	13S	22E	22	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 27 :	13S	22E	27	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 28 :	13S	22E	28	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 29 :	13S	22E	29	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 33 :	13S	22E	33	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 34 :	13S	22E	34	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
13S 22E 35 :	13S	22E	35	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
14S 22E 2 :	14S	22E	2	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
14S 22E 24 :	14S	22E	24	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE

POU County: CASSIA

Non-Irrigation Uses: D/65 HOUSEHOLDS S/MIXED STOCK FOR SAME HOUSEHOLDS.

Other Rights: A45-00091, A45-02323B

Dates: Exam Made Date: Verified Date: 03/26/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:

Presumption Flag:

Audit: 06/07/89 CLELLAND 03/30/95 POST-STD

WR5809NP
No. 45-023238

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/06/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH OAKLEY WATER CO. OAKLEY ID 83346	02/19/1950	STOCKWATER DOMESTIC	00/00 00/00 00/00 00/00	0.500 CFS 0.500 CFS	

TOTAL DIVERSION: 0.500 CFS

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T14S R22E S02 SWSW CASSIA County
Pou County:

Remarks: GEN P/U INCOMPLETE. SEE FILE.
TRANS. 1104.

Dates: App. Received: 02/19/1950
Proof Due Date: Proof Made Date: Exam Sent to S.O.:
Exam Made Date: Licensed Date: 06/05/1979

Misc: Water District Number: Field Exam Fee:
Audit: 04/08/85 05/28/88 CONVERT

AJ5809NP
NO. A45-023238

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/06/99
PAGE: 1

OWNER		PRIORITY	DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
CODE	NAME & ADDRESS				FROM	TO		
C	NORTH OAKLEY WATER CO RT 1 BOX 35 OAKLEY ID 83346 (208) 862-3663		02/19/1950	STOCKWATER DOMESTIC	01-01	12-31	0.50 CFS 0.50 CFS	
TOTAL DIVERSION:								0.50 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T14S R22E S02

SWSW

CASSIA County

Place of use Legal Description for: STOCKWATER

		NE		NW		SW		SE	
T	R	S	NE	NE	NE	NE	NE	NE	NE
12S	22E	27	NE	NE	NE	NE	NE	NE	NE
12S	22E	33	NE	NE	NE	NE	NE	NE	NE
12S	22E	34	NE	NE	NE	NE	NE	NE	NE
13S	22E	3	NE	NE	NE	NE	NE	NE	NE
13S	22E	4	NE	NE	NE	NE	NE	NE	NE
13S	22E	5	NE	NE	NE	NE	NE	NE	NE
13S	22E	8	NE	NE	NE	NE	NE	NE	NE
13S	22E	9	NE	NE	NE	NE	NE	NE	NE
13S	22E	10	NE	NE	NE	NE	NE	NE	NE
13S	22E	15	NE	NE	NE	NE	NE	NE	NE
13S	22E	16	NE	NE	NE	NE	NE	NE	NE
13S	22E	20	NE	NE	NE	NE	NE	NE	NE
13S	22E	21	NE	NE	NE	NE	NE	NE	NE
13S	22E	22	NE	NE	NE	NE	NE	NE	NE
13S	22E	27	NE	NE	NE	NE	NE	NE	NE
13S	22E	28	NE	NE	NE	NE	NE	NE	NE
13S	22E	29	NE	NE	NE	NE	NE	NE	NE
13S	22E	33	NE	NE	NE	NE	NE	NE	NE
13S	22E	34	NE	NE	NE	NE	NE	NE	NE
14S	22E	2	NE	NE	NE	NE	NE	NE	NE
14S	22E	24	NE	NE	NE	NE	NE	NE	NE

Place of use Legal Description for: DOMESTIC

		NE		NW		SW		SE	
T	R	S	NE	NE	NE	NE	NE	NE	NE
12S	22E	27	NE	NE	NE	NE	NE	NE	NE
12S	22E	33	NE	NE	NE	NE	NE	NE	NE
12S	22E	34	NE	NE	NE	NE	NE	NE	NE
13S	22E	3	NE	NE	NE	NE	NE	NE	NE
13S	22E	4	NE	NE	NE	NE	NE	NE	NE
13S	22E	5	NE	NE	NE	NE	NE	NE	NE

AJ5809NP
No. A45-023238

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/06/99
PAGE: 2

Place of use Legal Description for: DOMESTIC

T	R	S	NE		NW		SW		SE	
			NE	SE	NE	SW	NE	SW	NE	SE
13S 22E 8	8	8								
13S 22E 9	9	9								
13S 22E 10	10	10								
13S 22E 15	15	15								
13S 22E 16	16	16								
13S 22E 20	20	20								
13S 22E 21	21	21								
13S 22E 22	22	22								
13S 22E 27	27	27								
13S 22E 28	28	28								
13S 22E 29	29	29								
13S 22E 33	33	33								
13S 22E 34	34	34								
13S 22E 35	35	35								
14S 22E 2	2	2								
14S 22E 24	24	24								

POU County: CASSIA

Non-Irrigation Uses: D/65 HOUSEHOLDS S/MIXED STOCK FOR SAME HOUSEHOLDS.

Other Rights: A45-00091, A45-02226

Remarks: GEN TRANS. 1104.

Dates: Exam Made Date: Verified Date: 04/08/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:

Presumption Flag:

Audit: 06/07/89 CLELLAND 03/30/95 POST-STD

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: A45-02323B
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: FEB 19, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.500		
STOCKWATER	01/01	12/31	0.500		

7. Total Quantity Appropriated is:
0.500 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	

A45-02323B

Page 1

Date: 06/07/89

MICROFILMED

MAR 08 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	
			NW		SW		STOCK	
13S	22E	3	SW		NW		DOMEST	
			SW		NW		STOCK	
		4	SE		NE		DOMEST	
			SE		NE		STOCK	
			SE		SW		DOMEST	
			SE		SW		STOCK	
		5	SE		SE		DOMEST	
			SE		SE		STOCK	
		8	SE		SE		DOMEST	
			SE		SE		STOCK	
		9	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	
			SE		SE		STOCK	
		10	NW		NW		DOMEST	
			NW		NW		STOCK	
			SW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SE		DOMEST	
			SW		SE		STOCK	
		15	NE		NE		DOMEST	
			NE		NE		STOCK	
			NW		SW		DOMEST	
			NW		SW		STOCK	
			SW		SW		DOMEST	
			SW		SW		STOCK	
		16	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	

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			
			SW		SW		STOCK			
		28	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			
			NW		SW		STOCK			
			29	NE		NE		DOMEST		
				NE		NE		STOCK		
				SE		NE		DOMEST		
				SE		NE		STOCK		
		NE			SE		DOMEST			
		NE			SE		STOCK			
		33	NE		NE		DOMEST			
			NE		NE		STOCK			
		34	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			
			NE		NE		DOMEST			
		14S	22E	2	NE		NE		STOCK	
					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:
A45-00091, A45-02226

14. Remarks:
TRANS. 1104.

15. Basis of Claim: LICENSE
Water Right Number: 21361

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
_____ Title
North Oakley Water Organization, that I have signed the foregoing
document in the space below as Sec _____ of
_____ Title

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

Randy Robinson
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 [Signature]
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

135.

P.U.
at exch

135.

145.

A45-02323 B

22 E

MICROFILMED

~~MAR 08 1993~~

06/04/2004

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

RIGHT NUMBER: 45-2323B
NAME AND ADDRESS: CITY OF OAKLEY
200 W MAIN
PO BOX 266
OAKLEY ID 83346

SOURCE: GROUND WATER
TRIBUTARY:

QUANTITY: 0.500 CFS

PRIORITY DATE: 02/19/1950

POINT OF DIVERSION:
T14S R22E S2 SESWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.500 CFS
DOMESTIC	01/01 12/31	0.500 CFS

PLACE OF USE:

Place of use is within the service area of the North Oakley Water Company

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

DOMESTIC AND STOCKWATER USES FOR 65 HOUSEHOLDS.



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

Ted Booth
Arkoosh Law Offices
PO Box 32
Gooding, Idaho 83330

RE: Snake River Basin Adjudication (SRBA)
City of Oakley Claim No: 45-2323B

Dear Ted,

Enclosed please find a copy of the revised preliminary recommendation for 45-2323B on which I have corrected the point of diversion. Thanks again for bringing that to my attention.

I was able to find the disallowed recommendation records for 45-13792 & 45-13793, in the name of Bruce Bedke, on IDWR's public website by checking the option *show active and inactive rights* at the top of the screen. Let us know if you still have problems with that.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vhancock@idwr.state.id.us

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

April 28, 2004

Regarding:

Customer:

45-2323B and other claims

City of Oakley

Today I called Wes Hawkes at the City of Oakley 208-562-3313 in order to obtain information about the current use of 45-2323B. This right was purchased by the City of Oakley, along with the well and equipment, from North Oakley Water Co (now merged with Marrion Pipeline into the Oakley Valley Water Co). In IDWR records, the right remains appurtenant to the North Oakley Water Co service area, although ownership has been changed to City of Oakley in our records.

Mr Hawkes informed me that the City was in the process of refurbishing the well and that currently it was out of commission. He said the plans were to use the water right within the City of Oakley for it's municipal water users, possibly within the next few months. He said that according to an agreement the well would still be available as a back-up emergency well for Oakley Valley Water Company.

