

AMENDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED**TRANSFER OF WATER RIGHT
TRANSFER NO. 84042

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

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>
51-24A	WR/DECREED	4/1/1881	0.250 cfs	N/A	17.5	55.7	BRUNEAU RIVER, GROUND WATER
51-26A	WR/DECREED	4/1/1905	0.100 cfs	N/A	17.5	55.7	BRUNEAU RIVER, 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>
51-24A	NO	NO	YES	YES	NO	NO
51-26A	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
51-24A	51-24A	0.250 cfs	N/A	17.5	55.7	N/A	N/A	N/A	N/A	N/A
51-26A	51-26A	0.100 cfs	N/A	17.5	55.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.350 cfs	0.0 af	17.5	55.7		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 2nd day of February, 2021.

for, *Patricia Wilby*
Chief, Water Allocation Bureau

SUPPORT DATA
51-24A
IN FILE # 51-26A

Transfer No. 84042

WATER RIGHT NO. 51-24A
As Modified by Transfer No. 84042

In accordance with the approval of Transfer No. 84042, Water Right No. 51-24A is now described as follows:

Right Holder: IDAHO POWER CO
 PO BOX 70
 BOISE, ID 83707

Priority Date: 4/1/1881

Source: GROUND WATER
Source: BRUNEAU RIVER

Tributary: BRUNEAU RIVER
Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION
 STOCKWATER

From

3/01
 1/01

to 11/15
 to 12/31

To

Diversion Rate

0.250 cfs
 0.050 cfs
 0.250 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 31 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	NESE	Sec 31 Twp 06S Rge 06E	OWYHEE County
BRUNEAU RIVER	NESE	Sec 31 Twp 06S Rge 06E	OWYHEE County (B)
BRUNEAU RIVER	SWNE	Sec 31 Twp 06S Rge 06E	OWYHEE County (E)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	31			31.0	1.3									3.2	20.2			55.7

Right Acre Limit: 17.5

POU Total Acres: 55.7

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	31			X	X									X	X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 17.5 acres within the 55.7 acre place of use authorized by this right in a single irrigation season. The specific 17.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 17.5 acre to be irrigated within the 55.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 84042

WATER RIGHT NO. 51-24A
As Modified by Transfer No. 84042

CONDITIONS OF APPROVAL

2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Rights 51-24A and 51-26A when combined shall not exceed the irrigation of 17.5 acres.
5. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. Diversion of water from groundwater is limited to those times when water is available for diversion under this right and priority from the Bruneau River at the point of diversion located in the NESE of section 31, township 06S, range 06E.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
9. Use of this right is combined with water from Bruneau Buckaroo Ditch Co.
10. Any transfer of or change to the point of diversion described under this right will require the right holder to provide evidence that the new point of diversion has a direct and immediate hydraulic connection to the Bruneau River.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, 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. 51-26A
As Modified by Transfer No. 84042

In accordance with the approval of Transfer No. 84042, Water Right No. 51-26A is now described as follows:

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

Priority Date: 4/1/1905

Source: BRUNEAU RIVER
Source: GROUND WATER

Tributary: SNAKE RIVER
Tributary: BRUNEAU RIVER

BENEFICIAL USE

IRRIGATION
 STOCKWATER

From

3/01
 1/01

to 11/15
 to 12/31

To

Diversion Rate

0.100 cfs
 0.050 cfs
 0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

BRUNEAU RIVER	SWNE	Sec 31 Twp 06S Rge 06E	OWYHEE County	(E)
GROUND WATER	NESE	Sec 31 Twp 06S Rge 06E	OWYHEE County	
BRUNEAU RIVER	NESE	Sec 31 Twp 06S Rge 06E	OWYHEE County	(B)
BRUNEAU RIVER	NESE	Sec 31 Twp 06S Rge 06E	OWYHEE County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	31			31.0	1.3									3.2	20.2			55.7

Right Acre Limit: 17.5

POU Total Acres: 55.7

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	31			X	X									X	X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 17.5 acres within the 55.7 acre place of use authorized by this right in a single irrigation season. The specific 17.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 17.5 acre to be irrigated within the 55.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 84042

WATER RIGHT NO. 51-26A
As Modified by Transfer No. 84042

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3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Rights 51-24A and 51-26A when combined shall not exceed the irrigation of 17.5 acres.
5. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. Diversion of water from groundwater is limited to those times when water is available for diversion under this right and priority from the Bruneau River at the point of diversion located in the NESE of section 31, township 06S, range 06E.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
9. Use of this right is combined with water from Bruneau Buckaroo Ditch Co.
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11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, 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

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 2, 2021

IDAHO POWER
PO BOX 70
BOISE ID 83707

Re: Transfer No: 84042
Water Right No(s): 51-24A, 51-26A

Amended Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Rights 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) 334-2190

Sincerely,


DENISE LAUERMAN

for Nick Miller
Regional Manager

Enclosure

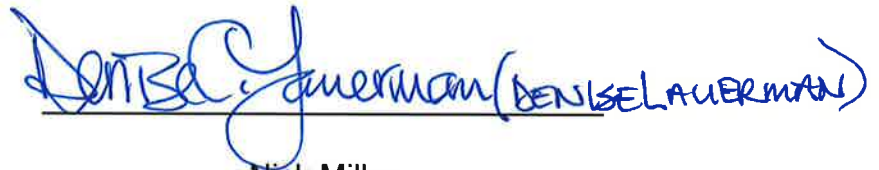
IDAHO POWER CO
PO BOX 70
BOISE ID 83707

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 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.: 84042
Water Right No(s): 51-24A , 51-26A

IDAHO POWER
PO BOX 70
BOISE ID 83707



Nick Miller
Regional Manager

MEMORANDUM

TO: WR File 51-24A and 51-26A
FROM: Patrick Kelly
DATE: January 28, 2021
SUBJECT: Amended Transfer Approval No. 84042

Transfer 84042 was issued without changes to the POD's. Immediately after the transfer was received by Idaho Power, the applicant called to inquire about the stockwater POD proposed on the transfer application to recognize the beginning and ending river reach.

Review of the water right backfile finds the Notice of Claim to a Water Right filed by Leslie D. Gennette. Item #9 for Non-irrigation uses states: S/Stockwater, in stream (ditch) up to 200 head of beef cattle.

An amended transfer approval is being issued to recognize the river reach used for in-stream stockwater use. This does not create enlargement since the limits of stockwater use are not changing. It is not considered an improvement to the source, but just better describing the historical beneficial use that was eventually decreed.