

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84902**

This is to certify that: **SILVER SAGE OWNERS ASSN INC**
PO BOX 331
HAILEY, ID 83333-0301

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. A summary of the changes is also listed below. 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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20843	WR/DECREED	6/1/1886	0.080 cfs	N/A	N/A	5.9	BIG WOOD RIVER
37-21240	WR/DECREED	5/4/1889	0.050 cfs	N/A	N/A	5.9	BIG WOOD RIVER
37-21242	WR/DECREED	5/21/1890	0.070 cfs	N/A	N/A	5.9	BIG WOOD RIVER
37-22499	WR/DECREED	1/5/1950	0.100 cfs	17.0 af	4.9	5.9	GROUND WATER
37-8409	WR/LICENSE	11/30/1988	0.100 cfs	6.0 af	1.7	15.8	GROUND WATER

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>
37-20843	YES	YES	YES	NO	NO	NO
37-21240	YES	YES	YES	NO	NO	NO
37-21242	YES	YES	YES	NO	NO	NO
37-22499	NO	YES	YES	YES	NO	NO
37-8409	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20843	37-23297	0.060 cfs	N/A	4.9	26.8	37-20843	0.010 cfs	N/A	N/A	1.0
37-21240	37-23295	0.040 cfs	N/A	4.9	26.8	37-21240	0.010 cfs	N/A	N/A	1.0
37-21242	37-23296	0.060 cfs	N/A	4.9	26.8	37-21242	0.010 cfs	N/A	N/A	1.0
37-22499	37-22499	0.100 cfs	17.0 af	4.9	26.8	N/A	N/A	N/A	N/A	N/A
37-8409	37-8409	0.100 cfs	6.0 af	1.2	26.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.360 cfs	N/A	6.1	26.8		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 37-8409

Transfer No. 84902

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84902

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 27th day of June, 2022.



Southern Region Manager



WATER RIGHT NO. 37-8409**As Modified by Transfer No. 84902**

In accordance with the approval of Transfer No. 84902, Water Right No. 37-8409 is now described as follows:

Right Holder: SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY, ID 83333-0301

Priority Date: 11/30/1988

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/31	0.090 cfs	4.2 af
MITIGATION BY NON-USE	04/15	to 10/31	0.010 cfs	1.8 af
			0.100 cfs	6.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L2 (NWNE)	Sec 5	Twp 02N Rge 18E	BLAINE County
GROUND WATER	L2 (NWNE)	Sec 5	Twp 02N Rge 18E	BLAINE County
GROUND WATER	SWNE	Sec 5	Twp 02N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5		6.5	19.7	0.6													26.8
				L 2															

Right Acre Limit: 1.2
POU Total Acres: 26.8

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5		X	X	X													0
				L 2															

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.2 acres within the authorized place of use in a single irrigation season.

Transfer No. 84902

WATER RIGHT NO. 37-8409
As Modified by Transfer No. 84902

CONDITIONS OF APPROVAL

2. Rights 37-8409, 37-22499, 37-23295, 37-23296, and 37-23297 are limited to the irrigation of a specific 6.1 acres within the 26.8 acre place of use authorized by this right in a single irrigation season. The specific 6.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 6.1 acres to be irrigated within the 26.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. To mitigate for the effects of transferring ground water rights 37-8409 and 37-22499 in transfer #84902 on Idaho Water Resource Board minimum stream flow water rights, the right holder shall cease diverting and using a 0.01 cfs, 1.8 AF, and 0.5 acre portion of this right, which shall remain undiverted.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. If the original well under Right 37-08409 is no longer used, it shall be abandoned in a manner which complies with Department well abandonment rules.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 37-21240

As Modified by Transfer No. 84902

In accordance with the approval of Transfer No. 84902, Water Right No. 37-21240 is now described as follows:

Right Holder: SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY, ID 83333-0301

Priority Date: 5/4/1889

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.010 cfs

0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

SESW

Sec 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	33											0.2	0.8					1.0

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. The actual diversion rate for this right is 0.005 cfs.
2. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-522J.
3. Right Nos. 37-21240, 37-21242, and 37-20843 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.
4. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
5. Approval of this transfer does not confirm the validity of this water right.

