

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84721

This is to certify that: JANICE M CENARRUSA AND/OR
JERRY CENARRUSA
PO BOX 164
CAREY, ID 83320-0164

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>
37-2513	WR/DECREED	8/22/1950	3.300 cfs	577.5 af	N/A	165.0	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>
37-2513	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>
37-2513	37-2513	3.300 cfs	577.5 af	N/A	165.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.300 cfs	577.5 af	N/A	165.0		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 24th day of March, 2021.


Southern Region Manager

Transfer No. 84721

WATER RIGHT NO. 37-2513 **As Modified by Transfer No. 84721**

In accordance with the approval of Transfer No. 84721, Water Right No. 37-2513 is now described as follows:

Right Holder: JERRY CENARRUSA AND/OR
 JANICE M CENARRUSA
 PO BOX 164
 CAREY, ID 83320-0164

Priority Date: 8/22/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	3,300 cfs	577.5 af
			3,300 cfs	577.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWNE Sec 34 Twp 01S Rge 21E 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	
01S	21E	26													14.0			8.0	22.0
01S	21E	35	24.0			35.0					21.0				26.0	37.0			143.0

POU Total Acres: 165.0

CONDITIONS OF APPROVAL

1. 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.
2. 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).
3. Use of this right is combined with water from Little Wood River.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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. 84721