I told Mr. Hawkes that I was about to complete my recommendation of the City's rights and that they would have to reflect the rights as they existed in 1987, or as transferred. Since the place of use of this right had not been transferred to the city boundary, the recommendation sent to the court would identify the North Oakley place of use as it was originally claimed in the SRBA. I explained that after the decree was finalized they should file a transfer so that they could use the right within the City.

Mr. Hawkes told me that the City of Oakley had hired an attorney in Gooding to handle their water issues as well as other legal matters. He requested that I contact him and discuss the rights. His name is Ted Booth, with the Arkoosh law firm, 934-8872. I told him I would be in touch with Mr. Booth.



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 12, 2004

Ted Booth
Arkoosh Law Offices
PO Box 32
Gooding, Idaho 83330

RE: Snake River Basin Adjudication (SRBA)
Claims for City of Oakley
Nos: 45-2323B, 45-10802, 45-10803, 45-10804,
45-4184A & 45-2659

Dear Ted,

Enclosed please find copies of my Preliminary Recommendations for the following rights in the name of City of Oakley. Please review these proposed recommendations and let me know of any concerns or corrections you may have.

Recommendations for claims 45-10802, 45-10803 & 45-10804 are based upon Transfer No. 5592, approved by IDWR June 29, 2000. A copy of the transfer is included for your convenience.

45-2323B, a ground water right purchased by the City of Oakley from North Oakley Water Company in 1999, requires a transfer pursuant to IC 42-222 to change the place of use from the service area of the *North Oakley Water Company* to the *City of Oakley*.

I received your Notice of Appearance but have not yet received a signed Notice of Claim for 45-2659 based upon a license, which we determined would replace 45-4184A based upon a statutory claim. If you have questions regarding the elements as they appear on the claim, or require another copy of the Notice of Claim, please let me know. I appreciate your attention to this matter.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vhancock@idwr.state.id.us

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2323B

WATER RIGHT NUMBER: 45-2323B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JESSE R BEDKE RT 1 OAKLEY, ID 83346
Current Owner	NORTH OAKLEY WATER CO OAKLEY, ID 83346

Priority Date: 02/19/1950

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /	0.500 CFS	
STOCKWATER	/ to /	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 2, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of UseConditions of Approval:Remarks:

- General P/U INCOMPLETE. SEE FILE.
TRANS. 1104.

Comments:

SRBA claim filed by N. Oakley
Water Company 6/7/89 represents an
accomplished Transfer of POU from T 1104 (1968)
Post ~~SRBA~~ SRBA Transfer needed also.

To: R. Keith Higginson
State Reclamation Engineer

This notice is given at hand that North Oakley Canal Company will use the water described in the April 10, 1968 assignment and transfer from Critchfield Land and Livestock Company for stock water and domestic purposes only.

Ray A. Dahlquist
Ray A. Dahlquist
President

Donald W. Elmore
witnessed 4-11-68

RECEIVED

APR 11 1968

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Identification No. 45-2323

Transfer No. 1104

**APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use**

1. Name of Right Holder CRITCHFIELD LAND & LIVESTOCK CO., INC.
Post office address Oakley, Idaho
2. Right obtained by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
Court. County of _____ (Name of Court)
 - b. License No. 21361 issued by the State of Idaho, Department of Reclamation.
3. Source of water Well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28, Twp. 13 S. Rge. 22 E., B.M.
(Name of stream or source)
4. Date of Priority February 19, 1950
5. Amount of water a. 25 inches ~~XXXXXX~~
b. _____ acre feet/annum
6. Water is used for domestic & livestock water from January 1 to December 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28,
Township 13 S, Range 22 E., B.M., in Cassia County;
Additional points of diversion, ~~XXXX~~ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 14 S., Rge 22, E., B.M.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13 S	22 E	28							X										

Total number of acres presently irrigated _____

45 XXXX

9. If applicant was not the original holder of this right explain how it was acquired: _____
 from Jessee Bedke, Oakley, Idaho

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: (25") 50 cfs and/or _____ acre feet
- b. New point of diversion: SW $\frac{1}{4}$ $\frac{1}{4}$ SW $\frac{1}{4}$ $\frac{1}{4}$, Section 2, Township 14 S
22, Range East, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
from a well located above and pumped into the pipe system of the
North Oakley Water Co., Inc.
- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No XXX
 If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Assignment has been made by the undersigned to the North Oakley Water Co., Inc.
to be used in its system.
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? yes, in so far as the
25 inches are concerned
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 S	22 E	27																	
		33																	
		34																	
		9																	
13 S	22 E	16																	
		21																	
		22																	
		27																	
		28																	
		34																	
		35																	
14 S	22 E	2																	

Total number of acres to be irrigated _____

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
This company is abandoning the lands as the water right above described is
concerned, however, the land may be irrigated from the Oakley Canal
Company system.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: do not claim any rights, the transfer is to be placed in
system of the North Oakley Water Company, Inc.
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

CRITCHFIELD LAND & LIVESTOCK CO.

by Nancy F. Critchfield
Its Secretary, (signature of applicant) duly authorized

Subscribed and sworn to before me this 10th day of April, 1968

[Signature]
(notary public)

My commission expires 2-20-70

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 1104,
and said application is hereby approved

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: _____

Witness my hand this 10th day of June, 1968

[Signature]
State Reclamation Engineer

44502323B



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

March 20, 2000

Region IV Development Assoc Inc
PO Box 5079
Twin Falls, ID 83303-5079

RE: City of Oakley

Gentlemen:

I have reviewed the information provided in your March 17th letter regarding the City of Oakley's application. I have reviewed the water rights for the city and find that the proposed addition of the "Old North Oakley Well" into the city's system is not recorded in any of the water rights for the city. **I recommend that the city file for a transfer of all their water rights to correctly reflect the proposed modified system.**

If you or the city has questions regarding this matter please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Merritt', written over a horizontal line.

Allen Merritt, PE
Southern Region Manager

A45-02323B

**Region IV
Development
Association, Inc.**

March 17, 2000

RECEIVED

MAR 20 2000

Department of Water Resources
Southern Region

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Dear Mr. Merritt:

The City of Oakley has applied to the Idaho Department of Commerce for an Idaho Community Development Block Grant to partially finance the construction improvements for their water system. Part of the grant process is the requirement for a thorough environmental assessment of the proposed project. Enclosed is a project description and maps indicating the project location.

To assist in this review, the City would appreciate your comments regarding the anticipated impact in the project area on the following items:

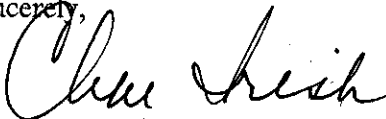
- Floodplain management and wetlands
- Water quality, as it refers to aquifers, recharge areas and surface water
- Any wild and scenic rivers or other water resources that might be affected by the project

Your comments regarding any additional environmental impacts you feel should be addressed are also welcome.

If no response is received from your office by April 3, 2000, the City will assume that you have found no adverse environmental conditions with regards to the project.

Thank you for your assistance.

Sincerely,



Char Irish
Environmental Review Officer

Enclosures

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Vice President
Brent Jussel
Finance

Secretary/Treasurer
Gerald Beck
Education

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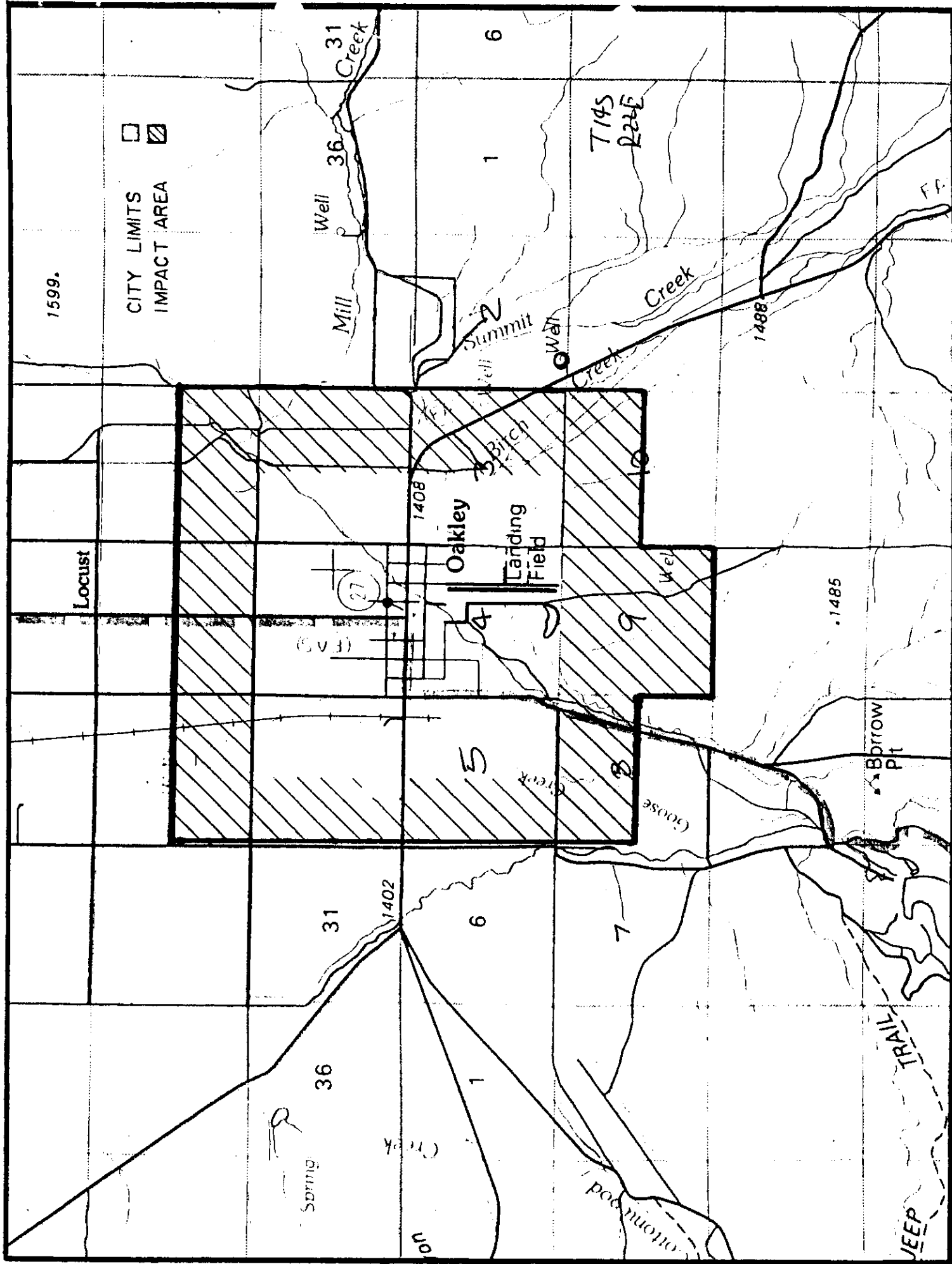
Buck Ward
Region IV Development
Corp.