Transfer No. 84902

WATER RIGHT NO. 37-23295**As Modified by Transfer No. 84902**

In accordance with the approval of Transfer No. 84902, Water Right No. 37-23295 is now described as follows:

Right Holder: SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY, ID 83333-0301

Priority Date: 5/4/1889

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.040 cfs

0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

L2 (NWNE)

Sec 5 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5		6.5	19.7	0.6													26.8
				L 2															

Right Acre Limit: 4.9

POU Total Acres: 26.8

CONDITIONS OF APPROVAL

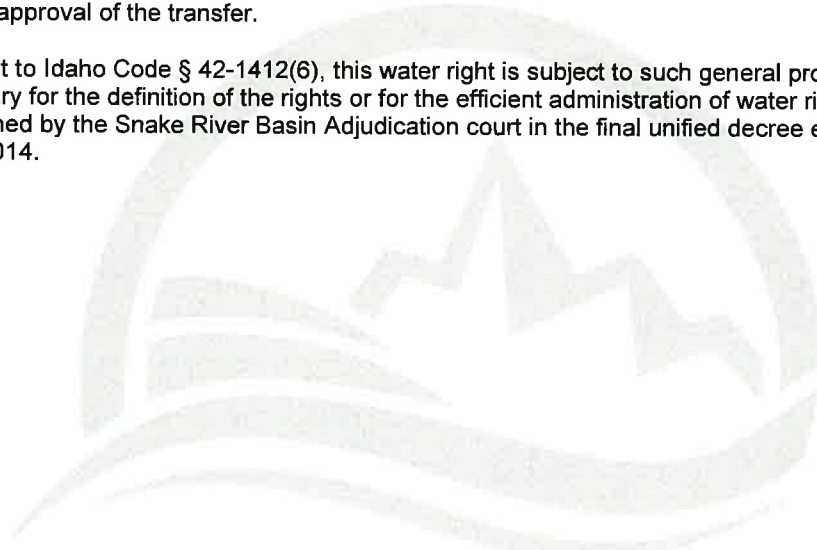
1. This right is limited to the irrigation of 4.9 acres within the authorized place of use in a single irrigation season.
2. Rights 37-22499, 37-23295, 37-23296, and 37-23297 when combined shall not exceed the irrigation of 4.9 acres.
3. Rights 37-8409, 37-22499, 37-23295, 37-23296, and 37-23297 are limited to the irrigation of a specific 6.1 acres within the 26.8 acre place of use authorized by this right in a single irrigation season. The specific 6.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 6.1 acres to be irrigated within the 26.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Transfer No. 84902

WATER RIGHT NO. 37-23295

As Modified by Transfer No. 84902

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
 6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
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WATER RIGHT NO. 37-21242**As Modified by Transfer No. 84902**

In accordance with the approval of Transfer No. 84902, Water Right No. 37-21242 is now described as follows:

Right Holder: SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY, ID 83333-0301

Priority Date: 5/21/1890

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.010 cfs

0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

SESW

Sec 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	33											0.2	0.8					1.0

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. The actual diversion rate for this right is 0.013 cfs.
2. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-523G.
3. Right Nos. 37-21240, 37-21242, and 37-20843 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.
4. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
5. Approval of this transfer does not confirm the validity of this water right.

Transfer No. 84902

WATER RIGHT NO. 37-23296**As Modified by Transfer No. 84902**

In accordance with the approval of Transfer No. 84902, Water Right No. 37-23296 is now described as follows:

Right Holder: SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY, ID 83333-0301

Priority Date: 5/21/1890

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.060 cfs

0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

L2 (NWNE)

Sec 5 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5		6.5	19.7	0.6													26.8
				L 2															

