

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84670**

This is to certify that: PICABO LIVESTOCK CO
PO BOX 688
PICABO, ID 83348-0688

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>
37-11628	WR/DECREED	9/1/1930	0.060 cfs	N/A	N/A	N/A	GROUND WATER
37-21400	WR/LICENSE	3/6/2003	0.700 cfs	N/A	N/A	N/A	GROUND WATER
37-7455	WR/DECREED	9/2/1975	0.060 cfs	12.0 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>
37-11628	NO	YES	NO	NO	NO	NO
37-21400	NO	YES	NO	NO	NO	NO
37-7455	NO	YES	NO	NO	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>
37-11628	37-11628	0.060 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-21400	37-21400	0.700 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-7455	37-7455	0.060 cfs	12.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.760 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 23rd day of March, 2021.


Southern Region Manager

SUPPORT DATA

IN FILE # 37-7455

Transfer No. 84670

WATER RIGHT NO. 37-11628**As Modified by Transfer No. 84670**

In accordance with the approval of Transfer No. 84670, Water Right No. 37-11628 is now described as follows:

Right Holder: PICABO LIVESTOCK CO
PO BOX 688
PICABO, ID 83348-0688

Priority Date: 9/1/1930

Source: GROUND WATER

BENEFICIAL USE

STOCKWATER
STOCKWATER

From

04/01
11/01

to
to

To

11/01
04/01

Diversion Rate

0.020 cfs
0.060 cfs
0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NESWSW
NWSWSW

Sec 27 Twp 01S Rge 20E BLAINE County
Sec 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	27											X	X					0

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. Rights 37-7455 and 37-11628 when combined shall not exceed a total diversion rate of 0.12 cfs and a total annual maximum diversion volume of 26.6 af from all points of diversion.
3. Rights 37-7455, 37-11628, and 37-21400 when combined shall not exceed a total diversion rate of 0.76 cfs.
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.
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).

WATER RIGHT NO. 37-11628

As Modified by Transfer No. 84670

CONDITIONS OF APPROVAL

6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 37-7455
As Modified by Transfer No. 84670

In accordance with the approval of Transfer No. 84670, Water Right No. 37-7455 is now described as follows:

Right Holder: PICABO LIVESTOCK CO
PO BOX 688
PICABO, ID 83348-0688

Priority Date: 9/2/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	0.060 cfs	12.0 af
			0.060 cfs	12.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESWSW	Sec 27 Twp 01S Rge 20E	BLAINE County
GROUND WATER	NWSWSW	Sec 27 Twp 01S Rge 20E	BLAINE County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of Picabo Livestock Company, Inc. The place of use is generally located within Sections 26 & 27, Township 01S, Range 20E.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Rights 37-7455 and 37-11628 when combined shall not exceed a total diversion rate of 0.12 cfs and a total annual maximum diversion volume of 26.6 af from all points of diversion.
4. Rights 37-7455, 37-11628, and 37-21400 when combined shall not exceed a total diversion rate of 0.76 cfs.
5. 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.
6. 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).
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 84670

WATER RIGHT NO. 37-7455
As Modified by Transfer No. 84670

CONDITIONS OF APPROVAL

8. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 37-21400

As Modified by Transfer No. 84670

In accordance with the approval of Transfer No. 84670, Water Right No. 37-21400 is now described as follows:

Right Holder: PICABO LIVESTOCK CO
PO BOX 688
PICABO, ID 83348-0688

Priority Date: 3/6/2003

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

to

To

12/31

Diversion Rate

0.700 cfs

0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NESWSW

Sec 27 Twp 01S Rge 20E BLAINE County

GROUND WATER

NWSWSW

Sec 27 Twp 01S Rge 20E BLAINE County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of Picabo Livestock Company, Inc. The place of use is generally located within Sections 26 & 27, Township 01S, Range 20E.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
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. Rights 37-7455, 37-11628, and 37-21400 when combined shall not exceed a total diversion rate of 0.76 cfs.
5. 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.
6. 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).

Transfer No. 84670

WATER RIGHT NO. 37-21400

As Modified by Transfer No. 84670

CONDITIONS OF APPROVAL

7. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
8. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
9. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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 # 84670
37-11628

This map depicts the STOCKWATER 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.