Vacant
Commerce

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Gooding Cities

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Project Description

The proposed project consists of four (4) main areas of improvement.

- 1) Spring improvements – including the installation of a moisture barrier to eliminate the potential for surface water percolation into the remaining two springs (named Carpenter Springs.) Other spring improvements include the installation of fencing and gates for improved site protection, monitoring equipment, and minor earthwork.
- 2) Pump and pumphouse replacement – including the electrical work and replacement of oil lubricated pumps with water quality pumps. The project also includes well house reconstruction for weatherization and pump protection.
- 3) Acquisition of the North Oakley Water Company's well and storage tank – including the construction of roughly 8,500 linear feet of transmission line and connections from well site to the existing city system.
- 4) Distribution system improvements – including the installation of roughly 18,500 linear feet of pipeline, fire hydrants, valves, and service connections.

City of Oakley

P.O. Box 266, Oakley, Idaho 83346, (208) 862 3313

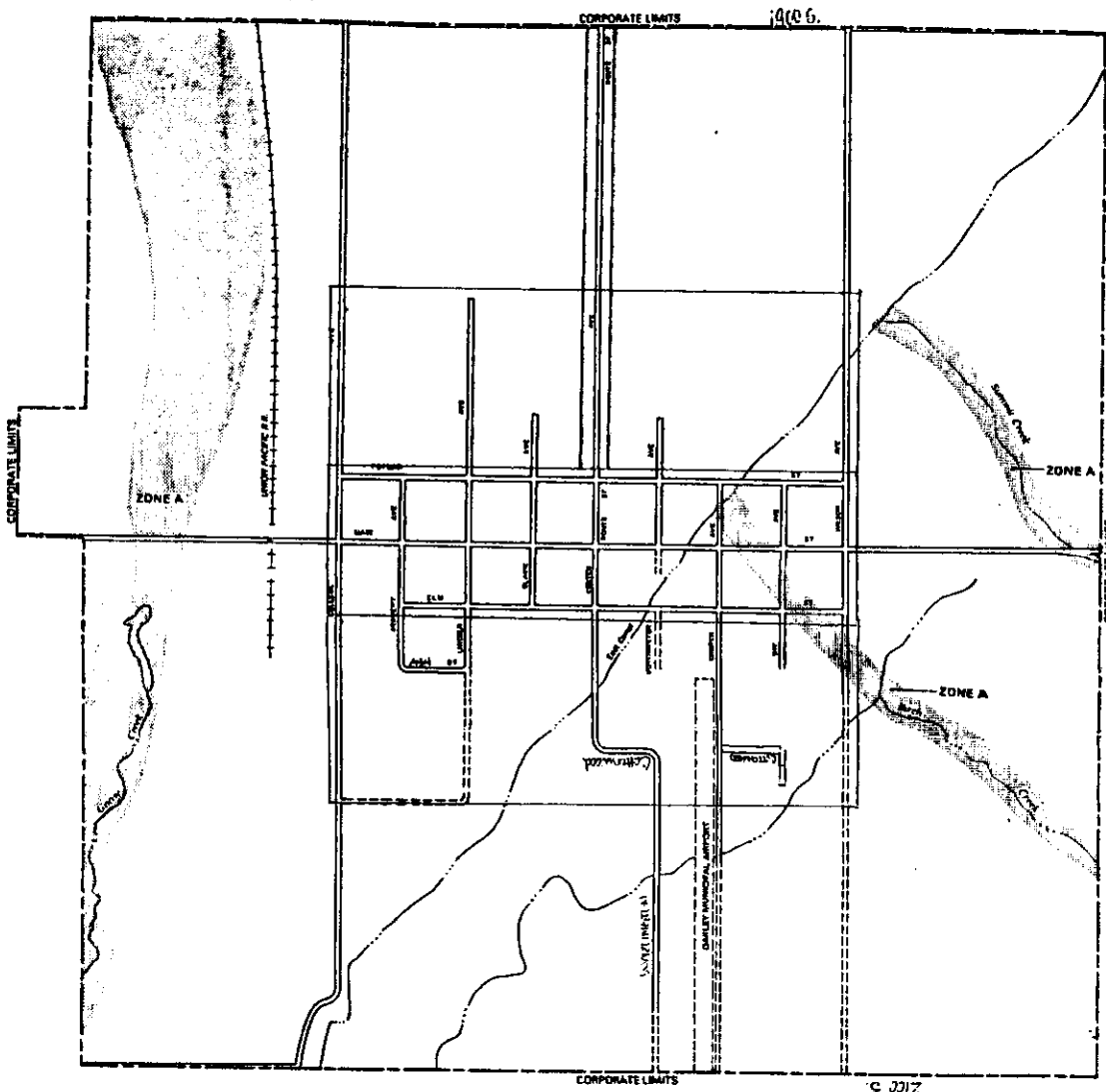
TO: Gary Burkett

FROM: David Babbitt

DATE: November 16, 1999

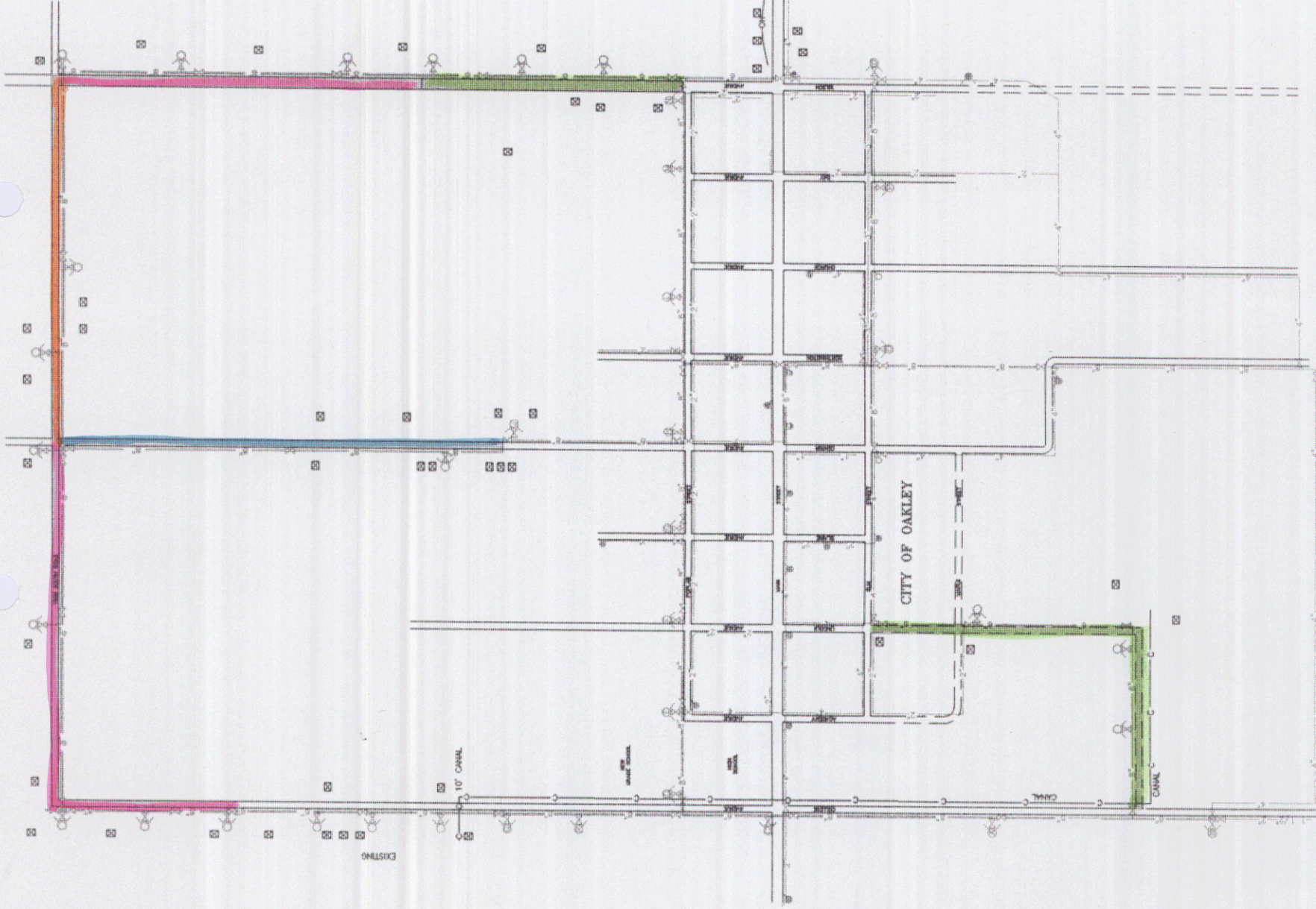
SUBJECT: City Limits

The city limits is one mile from the center of town in each direction except for a jog on the West side of town. The center of town is on the North quarter corner of section 4, R22E, T14S. The Buffer Zone is one half mile all the way around the city Limits and the area where the city wells are located in section 9.