Right Acre Limit: 4.9

POU Total Acres: 26.8

CONDITIONS OF APPROVAL

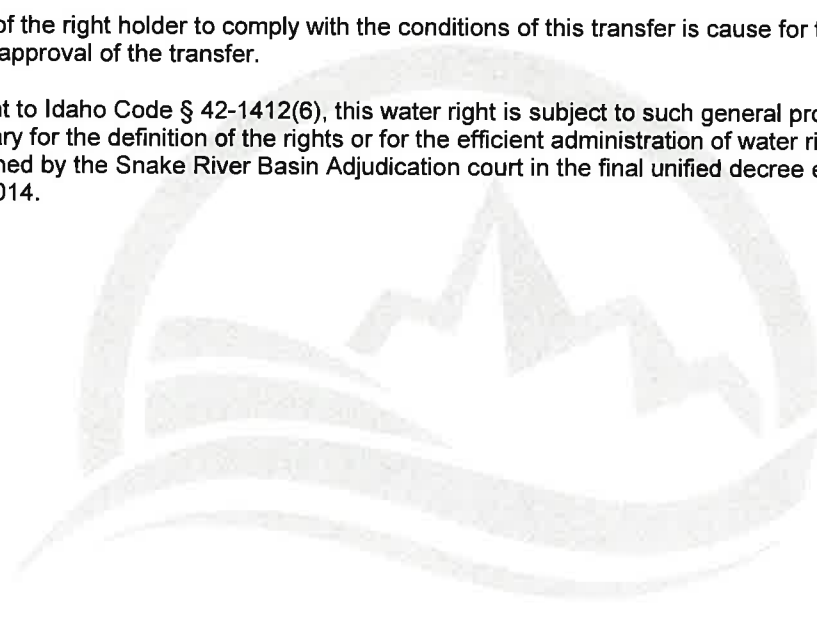
1. This right is limited to the irrigation of 4.9 acres within the authorized place of use in a single irrigation season.
2. Rights 37-22499, 37-23295, 37-23296, and 37-23297 when combined shall not exceed the irrigation of 4.9 acres.
3. Rights 37-8409, 37-22499, 37-23295, 37-23296, and 37-23297 are limited to the irrigation of a specific 6.1 acres within the 26.8 acre place of use authorized by this right in a single irrigation season. The specific 6.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 6.1 acres to be irrigated within the 26.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Transfer No. 84902

WATER RIGHT NO. 37-23296

As Modified by Transfer No. 84902

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
 6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
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WATER RIGHT NO. 37-20843

As Modified by Transfer No. 84902

In accordance with the approval of Transfer No. 84902, Water Right No. 37-20843 is now described as follows:

Right Holder: SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY, ID 83333-0301

Priority Date: 6/1/1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.010 cfs

0.010 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

SESW

Sec 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	33											0.2	0.8					1.0

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. The actual diversion rate for this right is 0.006 cfs.
2. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-521L.
3. Right Nos. 37-21240, 37-21242, and 37-20843 are limited to the irrigation of a combined total of 1.0 acre in a single irrigation season.
4. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
5. Approval of this transfer does not confirm the validity of this water right.

Transfer No. 84902

WATER RIGHT NO. 37-23297

As Modified by Transfer No. 84902

In accordance with the approval of Transfer No. 84902, Water Right No. 37-23297 is now described as follows:

Right Holder: SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY, ID 83333-0301

Priority Date: 6/1/1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.060 cfs

0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER L2 (NWNE) Sec 5 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5		6.5	19.7	0.6													26.8
				L 2															

Right Acre Limit: 4.9

POU Total Acres: 26.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.9 acres within the authorized place of use in a single irrigation season.
2. Rights 37-22499, 37-23295, 37-23296, and 37-23297 when combined shall not exceed the irrigation of 4.9 acres.
3. Rights 37-8409, 37-22499, 37-23295, 37-23296, and 37-23297 are limited to the irrigation of a specific 6.1 acres within the 26.8 acre place of use authorized by this right in a single irrigation season. The specific 6.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 6.1 acres to be irrigated within the 26.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Transfer No. 84902

WATER RIGHT NO. 37-23297

As Modified by Transfer No. 84902

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. To mitigate for the effects of transferring rights 37-23295, 37-23296, and 37-23297 via transfer # 84902, the right holder shall permanently reduce the authorized diversion rate of right 37-23297 by 0.01 cfs (from 0.07 cfs to 0.06 cfs).
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-22499**As Modified by Transfer No. 84902**

In accordance with the approval of Transfer No. 84902, Water Right No. 37-22499 is now described as follows:

Right Holder: SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY, ID 83333-0301

Priority Date: 1/5/1950

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to 10/31	0.100 cfs	17.0 af
			0.100 cfs	17.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L2 (NWNE)	Sec 5	Twp 02N Rge 18E	BLAINE County
GROUND WATER	L2 (NWNE)	Sec 5	Twp 02N Rge 18E	BLAINE County
GROUND WATER	SWNE	Sec 5	Twp 02N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5		6.5	19.7	0.6													26.8
				L 2															