WATER RIGHT NO. 37-2513

As Modified by Transfer No. 84721

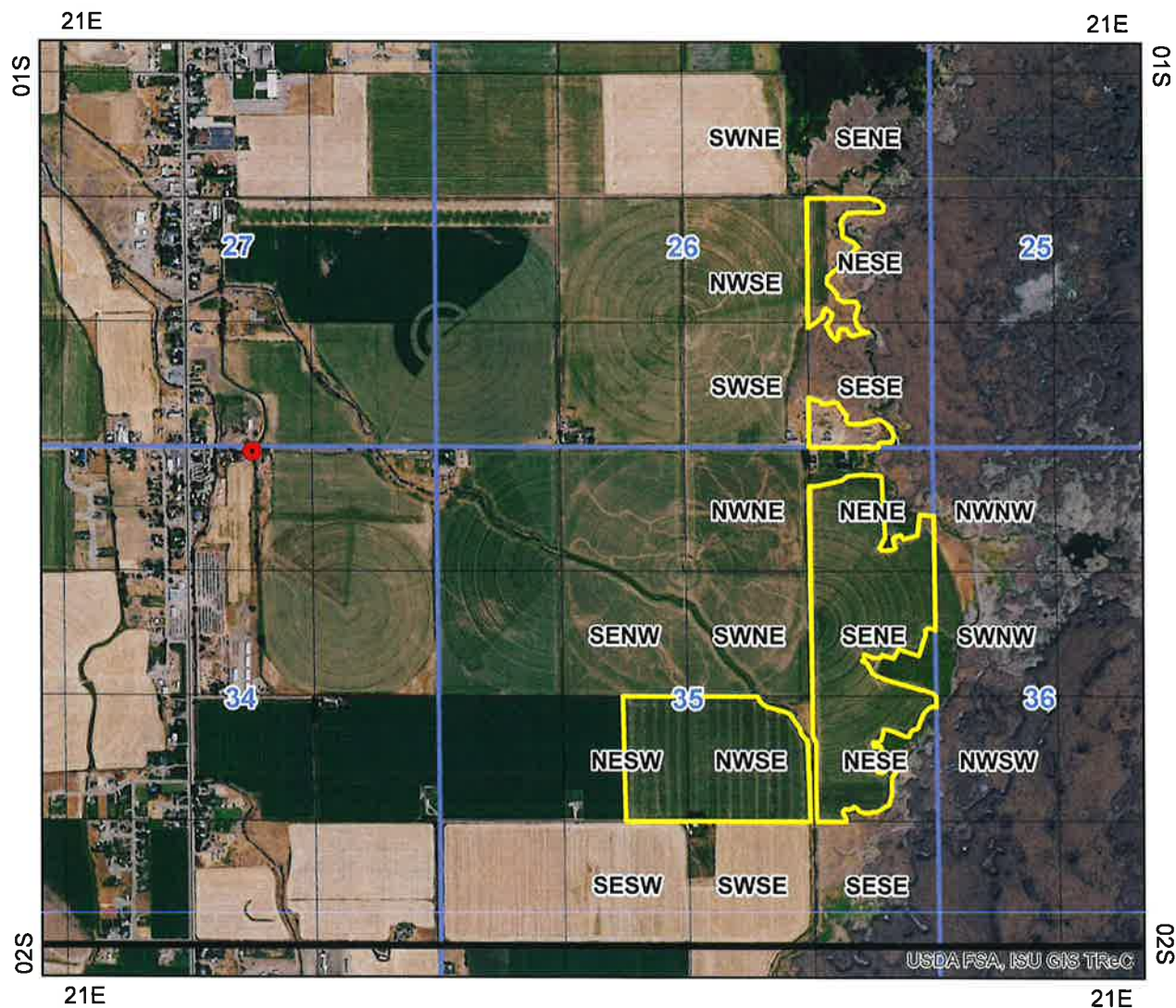
CONDITIONS OF APPROVAL

6. 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.

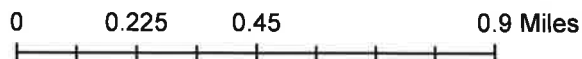


State of Idaho
Department of Water Resources

This map depicts the IRRIGATION 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





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

JERRY CENARRUSA
JANICE M CENARRUSA
PO BOX 164
CAREY ID 83320-0164

Re: Transfer No: 84721
Water Right No(s): 37-2513

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,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a prominent "C" and "S".

Corey Skinner
Southern Regional Manager

Enclosure

C:

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

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.: 84721
Water Right No(s): 37-2513

JERRY CENARRUSA
JANICE M CENARRUSA
PO BOX 164
CAREY ID 83320-0164

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: March 23, 2021
To: Transfer #84721 – Jerry and/or Janice Cenarrusa Transfer File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the point of diversion for ground water irrigation right 37-2513 (3.30 cfs, 165.0 acres) from its current location, 1.3 miles east of the intersection of U. S. Highways 93 and 20 in Carey, to an existing well located 0.1 mile east of Carey.

Because the application proposes changing a POD within the ESPA, the transfer was advertised. No protests were filed. Since the transfer is within Water District 130, comments were solicited from the WD-130 Watermaster. The Watermaster did not oppose the transfer.

The PODs are located within adjacent ESPA modeling cells so ESPA model analysis was not required.

- **Authority to File:**
The Department's database indicates that water right 37-2513 is owned by Jerry and Janice Cenarrusa. The application was signed by the Cenarrusas.
- **Water Right Validity:**
The water right was decreed in the SRBA in 2002. Because the right is supplemental to surface water from the Little Wood River, recent use is difficult to discern.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Point of diversion is moving approximately 1.2 miles.
- **Enlargement of Use:**
None anticipated. Transfer proposes no increase in volume of water used or acres irrigated.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised. No protests were 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.

RECEIVED

AFFIDAVIT of PUBLICATION **MAR 12 2021**State of Idaho
County of BlaineDEPT OF WATER RESOURCES
SOUTHERN REGION

Pam Morris, being the first duly sworn, deposes and says that she is the printer (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 3rd day of March, 20 21, and the date of the last publication was on the 10th day of March, 20 21

Subscribed and sworn to before me this 10 day of March, 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 46
Number of Insertions 2

Lines tabular at _____ 9.0 cents/pica
46 Lines straight at \$42.32 8.0 cents/pica
46 Subsequent lines at \$37.03 7.0 cents/pica
TOTAL COST \$79.35

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 84721**

JERRY CENARRUSA and JANICE M CENARRUSA, PO BOX 164, CAREY, ID 83320-0164 have filed Application No. 84721 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2513; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion for ground water irrigation right 37-2513 (3.30 cfs, 165.0 acres) from its current location, 1.3 miles east of the intersection of U. S. Highways 93 and 20 in Carey, to an existing well located 0.1 mile east of Carey. ✓

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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 22, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 3 & 10, 2021**