CITY OF OAKLEY 1999 WATER PROJECT

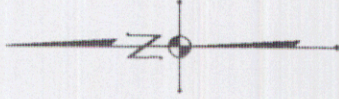
- EXISTING 4" WATER MAIN TO BE REPLACED
- EXISTING 2" WATER MAIN TO BE REPLACED
- EXISTING 1" WATER MAIN TO BE REPLACED
- EXISTING 3/4" WATER MAIN TO BE REPLACED



LEGEND

- PROPOSED WATER LINE
- NEW WATER LINE
- EXISTING WATER LINE
- CANAL
- PROPOSED FIRE HYDRANT
- NEW FIRE HYDRANT
- EXISTING FIRE HYDRANT (SUB-STANDARD)
- EXISTING FIRE HYDRANT (APPROVED)
- VALVE
- HOUSE

0 250' 500' 1000'
SCALE IN FEET



WATER SYSTEM IMPROVEMENTS
for
The CITY of OAKLEY

EHM Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

APPROVED	G. BURDETT, P.E.
DRAWN	G. BURDETT, P.E.
DESIGNED	T. MURPHY
DATE	18 NOV. '99
SHEET	1" = 500'
PROJECT NO.	332-99

- City Limits
- 1999 Project
- 1993 Project
- Original System



A45-02323B



Impact Area

City Limits



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.

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 ~~45-02323B~~ 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

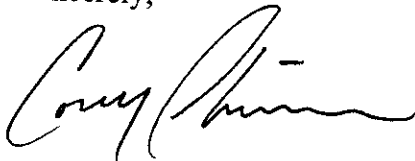
In order for the North Oakley Water Company, or any other party, to use the well indicated on the map that you submitted, a valid water right authorizing water diversion from the well must be obtained. The diversion of water without a valid water right is illegal pursuant to §42-351, IDAHO CODE, and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

**Region IV
Development
Association, Inc.**

May 16, 2000

RECEIVED
MAY 17 2000
Department of Water Resources
Southern Region

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: North Oakley Water Company
Project SEARCH Grant - #14
Cassia County
Water Improvement Project

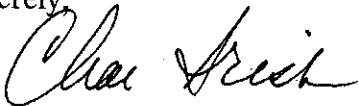
Dear Mr. Merritt:

On May 10, 2000 I sent you a letter requesting your comments on the above-mentioned project. As I stated this project is in conjunction with the City of Oakley's water project through the Idaho Department of Commerce, however, I failed to include the map showing the project location for the well. I am enclosing that map.

If you have any questions please feel free to call me at the above phone number, or contact the projects engineer, Gary Burkett, P.E., EHM Engineers, Inc. (208) 734-4888.

Thank you for your assistance.

Sincerely,



Char Irish
Project Assistant

Enclosures

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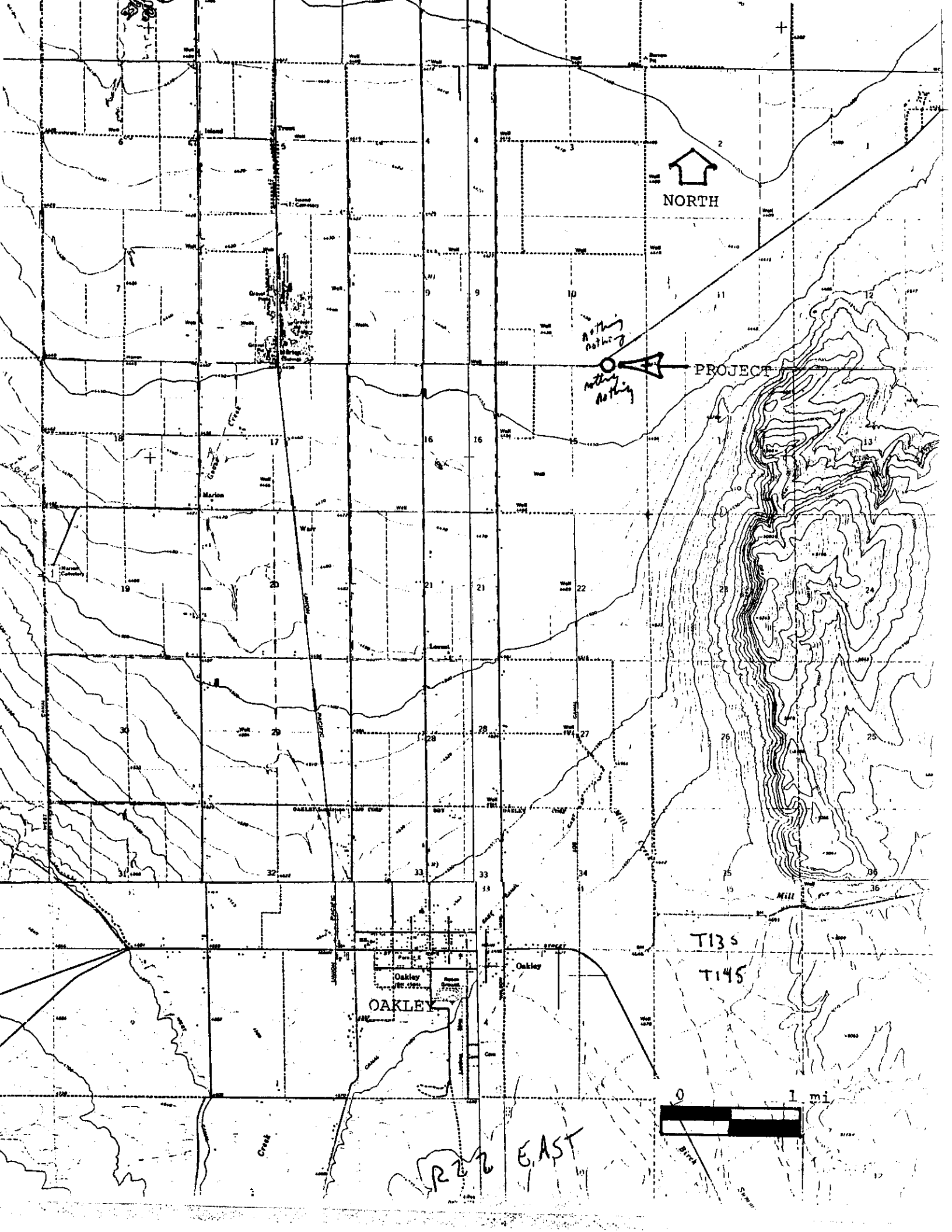
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NORTH

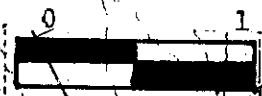
Nothing
Nothing
Nothing

PROJECT

OAKLEY

T13S

T14S



R22 EAST

Project Description Cassia County

The North Oakley Water Company Water Project consists of three main points:

1. Installing a pump in a well that has already been drilled.
2. Installing the necessary pump panels, valves accessories, and protection for a variable speed pump.
3. *Replacement* of the distribution lines to provide basic domestic service to each home. Increased line size will also increase fire protection. Many of the old water mains that would be replaced are as small as 1-¼ inch main lines. Because the pressure will drop to as low as 10 to 15 psi, the lack of adequate water becomes a health and safety issue. The water supply is inadequate to provide fire protection to the community.

**Region IV
Development
Association, Inc.**

May 10, 2000

RECEIVED

MAY 11 2000

Department of Water Resources
Southern Region

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Dear Mr. Merritt:

The North Oakley Water Company through Cassia County has received an Environmental Protection Agency (EPA) Special Environmental Assistance for Regulation of Communities and Habitat (SEARCH) Grant to partially finance the construction improvements for their water system. This project is in conjunction with the City of Oakley's water project through the Idaho Department of Commerce. Part of the grant process is the requirement for a thorough environmental assessment of the proposed project. Enclosed is a project description and maps indicating the project location.

To assist in this review, the County would appreciate your comments regarding the anticipated impact in the project area on the following items:

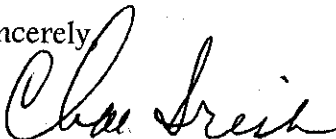
- Floodplain management and wetlands
- Water quality, as it refers to aquifers, recharge areas and surface water
- Any wild and scenic rivers or other water resources that might be affected by the project

Your comments regarding any additional environmental impacts you feel should be addressed are also welcome.

If no response is received from your office by May 31, 2000, the County will assume that you have found no adverse environmental conditions with regards to the project.

Thank you for your assistance.