Right Acre Limit: 4.9

POU Total Acres: 26.8

CONDITIONS OF APPROVAL

1. The actual diversion rate for this right is 0.098 cfs.
2. This right is limited to the irrigation of 4.9 acres within the authorized place of use in a single irrigation season.
3. Rights 37-22499, 37-23295, 37-23296, 37-23297 when combined shall not exceed the irrigation of 4.9 acres.
4. Rights 37-8409, 37-22499, 37-23295, 37-23296, and 37-23297 are limited to the irrigation of a specific 6.1 acres within the 26.8 acre place of use authorized by this right in a single irrigation season. The specific 6.1 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 6.1 acres to be irrigated within the 26.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 84902

WATER RIGHT NO. 37-22499

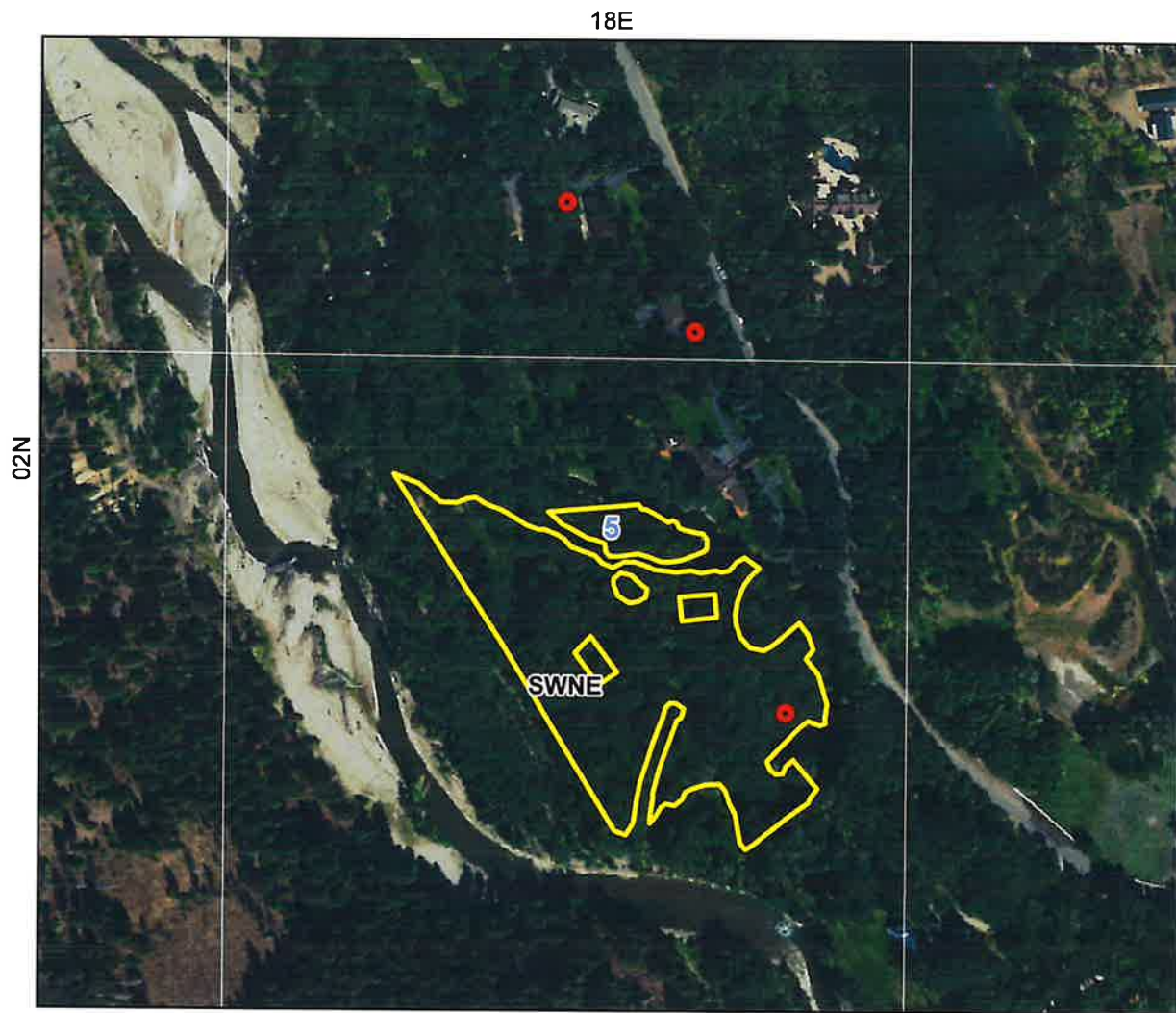
As Modified by Transfer No. 84902

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 84902
37-8409 & 37-22499

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.0425 0.085 0.17 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 84902
37-8409