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

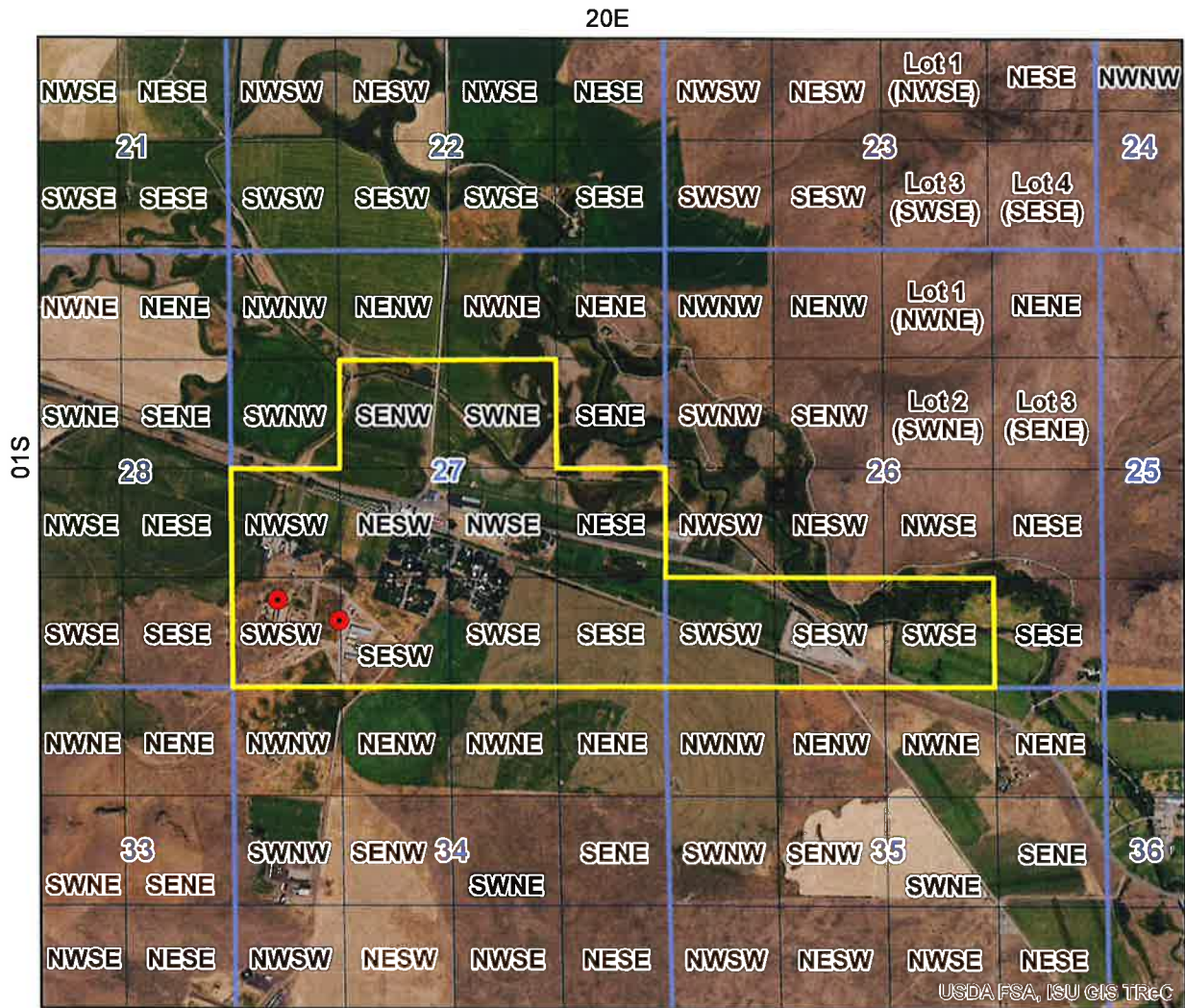
0 0.05 0.1 0.2 Miles



Attachment to Transfer # 84670

37-7455 & 37-21400

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



- Point of Diversion
- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.275 0.55 1.1 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 26, 2021