Sincerely,



Char Irish
Environmental Review Officer

Enclosures

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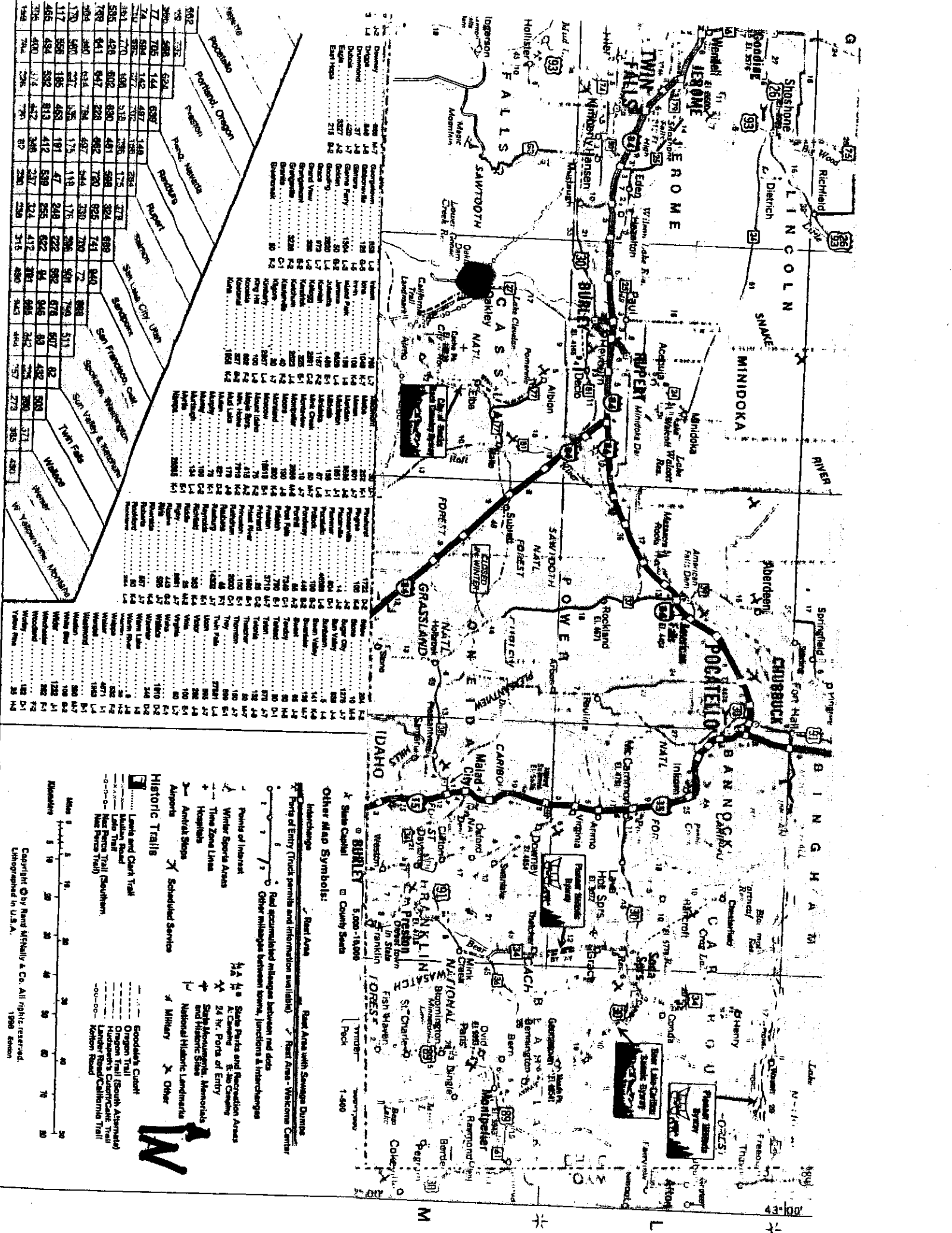
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