This map depicts the MITIGATION BY NON-USE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

18E



-  Place Of Use Boundary
-  Townships
-  PLS Sections
- Quarter Quarters
-  Point of Diversion

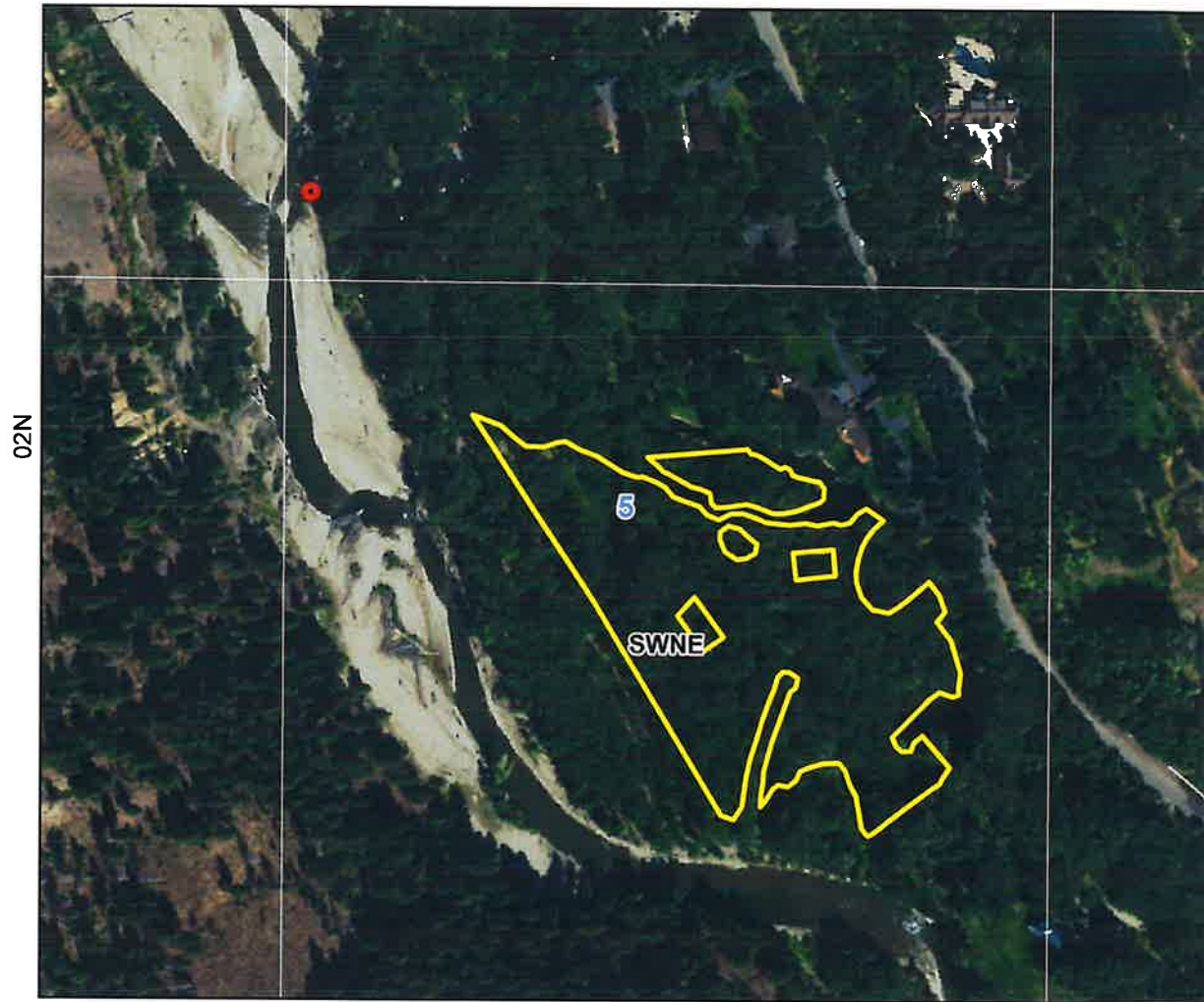
0 0.04 0.08 0.16 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 84902
37-23295, 37-23296, and 37-23297