✓ OK dm 3/19/2021

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 84721
Water Right No: 37-2513
Applicant Name: Jerry & Janice Cenarrusa

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: March 2, 2021

Water District 130



Nathan Erickson, Watermaster

LEGAL NOTICES

Proof of legal notice
received from IME 3/1/2021

✓ AM
3-2-2021

WHEREAS, Bellevue intends to use best practices with regards to future land uses in an around Friedman Memorial Airport, consistent with Chapter 15 of the Bellevue Comprehensive Plan, and in keeping with the duty under Idaho Code 67-6508; and

WHEREAS, Bellevue has conducted public hearings at the Planning and Zoning Commission on October 21 & November 19, 2019 and City Council on February 10 & November 23, 2020 with regards to the Bellevue Area of City Impact Map and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation; and

WHEREAS, both Blaine County and Bellevue have found that this negotiated Area of City Impact Map is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, IDAHO, AS FOLLOWS:

SECTION 1. That the Bellevue City Code, shall be hereby amended with the addition of a new section Title 13: AREA OF CITY IMPACT AGREEMENTS.

A. FINDINGS AND PURPOSES:

It is found and declared that:

1. Idaho Code Section 67-6526, provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact.

2. A negotiated Area of City Impact Agreement provides the citizens of Bellevue and Blaine County who reside next to or near the Bellevue City limits with a set of streamlined processes and procedures within the ACI.

B. BELLEVUE/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY

1. The Bellevue/Blaine County Area of City Impact is the area designated on the Bellevue/Blaine County Area of City Impact Boundary Map, adopted on January 25, 2021, by The Bellevue Common Council Ordinance, 2021-01.

2. In case property under single ownership is divided by the boundary line of Bellevue/Blaine County Area of City Impact, if more than 50% of a parcel is within the ACI, the entire parcel shall be considered within the ACI.

C. ANNEXATION AREA OF IMPACT

1. Upon annexation of any portion of the Area of City Impact into Bellevue, the provisions of this Ordinance shall no longer apply to said annexed portion.

2. These provisions do not in any way constitute recommendations by Blaine County for annexation, obligate the City of Bellevue to annex any land, or vest any property within the ACI with any development right or privilege.

3. Annexation by Bellevue shall be limited to those lands lying within its Area of City Impact. If the City of Bellevue wishes to consider annexing lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact boundary with Blaine County.

D. APPLICABLE PLAN POLICIES AND ORDINANCES

1. Comprehensive Plan. The Blaine County Comprehensive Plan shall be taken into consideration within all of the Bellevue/Blaine County designated Area of City Impact.

2. Zoning and Subdivision Regulations. The Blaine County zoning designations and Zoning and Subdivision Ordinances as amended, shall apply to all Bellevue/Blaine County designated Area of City Impact.

E. PROCESSING OF LAND USE APPLICATIONS IN BELLEVUE/BLAINE COUNTY AREA OF CITY IMPACT

1. Within the designated Area of City Impact, the Blaine County Land Use and Building Services Department shall send to Bellevue Community Development Department notice of all County applications for subdivision plans, rezones and conditional use permits, stream alteration permits, and any other land use permits no later than thirty (30) days prior to County public hearing on such application. For any natural resource extraction activity, the County shall notice Bellevue no later than forty-five (45) days prior to the County public hearing. The City of Bellevue may hold a public hearing if the City believes public input is warranted prior to County hearing(s). Fifteen (15) days prior to a County public hearing, Bellevue shall make any recommendations to Blaine County in writing and shall cite Bellevue Comprehensive Plan policies, goals, objectives, provisions, or other documentation supporting such recommendation. Input from Bellevue shall not be binding or controlling on the County but shall be treated as documentary evidence.

2. At the request of the Bellevue Community Development Department, a pre-application meeting may be held jointly by City and County staff with the applicant.