PICABO LIVESTOCK CO
PO BOX 688
PICABO ID 83348-0688

Re: Transfer No: 84670
Water Right No(s): 37-7455, 37-11628, 37-21400

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 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

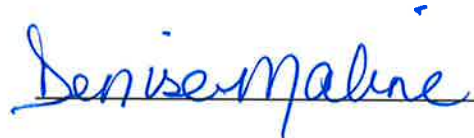
Re: Transfer No.: 84670

Water Right No(s): 37-7455, 37-11628, 37-21400

PICABO LIVESTOCK CO
PO BOX 688
PICABO ID 83348-0688

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

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352



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: March 15, 2021
To: Transfer # 84670 File
From: Michelle Richman
Re: Evaluation of Sufficiency of Information Submitted

Transfer application proposes to modify three ground water rights (municipal and stockwater) that have a combined limit of .76 cfs by adding one new point of diversion (POD) and removing one of two existing PODs. The proposed new replacement well (POD) will be drilled approximately 1400 feet southwest of the center of Picabo, also described as 450 feet south and 1830 feet west of the existing POD to be removed. It will be approximately 2900 feet outside of the ESPA boundary (eliminating the need to run an ESPA model analysis). The updated municipal service area includes 520 acres in and around Picabo consisting of the SENW, the SWNE, and the south half of Section 27, and the SWSE and the south half of the SW ¼ of Section 26, Township 01S, Range 20E. The POD & POU are located in the Big Wood River Groundwater Management Area. The proposed transfer is in Water District 37, Water Master comments were solicited, and no concerns were expressed.

- **Authority to File:**
Picabo Livestock Company owns the land encompassing the two points of diversion. IDWR records also show this right in the applicant's name.
- **Water Right Validity:**
Water right 37-21400 involved with this transfer was licensed in 2003. Water rights 37-7455 and 37-11628 were decreed in the SRBA. Aerial photography indicates that the water right has been used in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated with appropriate conditions.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
No change in the nature of use. Municipal and stock water uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
No issues anticipated.
- **Effect of the Agricultural Base of the Local 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.

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

Pam Morris, being the first publisher of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 17th day of

February, 20 21, and the date of the last publication was

on the 24th day of February, 20 21

Subscribed and sworn to before me this 24 day of

Feb., 20 21.



Connie N Johnson
NOTARY PUBLIC

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2024

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 71
Number of Insertions 2

_____	Lines tabular at	_____	9.0 cents/pica
<u>71</u>	Lines straight at	<u>\$65.32</u>	8.0 cents/pica
<u>71</u>	Subsequent lines at	<u>\$57.16</u>	7.0 cents/pica
TOTAL COST		<u>\$122.48</u>	

RECEIVE
MAR 01 2021

DEPT. OF WATER RESOURCES
SOUTHERN REGION

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84670

PICABO LIVESTOCK CO, PO BOX 688, PICABO, ID 83348-0688 has filed Application No. 84670 for changes to the following water rights within BLAINE County(s): Right No(s). 37-11628, 37-21400, 37-7455. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to modify three ground water rights (municipal and stockwater) that have a combined limit of .76 cfs by replacing one of two points of diversion. The proposed new replacement well will be drilled approximately 1400 feet southwest of the center of Picabo.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84696

MARATHON PARTNERS LLC, PO BOX 3118, KETCHUM, ID 83340-3101 has filed Application No. 84696 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21112. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving a one acre (0.03 cfs) portion of a Big Wood River right (currently diverted from the Hiawatha Canal) from a property located approximately 0.4 to 0.6 miles east and 0.1 to 0.5 miles north of the center of Hailey to a property located 4.6 miles south and 2.4 miles east of the center of Hailey. The application proposes diverting 0.02 cfs from an existing diversion and leaving 0.01 cfs in the Hiawatha Canal to provide for conveyance losses.

✓ Am 3/8/2021 →

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see research. idwr.idaho.gov/apps/waterrights/QueryNewTransfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 **March 8, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
FEB 17 & 24, 2021

✓ ok LM 3/8/2021