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

18E



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

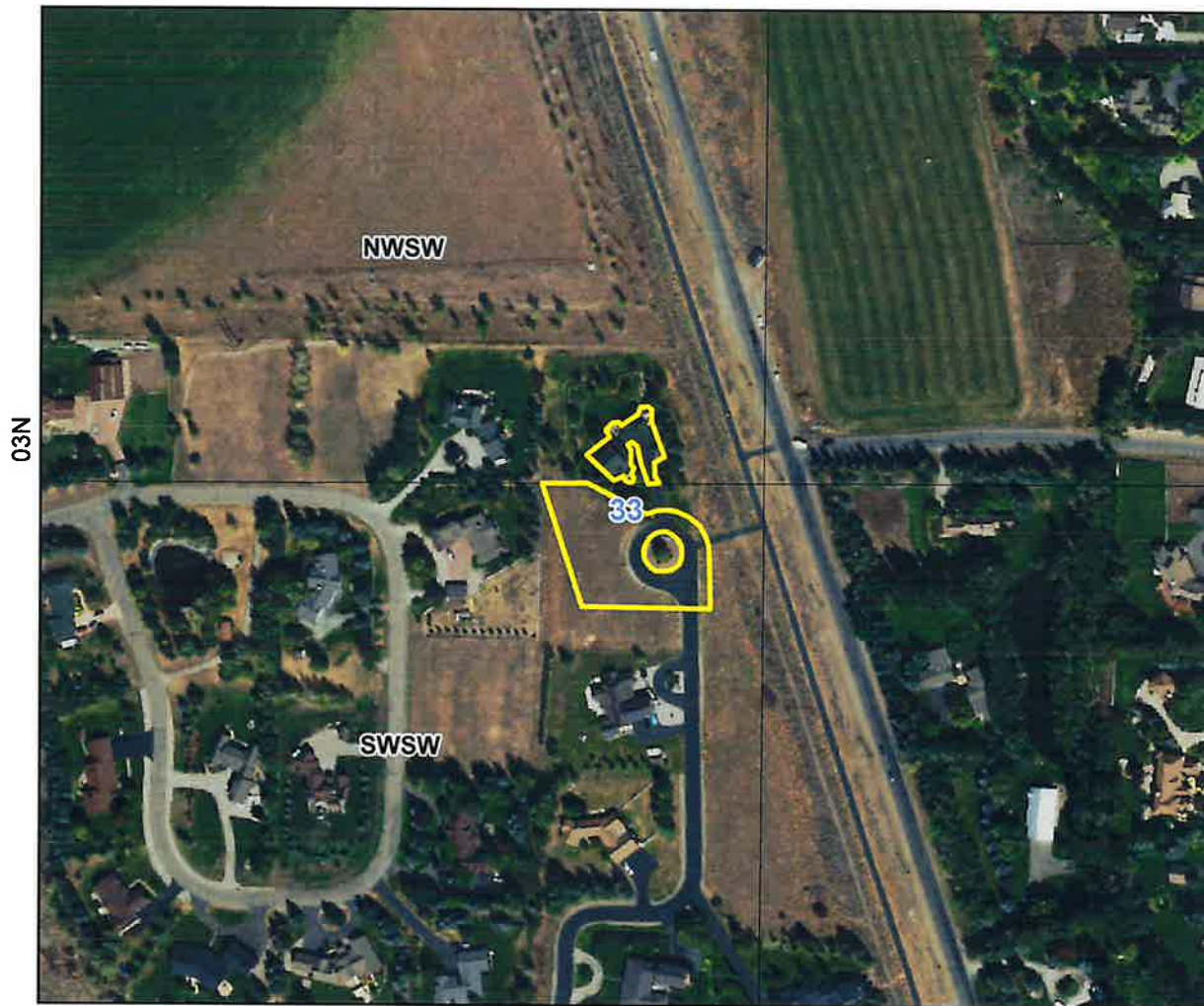
0 0.0375 0.075 0.15 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 84902
37-20843, 37-21240, and 37-21242

