

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84903**

This is to certify that: IDAHO POWER COMPANY
PO BOX 70
BOISE, ID 83707-0070

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>
36-8761	WR/LICENSE	1/23/1997	0.110 cfs	3.0 af	N/A	N/A	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>
36-8761	NO	NO	NO	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>
36-8761	36-8761	0.110 cfs	3.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.110 cfs	3.0 af	N/A	N/A		N/A	N/A	N/A	N/A

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 28th day of December, 2021.



Southern Region Manager

WATER RIGHT NO. 36-8761**As Modified by Transfer No. 84903**

In accordance with the approval of Transfer No. 84903, Water Right No. 36-8761 is now described as follows:

Right Holder: IDAHO POWER COMPANY
PO BOX 70
BOISE, ID 83707-0070

Priority Date: 1/23/1997

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.110 cfs	3.0 af
			0.110 cfs	3.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 10 Twp 09S Rge 15E	GOODING County
GROUND WATER	L9 (NESENE)	Sec 10 Twp 09S Rge 15E	GOODING County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	15E	10	X			X													
			L 1			L 9													
09S	15E	11							X										
								L 11											

CONDITIONS OF APPROVAL

1. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home nor 2,500 gallons per day for the office and restroom facility.
Domestic use is for 4 homes, the hatchery office building and public restrooms at Niagara Springs steelhead hatchery and does not include lawn, garden, landscape, or other types of irrigation.
2. 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.130.
3. 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).
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 84903

WATER RIGHT NO. 36-8761
As Modified by Transfer No. 84903

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho
Department of Water Resources
Attachment to Transfer # 84903
36-8761

This map depicts the DOMESTIC 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.

15E



-  Point of Diversion
-  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

January 7, 2022

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070

Re: Transfer No: 84903
Water Right No(s): 36-8761

Transfer Approval Notice

Dear Water Right Holder(s):

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:

KRESTA DAVIS-BUTTS
IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 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.: 84903
Water Right No(s): 36-8761

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070

KRESTA DAVIS-BUTTS
IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858



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.

MEMORANDUM

Date: December 28, 2021
To: Transfer #84903 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Transfer application 84903 proposes to add a point of diversion (POD) to a domestic ground water right (36-8761 for 0.11 cfs). The proposed new well (POD) will be drilled approximately 750 feet south of the existing POD. PODs are located about 8 miles south and 4.4 miles west of the center of Jerome. The PODs are located in the Twin Falls Ground Water Management Area and the Easter Snake Plain Aquifer Ground Water Management Area. The two PODs are in adjacent ESPA model grid cells, eliminating the need for an ESPA model analysis. Since the proposed transfer is in Water District 130, water master comments were solicited. The water master does not oppose approval of the transfer.

- **Authority to File:**
The Department's database indicates that water right 36-8761 is owned by the applicant, Idaho Power Co.
- **Water Right Validity:**
The water right was licensed in 2002, and forfeiture is likely not an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **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.

*** * * Proof of Publication * * ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

RECEIVED

JUN 07 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

ORDER NUMBER 114554

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)
SS

COUNTY OF TWIN FALLS)

On this 22th day of May in the year of 2021 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis

Notary Public FOR Idaho

Residing at: Twin Falls, Idaho

My Commission expires: 5/8/2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 05/20/2021, 05/27/2021

TOTAL AD COST: 157.41

FILED ON: 5/27/2021

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

36-17184

IDAHO POWER COMPANY

PO BOX 70

BOISE, ID 83707-0070

Point of Diversion L1(NENE) S10 T09S R15E GOODING

County Source GROUND WATER Tributary

Point of Diversion L9(NESENE) S10 T09S R15E GOODING

County Source GROUND WATER Tributary

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

Use: FIRE PROTECTION 01/01 to 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 04-09-2021

Place Of Use: DOMESTIC, FIRE PROTECTION

T09S R15E S10 L1(NENE), L9(SEN)

Application proposes to divert .04 cfs for domestic use and .12 cfs for fire protection from a proposed well and an existing well. Both wells will be located approximately 8 miles south and 4.4 miles west of the center of Jerome. To mitigate the new domestic use under this water right, the domestic portion of 36-2704 and 36-15221 will not be used. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84903**

IDAHO POWER COMPANY, PO BOX 70, BOISE, ID 83707-0070 has filed Application No. 84903 for changes to the following water rights within GOODING County(s): Right No(s). 36-8761. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a point of diversion (POD) to a domestic ground water right (.11 cfs). The proposed new well (POD) will be drilled approximately 750 feet south of the existing POD. PODs are located about 8 miles south and 4.4 miles west of the center of Jerome.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before June 7, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on May 20th & 27th, 2021

OK ✓ SM 6-9-2021

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 84903
Water Right No: 36-8761
Applicant Name: Idaho Power

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: May 20, 2021

Water District 130



Nathan Erickson, Watermaster