F. AMENDMENT OF PLAN POLICIES AND ORDINANCES

All applications for County amendments to its Comprehensive Plan and implementing ordinances which apply within the Bellevue/Blaine County Area of Impact shall be sent to the City of Bellevue according to the following process:

1. Amendment of Blaine County Comprehensive Plan, Zoning Ordinance and/or Subdivision Ordinance.

Notice of all proposed amendments to the Blaine County Comprehensive Plan Zoning or Subdivision Ordinance shall be forwarded to Bellevue Community Development Department Administrator at least thirty (30) days prior to any public hearing on such proposed amendment(s). Bellevue Community Development Department shall determine whether or not such amendment(s) is in conflict with the Bellevue Comprehensive Plan or other applicable ordinances. The Bellevue Community Development Department shall notify the Blaine County Land Use Department of such determination in writing prior to or at such public hearing. Such input from the City shall be treated as documentary evidence. If the determination is that the amendment(s) conflict with the ACI Ordinance or directly or indirectly negatively impact City of Bellevue's services, infrastructure or quality of life, then the Bellevue Community Development Department may request renegotiation of an amendment to the Area of City Impact Ordinance.

G. RENEGOTIATION

1. In accordance with Idaho Code 67-6526(d), Blaine County Board of County Commissioners or the City of Bellevue may request, in writing, to renegotiate any provision of this Ordinance at any time. Within thirty (30) days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.

2. In accordance with Idaho Code 67-6526(e), the governing bodies shall undertake a review of the Area of City Impact Ordinance in ten (10) years to determine whether negotiations are in the best interests of the citizenry.

3. While renegotiation is occurring, the provisions of this Ordinance shall remain in effect until it is amended or a substitute ordinance is adopted by Blaine County and Bellevue in accordance with the notice and hearing procedures provided in Idaho Codes or until a declaratory judgment from the District Court is final. Provided, however, that this Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted Resolution.

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SECTION 2. SAVINGS AND SEVERABILITY CLAUSE

If any section, paragraph, sentence, or provision hereof, or the application thereof to any particular circumstance shall ever be held invalid or unenforceable by a Court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and due publication according to law.

Regularly passed, approved, and adopted by the Bellevue, Idaho City Council this 25th day of January 2021.

/s/Ned Burns, Mayor

ATTEST:
/s/Marian Edwards, City Clerk

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 3, 2021

LOST RIVER ELECTRIC
COOPERATIVE, INC.

STATEMENT OF NON-DISCRIMINATION

Lost River Electric Cooperative, Inc. is the recipient of Federal financial assistance from the U.S. Department of Agriculture (USDA). The USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call toll free (866) 632-9992 (voice) or (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.

Brad J. Garnett, Manager/CEO

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 3, 2021

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84721

JERRY CENARRUSA and JANICE MCENARRUSA, PO BOX 164, CAREY, ID 83320-0164 have filed Application No. 84721 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2513; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynowtransfers>. The purpose of the transfer is to change

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For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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 22, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 3 & 10, 2021

NOTICE OF MEETING AND PUBLIC HEARING BEFORE THE BELLEVUE CITY COUNCIL ADOPTION OF DEVELOPMENT IMPACT FEE ORDINANCE

NOTICE IS HEREBY GIVEN that on March 22, 2021, at approximately 6:00 p.m. the Bellevue City Council will hold a PUBLIC HEARING to consider the adoption of the Development Impact Fee Ordinance #2021-04, an ordinance permitting the City of Bellevue to collect Development Impact Fees. **Due to COVID-19 this meeting can only be attended remotely.**

Supporting background materials including but not limited to: proposed land use assumptions, a copy of the proposed capital improvements plan or amendments thereto, will be made available on the city website www.bellevueidaho.us and at the Community Development Department in City Hall during regular city business hours.

NOTICE IS FURTHER GIVEN that at the aforementioned time and place any member of the public affected by the capital improvements plan or amendments thereto have the right to appear at the hearing via ZOOM and present evidence regarding the proposed capital improvements plan or amendments. Written comment may also be submitted to the Community Development Department, P.O. Box 825, Bellevue, Idaho 83313.