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

18E



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 28, 2022

SILVER SAGE OWNERS ASSN INC
PO BOX 331
HAILEY ID 83333-0301

Re: Transfer No: 84902

Water Right No(s): 37-8409, 37-20843, 37-21240, 37-21242, 37-22499

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 37
107 W 1ST ST
SHOSHONE ID 83352-5425

IDAHO WATER RESOURCE BOARD
CYNTHIA BRIDGE CLARK
PO BOX 83720
BOISE ID 83720-0098

ANN Y VONDE
OFFICE OF THE ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84902

Water Right No(s): 37-8409, 37-20843, 37-21240, 37-21242, 37-22499

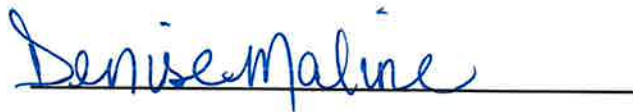
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Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

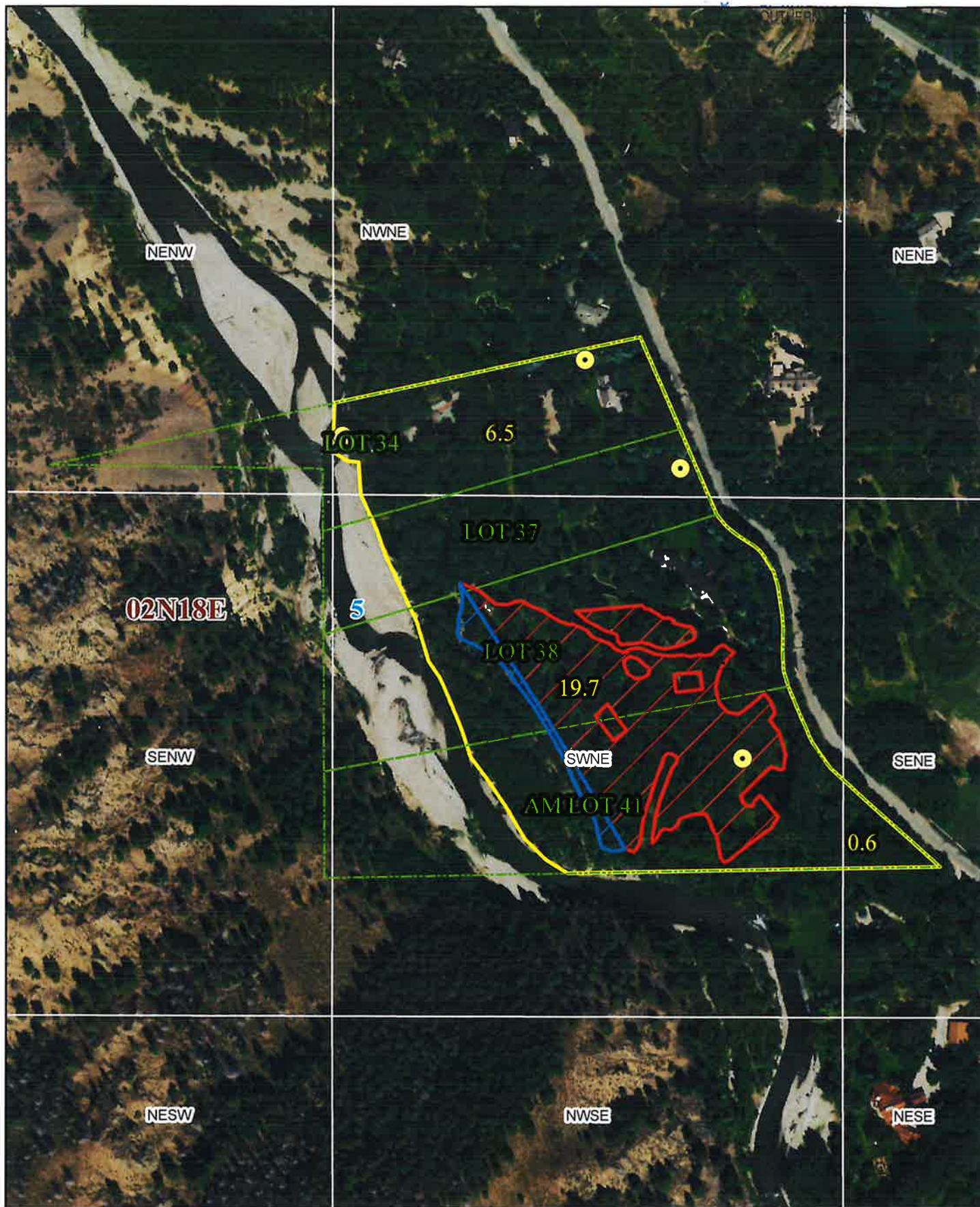
- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