City of Oakley

P.O. Box 266, Oakley, Idaho 83346, (208) 862 3313

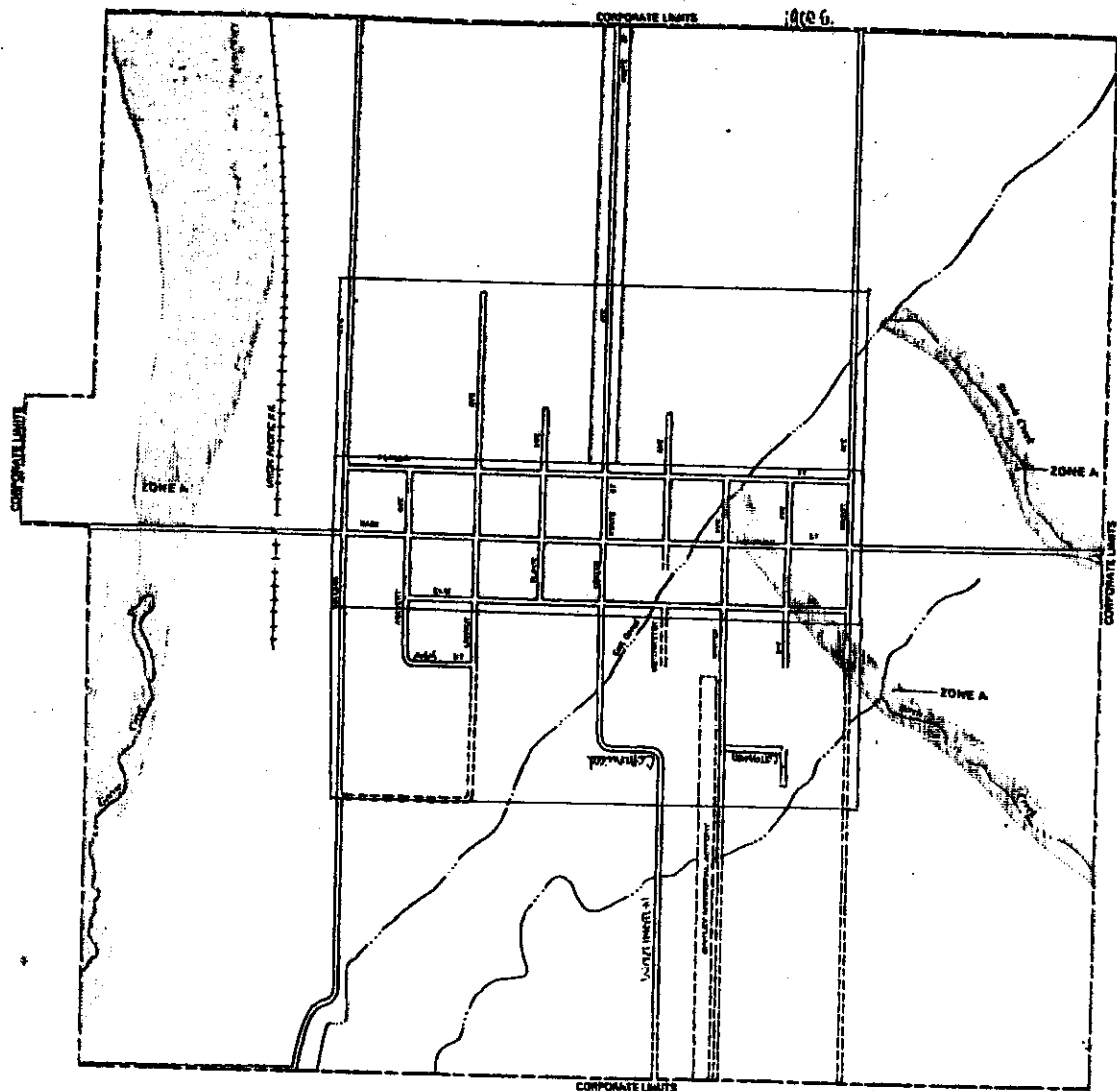
TO: Gary Burkett

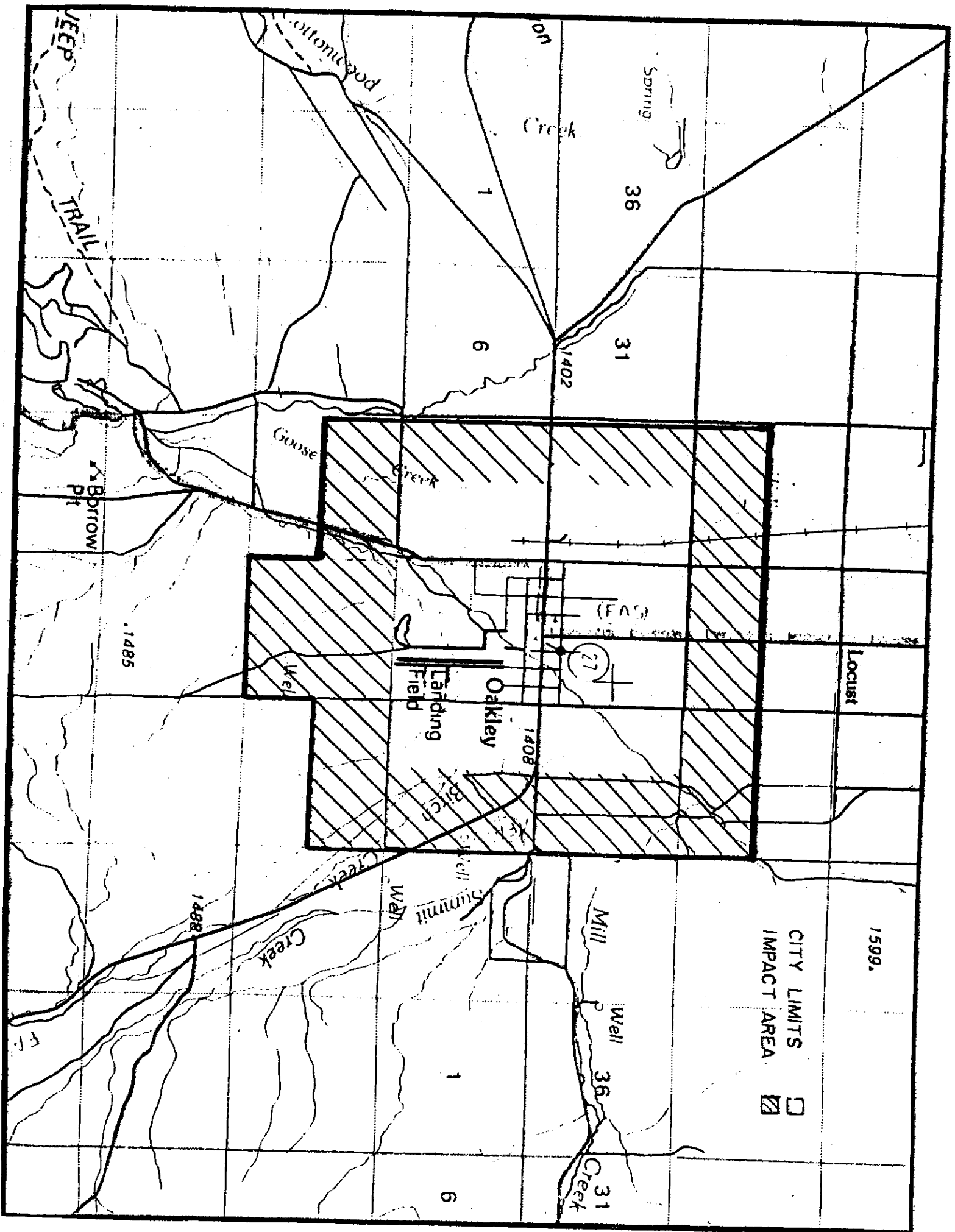
FROM: David Babbitt

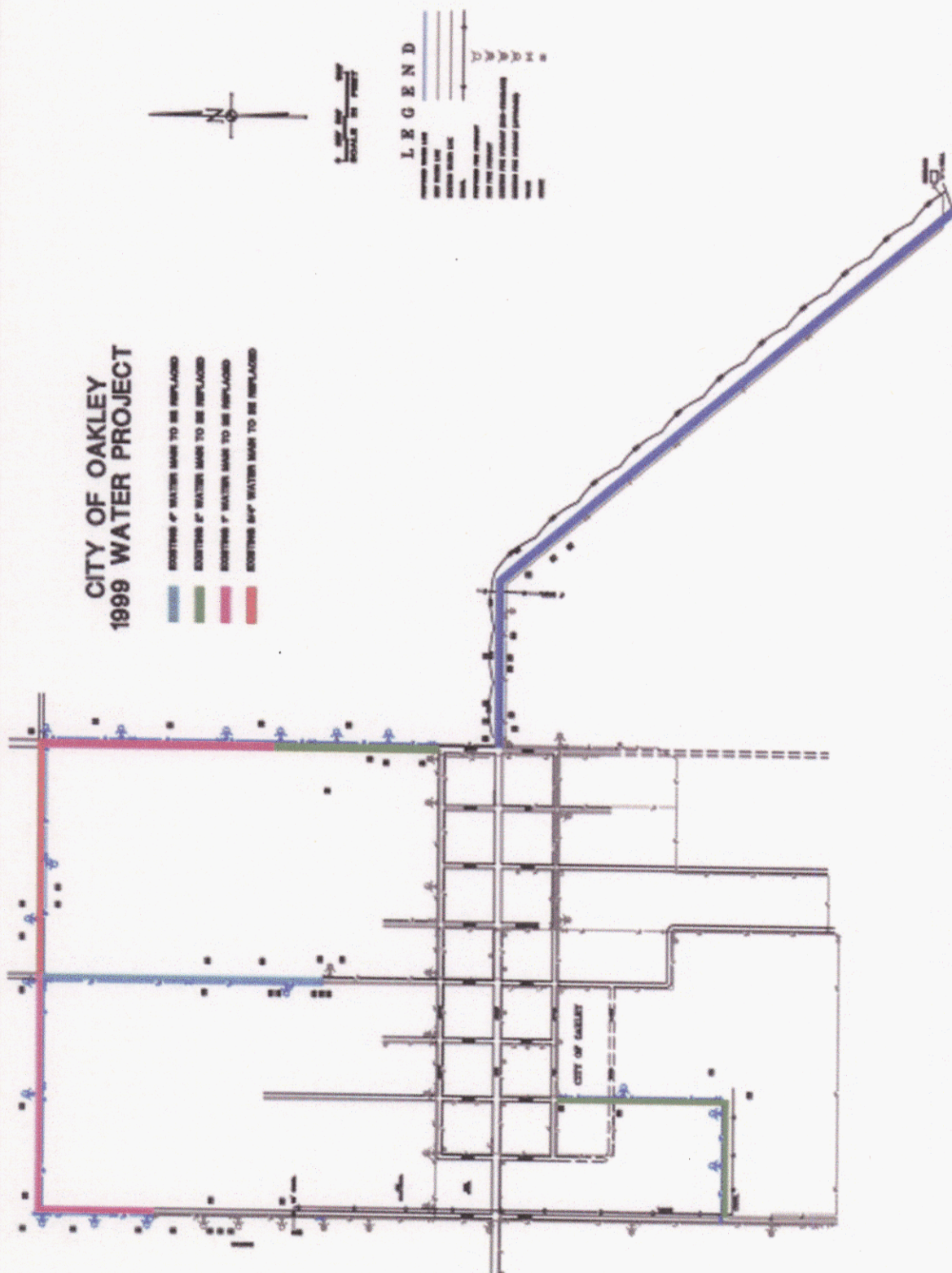
DATE: November 16, 1999

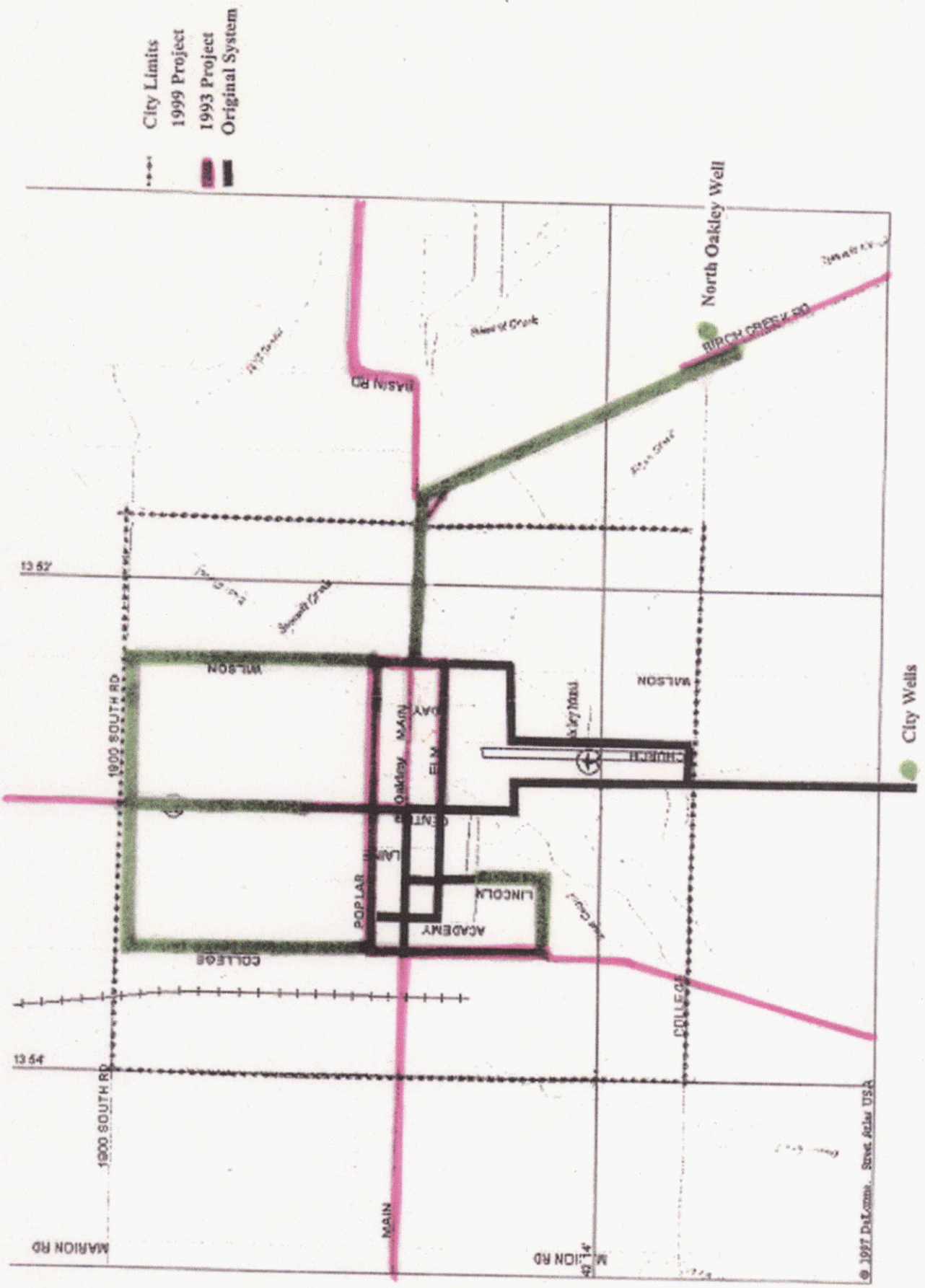
SUBJECT: City Limits

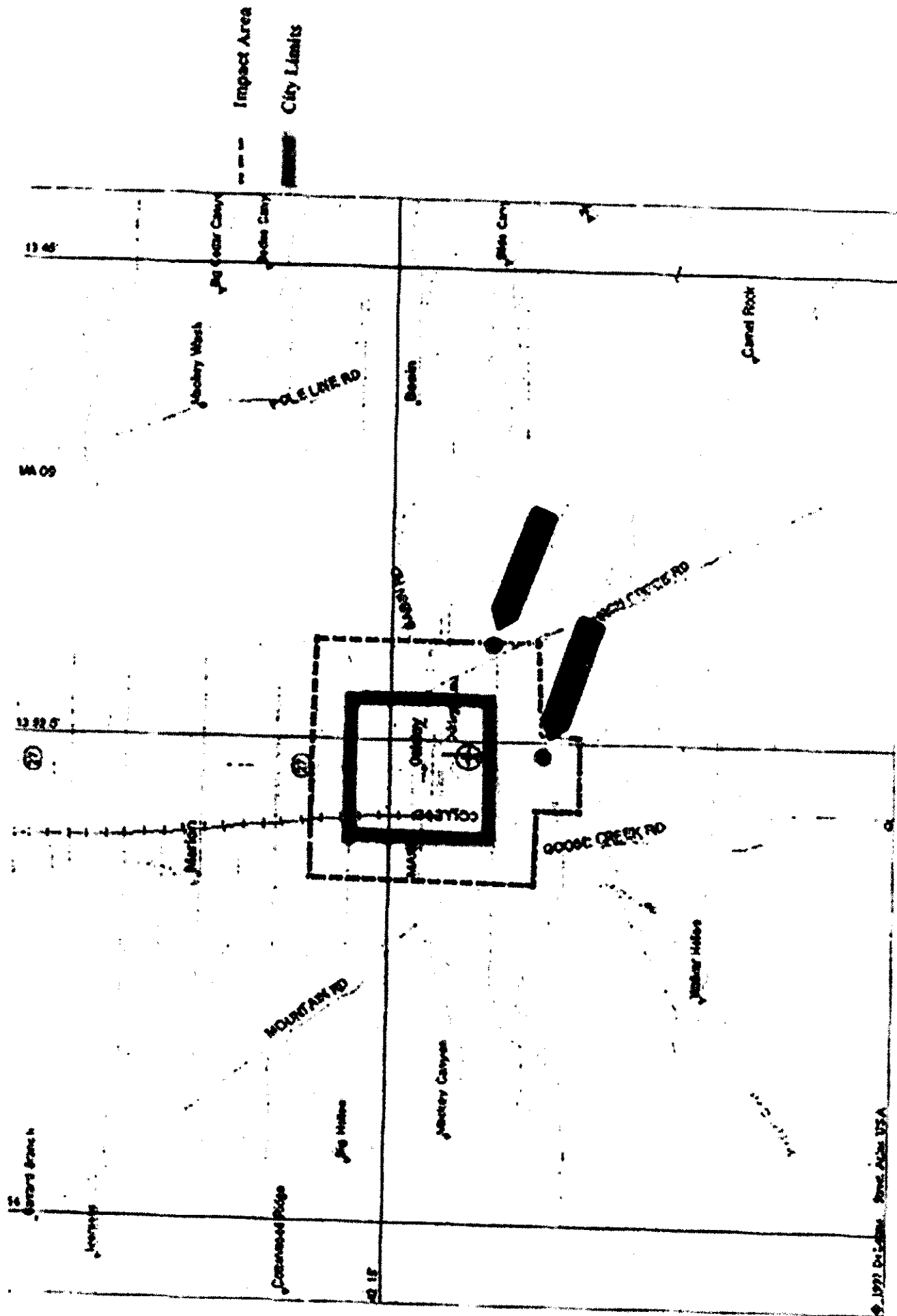
The city limits is one mile from the center of town in each direction except for a jog on the West side of town. The center of town is on the North quarter corner of section 4, R22E, T14S. The Buffer Zone is one half mile all the way around the city Limits and the area where the city wells are located in section 9.





[illegible]





Project Description
Cassia County

RECEIVED
MAY 11 2000
Department of Water Resources
Southern Region

The North Oakley Water Company Water Project consists of three main points:

1. Installing a pump in a well that has already been drilled.
2. Installing the necessary pump panels, valves accessories, and protection for a variable speed pump.
3. *Replacement* of the distribution lines to provide basic domestic service to each home. Increased line size will also increase fire protection. Many of the old water mains that would be replaced are as small as 1-¼ inch main lines. Because the pressure will drop to as low as 10 to 15 psi, the lack of adequate water becomes a health and safety issue. The water supply is inadequate to provide fire protection to the community.



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 25, 1999

Gary Burkett
EHM Engineers, Inc.
621 N. College Road
Suite 100
Twin Falls, ID 83301

Dear Mr. Burkett:

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

A search of the Department's records indicated that the Marion Pipeline Company and the North Oakley Water Company have several separate water rights. In addition, each entity has several separate claims based on these water rights filed in the Snake River Basin Adjudication. The Marion Pipeline Company has the following water rights and Snake River Basin Adjudication claims filed:

WATER RIGHT

45-02186
45-02187
45-04273

SRBA CLAIM

A45-02186
A45-02187
A45-04273

The North Oakley Water Company has the following water rights and Snake River Basin Adjudication claims filed:

WATER RIGHT

45-00091
45-02226
45-02323B

SRBA CLAIM

~~A45-00091~~ NO P.S.
A45-02226
A45-02323B

May 25, 1999

PAGE 2

I have included copies of proof reports for each of these Marion Pipeline Company and North Oakley Water Company water rights and claims for your reference. Examination of the information on these reports reveals that each entity has water rights &/or claims for each of their respective systems. These rights &/or claims list four separate springs and three separate wells as sources of water. In addition, some of the claims indicate that these sources provide domestic, irrigation, and stockwater, apparently through the same, common, system(s).

Due to problems with some of the sources, and the need for some system maintenance, you have proposed combining the two separate delivery systems. In addition, you have proposed adding an existing well to the system(s) as an additional water source. Considering these proposals, and examining the two company's water rights, reveals that modifications to the Marion Pipeline Company's and the North Oakley Water Company's water rights will have to be made.