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 3, 10 & 17, 2021

NOTICE IS HEREBY GIVEN that the Mayor and City Council of the City of Hailey, Blaine County, Idaho (the "City"), have set a hearing on April 12, 2021 at 5:30 o'clock p.m. at the Hailey City Hall Meeting Room, 115 South Main Street, Hailey, Idaho 83333, to consider the adoption of a Franchise Ordinance for delivery of electric utility services within the City of Hailey. The public is invited to attend and to comment on the proposed Franchise Ordinance. The proposed ordinance is set forth as follows:

PROPOSED ORDINANCE NO. 1277

"AN ORDINANCE IN ACCORDANCE WITH IDAHO CODE 50-328, 50-329 AND 50-329A GRANTING A FRANCHISE TO IDAHO POWER COMPANY, A CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN AND UPON THE PRESENT AND FUTURE STREETS, HIGHWAYS AND OTHER PUBLIC PLACES WITHIN THE CORPORATE LIMITS OF THE CITY OF HAILEY, IDAHO, ELECTRIC UTILITY PROPERTY AND FACILITIES FOR SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE CITY, THE INHABITANTS THEREOF, AND OTHERS FOR A TERM OF TEN (10) YEARS, INCLUDING THE NONEXCLUSIVE RIGHT TO PHYSICALLY LOCATE AND MAINTAIN TELEPHONE, CABLE, FIBER OPTICS, RADIO FREQUENCY,

5G OR OTHER COMMUNICATIONS FACILITIES; SETTING FORTH AN AGREEMENT NOT TO COMPETE, RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR THE PAYMENT OF FRANCHISE FEES; AND SPECIFYING OTHER LIMITATIONS, TERMS AND CONDITIONS GOVERNING THE EXERCISE OF SAID FRANCHISE."

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAILEY, IDAHO THAT;

SECTION 1. The City of Hailey, Idaho (hereinafter called the "City") hereby grants to IDAHO POWER COMPANY, a corporation, and to its successors and assigns (hereinafter called the "Grantee") the right (subject to the rights of the City set forth in Section 14 hereof), privilege and franchise for a period of ten (10) years from and after _____ (the effective date of this ordinance), however, with the right to amend by mutual agreement in accordance with Section 15, to construct, maintain and operate in and upon the present and future streets, alleys, highways and other public places within the corporate limits of the City, electric utility property and facilities for supplying electricity to the City, and the inhabitants thereof, and to persons and corporations beyond the limits of the City, including the non-exclusive right to physically locate and maintain telephone, cable, fiber optics, radio frequency, 5G, data transmission or other communications facilities of the Grantee or other parties, (provided, that Grantee shall comply with the City's requirements for cable system franchises) all subject to the terms and conditions hereinafter specified. In the case of annexation of property to the corporate limit, such area will be considered under this agreement, upon effective date of the annexation, subject to Section 9 hereof. All such electric utility property and facilities now maintained by the Grantee within the streets, alleys, highways and other public places within the corporate limits of the City shall be deemed covered by this ordinance as provided herein.

SECTION 2. All of the Grantee's electric property and facilities in and upon the present and future streets, alleys, highways and public places within the corporate limits of the City shall be constructed and at all times maintained in good order and condition and in accordance with standard engineering practices and all applicable safety codes and lawful governmental regulations, including all applicable local, state and federal regulations and all construction standards presently in effect by the Idaho Public Utilities Commission or adopted by that Commission during the term of this franchise agreement.

SECTION 3. Upon request of the City, the Grantee shall relocate its facilities as necessary within the present and future streets, alleys, highways and other public places owned by the City. The City shall have no responsibility for the costs of such relocations. The Grantee shall bear the cost of relocating its facilities at the City's request, unless the facilities are to be relocated for the benefit of a third party, in which case the third party shall pay the costs of relocation. In the event federal, state or other funds are available in whole or in part for utility relocating purposes, the City shall apply for such funds and the Grantee will be reimbursed to the extent any such funds are actually obtained.

SECTION 4. It is a stated goal of the City to have all new electrical facilities underground. Grantee recognizes this goal and will work with the City to facilitate the undergrounding of new electrical facilities, following Idaho Power's applicable rules for cost recovery for underground facilities. It shall be lawful for the Grantee to make all needful or convenient excavations and/or installations in any of the present and future streets, alleys, highways and other public places within the corporate limits of the City for the purpose of erecting and maintaining the posts, poles, towers, or other supports for its wires or for the purpose of laying, maintaining and operating conduits, vaults and wires and other conductors underground for the purpose aforesaid, or to repair