

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84693**

This is to certify that: **CITY OF DAYTON**
PO BOX 12
DAYTON, ID 83232-0012

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>
13-7106	WR/LICENSE	4/23/1975	0.390 cfs	N/A	N/A	N/A	GROUND WATER
13-7512	WR/LICENSE	8/2/1993	3.000 cfs	N/A	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>
13-7106	NO	NO	NO	YES	NO	NO
13-7512	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>
13-7106	13-7106	0.390 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13-7512	13-7512	3.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.390 cfs	N/A	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 27th day of May, 2021.



Regional Manager

Support Data
In File # 13-7106

Transfer No. 84693

WATER RIGHT NO. 13-7106

As Modified by Transfer No. 84693

In accordance with the approval of Transfer No. 84693, Water Right No. 13-7106 is now described as follows:

Right Holder: CITY OF DAYTON
PO BOX 12
DAYTON, ID 83232-0012

Priority Date: 4/23/1975

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

1/01

To

to 12/31

Diversion Rate

0.390 cfs

0.390 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	SESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	NENE	Sec 22 Twp 15S Rge 38E	FRANKLIN County

CONDITIONS OF APPROVAL

1. The right holder is authorized to develop two new well sites under Transfer 84693. Within one year of the approval of Transfer 84693, the right holder shall notify the Department of the location of the one or two well sites developed and ask the Department to remove any unused points of diversion from this water right.
2. Place of use is within the service area of the City of Dayton municipal water supply system as provided for under Idaho Law.
3. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.
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.

Transfer No. 84693

WATER RIGHT NO. 13-7512

As Modified by Transfer No. 84693

In accordance with the approval of Transfer No. 84693, Water Right No. 13-7512 is now described as follows:

Right Holder: CITY OF DAYTON
PO BOX 12
DAYTON, ID 83232-0012

Priority Date: 8/2/1993

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

To

to 12/31

Diversion Rate

3.000 cfs

3.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	SESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	NENE	Sec 22 Twp 15S Rge 38E	FRANKLIN County

CONDITIONS OF APPROVAL

1. The right holder is authorized to develop two new well sites under Transfer 84693. Within one year of the approval of Transfer 84693, the right holder shall notify the Department of the location of the one or two well sites developed and ask the Department to remove any unused points of diversion from this water right.
2. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
3. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
4. Place of use is within the service area of the City of Dayton municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.