0 130 260 520 Feet

BROCKWAY ENGINEERING, PLLC.
JJJ - 6/02/2022

RECEIVED
JUN 03 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

SILVER SAGE OWNERS ASSOCIATION INC.
UPDATED TRANSFER MAP

NAIP 2019 AERIAL

Legend

- ▭ Proposed Irrigated Area, 6.1 Acres
- ▭ Not Irrigated under 37-8409, 0.5 Acres
- ▭ Moore Lots
- ▭ PPU



Bitzenburg, James

From: Jennifer Jennings <jen.jennings@brockwayeng.com>
Sent: Friday, June 3, 2022 11:55 AM
To: Bitzenburg, James
Cc: 'Zach Latham'
Subject: Silver Sage Updated Transfer Map
Attachments: Updated Transfer Map.pdf

Jim,
Zach Latham asked me to send you a copy of this map.
Please let me know if you have any questions, thanks!

Jennifer J. Jennings
Graphics Technician
Brockway Engineering, PLLC
2016 Washington St N, Ste 4
Twin Falls, ID 83301 (208) 736-8543
www.brockwayeng.com

Map submitted by Brockway
Engineering displaying the
reduced Irrigated acres
and mitigation by Non-Use
acres as a result of
the Order approving the
Joint Stipulation.
Not sure how to label
and where to stick
it.

MEMORANDUM

Date: May 20, 2022
To: Transfer #84902 – Silver Sage Owner's Association, Inc.
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) and points of diversion (POD) for two ground water irrigation rights and a portion of three Big Wood River irrigation rights which are currently appurtenant to 6.6 acres of land located approximately 1.7 miles north and 0.3 mile west of the intersection of Bullion Street and Main Street in Hailey. The proposed POU will be within a newly created 26.8 acre Permissible Place of Use (PPU) located approximately 1.2 miles north and 0.9 mile west of Hailey. Each ground water right will change its POD from its currently authorized location to three existing wells located within the PPU. The transfer proposes changing the POD of the portion of the three Big Wood River rights moving to the PPU from its current location, approximately 3.7 miles north and 1.2 miles west of Hailey, to an existing Big Wood River diversion located approximately 1.3 miles north and 1.0 mile west of Hailey. Post transfer, the five rights will irrigate 6.6 acres within the 26.8 acre PPU with a total flow rate of 0.37 cfs.

The rights are within Water District 37, so Watermaster comments were solicited, but the Watermaster did not comment on the transfer. The transfer was advertised and one protest was filed by the Idaho Water Resource Board based on the transfer's potential impact on IWRB minimum stream flow right 37-7919. A Joint Stipulation to a settlement of the protest was signed by the attorney for the protestant and by the attorney representing the applicant. It was agreed to permanently reduce the diversion rate for right 37-23297 (the transferring portion of Big Wood River right 37-20843) by 0.01 cfs and to change a 0.01 cfs, 1.75 AF, 0.5 acre portion of right 37-8409 to Mitigation by Non-Use to mitigate for the effects of the transfer.

The application states that a change of ownership will be filed on the portions of the five rights moving to the new place of use after transfer approval.

- **Authority to File:**
The Department's database indicates that the five rights involved in the transfer are owned by Silver Sage Owner's Association, Inc. The application was signed by Miguel Goitiandia, the president of Silver Sage Owner's Association, Inc.
- **Water Right Validity:**
The rights have been licensed, or decreed in the SRBA, and were leased into the Water Supply Bank through 2015 (37-8409) and 2016 (rights 37-22499, 37-21240, 37-21242, and 37-20843). Additionally, some irrigation has occurred on the Silver Sage property since that time, so forfeiture is possibly not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Transfer proposes no increase in volume of water used or acres irrigated.

- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised and one protest was filed.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

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