The modification of water rights is accomplished via the water right transfer process outlined in §42-222, IDAHO CODE. In the transfer process, a water right's recorded points of diversion and places of use 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 in the proposed transfer. In addition, water right transfers are subject to public notice and protest. Therefore, the Department can not guarantee that this avenue will be successful, but it is available for exploration.

It should also be noted, that if modifications to any of the wells is needed, you may be subject to the drilling permit requirements of §42-235, IDAHO CODE, and the Department's well construction standards (IDAPA 37, Title 03, Chapter 09).

If you have any questions, or if we can be of any further assistance, feel free to contact this office at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, EIT
Dam Safety Section

Enclosures

...DRAFT...

**North Oakley Water System
Environmental Information
Document**

RECEIVED
MAY 1997
Department of Land Resources
Twin Falls, Idaho

SECTION A

This document provides information concerning a proposed water system improvement project to combine the Marion Pipeline Company and North Oakley Water Company Water Systems.

OWNER:

North Oakley Water Company
c/o Randy Hardy
1496 South 500 West
Oakley, ID 93346
(208) 862-3663
Fax: (208) 862-3233

CONTACT:

Dave Babbitt
565 S. College Avenue
Oakley, ID 83346
862-3313

ENGINEER:

Gary R. Burkett, P.E.
621 N. College Road, Suite 100
Twin Falls, ID 83301

PROJECT BUDGET

ITEM	YEAR 1999 – 2003	YEAR 2004 - 2018
<u>Income</u>		
M.	\$27,040.00	\$24,640.00
N.O.	\$26,500.00	\$26,500.00
N.O. Surcharge	\$ 2,050.80	0
<u>Expenses</u>		
O & M		
M	\$8,900.00	10,680.00
N.O.	\$5,000.00	\$6,000.00
<u>Existing Debt. Service</u>		
M	\$13,686.00	0
N.O.	<u>0</u>	<u>0</u>
NET CAPITAL IMPROVEMENT REVENUE	\$28,004.84	\$34,460.00

The project will be funded by an IDHWDEQ SRLF LOAN:

\$380,500.00 @ 4% @ 20 Years

Annual Payment = $0.0736 \times 380,500.00 = \$28,004.84$

*N.O. = North Oakley Water Company

*M = Marion Pipeline Company

SECTION B - PROJECT DESCRIPTION

The purpose of the project is to combine the Marion Pipeline Company and North Oakley Water Company systems near Oakley, Idaho. The project consists of 3 distinct parts.

- 1) Retrofitting an existing well and connecting it to the existing distribution systems for the North Oakley Water Company and Marion Pipeline Company.
- 2) Constructing spring modifications for the spring sources on the Marion Pipeline Company.
- 3) Constructing 9.5 miles of watermain and appurtenances with district forces.

The North Oakley System will assume the lead managerial duties for the systems

Engineering

Plans for Marion's spring modifications have been approved by the IDHWDEQ.

A master plan, plans, and specifications for the well construction and distribution system modifications will be prepared and forwarded to IDHWDEQ for approval.

Financing

The existing rate structures used by the two companies are as follows. The Marion System charges \$140.00 per water share per year (20,000 gallons per month). The North Oakley System charges \$120.00 per share per year (10,000 gallons per month per share).