Transfer No. 84693

WATER RIGHT NO. 13-7512
As Modified by Transfer No. 84693

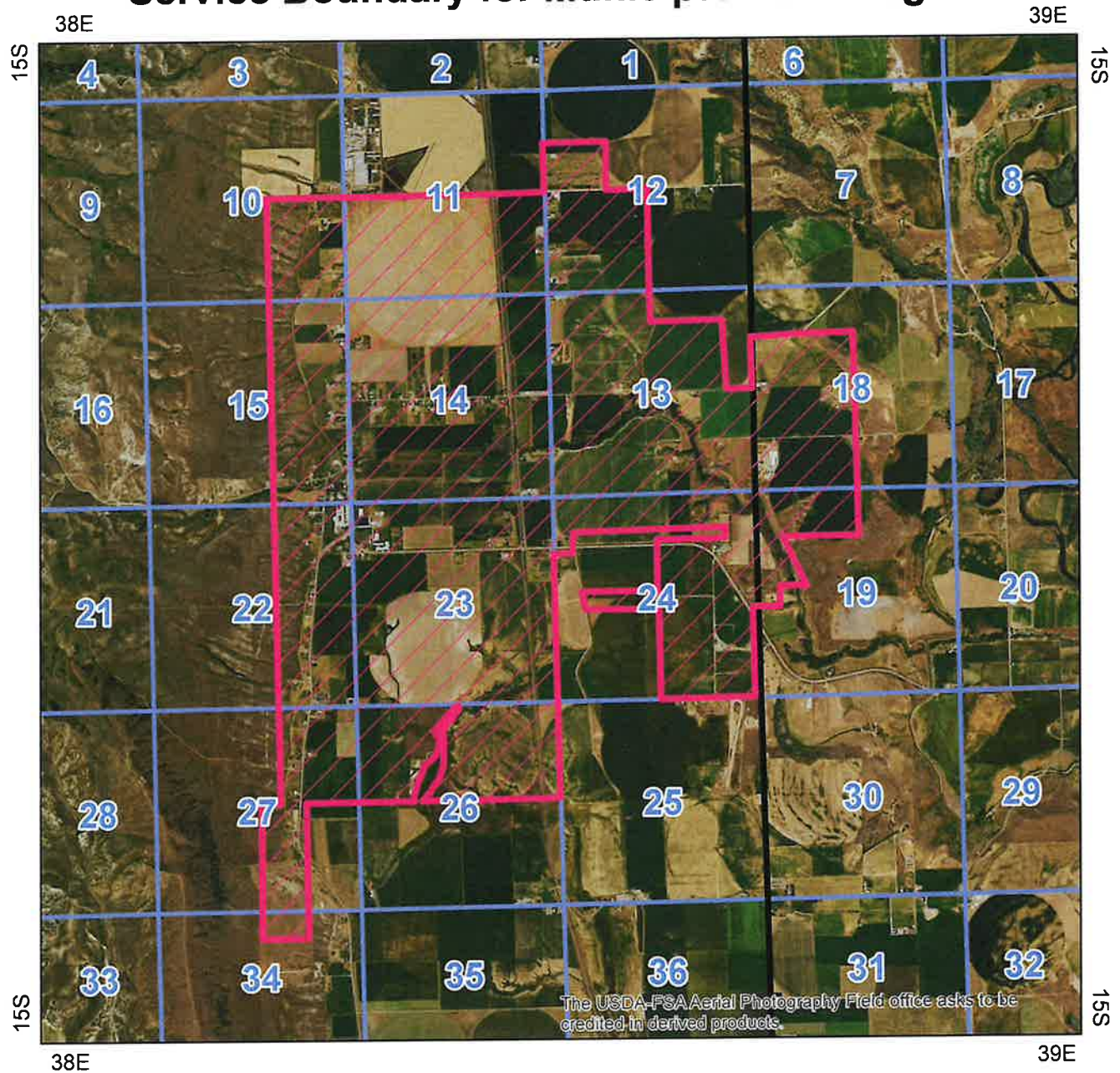
CONDITIONS OF APPROVAL

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.



State of Idaho
Department of Water Resources

City of Dayton
Service Boundary for Municipal Water Rights



-  Water Right POU
-  Townships
-  PLS Sections

0 0.5 1 2 Miles

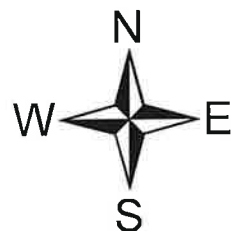
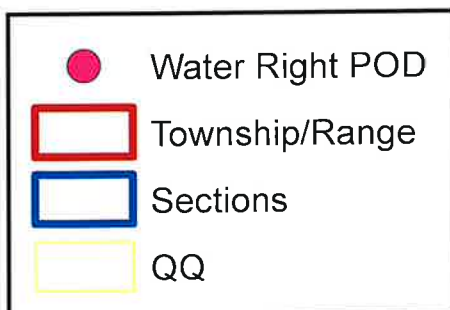


Attachment to Transfer Approval 84693

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



0 600 1,200 Feet



Date: 5/27/2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 27, 2021

CITY OF DAYTON
PO BOX 12
DAYTON ID 83232-0012

Re: Transfer No: 84693
Water Right No(s): 13-7106, 13-7512

Transfer Approval Notice

Dear Water Right Holder:

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) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure

CC:

AARON M. BEUTLER
78 E CENTER ST
LOGAN UT 84321

CLAYTON FAMILY LEGACY
58 S 3200 W
WESTON ID 83286

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2021 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.: 84693
Water Right No(s): 13-7106, 13-7512

CITY OF DAYTON
PO BOX 12
DAYTON ID 83232-0012

AARON M. BEUTLER
78 E CENTER ST
LOGAN UT 84321

CLAYTON FAMILY LEGACY
58 S 3200 W
WESTON ID 83286



Christina Henman
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.