An additional surcharge of \$2,050.80 per year will be charged by the North Oakley Water Company for a period of four years. After the first four years rates will reduce to \$120.00 per user per share.

Revenues from these fees are projected to meet loan payments for four years and then to generate an additional \$6,455.16 annually for replacement and capital improvements.

User costs are expected to remain at \$140.00 per share per year for the Marion users. North Oakley users will see an increase of \$10.25 per use per share per year for the first four years of the project.

SECTION B - Purpose for the Project

The project is required to combine two existing water systems, the Marion Pipeline and North Oakley Water Companies.

The Marion Pipeline System needs work on their springs to eliminate bacterial contamination sources. The North Oakley System requires replacement of a water source lost because of water quality impacts caused by surface water intrusion, and replacement of steel water mains which have a limited useful life due to corrosion.

Combining the two systems provides funding for all of the needed improvements and reduces testing and managerial costs.

SECTION C – ALTERNATIVES

The following alternatives were considered in the proposed action study.

1) No Action

This alternative results in the systems operating as they currently exist. The North Oakley System would have only one water source, a well which has been subject to intermittent contamination. The North Oakley System would also have increasing watermain leakage from corroding steel & mains. These leaks could introduce contaminants to the drinking water.

The Marion System Springs require work to protect them from bacteriological contamination caused by surface runoff. This alternative would leave the spring source subject to contamination from surface waters.

The no action alternative is not recommended because of referenced impacts to the public health.

2) Maintain Separate Systems

Under this alternative the Marion and North Oakley Water Systems would construct improvements but would continue to operate separately. This alternative was not selected because of the additional construction costs required to provide the North Oakley System with a second independent water source and the additional costs of testing and administering two separate water systems.

3) Retrofitted Well Chlorination and Storage Systems

This alternative is a partial consideration to adding chlorination and storage facilities at the retrofitted well proposed for addition to the North Oakley System.

The benefits of this alternative would be increased assurance of public health protection from possible bacterial contamination from the new well.

This alternative was not selected because it added \$120,000.00 of project costs. These costs were not acceptable to the existing system users.

4) Selected Alternative

This alternative consists of the following activities:

- 1) Retrofitting an existing well and connecting it to the existing distribution systems for the North Oakley Water Company and Marion Pipeline Company.

- 2) Constructing spring modifications for the spring sources on the Marion Pipeline Company.
- 3) Constructing 9.5 miles of watermain and appurtenances with district forces.
- 4) Utilizing the existing Marion well, springs, and reservoirs to deliver and store water.
- 5) Utilizing the North Oakley System to assume the lead managerial duties for the systems.

This alternative was selected because it fulfilled the primary project goals and stayed within the users acceptable budget constraints.

The project includes using the Marion spring flows during low water use periods. This reduces pumping and chlorinating costs to the users. The deletion of chlorination facilities at the new well is a method of cost/risk control acceptable to the users.

SECTION D – AFFECTED ENVIRONMENT

The project combines the Marion and North Oakley Water Systems. The proposed facilities are located in Sections 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33, and 34 of T 13 S. R 22 E. BM and Section 32 and the East ¼ of Section 33 T 12 S. R 22 E. BM and Sections 3, 6, and 7 of T 14 S. R 22 E. BM and Section 3 of T 14 S. R 21 E.

System Description

The proposed system serves 160 water services. These include 150 domestic and 10 cattle watering facilities. The ground starts at elevation 4560 near Oakley and runs some seven miles North over gently sloping farmground to elevation 4390.

The distribution mains consist of 4 miles of 8 inch, 5 miles of 6 inch, and 0.5 miles of 3 inch diameter AWWA C-900 PVC class 150 mains.

One existing 780 foot well with a 12 inch casing from 0 to 395 feet and 16 inch casing from 395 to 780 feet will be added as a 200 gpm source to the system. This well will pump directly into the system along the North line of Section 15, T 13 S. R 22 E. BM.

This retrofitted well will supplement flows from the Marion Pipeline Springs of 110-300 gpm. These springs are located in Section 3, T 14 S. R 21 E. BM and deliver water to a 50,000 gallon reservoir at elevation 4640.00.

A third existing water supply source consisting of a 200 gpm well and 50,000 gallon reservoir and booster system is located in Section 21, T 13 S. R 22 E.

The system delivers domestic and stock water only; no irrigation or fire flows are delivered.

The system is designed to deliver 200 shares of North Oakley water and 176 shares of Marion Pipeline water. No future growth in water shares or flows is provided in the plan.

Geology

The site is located on an alluvial plain with 150 to 400 feet to groundwater. The aquifer is in a special resource area where a net water depletion is occurring. The North Oakley System will transfer existing water rights from the existing to the new well. This will result in no net loss of water to the aquifer.

Climate

The service area is in a high plain desert with less than 12 inches of annual precipitation. Net evapotranspiration is approximately 31 inches during the growing season. Irrigation water will be supplied through a separate surface water system.

Flood Plains

A minor portion of the project construction is located within 100 year flood plain zones as indicated on FEMA maps.

None of the proposed construction or line replacement will result in fill or next excavation in the floodway. Impacts will be negligible.

Wetlands

No impacts on wetlands are anticipated.

Socio-Economic Impacts

No net increase or change in distribution of water shares will result as a condition of the construction. No change in Socio-Economic structure of the study area is anticipated.

Wild and Scenic Rivers

No impacts on wild or scenic rivers are anticipated.

Cultural Resources

No impacts on cultural resources are anticipated.

Flora and Fauna

Temporary impacts to the crops and flora along the construction routes will occur as a result of construction of the project. These are expected to be temporary and insignificant in nature. No significant impact to wildlife are anticipated. No threatened or endangered species are expected to be affected by the construction.

Recreational Open Space

The project will not eliminate or adversely modify and recreational open space, parks, or other areas available to the public.

Agricultural Lands

The project does run through a developed agricultural farming area. Construction excavations will have a temporary impact on farming activities. The project utilizes water from an aquifer which has been designated as a special resource water. However, no net depletion of the resource will occur as a result of the project. The project is not expected to have a long-term detrimental effect on agricultural lands.

Air Quality

Temporary impacts on air quality will occur as a result of operation of construction equipment. Temporary increases in fugitive dust, noise, and exhaust emissions will occur as a result of the project. These impacts are expected to be insignificant.

Energy

The use of the Marion Springs as a primary water source for all the users will result in a net decrease in the use of power to deliver water to the users.

Regionalization

The project incorporates two existing systems into one regional entity. Agreements between the two water companies have been discussed and are acceptable to both parties.

There is some discord between some of the users in each water company. A general acceptance has been negotiated.

Agency Participation

The following is a list of agencies which were contacted for comment concerning the proposed project. Appendix A contains responses from contacted agencies.

APPENDIX A
AGENCY RESPONSES

APPENDIX B

***CONSTRUCTION COST
ESTIMATE***

COST ESTIMATE

Joining of Marion and North Oakley

	Springs
Cover	2,000
Plastic	2,000
Boxes	2,300
Manifold	2,000
Hauling Gravel	3,200
Labor	<u>3,000</u>
	14,500

Projects to help both Systems

	<u>Miles</u>	<u>Cost</u>	
Pipe line 8"	4	3.55	74,976
Pipe line 6"	5	2.25	59,400
Pipe line 3"	.5	.38	1,003

<u>Valves</u>	<u>Number</u>		
8 inch valves	5	407.35	2,037
6 inch valves	8	278.41	2,227
4 inch valves	8	255.00	2,040

<u>Iron</u>			
8" tee	2	124.85	250
8" cross	1	185.00	185
6" tee	1	85.70	86
6" cross	2	130.00	260
4" tee	1	65.00	<u>65</u>

142,529

Contract Installation	133,000
(Water hookups, labor, equipment)	
Administration	<u>10,471</u>

143,471

286,000

Well house, pump, plumbing	49,887.50
Engineering	<u>30,112.50</u>

80,000.00

\$380,500

RECEIVED
MAY 07 1999
Department of Water Resources
Southern Region

NOTICE OF INTENT

The Marion/North Oakley Water System intends to construct and replace system improvements near Oakley, Idaho. The project includes the following list of facilities to be constructed:

- 1) Retrofitting an existing well and connecting it to the existing distribution systems for the North Oakley Water Company and Marion Pipeline Company.
- 2) Constructing modifications for the spring sources on the Marion Pipeline Company.
- 3) Constructing 9.5 miles of watermain and appurtenances with district forces.

A map indicating the location of these facilities is attached for your review.

The project anticipates using The Idaho State Revolving Loan Fund as a financing source. We are asking your agency to review the proposed project and comment on any effects the construction may have on your agencies' jurisdiction.

Questions can be referred to:

Gary R. Burkett, P.E.
Project Engineer
EHM Engineers, Inc.
Twin Falls, ID 83301
(208) 734-4888

A response by 6/1/99 would be appreciated.

Respectfully,

EHM Engineers, Inc.


Gary R. Burkett, P.E.

EXISTING WATERMAIN -----



STATE HIGHWAY

W

PROPOSED WELL

PROPOSED
WATERMAIN LOCATION

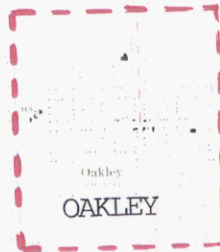
EXISTING RESERVOIR -----



W

EXISTING WELL

EXISTING RESERVOIR -----



OAKLEY

0 1 MILE

SCALE

NORTH OAKLEY WATERMAIN PROJECT